

COURAGEOUS COHERENCE

By Rabbi Jonathan K Crane, PhD

Coherence matters for Shai Cherry. In his courageous project, Cherry argues that while extant Judaisms are not coherent, their incoherences are not the same. For a Judaism to be coherent, it should to the best degree possible adhere to these three dimensions:

1. Judaism must be internally coherent and remain faithful to its overarching values of compassion, righteousness, and stewardship, beginning with our own tribe, but like love, radiating outward;
2. Judaism must cohere with what we know to be true about reality. A critical embrace of all disciplines, particularly history and science, enhances our ability to bring to light more divinity in our world;
3. Judaism must cohere, in the most robust form consistent with the first two principles, with traditional Judaisms.¹

The first dimension speaks of Jewish principles and the second of evidence beyond Judaism. The third ultimately boils down not just to halakhah, a Jewish response to God and nature, but to what lies beneath: obligation—that which stitches or binds people, institutions and systems across and through time and space. To put it perhaps too crudely, coherence thus has three dimensions: internal, external, and eternal.

The kind of eternal halakhah Cherry promotes is not ossified or locked but fluid and responsive. Such legal “flexibility is a prerequisite for survival” (382). And ideally, that survival will occur in the Land of Israel, since “living long”

¹ Cherry (2020):xv-xvi. All subsequent references to and citations from this book will be inserted parenthetically.

there “is the ultimate motive clause” (360).² In short, halakhah’s purpose is to adapt (enough) to ensure Jewish existence and endurance in Israel. To support this claim for a flexible halakhah, Cherry invokes a famous Talmudic story about a party, a gentleman named Bar Kamza, a rabbi named Zekharia ben Avkalus, and the downfall of Second Temple Jerusalem.³

He deploys this story to make a distinction between two philosophies of halakhah. The first is halakhic realism, in which intention is irrelevant. One’s “psychological disposition” does not matter in the performance of a law but whether one has been commanded (372). These commands have profound significance, as violating them can damage “the invisible infrastructure of the cosmos” (369). Halakhic realism “boasts that it knows something about the ultimate nature of reality and Torah laws conform to that knowledge” (380). By contrast, the other philosophy — halakhic nominalism — insists that obedience to halakhot is “not because they map on to reality either with ontological force (priestly) or through the wisdom of natural law (Mosaic)” (57). Rather, “we comply with God’s requests for no other reason than to nurture the relationship between us and God” (57). This shift from ontology to relationship takes intention into account (370). Transgression does not cause cosmic harm, as long as it was unintentional. “A healthy relationship can withstand errors as long as they were not committed with intentional malice” (58).

On Cherry’s account, the Talmudic story of Bar Kamza is an example of halakhic realism, its inflexibility, and its dangers.⁴ But we wonder whether this story does what he thinks it does. And how does it serve his larger purpose of constructing a coherent Judaism? We investigate these issues through three unfolding stages. First, an internal stage examines the story from within the larger Jewish textual tradition. Second, we then consider interpretations of that story that are contextual or external to it. Finally, we offer a preliminary implication this story may have for Judaism’s eternal coherence, a courageous enterprise if there were one.

INTERNAL

² On Cherry’s account, motive clauses operate at multiple levels. They are found in connection with specific biblical and rabbinic laws, as well as with the entire halakhic enterprise. It is unclear how some clauses motivate, though. For example, when the injunction not to wrong or oppress a stranger includes the phrase “for you were strangers in the Land of Egypt” (Exodus 22:20), it applies not a motivation per se but a historical fact. Admittedly, the phrase’s presence may motivate recollection of this fact, yet it would be a stretch to say that that recollection motivates either the law or its adherence. I thus suggest that a more accurate term for such phrases is “rationale,” insofar as they serve to justify or explain the laws to which they are appended. Some laws are expressed simply: Do X or Do Not Do X. Others include a rationale: Do (not do) X because of Y. These because of Y rationales function in a variety of cognitive and emotive ways. See Crane (2005).

³ There are many Talmudic discussions about the reasons for the Second Temple’s destruction. See, for example, BT Shabbat 119; BT Baba Metzia 30b.

⁴ Cherry’s dislike of halakhic realism is evident when he calls it, for example, “pernicious” (363), “absurd” (369), “insidious” (372), “foul residue of ontological realism” (448). And yet, paradoxically, he proclaims that “realism is redeemable” and “halakhic realism is internally consistent” (373).

The Talmudic story occurs within a larger conversation about legal innovation and takkanot in particular (chapters 4 and 5 of Gittin). Changing law is no easy task and the Talmudic rabbis debate for centuries why and how to do it. Our story explicitly speaks of dilemmas that may motivate such discussions. But does it clearly indicate a position? Does it truly demonstrate halakhic realism? Cherry wants us to think so. To understand that story and Cherry's reading of it, we first need to situate its characters in a larger cast and the then prevailing philosophies of halakhah.

Hillel and Shammai, the great sages in early 1st Century CE Palestine, and their schools championed not only different positions on topics but different halakhic philosophies overall. Hillel hewed closer to a nominalist approach while Shammai was more realist. For example, Hillel insisted that someone who stole a beam and built it into her own house should pay the original owner the value of the beam. Shammai, by contrast, insisted that that house be dismantled so to return the actual beam to its original owner.⁵ Consider, too, the topic of hygiene and work on Shabbat. Again, they held different opinions about what is permissible to do with leftover foodstuffs on a table that would not violate rules about working on the sabbath. According to the Tosefta, Hillel encouraged removing the items from the table, whereas Shammai instructed lifting and shaking the table off.⁶ Though both strategies would clear the table of putrefying foodstuffs, Hillel's would allow for other items like drinking vessels and candles to remain undisturbed. While Shammai's strategy would get the job done, Hillel's would retain the ambience of Shabbat. This is a kind of nominalism that Cherry admires insofar as it keeps the ethos or overall goal of Judaism in mind.

The Tosefta then introduces a third character: Zekharia ben Avkalus, a first-century Palestinian rabbi whom Josephus identifies as one of the leaders of the Zealots, a community of Jews in tense conflict with the rabbis and their apparent hegemony.⁷ Zekharia ben Avkalus "did not behave according to either the House of Shammai or the House of Hillel. Rather, he took and threw [the leftover bones and peels] behind the couch." He did his own thing.⁸ Was it for being independent minded that Rabbi Yosi⁹ said, "The ענורתנרתו of Rabbi Zekharia ben Avkalus burned the Sanctuary (שרפה) את ההיכל?"¹⁰ Perhaps – were ענורתנרתו to mean nonconforming with leading (and competing) schools of halakhic

⁵ M Gittin 5.5. See discussion at Cherry (364).

⁶ Tosefta, Shabbat 16.7. This Tosefta is partially repeated in M Shabbat 21.3.

⁷ Josephus, War of the Jews, 4.4.

⁸ Similarly in BT Shabbat 143a, Avkalus did not behave according to either Rav Sheshet or Rav Pappa.

⁹ This could be Rabbi Yosi ben Chalafta, 2nd Century Palestinian Tanna, who thought that the disputes between Hillel and Shammai made it seem as if there were two Torah's (BT Sanhedrin 88b). More probably, though, this is Yosi ben Kisma, a 1st-2nd Century Palestinian Tanna, who was a teacher of Yoḥanan bar Napacha.

¹⁰ In the Berlin - Staatsbibliothek (Preussischer Kulturbesitz) Ms. or. fol. 1220 of this Tosefta, this phrase reads אמ' ר' יוסי ענורתנרתו בן ענורתנרתו, meaning that Avkalus' ענורתנרתו itself burned the Sanctuary.

philosophy. Elsewhere, the quality of עניו is linked to Hillel himself and people should emulate him in this way.¹¹ Typically עניו means patience, humility and modesty; Cherry prefers Jeffrey Rubenstein's term: meekness (368, 381).¹² This would mean that Zekharia ben Avkalus's meekness burned the Sanctuary. Insofar as a character trait cannot burn a building, this obviously cannot be understood literally. For this reason, Cherry encourages reading literarily (379, ad loc). A literary approach to texts allows for greater leniency of interpretation, as will be seen below in the next section.

A literal reading is nonetheless valuable because it allows a text to be understood on its own terms; it enables an internal reading. The following offers a literal reading of our story as it appears in the printed edition of the Talmud. Footnotes comment on significant variations found among extant manuscripts.

BT Gittin 55b-56a

Rabbi Yohanan¹³ said, "What is an application of the verse, 'Happy is the one who always fears, but the one who hardens his heart falls into wickedness'" (Proverbs 28:14)?

Jerusalem was destroyed [on account of] Kamza and Bar Kamza. The Tur Malka was destroyed [on account of] a rooster and a hen. Beitar was destroyed [on account of] an axel of a carriage.¹⁴

Jerusalem was destroyed [on account of] Kamza and Bar Kamza.

A certain man whose friend was Kamza but whose enemy was Bar Kamza had a banquet.

He said to his servant, "Go and bring me Kamza."

[The servant] went and brought him Bar Kamza.

He came and saw him sitting there, and said to him, "Since there is one man who is the enemy of another man, why did he come here? Get out!"

He said to him, "Since I am already here, let me stay and I will pay you for what I eat and drink."

He said to him, "No."

He said to him, "I will pay for half of your banquet."

He said to him, "No."

¹¹ See the Baraita on BT Shabbat 30b.

¹² Jeffrey L. Rubenstein. 2003. *Talmudic Stories: Narrative Art, Composition, and Culture*. Baltimore: John Hopkins University Press. 162. Mandel (2006) calls this diffidence.

¹³ This is probably Yohanan bar Napacha, a 3rd Century Palestinian Amora, a student of Yosi ben Kisma. Jonathan Duker (2010-11) thinks this is Yohanan ben Nuri, a 1st-2nd Century Palestinian Tanna, though he cites other possibilities (51, note 1).

¹⁴ See Duker (2010-11) for an explanation of the latter two stories that are expanded upon later in the sugya.

He said to him, "I will pay you for all of your banquet."

He said to him, "No." He grabbed him, forced him up and threw him out.

He said, "Since the rabbis sat and did not intervene, which means they approved of him¹⁵, I will go and eat destruction at the house of the king¹⁶."

He went and said to Caesar, "The Jews are rebelling against you."

He said to him, "Who says?"

He said to him, "Send them a sacrifice and see if they sacrifice it."

He sent with him a fine calf.¹⁷ On the way he caused a blemish on it, in the upper lip, and some say in the white¹⁸ of its eye, which for us is a blemish but is not a blemish for them.

The rabbis considered sacrificing it for the sake of peace of the kingdom. Rabbi Zekharia ben Avkalus said to them, "Should they say that blemished animals may be sacrificed on the altar?!"

The rabbis considered killing him so that he should not go and inform against them. Rabbi Zekharia ben Avkalus said to them, "Should they say that one who causes a blemish is to be killed?!"

Rabbi Yohanan said, עכורתכרנר of Rabbi Zekharia ben Avkalus destroyed our Temple, burned our Sanctuary, and exiled us from our land.

A literal reading of the narrative suggests the following significant moments:

1. An anonymous host held a banquet either before or during the siege of Jerusalem.

¹⁵ Not all manuscripts have this phrase, however. The phrase "this means that..." is a fairly late version, as it is found only in the printed editions.

Soncino Print (1488); Vilna

ולא מחו ביה שמי מינה קא ניחא להו

Munich 95; Arras 889; Vatican 130; Muenchen - Bayerische Staatsbibliothek, Cod. hebr. 153 (II,1)

ולא מחו ביה

Vatican 140

מחוביה [ולא מחו ביה]

NY-JTS Rab. 1718.93-100; NY-JTS Rab. 1729.64-67

ולא מיחו ביה שמע מינה שלא לשמה עסיקי

¹⁶ 'איכול בהו קורצא בי מלכ'. This translation follows Belser (2014):95, and see note 15 there. Other translations say something along the lines of: "I will go and inform against them at the King's palace." Two manuscripts do not include this plan to go and inform against them: NY-JTS Rab. 1718.93-100; NY-JTS Rab. 1729.64-67.

¹⁷ This could also be understood as a three-year-old calf.

¹⁸ Others interpret this to mean cataracts or withered spots. New York - JTS Rab. 1718.93-100 and NY-JTS Rab. 1729.64-67 say he punctured the eye.

2. That host wanted his friend, Kamza, to attend the banquet and requested his servant to retrieve him.
3. Bar Kamza was brought and despite his offers to pay for increasing amounts of the banquet was disinvented by the host.
4. The rabbis observed that interaction and did not intervene.
5. With this in mind, Bar Kamza went to the Roman leader's home to inform against the Jews, charging them with rebellion.
6. Bar Kamza suggests a test to prove that this is the case.
7. The Roman leader agrees to the test and sends a calf, which Bar Kamza wounds so it would pose a dilemma to the rabbis leading the sacrificial cult.
8. The rabbis deliberate and decide to sacrifice this unsuitable animal so to protect the relative quiet of the kingdom.
9. Avkalus challenges their decision, saying that it would lead other Jews to think that blemished animals were acceptable sacrifices.
10. The rabbis deliberate and decide to kill Bar Kamza lest he inform the Roman leader that they did not sacrifice his animal.
11. Avkalus challenges their decision, saying it would lead other Jews to think that wounding a sacrificial animal is a capital crime.
12. Yoḥanan concludes that it is because of Avkalus' ענוותנותו that Jerusalem was destroyed and the Jews exiled.

For Cherry (367-8), this narrative is a tragic just-so-story: "Jerusalem's fall is predicated on a simple error, inviting the wrong man to a banquet." This simple error is amplified by the "sages who did nothing to intervene. They hardened their hearts. Our jilted guest [Bar Kamza] sought vengeance against both the host and the indifferent rabbis." That plan "could have been easily thwarted" — but was not. Finally, the rabbis' "decision not to offer the animal as a sacrifice was interpreted by the Romans as an act of rebellion, and the military was dispatched to quash the nonexistent revolt." Rabbi Yoḥanan "concludes the story by decrying the 'humility' of the rabbi who was able to dissuade the others from action." Humility, Cherry says, is typically praiseworthy and in this "new legal climate when God is unavailable for consultation, humility is." Cherry then goes back to the story's beginning, saying the Proverbs verse considers fear good and hard-heartedness evil. "In context, what brings happiness is fear of consequences. What brings evil is being hard hearted, which means being hardheaded, that is, stubborn and inflexible to the point of paralysis. A realist halakhah, by definition, is

inflexible.” In sum, the story of Bar Kamza is nothing shy of and nothing more than a denigration of inflexible halakhic realism.

What if this very reading is itself inflexible? What if this reading quashes the story’s innate ambiguity and beauty to the point of paralysis? For example, the reading cuts the Talmudic story short. It also glosses over linguistic features that indicate accretions that themselves alter the story’s possible meanings. And it also fails to consider the story’s existence elsewhere in rabbinic literature. We turn now to these details that enrich an internal reading of the story.

The Gemara continues this story a page later:

BT Gittin 57a

It is taught [in a Baraita]: Rabbi Eleazar¹⁹ said, “Come and see how great is the power of shame (בושה), for the Holy One, Blessed be [God], assisted bar Kamza, and [God] destroyed His Temple and burned His Sanctuary.

Avkalus’ supposed humility or meekness did not cause Jerusalem’s ruin. Rather, it was Bar Kamza’s shame caused by the banquet’s host. Also, neither Rome nor Roman legions destroyed Jerusalem. That was done by none other than God. Furthermore, this shame brought about two consequences: the Temple’s destruction and the Sanctuary’s burning. According to Yoḥanan a page earlier, Avkalus’ ענוותנותו generated those two outcomes, as well as “exiled us from our land.”

The Gemara thus offers two rabbinic interpretations of this unpleasant encounter at the banquet. Yoḥanan points the finger at Avkalus’ ענוותנותו while Eleazar indicates that unnecessary shame is to blame.²⁰ For God, it was the host’s insensitivity and inhospitality that was unforgivable. From a divine perspective, causing unnecessary shame damns and damages individuals, institutions and systems. However bad that was, in Yoḥanan’s human eyes, what Avkalus did was the worse, as it led to the people’s exile from Israel.

And what was it that Avkalus did to merit this disparaging comment? On Cherry’s account, he exhibited meekness. But how was Avkalus meek? Didn’t he actively confront the rabbis? Perhaps what Cherry sees is that Avkalus wanted the rabbis to uphold the halakhah: accepting the blemished animal even for the sake of keeping the peace in the realm would contravene Jewish law, as would killing Bar Kamza for blemishing an animal intended for sacrifice. That is, Avkalus does not deviate from extant law and in this way is exhibits what for Cherry is unreasonable stubbornness. A

¹⁹ This was probably Eleazar ben Pedat, a 2nd-3rd Century Amora who moved from Babylon to Palestine and studied with Yoḥanan bar Nappacha at Tiberius. Two manuscripts say this is Shimon ben Eleazar, a 2nd Century Palestinian Tanna. JTS 1718.93-100; Vatican 140.

²⁰ That causing shame may be necessary at times, see Crane (2011). In regard to shame and this story, see discussion in Belser (2014):93.

different understanding of Avkalus' intervention is equally plausible, though. Were the rabbis to follow through on either of their plans, it might "lead ignorant people to wrong halakhic conclusions."²¹ Even though there is danger in this situation (remember, the Roman leader suspects Jews of rebellion), Avkalus aims to prevent "dangerous legal precedents"²² that would irrevocably harm this particular Jew (Bar Kamza) and all Jews who follow halakhah. Indeed, he intervenes to protect the legal system—the very legal system Cherry claims is necessary for a coherent Judaism—and for this he is to blame for Jerusalem's destruction and the people's exile?!

A linguistic analysis of the story similarly challenges Cherry's interpretation of it. The story is written in Babylonian Aramaic with one exception: the final phrase. Both Yohanan's and Eleazar's are in Hebrew. This suggests that the redactor of the Babylonian Gemara had both available, chose one to append to the story and placed just a few lines away.²³ That both are kept in the Talmudic canon suggests that both are viable summations. It could be that either the host's crude behavior or Avkalus' zeal for halakhic integrity is responsible for Jerusalem's destruction. Or both are. Regardless, these Hebrew "moral of the story" conclusions indicate that they are later accretions to an earlier version.²⁴

Indeed, an earlier version does exist elsewhere in rabbinic literature. It occurs in *Eichah Rabbah*, a collection of midrashim that is focused on Jerusalem and the destruction of the Second Temple. Written in predominantly in Palestinian Aramaic, this source offers a western, 3rd-4th Century²⁵, version of the story, which means the Babylonian Talmud's can be understood as an eastern, 5th-6th Century one.

Eichah Rabbah 4.3²⁶

There is a story of a certain man in Jerusalem who made a banquet.

He said to his servant, "Go and bring me my friend, Kamza."

He went and brought him Bar Kamza his enemy.

He came and sat down among the guests.

²¹ Mandel (2006):31.

²² *Ibid.*

²³ Immediately following Eleazar's statement the Gemara then expands upon the next story indicated in Yohanan's introduction, that Tur Malka was destroyed on account of a rooster and a hen.

²⁴ Language switches and anomalies offer glimpses into relationships between stories, sources, authors, geographies, politics, religion, class and more. See Novenson 2009; Zellentin 2013

²⁵ On this timing, see Mandel (2006):29.

²⁶ This follows the version available at Sefaria.org. Mandel (2006):26-7 offers a translation based on a genizah fragment. Zellentin 2013 discusses the convoluted relationship this source has with Josephus, early Christian and early Rabbinic literatures.

He saw him among the aristiya²⁷, and said to him, “You are my enemy and you are sitting in my house! Arise and leave from my house!”

He said to him, “Do not shame me (תִּבְדִּי־שָׁמָיִם) and I will pay you the price of the banquet [of what I eat].”

He said to him, “You must not recline.”

He said to him, “Do not shame me and I will return to you double of what I eat.”

He said to him, “You must not recline.”

He said to him, “I will pay for the whole banquet.”

He said to him, “Arise and go!”

Rabbi Zekharia ben Avkalus was there and although it was in his hand to protest he did not protest.

He left from there and said to himself, “They are reclining and feasting in contentment. I will eat destruction.”²⁸”

What did he do? He went to the magistrate and said to him, “Those sacrifices that you send to the Jews for them to sacrifice, they eat them and sacrifice others, exchanging them.”

He did not care.²⁹

He came back again and said to him, “All the sacrifices you send to the Jews for them to sacrifice, they eat them and sacrifice others, exchanging them. If you do not trust me, send with me one prefect and a sacrifice, and you will know directly that I am not lying.”

When they were going, the prefect fell asleep and he got up and made all the animals secretly blemished.

When the priest saw them he sacrificed other animals in their stead.

The king’s representative said to him, “Why did you not sacrifice those sacrifices?”

He said to him, “Tomorrow.”

The next day came but he did not sacrifice them.

He sent and said to the king, “The whole issue of the Jews is as it was said.”

²⁷ Jastrow interprets this term — אַרִיסְטִיָא — as break-fasting invited guests. He bases this on ἄριστον, which means a morning or noontime meal. Given its Greek root of aristo, it intimates that such invited people are noble, the best of the town/region/civilization. They are the aristocracy.

²⁸ Like the Bavli’s version, אֵיכּוֹל קִרְצָהוֹךְ probably means inform against them.

²⁹ Mandel’s fragment has the magistrate rebuking him, saying, “That is slanderous, you wish to denigrate them” (26).

Immediately he arose to the Sanctuary and destroyed it.

See! Because of this Baraita they say, “Between Kamza and Bar Kamza the Sanctuary was destroyed.”

Rabbi Yosi said, “Rabbi Zekhariah ben Avkalus’ עבוורתנורתו burned the Temple.”

This Palestinian version of the story has many features the later Babylonian one echoes:

1. A party in Jerusalem, the host of which disinvites the despised Bar Kamza.
2. Notwithstanding Bar Kamza’s increasing generosity to pay for his presence, the host rejects him.
3. Bar Kamza’s plan to get Jews into trouble.
4. Bar Kamza’s proposal to the Roman authorities that would demonstrate trouble in the relationship between Jews and Rome.
5. Bar Kamza’s sabotaging the sacrifices sent by the Roman authorities.
6. The Jews (specifically, a priest) not sacrificing the Roman sacrificial animals.
7. Yosi says Avkalus’ עבוורתנורתו is to be blamed for the Temple’s destruction.

On this last point, it should be noted that this statement is verbatim with the Tosefta mentioned above. This suggests that the original concern about עבוורתנורתו was expressed by Yosi, not his student, Yoḥanan, nor by Yoḥanan’s student, Eleazar.³⁰

Regardless of who said this final statement in Eichah Rabbah, it is written in Hebrew whereas the rest of the text is in Palestinian Aramaic. The rest, but not the line about Avkalus’ presence and unused power to intervene: that is also in Hebrew. Again, this indicates that a later redactor inserted both Avkalus’s presence at the party and Yosi’s proclamation. Consider what happens when Avkalus is removed from the story. The narrative moves directly from Bar Kamza’s eviction to “He left from there and said to himself, ‘They are reclining and feasting in contentment. . . .’” There is no mention of Avkalus’ presence in Bar Kamza’s deliberations, and the final Aramaic statement (“Because of this the Baraita says. . . .”) has no reference to him either. Avkalus must be a later interloper imposed into the story by the redactor who, for one reason or another, had it out for Avkalus or, more likely, as we shall see below, for what Avkalus represented.

While much more could be said about these sources and versions of the story of Bar Kamza’s rude eviction from a party, one detail stitches them together in a way that Cherry does not mention. Bar Kamza’s explicit concern in the earliest

³⁰ For more on uncovering this story’s origins, see Mandel’s archeological project.

version of the story is that he was being impolitely shamed by the party's anonymous host. The Baraita of Eleazar's conclusion also mentions his shame as the cause célèbre for the Jerusalem's ruin, specifically the Temple and Sanctuary. Shame, not meekness. What's more, Eleazar emphasizes that God destroys God's own Temple and God's own Sanctuary because of the shame Bar Kamza experiences. God removes God's holy precincts from humankind because a(ny) human was not kind. For Yoḥanan, the moralizer Cherry fixates on, Avkalus' עכררתכרתו brings about the devastation of "our" Temple and "our" Sanctuary and "our exile from our land." On this view, rabbinic meekness is the underlying cause of this humanly wrought destruction and our displacement from the Land of Israel.

Cherry's favor for Yoḥanan's conclusion makes sense insofar as Cherry wants to argue that halakhic realism is pernicious and self-defeating: it failed to keep Jews in Israel, the Temple standing and the Sanctuary functioning. Yet in doing so, by cutting his reading short, Cherry strips the narrative of its polysemy — a strategy common to readers of the Jewish textual tradition.³¹ This is a curious reading approach given that embracing the ambiguity and multipotentiality of stories is a central feminist strategy Cherry admires and often uses (465).

EXTERNAL

For a robust, coherent understanding, this story of Bar Kamza's eviction from a party should also be situated into larger contexts. Two are theo-political, the third is more sociological.

First, the Babylonian version Cherry glosses³² situates in the middle of its chiasmic structure Bar Kamza's central complaint: the rabbis present at the party observed but did not intervene to stop the host's rude behavior and eviction of Bar Kamza. A similar concern is also at the heart of the Palestinian version when Kamza says to himself, "They are reclining and feasting in contentment"—they, meaning, the aristocratic guests who could have come to his aid while the host accosted him. The redactor explicitly says that Rabbi Zekharia ben Avkalus was also present and did nothing. In the Babylonian version, the anonymous rabbis' indifference was the impetus for Bar Kamza's plan: "I will go and inform against them" — them, meaning the rabbis, and not "him", meaning the host.³³ On Bar Kamza's account, the rabbis' inaction expressed tacit if not explicit

³¹ See Crane (2013), especially Chapter 2.

³² By glossing a story, an author says what the author thinks a story says or, as is more common, what the author wants the story to say. In short, a gloss is itself a story of a story, and it is not the story itself.

³³ Compare with BT Berakhot 58a, where someone informs the Roman authorities against an individual rabbi.

approval of his humiliation.³⁴ For him, this is cause enough to bring about Jerusalem's downfall. The story in both the Palestinian and Babylonian versions thus pivots not on the host's crude inhospitality, though to be sure this indeed is bad. Rather, it is the rabbis' failure to be moral leaders who stand to protect the marginalized that is the focal point of the story, Yoḥanan's appended conclusion notwithstanding.³⁵ It would stand to reason that Eleazer's final comment is the more relevant conclusion: rabbinic insensitivity to shame brought Jerusalem down.

Yet if Yoḥanan's statement is indeed taken into consideration, per Cherry's preference, it is important to situate Avkalus in a larger rabbinic context. As noted above, he has a penchant for going his own way. He does not comport himself to either leading school, Hillel's or Shammai's. Rather, as evidenced by his logical retorts in the Babylonian version, he challenges mainstream rabbinism. This gives support to Josephus' claim that he is a leader or at least a member of the Zealots, a 1st Century political movement committed to rebelling against and expelling Roman authorities from Palestine.³⁶ This makes sense given the Talmudic context of this story. There are several references to the Zealots on either side of the narrative: the sicarii or violent men, an extreme group of the Zealots, are mentioned just beforehand (BT Gittin 55b, discussed in Cherry at 366-367), and shortly afterward is a story of the Biryonim or mainstream Zealots, who would rather wage war against Rome than make peace with it and another story with Abba Sikkara, a Zealot leader (BT Gittin 56a). Avkalus' belated inclusion in this story apparently serves a larger rabbinic project to blame the Zealots for Jerusalem's destruction and endangerment of Jews.³⁷ In the deft hands of the Talmud's redactors, mainstream, Pharisaic rabbis are not ultimately responsible for Jerusalem's downfall. Indeed, they are not only absolved, they are quickly praised for courageously ensuring Judaism's very survival, as it was Yohanan bar Zakkai who secretly escaped besieged Jerusalem, negotiated with Vespasian and established a school in Yavne (BT Gittin 56a-b). In short, blaming Avkalus is part of a larger, Pharisaic, rabbinic project to condemn streams of contemporary Judaism that do not comport with or support Pharisaic hegemony. This story is thus one about intra-Jewish theo-politics, and the stakes could not be higher: Jerusalem fell because of this intense internal conflict.

A second interpretation situates the story in a larger, international context. Both the earlier Palestinian version and the later Babylonian one presume that sacrifices were made at the Temple by Jews on behalf of the Roman authorities. For only then could Bar Kamza's plan to sabotage that relationship in the way he does make sense. These imperial sacrifices expressed a "tacit status quo", meaning, "The Roman Empire will respect and even enable the Jews' peculiar customs and

³⁴ See note 15 above.

³⁵ See Duker (2010-11):43-44 for more of this kind of interpretation.

³⁶ See discussion in Mandel (2006):27.

³⁷ Yoḥanan bar Zakkai asks his nephew, Abba Sikkara, why the Zealots are willing to starve Jerusalemites to death for their cause. See BT Gittin 56a.

ways, and the Jews in return will remain loyal and cooperative.³⁸ "Since both Roman and Jewish religions embraced animal sacrifice, it was a good medium by which to establish mutual understanding. It was also a prime medium to sour that relationship. This, Bar Kamza apparently knew.

By blemishing the animals, Bar Kamza puts rabbinic cultic leaders in a bind. The blemishes render the imperial animals inappropriate for sacrifice according to Jewish regulations but not according to Roman. So what should the rabbis do? The Babylonian version displays rabbinic angst about this dilemma whereas the Palestinian shows a more politically-insensitive priest(hood). Regardless, a misunderstanding arises and results in Jerusalem's destruction.

This misunderstanding is not monolithic, though. From a Roman perspective, the non-sacrifice of the imperial gifts is a sign of Jewish rebellion. A Jewish vantage reveals something else entirely. The decision not to sacrifice those animals demonstrates the Jewish leaders' (the priest in the Palestinian version, Avkalus in the Babylonian) commitment to adhering to halakhah. The redactors of this story create this misunderstanding to exonerate "the Jews from the blame of actually rebelling against Rome."³⁹ And they construe Bar Kamza's plan to meddle in the theo-political relations between Jews and Rome as itself a result of a simple misunderstanding among Jews.

Some might argue it was a misunderstanding between the host and Bar Kamza. This, though, hides the original misunderstanding that occurred between the host and his servant who mistakenly brought Bar Kamza to the party instead of the requested Kamza.⁴⁰ Perhaps then, this is a story about class, which leads us to a third interpretation.

Recall the fact that Jerusalem did not fall in one day. Indeed, the siege began in 66CE and lasted for four years. The story of the party to which Bar Kamza was unwittingly brought occurs within this tense period. Why, one wonders, was there a banquet at all during this extended time of siege and stress?

Feasting narratives reveal a great deal about the "dynamics of social status and shame, dramatizing complex intersections of gender, class, and social prestige."⁴¹ They also "make visible the way that wealth, luxury, and social privilege distance elites from the awareness of suffering in their midst."⁴² The anonymous host of this lavish banquet intends to include only certain members of Jerusalem's elite, specifically his friends and the aristocracy. When Bar Kamza arrives and the host discovers his presence among the guests, the tension between them reveals just how desperate the wealthy are

³⁸ Balberg (2015):39-40.

³⁹ Balberg (2015):41

⁴⁰ Some classic commentators think Bar Kamza was Kamza's son, so they could have looked alike.

⁴¹ Belser (2014):90.

⁴² Ibid.

to be included in such opulent feasts. Consider that Bar Kamza offers to pay first for his meal, then for twice that amount, for half the banquet, and finally for the whole banquet! He could have made this offer only if he was among the wealthy class to begin with. But, like a subsequent story regarding a wealthy matron trapped within besieged Jerusalem, Bar Kamza's money is useless.⁴³ All his riches cannot buy inclusion among his fellow Jews. But it most probably helped him getting an audience with the Roman authorities.⁴⁴

The anger he feels at being ostracized from this gathering of Jerusalem's Jewish elite is pointed not at the host but at the feasting elites and specifically the diffident rabbis.⁴⁵ This "serves to rabbinize the story, bringing the elite banquet into the orbit of rabbinic culture and introducing a rabbinic presence in what originally appeared to be a nonrabbinic feast."⁴⁶ Their silence in the face of the host's inhospitality "heighten[s] the stakes of rabbinic authority": "through this vivid portrayal of the terrible price of rabbinic inaction, the rabbis shoulder responsibility for the devastation that follows."⁴⁷ The story thus serves as an enduring reminder that rabbinic "piety, prestige, and communal leadership obligate them to an exacting standard of behavior."⁴⁸

This story reminds rabbis that while socializing with the economic elite may be enticing, it comes at a high price, especially during times of communal distress. All Jerusalemites, the poor and the wealthy alike, are trapped in the city; there is no escape. The only escapes are those they contrive, like the glitterati's opulent feasts. These escapes, however, can be traps or crucibles in which bad behavior boils over. They can be cauldrons in which senseless hatred and rude inhospitality intensify so much that none dare intervene. From such hot situations disaster emerges for those at the gathering but, the story reminds us all, for the community as a whole. Sociologically speaking, this story critiques rabbis for being too eager to be seen and not heard, for being physically present yet morally absent.

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⁴³ BT *Gittin* 56a

⁴⁴ Perhaps this fits with or is comparable to the *topos* of "meetings-with-kings" that Novenson (2009) examines.

⁴⁵ In the Palestinian version, he plans to inform against "them" — meaning, the guests (האורְחִים) and other aristocracy (אַרְיִסְטֹקְרַטִּיא). In the Babylonian edition, the "them" refers to the rabbis who were sitting there and not intervening (והוּו יתבי רבנן ולא מחרו ביה).

⁴⁶ Belser (2014):94. Novenson (2009) also looks at this impulse to situate rabbis in significant moments in history.

⁴⁷ Belser (2014):Ibid.

⁴⁸ Ibid.

A coherent Judaism, according to Cherry, should embody the tradition's commitment to "compassion, righteousness, and stewardship." It should be responsive to its geohistorical situation. And, finally, it should take obligations seriously insofar as obligations connect people, institutions and systems across time and space. On this last point, Cherry uses the story of Bar Kamza being evicted from a party to which he was mistakenly brought as a central plank in his overall argument of a Tannaitic move away from halakhic realism and toward halakhic nominalism (366).

It is unclear, however, that the story, whether the earlier Palestinian or later Babylonian version, does what he says it does. It only obliquely speaks of halakhah, and when it does, it portrays the anonymous Tannaitic rabbis being eager to disobey halakhah (Babylonian) or the Temple priest as too oblivious of political realities to make reasonable accommodations (Palestinian). If a version of the story did speak of rigid halakhic realism, the Palestinian is the more apt. Cherry's project should not be faulted for not acknowledging that version's existence since he does not pretend that it is exhaustive. Yet what is to be made of his own note regarding the Babylonian version: "I am not claiming that the decision to neither sacrifice the animal nor kill Bar Kamtza was motivated by halakhic realism, but the mishnah's foreshadowing of the sanctuary's destruction casts halakhic realism as ruinous" (368, note 24)? Cherry admits that the Tannaitic rabbis in this story do not exhibit halakhic realism, yet he uses and reshapes this story like a stolen beam to keep his argument's house up.

And so Jerusalem was brought to ruin: the Temple burned, the Sanctuary destroyed, and the people exiled from their land.

It is perhaps this that endangers people, institutions and systems: the practice of using and even misconstruing the tradition in pursuit of one's own goals. Indeed, throughout his project Cherry argues vociferously against Jews who manipulate the tradition to their advantage. He concludes with this powerful declaration: "I refuse to be enslaved to the peshat of a rabbinic derash when the consequence is a bad law. . . . If a more just and compassionate halakhah can be obtained by rehabilitating a reading from within our tradition that has been eclipsed or marginalized, that is preferable to straying outside our tradition" (506). The above offers one such rehabilitation of this fascinating, multidimensional, multivalent and polysemic story. It can and perhaps should be read in and for all its ambiguous glory instead of being confined and contorted into an argumentative structure the author admits it does not naturally fit or belong.

Cherry ends his impressive book by observing that the tradition preserves minority opinions (M Eduyot 1.5) so that every generation of Jews could construct bridges from word to deed, if only they had the courage to do so. The rabbis of old "gave us those tools. Shame on us if we are too meek to use them" (506, emphasis added). Shame or meek — words connecting us back to our story of a party that upended the ancient world — inspire the reflexive question, which are we: Bar Kamza or Avkalus? The host or the rabbis?

If we are neither to be unnecessarily shamed or too meek to meet the needs of the moment, courage, then, is perhaps the substantial lesson we can extract from this story. Bar Kamza needed courage to protest his rude eviction. Though Bar Kamza made extremely generous offers to placate the blustering host, the host failed to muster the courage to accept this unanticipated guest. Courage is what the rabbis needed to intervene, but they apparently had none lest they upset the superficial glitterati. Avkalus, by contrast, had enough courage to challenge misguided colleagues from setting dangerous precedents and leading the community astray. Courage is what Shai Cherry demonstrates in his important, vast, and provocative *Coherent Judaism*. This work provides both illuminating insights into dark corners of classic, medieval and contemporary Judaisms and thoughtful ground upon which to construct ever more beautiful and enduring forms of Judaism. Indeed, Cherry's project models how courage may be precisely what is needed to muddle through, to cohere and endure long anywhere, especially during difficult and uncertain times like a hedonistic party across town, in a besieged city or in a world beset by a pandemic.

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RESPONSE

By Rabbi Shai Cherry

Like myself, Jonathan Crane is ordained, has academic training, and writes on a broad array of Jewish topics. Both of us encounter discussions by our rabbinic peers, and sometimes our academic colleagues, dressed up as academically sound arguments, but lacking basic historical data or sound methodologies. In the case at hand, Professor Crane characterizes my analysis of a Talmudic sugya detailing the destruction of the Temple a misconstrual of the Kamtza/Bar-Kamtza tale. Specifically, the charges include cutting short my telling of the sugya, ignoring the compositional history of the sugya, and neglecting to consider the parallels in Rabbinic literature. Three strikes and I'm out. The problem with Crane's critique is that I'm not playing baseball.

Jeffrey L. Rubenstein did a fantastic job in his 2003 *Talmudic Stories* of offering the range of analyses that Crane desires. Rubenstein wrote as an academic without an overt agenda. I employed redaction criticism, a new name for a traditional approach that analyses the text as the final editor shaped it. My contribution to Rubenstein's analyses was to incorporate the two preceding mishnayot and the dispute between the Houses of Hillel and Shammai concerning the return of the stolen beam (beginning on Gittin 55a). Beyond the breakdowns and comparisons, when one engages the Talmudic text as we have it before us, the Rabbis lacked the courage to apply Hillel's takkanat shavim, an amendment for

penitents, to Avkalus' arguments. As a result, the birah, the word used in the Talmudic dispute and the word used for the Temple in Nehemia 2:8 and 7:2 and I Chronicles 29:1 and 29:19, was demolished.

Furthermore, legal flexibility is exemplified in the mishnah which immediately precedes our story of Kamtza. It's the literal and legal precedent! The Romans changed their laws three times, and, each time, the rabbis adapted their laws in response to the changing legal and political environment. The story of the destruction shows what happens when you do not adapt the law to exigent circumstances. That lesson is the one I wanted to highlight to further my own goal "to provide the pedigree for what I will call Covenantal Halakhah" (349).

Although I do not believe my reading to be a misconstrual, I also believe that Crane's reading, which emphasizes the power of shame, is on target. Nowhere do I suggest that the story of Bar Kamtza is "nothing more than a denigration of halakhic realism." I'm quite comfortable with both morals of the story to stand. My objective in bringing the Bar Kamtza story was not to offer a full analysis, but to show a devastating Rabbinic critique of the consequences of the House of Shammai's halakhic realism.

Crane also claims that I brought the Kamtza/Bar Kamtza story "as a central plank" in my argument demonstrating the Rabbinic shift away from halakhic realism. He overstates the story's centrality. I discuss laws concerning vows, kashrut, priestly benefits (truma), Shabbat, and Yom Kippur. My point in bringing examples from so many diverse realms of law was to highlight where the rabbis maintained halakhic realism in practice. In particular, the plight of straw widows (agunot) can be understood as function of halakhic realism.

Although I have not misconstrued the Kamtza/Bar Kamtza tale, I do feel as though I doth protest too much. What if I had misconstrued the passage? Crane indicates that misconstrual is intrinsically problematic or pernicious. Although there is merit to the claim, it needs to be qualified.

Misconstrual is at the heart of midrash, and midrash is the engine of Jewish creativity. The Sages misconstrued "eye for an eye" to mean monetary compensation (Baba Kamma 83b). They misconstrued "not in heaven" to mean that God no longer had access to halakhic disputes between the Sages (Baba Metzia 59a). I "misconstrue" the land which God has given us to be the planet Earth rather than the Land of Israel. My midrashic move is an intentional misconstrual of the original meaning of the biblical use of the "land." The real question is, does the misconstrual in question align with the system's overarching values? Does the misconstrual neutralize a reading of the tradition that is obnoxious to the system's overall values? And who decides?

There's something incommensurate between the academic analysis of Jewish texts and Judaism as the expression of a living faith community. I think we see two elements of that incommensurability in Crane's critique. The first is that I'm not analyzing texts for the sake of analysis—I'm putting scholarship to work for my own goals. (The first book of *Coherent Judaism* is entitled: *A Partisan History of Jewish Theologies*.) According to Crane, there is danger in "misconstruing the tradition in pursuit of one's own goals." Although I could certainly be a victim of self-deception, I do believe my goals align with the best interests of the Jewish people. That determination is not for me to make, of course, but it is my conviction. The danger is when the misconstrual is being promulgated for exclusively personal goals at the expense of others whom the system is designed to protect. In the terminology of our tradition, such a dispute would be *lo l'shem shemayim* (not for the sake of Heaven).

I agree with Crane that one lesson of the story is our need for courage. We need courage to acknowledge and disavow those elements of our tradition that have not aged well. RaMBaM had the courage to interpret the "divine image" in which God created us in an Aristotelian manner that flattened the hierarchy of Jewish superiority. Menachem Me'iri (1249-1310) redefined what it meant to be an idolater in order to remove Christianity from that category. Pinchas Horowitz (1731-1805) claimed the Torah's commandment to love your neighbor made no distinction between Jew and gentile. I

salute those courageous misconstruals. Each of them demonstrated a willingness to misconstrue/reinterpret in a direction that was aligned with the fundamental Jewish values of compassion, diversity, and inclusivity. They did so not as disinterested academics, pardon the anachronism, but as rabbis with a vested interest in the Jewish future.

The Pharisees and the Rabbis understood that we are to live by the mitzvot, not die by them. That lesson was lost on the oh-so-meek Avkalus and his of-so-craven colleagues — at least as represented by the Bavli. The courage to implement that lesson has never been more vital.