The Dialogical Rationality of Judaism's Formative Canon

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1. The Rabbinic Literature of Late Antiquity – to which I shall loosely refer as 'the Talmudic literature' – constitutes the ground layer of what Moshe Halbertal has aptly termed rabbinic Judaism's 'formative canon'. As is well known, its avid and self-consciously dialogical nature sets it apart from any other religious canon. Rather than present itself, as such canons normally do, as a more or less systematic set of rulings and teachings definitive of the religious good and true, the Talmudic literature resembles more a series of protocols of an extremely keen and diverse set of *disputes* regarding the good, the appropriate, and the true; debates that are hardly ever decided except with respect to some, but by no means all, details of ritual law – *halakha*.

The aim of this paper is to give a sense, first, of the extent of the Talmud's dialogical approach, for it is more, far more than a merely stylistic devise. Talmudic dialogue is constitutive of its very form of religiosity, and as such, it is itself disputed! But I aim at being more than descriptive, and to make two bold claims around which I have skirted in earlier work, but never made fully explicit:

> *(a)* That the dialogical rationality of the Talmudic canon gives rise to a form of religious disposition that diverges to the point of incoherence from all current conceptions of religiosity adhered to both by practitioners and students of God-centered forms of religious life, including those of the Jewish faith itself!

And

> *(b)* That nonetheless, strange as it might seem, the Talmud's dialogical form of religion presents by far the most impressive manifestation of rationality as we have come to understand the term!

This must sound embarrassingly apologetic. But those acquainted with my work on rationality, especially in the philosophy of science, and writing on the Talmudic literature, can attest that I have never pursued the one for the sake of justifying the other, and in fact was quite surprised by their intriguing convergence.

2. First a word about rationality, and especially about the fundamental distinction between applying the norms to which we are committed *in* judgment, and subjecting them *to* judgment. Let me explain. The rationality of religious commitment is built into the very foundation of all three monotheistic traditions. Created in God's image, with a mind of its own, humankind's unique capacity for disobedience and sin attests to a shared expectation that religious commitment and faithfulness be grounded in acts of freely willed and reasoned acceptance and compliance. Kant's famous identification of rationality and autonomy dovetails nicely with this thought, and certainly runs deep. But it can also be misleading. To choose rationally is indeed to choose in a manner free of external constraint. But freedom of the will is not the ability to choose just anything. It is the freedom to choose what one truly and wholeheartedly wills, and one's will imposes substantial constraints on one's choice of choices. To choose rationally is to freely adopt what one deems to be the best course of action given the circumstances. Choosing rationally thus inherently and necessarily involves making a value judgment, which in turn, necessarily requires there being in place *an appropriate value system* by which to make it. To judge a course of action to be better or worse than its viable alternatives requires firm relevant criteria of 'better' and 'worse'. To take ethical, scientific, aesthetic or religious action rationally, one must be already firmly committed to a normative framework of ethical, scientific, aesthetic, or religious norms of propriety.

To act rationally in all such domains is to prudently exercise judgment by applying one's norms to the situation at hand and acting accordingly.

But what of the norms themselves? Conducting oneself rationally involves, we would like to think, more than holding oneself accountable *to* one's *existing* standards of propriety. As we have seen with respect to our religious frameworks, rationality requires of us, not only to act in accord with the standards and norms to which we happen to be committed, but to hold those very norms and standards in normative check by choosing or affirming *them* rationally; not only to apply our standards *in* critical appraisal, but to subject them *to* critical appraisal.

But how is that possible? How can the ethical, scientific or religious standards to which one is committed be effectively subjected to one's rational appraisal if it is by means of those very standards that one rationally appraises in the first place? Or to put it in words that run up against my Popperian upbringing: *Since rationality is in principle framework-dependent, what can it mean to be rationally committed <u>to</u> that framework?*

Hence, although the idea of freely and wholeheartedly accepting or affirming a religious covenant is an appealing one, and supposedly written into the foundation of our faith traditions, it is highly problematic. The problem is quite general and extends far beyond the affirmation of religious normative frameworks. In philosophy of science – the field in which I work when not engaging the rabbinical literature – it is that of accounting for the rationality of paradigm shifts. As opposed to mere theory replacement, in a paradigm shift, as Thomas Kuhn has taught us, the very norms of science are changed, as when new standards of facticity, new forms of scientific question, new modes of answering them, and new standards of explanation are introduced. It is the difference between coming up with a novel move within a given game, and radically changing the rules of play.

Not all framework transitions are reasoned, of course, and some are rationally less problematic. (In his *Anxiety of Influence*, Harold Bloom describes the "strong poet" as ultimately driven by a desire always to be different and original for fear of ending up a mere replica.) But in areas such as ethics, science, politics and religion we would like to think that our normative frameworks are maintained and replaced for reasons more substantial than a desire merely to be different or to remain unchanged.

Yet that seems impossible. To rationally affirm or modify a normative framework to which one is already committed, requires adopting toward it a genuinely normative critical stance. But how can a constitutive framework or value system be impeached by the very principles of rational reasoning and reckoning of which it is constitutive? Nor, for the same reason, can a person be motivated to do so by being normatively criticized by others, for how can someone else's argument penetrate the seemingly impenetrable glass ceiling of one's own self-reflection? It is a particularly vexing problem. On the one hand, the idea that framework transitions in, say, ethics, politics, religion or science can, in principle, *never* be rational seems absolutely preposterous. On the other hand, I know of no serious philosopher who has succeeded in showing how such transitions could be rational, (and of only one, Michael Friedman (*Dynamics of Reason*, 2001) – and if one also counts Habermas's theory of communicative rationality, then two – to have seriously, though unsuccessfully, tried).

And yet, as I have argued at length elsewhere, I believe it can be solved, and without denying any of its premises. True, it is impossible to normatively fault a normative framework from within. Liberalism cannot be found normatively wanting on the basis exclusively of liberal principles, just as Newtonianism cannot be faulted solely on the basis of Newtonian considerations. One cannot form such an argument for oneself, and for the same reason can never be convinced by such criticism when leveled at one by others. And yet, I insist, normative criticism from without, though ultimately *un*convincing, *can* have a transformative rational effect.

In a word, prudent normative critics are to an extent aware (or at least instinctively sense) that it is impossible to level their arguments from squarely within the worldview of those they criticize. But they also know (or at least sense) that to make its mark their criticism must be leveled, as far as possible, on the basis of premises that those they criticize can recognize as their own. Critics, therefore, tend to frame their arguments to some extent *untruthfully*, arguing from a perspective close to that of those they criticize, yet, at the same time, sufficiently (and subtly) different from it to be able to mount a valid argument. Arguing from the left, for example, critics will surreptitiously attribute to their addressees certain liberal norms in order to make their case, while those arguing from the right, will tend to smuggle in just enough conservative value to make their arguments stick.

Honest normative criticism leveled at us by others hence comes accompanied by a part-portrayal of our normative profile, which, though largely true, differs noticeably from our own self-image. Such arguments cannot convince us directly, but they nonetheless allow us to see how differently others see us. Since the two pictures – our own normative self-portrayal, and that conveyed by our critic's argument – will diverge with respect to the very norms being questioned, their incongruity, not unlike the case of a disturbing playback device, may well have the effect of *destabilizing* those commitments, rendering us *ambivalent* toward those norms, which once demoted, will be critically assessed in the light of our remaining commitments. In this way, exposure to the echo-chamber of trusted normative criticism *is* capable of inducing in one the otherwise unattainable levels of inner-discordance and self-alienation required for taking meaningful normative stock of one's own commitments. Only in such normatively diverse discursive settings, can key elements of a person's functioning normative framework come to be critically reflected upon, and hence capable of being rationally affirmed or replaced.

This then is how I propose we understand the distinction between thinking and acting rationally within and in the light of, in our case, one's religion's normative framework, and acting and thinking rationally on and about it. The former, as in periods of normal science, requires keen discursive settings in which practitioners of the faith can air and elaborate, deliberate and decide their various understandings. As in science and in other fields of discourse, such settings are both relatively closed and are quite strictly stratified. Just as physics is deliberated exclusively by physicists, and ultimately decided by the authorities of the field, in-house halakhic debate, for instance, will be conducted within halakha abiding circles, and decided by halakhic authorities.

But when one moves from rationally thinking and working *within* one's framework to rationally appraising the framework itself, the discussion ceases to be in any way closed, and it also loses its authoritative moorings. Here, honest exposure to the ambivalating potential of normative criticism from without is both essential and, in principle, undecidable by authority. I have shown elsewhere how this works with respect to the dynamics of framework transitions in science and philosophy[1]. Here I would like to show how I believe it is made definitive of Talmudic religiosity, or, as I shall explain, of the religiosity advocated by its most prominent and favored voice.

3.   As noted at the outset, the dialogical nature of the Talmudic canon is legend. To wit, much of Talmudic dialogue is naturally of the in-house, 'normal science' variety; sages arguing points of law, lore and doctrine with other sages against the backdrop of a shared framework. The pervasiveness and undecidedness of this type of dialogue render the Talmudic literature unique, but not, of itself, religiously or culturally unusual. But the Talmud's dialogism (to borrow and de-contextualize a term coined by my late colleague and friend, Mara Beller[2]) extends, as we shall see, far beyond the polite confines of what Kuhn might have termed "normal" religious deliberation.

Although the Talmudic literature advocates and practices a profoundly dialogical, rationally informed form of religiosity, it has preciously little to say *about* it. I would like to set forth the main and Talmudic portion of this paper by looking closely at a rare moment in which the *Bavli* steps back, as it were, and reflects upon its own practice. It does so, as is its custom, by

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1   For a recent formulation see my: http://philsci-archive.pitt.edu/10807/1/Paper_-_HOPOS_and_the_Paradigm_Shifts_of_Philosophy.pdf

2   Mara Beller, *Quantum Dialogue, The Making of a Revolution*, Chicago: The University of Chicago Press, 1999.

means of a narrative rather than a philosophical argument. I am referring to *sugya* in Bavli, *Eruvin*, 13b, in which the rather well know passage about the debates between the "Houses" of Hillel and Shammai and their resolution occurs. It is a passage often quoted out of context, but its immediate literary setting is important.

The *sugya* sets forth from a statement attributed to R. Aha b. Hanina according to which, despite the fact that among the sages of his generation no one equaled the halakhic greatness of R. Meir, "still, halakha was not fixed according to him, because", he explains, "his colleagues were unable to fully discern his opinion" (שלא יכלו חבריו לעמוד על סוף דעתו). The reason being, according to R. Aha, was that R. Meir in his brilliance would undertake to argue the case from both its sides, "stating first that the ritually unclean was clean and supplying plausible proof, and stating then that the ritually clean was unclean, for which he also provided plausible proof." R. Meir's way of deliberating halakhic issues by attempting to faithfully represent both sides of the debate, confused his colleagues and students, who, by the end of the day, were unable to confidently state his conclusion. Moreover, we are told, some of his disciples were actually misled to believe that cleverly arguing back and forth (rather than try decide the issue) was the ultimate aim of Torah-study. Thus we learn of a disciple of R. Meir's "by the name of Symmachus who, for every rule concerning ritual uncleanness, supplied forty-eight reasons in support of its uncleanness, and for every rule concerning ritual cleanness, forty-eight reasons in support of its cleanness," and of "a seasoned student at Jabne" capable of producing no less than one-hundred-fifty arguments in favor of the unfounded conclusion that a [dead] creeping thing was ritually clean!

Up to this point one is liable to conclude that the *sugya*'s obvious disapproval of R. Meir's approach owed primarily to his failure to clearly state his halakhic conclusions and to properly convey his *disputatio*-type method of halakhic self-deliberation. But it is clear from the next step that the *sugya*'s problem with R. Meir had far less to do with the *clarity* of his message than with the message itself. For it is here that the dispute between the two "Houses", the Talmudic literature's very paradigm of halakhic and meta-halakhic disagreement, is introduced.

> R. Abba stated in the name of Samuel: For three years the House of Shammai and that of Hillel disputed one another, the former claiming, 'halakha is in agreement with our views' and the latter contending, 'halakha is in agreement with our views'. Then a

heavenly voice issued forth announcing: 'These and these are the words of the living

God, yet halakha is in accord with the House of Hillel'.

Even before turning to the reasons for the ruling in favor of the Hillelites, and explaining the heavenly voice's seemingly inconsistent statement, it is clear that in place of R. Meir's method of attempting imaginatively to play both sides of a debate, the *sugya* is ruling in favor of flesh and blood disputes between well-defined sides firmly committed to well-defined positions, doing their utmost to defend them while devising arguments against the views of their rivals. This is preferable, the text strongly implies, to attempts, learned as they may be, to emulate and represent positions with which one disagrees. No one is better placed to defend and justify a position than those committed to it, just as no one is better placed to criticize a position than those who ardently oppose it. Deliberating halakha by means of learned disputing parties truly committed to opposing positions, guarantees that each view will be subjected to keener questioning and will receive a more rigorous defense than R. Meir's approach is capable of guaranteeing. This is the *sugya*'s first major lesson.

But if the preferred method, contrary to R. Meir, is to be that of real and open dispute, how come halakha is ruled sweepingly in accord with the Hillelites? Did they simply prove to be better debaters or keener halakhists than the Shammaites? And if so, what could then be meant by the heavenly voice's insistence that the opinions of both Houses remained nonetheless the words of the living God? The Talmud's enigmatic answer would seem at best only to address the first question, but I believe it purports to answer both. "Why does halakha follow the "House" of Hillel?" asks the Talmud,

Because they were easygoing and humble, and would not only consider the rulings of

the "House' Shammai together with their own, but would give precedence to those of

the Shammaites in relation their own. (מפני שנוחין ועלובין היו, ושונין דבריהן ודברי בית

שמאי. ולא עוד אלא שמקדימין דברי בית שמאי לדבריהן)

What is ultimately favored and endorsed is the Hillelites' strategy of arriving at halakhic conclusions, their approach, that is, to Torah-study, rather than the content of this or that of their rulings. Confident in their traditions, the Hillelites were nonetheless humble and undogmatic (as I understand the use here of "easygoing"); fully committed to their teachings,

yet forever wary that they might nevertheless be wrong. Aware of how hard it is to self-critique one's own heartfelt positions, they welcomed the challenge of the Shammaites' well-honed and systematic alternative, granting their rivals not merely freedom of speech, but taking their arguments as seriously as they took their own. Viewed thus, the Hillelite approach is the perfect contrast to the supposedly self-sufficient methodology of R. Meir. But it is also diametrically opposed to that of their Shammaite rivals.

In explaining that the Hillelite approach was preferred to that of the Shammaites because of the former's humility and openness to criticism, the Talmud more than implies that they differed from the Shammaites in this respect; that contrary to the Hillelites, the Shammaites were proud and dogmatic, as it were. The version of the story related in the Palestinian, or Jerusalem Talmud, the *Yerushalmi*, renders the point explicit by going an interesting step beyond the *Bavli*'s praise of the Hillelite approach:

> Why does halakha follow the House of Hillel? Said R, Yudah b. Pazi: because they would not only give precedence to the rulings of the Shammaites in relation to their own, but would [often] see the Shammaites' point, and retract their own position. (*Yerushalmi*, *Sukkah*, 53b).

Indeed, as I have shown elsewhere[3], a close examination of the thirty-four or so disputative dialogues between the two Houses recorded in the Talmudic literature (as opposed to over three-hundred laconic disagreements on record), yields interesting findings regarding their discursive strategies when debating one another. The most intriguing aspect of these disputes concerns the following statistics: in eighteen of the disputes the Hillelites are on record as having had the last word in the exchange, and in fifteen of them, the Shammaites. (The attribution of the last move in one dispute is undecidable). However, while in seven of the latter cases, the Hillelites are said to have responded by replacing their initial position by that of the Shammaites, in none of the former are the Shammaites ever described as having changed their minds in the face of Hillelite criticism!

This is what the *Yerushalmi* is alluding to. To side with the Hillelites, against the Shammaites, is to realize, contrary to the latter, the real limitations of self-criticism, especially normative self-

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criticism, and to recognize the need, therefore, for the kind of potentially transformative challenge only a real and keen opponent can provide – in this case, a school of halakhic thought deeply committed to an approach decisively different from their own on every level. Seriously engaging the Shammaites, enables the Hillelites to avoid the blinkered, empty cycles of self-affirmation, and allow their accepted rulings to prove their mettle in the face of real opposition. Their openness to criticism is rewarded by a dynamic process of halakhic enrichment and reform that stands in sharp contrast to the Shammaites' zealous and stagnate traditionalism.

This is the Talmud's answer to the first question, regarding the heavenly voice's reason for ruling sweepingly in favor of the House of Hillel – which is the sugya's second major lesson. But, it also answers the second question, regarding the meaning of its announcing the opinions of both Houses to be "the words of the living God". The reason is simple, if somewhat paradoxical. *Because* the Hillelite pluralistic position is favored, a plurality of voices has to be ensured! A Hillelite school of thought devoid of opposition is incapable of functioning in proper Hillelite fashion. The crucial point is that in order to maintain a full-blooded Hillelite approach, first-order, in-house halakhic diversity of opinion is not enough. What the Talmud's enigmatic explanation firmly implies is that in order to ensure the vitality of its self-affirming and self-correcting potential, a properly functioning Hillelite school of halakha needs to be constantly challenged *from without* by a school committed to a totally different set of meta-halakhic values. In this respect, the Shammaites represent the ultimate opposition imaginable, one that opposes the Hillelite approach on all levels, including their pluralism and very openness to reform.

Hence the intriguingly paradoxical conclusion: In order to endorse the Hillelite approach to Torah-study and halakhic development (and as we shall see much more), and endorse it as the normative framework favored and applied by the Talmudic canon, that very canon must affirm the opposing Shammaite school as a legitimate voice of Talmudic Judaism, and its members granted a place at the table. To the paraphrase the *sugya*'s famous punch line: "*Only if* these and these are the words of the living God, *can* halakha be in accord with the House of Hillel"! – This the sugya's third major lesson.

4. So much (for the time being) for the horizontal axis of halakhic dialogue within and especially across meta-halakhic framework divides that is brought out so potently by the text

we have looked at. But it contains an additional element, one pertaining to the vertical axis of religious authority. Unlike the great sages of old Shammai and Hillel themselves, their so-called 'Houses' are primarily bearers and transmitters of Shammaite and Hillelite halakhic traditions. When they are attributed an initial halakhic position, it is not merely their opinion, one they've arrived at by reason, but a tradition to which they are committed. Halakhic tradition is not an interlocutor in the Talmud's halakhic debate, but a source of halakhic authority. Hence, another fundamental difference that emerges between the two Houses concerns not the different traditions to which they are committed, but rather the different ways in which they understand that commitment. The Shammaites prove themselves to be, what I have elsewhere termed steadfast traditionalists. For them the appropriate religious attitude for halakhists to adopt toward the halakhic tradition they inherit, is unquestioned compliance. Their role as halakhists is to expose and articulate their halakhic legacy, defend it, develop it further perhaps as new circumstances emerge, and pass it on intact to future generations. But they are powerless to criticize, adjust or change it. As their disputes with the Hillelites amply prove, Hillelite counter-argument is powerless in the face of a bona fide tradition.

The Hillelites take their traditions with equal seriousness, but, contrary to the Shammaites, view their religious obligation as halakhists to adopt a critical, reformative stance toward received halakha. To this end, as we have seen, realizing their relative ineffectiveness as critics of their own way of life, they enlist the opposition. Traditionalists like the Shammaites view themselves as possessing only *judicial responsibility* with respect to the law as they find it: obliged to interpret, to apply and to judge by it, but lacking the legislative authority to change it in any way. Hillelite anti-traditionalists, as I have termed them, view themselves, by contrast, as charged in addition with *legislative responsibility* with respect to received halakha, and with the authority and obligation to hold it in constant review, and to change it as they see fit. But the point I want to make has less to do with authority than with religious disposition. It is also more general.

As we have seen, The Shammaite-Hillelite dispute is about more than acknowledging one's own fallibility and need for critical input in dealing horizontally with halakhic disagreement. It is also, and perhaps more significantly, about the fallibility in principle and need for critical input of one of the religion's main sources of religious authority. When the Hillelites are convinced to abandon their tradition in favor of that of the Shammaites, it is not their *understanding* of their traditions that is criticized and modified, but their traditions

themselves. The issue is in this sense not epistemic. It is not a question of *getting* the good word right, but of seriously asking whether the good word *is* right! This is a different dispute entirely that far transcends questions of epistemic humility and the limits of normative self-criticism among practitioners; a dispute about Judaism's very norms of religious disposition - or, if you wish, a dispute of religiosity itself. The House of Shammai treats its halakhic traditions as fixed and irreversible, and views itself as religiously obligated to faithfully abide by them and rally in their defense. That of Hillel, by contrast, treats its halakhic traditions as equally compelling, yet at the same time, as possibly wrong and in need of revision. It, therefore, views itself as religiously obligated to hold them in constant review, and (stimulated by Shammaite counter-argument) exercise legislative authority and revise them whenever it sees fit. In its firmly ruling in favor of the Hillelites on this count too lies this remarkable sugya's fourth, and perhaps most profound lesson.

Juxtaposing its horizontal and vertical dimensions the dispute between the Houses is rendered fundamental. While the Shammaite position schematically caricaturizes the type of confident dogmatism in debate and defensive submission to religious authority we have come to associate with religious faithfulness (especially in its God-centered monotheistic formations), the Hillelite position is surprisingly different: non-defensive, truly non-dogmatic, wary not only of its own heartfelt opinions, but of the religious propriety of its traditions, it engages rival schools in rigorous religious dialogue as a matter of religious obligation. And it does so motivated by a truly open-ended vision of constant halakhic rethinking and enrichment, that while possessing well defined points of departure, lacks authoritative fixed points or boundaries.

5.   But the Houses' two-dimensional dispute is but a forerunner of what I have come to term the Talmudic literature's broader dispute of religiosity. In earlier publications I spoken briefly and separately about each of its two axes. In a paper entitled "Judaism and the Religious Value of Diversity and Dialogue: Drafting a Jewish response to *Nostra Aetate*,"[4] I argued that a central voice of the Talmudic literature could be seen to advocate an even richer and more diverse form of religiously motivated dialogue with the outside than that promoted by *Nostra Aetate*. The paper focused in particular on its insistence on keeping both halakha and one's

personal conduct in moral check by constantly exposing them to the critique of the civilized other. I focused there on two or three examples, but the list could be extended indefinitely. The Talmudic literature virtually bristles with tales of informative rabbinic encounter with all manner of gentile aristocracy and simple folk, ranging from Roman emperors, legal experts, government officials, generals, judges, matrons and philosophers, to a broad array of pagan farmers, merchants, robbers, sailors, tax collectors, day-laborers and last but not least those fiercely independent, rich, enticing, exotic and world-wise women, the prostitutes of Rome, who are presented time and again as having something religiously significant to teach the various rabbis reputed to have knocked on their doors. It is a religious culture that is not merely open to the world, but seems religiously motivated to actively seek and engage what the world has to say, not because it believes it has something important to teach the world, but, on the contrary, because it believes the world has much to teach it that it cannot teach itself. The Hillelite extension of the "words of the living God" to its Shammaite rabbinical rivals, is a profound, but relatively tame and limited version of the full range of the Talmudic literature's religiously motivated horizontal dialogical encounters.

But there is more. As Ishay Rosen-Zvi has shown in a recent book on the rabbinical notion of the evil inclination, the *yetzer ha-ra*, the anthropology at work in the Talmudic literature differs interestingly from its Greek and Roman parallels. While the latter, anticipating the Western tradition to Kant and beyond, follows Plato in depicting the self as comprising higher and lower parts, describing the higher rational part as struggling constantly to impose its will (or, in Harry Frankfurt's parlance, it second-order volitions) on the urges and desires of its lower, instinctual and unthinking animalistic part. The source of evil is located in the latter, and in the former's failure to hold it in normative check. The rabbinic *yetzer*, as Rosen-Zvi forcefully argues, is not part of "the Hellenistic discourse of self-control and self-fashioning". As in the Hellenistic picture, here too, the evil inclination is wholly personal, fully contained within the intra-subjective realm of the self's inner struggle. But the Rabbinic *yetzer* is personal*ized* in ways Hellenistic impulse and desire are not. The struggle against evil, is not a struggle against evil urges, but against a sly, knowledgeable and determined antinomian inner-interlocutor; a halakhically informed "wise-guy", as Rosen-Zvi has it, confronting and tempting one toward the halakhically questionable by means of halakhically acceptable reasoning! Thus Boaz is depicted as struggling on the threshing-floor not with an impulsive desire to sleep with Ruth, but with his *yetzer*'s arguments to the effect that there is nothing

halakhically wrong with two consenting unmarried adults sleeping with each other, since a wife can be halakhically 'acquired' through sexual intercourse!

6. In a paper published recently by the *Toronto Journal of Theology*[5], I argued that the vertical traditionalist-anti-traditionalist debate between Shammaite and Hillelite attitudes toward the halakhic traditions, was but symptomatic of a broader and more general "dispute of religiosity" that sorely divides the rabbinical canon. It is a foundational dispute concerning what I there termed Judaism's "norms of religious disposition," namely, the religiously appropriate stance one is required by the Talmudic literature to adopt toward the religion's four main sources of religious authority: Scripture (the Written Torah), the halakhic tradition, the halakhic authorities, and God Himself. And here too, the small number of examples presented can, again, be multiplied indefinitely. When generalized thus from the halakhic tradition *per se*, to embrace the religion's entire vertical axis, the dispute also receives dramatic theological grounding.

Shammaite-style submission to God's will and with it to the religion's rulings and teachings, is predicated in the rabbinic literature on the familiar premise of divine moral perfection – so familiar, that it has become definitive of all (at least Abrahamic) forms of God-centered religiosity. And when extended to include all of the religion's sources of religious authority, the Hillelite-type confrontational form of religious faithfulness, can be shown, by contrast, to premise an explicit *denial* of their moral perfection, including divine moral perfection! (And I shall have a little more to say about this in my public lecture on Monday.) Here, admittedly, one does not find a sweeping ruling in favor of the latter position, as one does with respect to the Houses' dispute, itself. However, if one views it as building on and extrapolating away from the original Shammaite-Hillelite dispute, the conclusion that the Talmud's confrontational voice represents its favored theology, is inescapable!

7. To return to the two claims from which I set forth. When the horizontal and vertical axes of the Hillelite position are properly fleshed out and juxtaposed so as to engage first in the Talmud's full range of religiously meaningful horizontal dialogue - from meeting the challenges of one's *yetzer* all the way 'out' to keenly and openly engaging the critique of all

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[5] "Science, Religion and Rationality – a Neo-Hegelian Approach", *Toronto Journal of Theology*, 29/2, 2013, 319–336.

manner of civilized other – so as to best devotedly confront all four sources of vertical religious authority, we can begin to appreciate the extent to which, as I put it at the outset, such a conception of religious faithfulness and obligation 'diverges to the point of incoherence from all current conceptions of religiosity adhered to both by practitioners and students of God-centered forms of religious life, including those of the Jewish faith itself.'

Three main aspects of the Talmud's generalized Hillelism, if I may call it so, stand out in this respect. *First*, the very idea of identifying religious *faithfulness* with a commitment to critically engage and bravely confront one's religion's sources of authority, runs afoul of what might well be termed the master norm of religious disposition constitutive of all known forms of God-centered religiosity in all three Abrahamic traditions, namely, pious submission – certainly with respect to the divine. For what is it to be genuinely religious, it is argued, if not to submit oneself to God's will by committing oneself to honestly discerning what one's religion requires of one, and undertaking to prudently and piously comply? The idea that compliance be limited as a matter of religious *obligation* only to the teachings and rulings one believes are right, and be forcefully resisted with respect to those one deems to be wrong; that unquestioned submission be considered a form of religious *un*faithfulness, seems to subvert the very idea of religious faithfulness, and yet, as we have seen, there is nothing subversive about this form of Talmudic confrontational religiosity.

Second, the explicit denial premised by Talmudic confrontationalism especially of divine moral perfection diverges so radically from what is taken for granted in and of God-centered religiosity, as to be considered self-contradictory. God's infallible moral flawlessness is not merely assumed, or taken true *in* the religious discourses of God-centered communities, but functions as a synthetic a priori framework proposition constitutive *of* all such latter-day discourse. God is not *found* in them to be all-good, but is *presupposed* necessarily to be so. The question of God's moral perfection is not raised, therefore, because raising it subverts the very idea of religiosity, nay, the very idea of God, if you wish. If raised by external critics it is deemed an attack on religion, while raising it *within* the religious framework borders not on the false or the aggressive, but on the incoherent. And yet within the framework of the expanded Hillelite voice of Talmudic religiosity it is taken for granted as the most natural theological point of departure.

The *third* aspect, less dramatic perhaps, but no less significant, is the idea constitutive of the horizontal dimension of a the Hillelite position, that one's religious world, outlook and very self-identity are vitally enriched and strengthened by maximal exposure to the criticism of

one's significant others. It is the idea that although an attitude of honest and constructive self-doubt and self-criticism is the key to religious vitality and meaningfulness, it cannot be properly achieved by talking to oneself and one's co-religionists; that the only way to achieve a genuinely reflective grip on one's religious normative framework, is to prudently consider it through the external critical eyes of those committed otherwise. While God-centered religiosity is considered to be grounded in, informed, and indeed gauged by the depth and intensity of one's faith, and the sense of confidence and security one finds in it, here the key to religious meaningfulness is taken to be the very opposite: a profound and persistent religious doubtfulness. While we normally associate religiosity, even when open in dialogue to other religious worlds, as offering believers the comfort and safety of the rock bed of a solid belief system that lends meaning and direction to their lives, and in which they can feel at home, the dialogical rationality of the Hillelite approach, obligates one to a constant restlessness. One believes, for sure, but warily; one is forever committed, yet guardedly, open to others not because one is sure of being right, but because one is fearful of being wrong. Faithfulness to the system is grounded in firm unflinching commitment, not to the system, but to working *for* the system by constantly arguing against it! And this too runs afoul of how we have come to define God-centered religiosity in all three monotheistic formations.

8.   And yet, despite the difficulties some might have in talking of this form of Talmudic religiosity as a form of religiosity at all, one has to admit that as far as our current understanding of *rationality* goes, it is hard to think of another form of large-scale human engagement that is more deserving of the term. Not even science! As I have tried to show elsewhere,[6] rational framework transitions are set in motion in and outside science in the course of a two-stage process: When practitioners of voice and standing, who first become 'ambivalated' by the external normative criticism they encounter when "trading" professionally with members of other disciplines and fields away from home, then succeed unwittingly in conveying in their publications their normative ambivalence to other key members of their community. Viewed thus, the process closely resembles the way initial Hillelite normative commitment is first dislodged 'horizontally' by exposure to Shammaite, or in the expanded version, any form of external critique, and then redirected by the Hillelites

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[6]   "Toward a History and Philosophy of Scientific Agency", *The Monist*, 93,(4), (Special Issue on "Philosophical History of Science", ed. Niccolo Guircciadini), Oct. 2010, pp. 518–544, and *The View from Within: Normativity and the Limits of Self-Crticism*, South Bend IN: University of Notre Dame Press, 2011 (with Y. Benbaji), Ch.9.

and leveled 'vertically' against their halakhic tradition, or in the expanded version, against the authoritative grounding of their religious framework.

But despite the phenomenological resemblance between the two types of rational discourse, the Talmudic texts render canonically explicit and deliberate, what science even at its very best does inadvertently! Quite unlike science, the Hillelites are upheld by Talmudic Judaism's formative canon as *actively seeking and exposing themselves to* the potentially ambivalating normative critique of others, and when ambivalated, as intentionally confronting the sources of their religion's authority, not unwittingly, but as a matter of religious principle! I know of no scientific or meta-scientific text scientists would describe as formative of their field, in which something akin to the Talmud's generalized Hillelism is endorsed as a matter of meta-scientific principle.

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Unfortunately much the same can be said now for Judaism itself. The Talmud's Hillelite confrontational voice has long all but vanished from view and from Jewish religious consciousness. So much so, that its three components described above are as jarring today to observant Jewish ears as they are to those of the practitioners and researchers of all other forms of God-centered religiosity. It is, therefore, a voice that richly merits re-exposure and re-articulation, not only for the wholly unique form of religiosity it represents for religious practitioners and students of religion, but for representing an unparalleled paradigm of rationality as we have come to understand it.