

RABBINIC PHILOSOPHY OF LANGUAGE: NOT IN HEAVEN

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Abstract

I argue that “sampling” is at the heart of rabbinical hermeneutics. I argue further that anomalous monism—and specifically its arguments about token identity, of which sampling is one species—provides some insight into understanding the nature of rabbinical hermeneutics and religion, where truth is contingent on social judgment but is nevertheless objective. These points are illustrated through a close reading of the story of the oven of Aknai in the Bavli’s *Baba Metzia*. I claim that rabbinic Judaism represents an early attempt to integrate written texts into communicative processes, and thus frame the essay by comparing it to more recent computational technologies.

Keywords

Judaism; hermeneutics; sampling; anomalous monism; technology; Talmud

Theirs was a system that made a virtue of ambivalence and built uncertainty into bedrock assertions of faith. No wonder fundamentalists and fascists have hated it so.

—Jonathan Rosen, *The Talmud and the Internet*¹

Introduction

For the ancient rabbis whose debates are recorded in the Talmud, the genuine study of Torah could only take place in the context of a plurality of debating friends and loved ones. The heart of their hermeneutics involved the particular method of inquiry that today would be characterized as a form of “sampling.” For example, the image below of the text of the story of the oven of Aknai from the

I would like to thank the Jacob K. Javits Fellowship Program of the U.S. Department of Education for its initial funding of the research for this essay. I would also like to thank John Lardas Modern, Finbarr Curtis, Elliot Wolfson, and two anonymous reviewers for their help at various stages of the writing process.

¹ Jonathan Rosen, *The Talmud and the Internet* (New York: Continuum, 2000), 61.

talmudic tractate *Baba Metzia* (59b) is a sample, coming at you through a series of technological processes: memorization, writing, copying, transcription, printing, scanning, cutting/pasting:

וזה הוא תנור של עכנאי מאי עכנאי אמר רב
 יהודה אמר שמואל שהקיפו דברים בעכנאי
 זו וממאורו תנא באותו היום השיב רבי
 אליעזר כל השנובות שבעולם ולא קיבלו
 הימנו אמר להם אם הלכה כמותי חרוב זה
 יכיה נקטר חרוב ממוקמו מאה אמה ואמרי
 לה ארבע מאות אמה אמרו לו אין מביאין
 ראיה מן החרוב חור ואמר להם אם הלכה
 כמותי אמת הפנים יוכיחו חורו אמת הפנים
 לאחוריהם אמרו לו אין מביאין ראיה מאמת
 הפנים חור ואמר להם אם הלכה כמותי
 פותלי בית המדרש יוכיחו הפסו פותלי
 בית המדרש לפול גער בהם רבי יהושע
 אמר להם אם תלמידי חכמים מנצחים זה
 את זה פהלכה אתם מה פויבכם לא נפלו
 מפני כבודו של רבי יהושע ולא יקפו מפני
 כבודו של ר"א ועדיין מטין ועומדין חור
 ואמר להם אם הלכה כמותי מן השמים
 יוכיחו יצאתה בת קול ואמרה מה לכם אצל
 ר"א שהלכה כמותו בכ"מ עמר רבי יהושע
 על רגליו ואמר "לא בשמים היא מאי לאי
 בשמים היא אמר רבי ירמיה שפכר נתנה

In his intriguing book *The Talmud and the Internet*, Jonathan Rosen compares the modern technology of the Internet with the ancient technology of the Talmud. He argues that the Talmud—which was often described as an endless sea (ים—on which one could surf?), and where the word for “tractate” (*masechet*, מסכת) literally means “webbing”—anticipated the digital and hypertextual nature of the Internet. There is a hybridity to the Talmud in the way commentaries are layered and juxtaposed, parsed, cut, reoriented. In replacing the loss of the temple and place, the Talmud served as a virtual homeland. For Rosen, “the Internet, which we are continually told binds us all together,” engenders “a similar sense of Diaspora, a feeling of being everywhere and nowhere.”² Rosen’s juxtaposition of the two technologies enlightens our understanding of each of

² Ibid., 7, 8, 14.

them. The Talmud helps us understand the power and possibility of the Internet, while the Internet helps us understand the revolutionary technology of the Talmud and its significance for Judaism.

Similarly, a productive way to think about technologies involved with literacy in ancient times is to see them in comparison with modern forms of sampling that are equally as revolutionary. In his recent book *Remix*, Lawrence Lessig (columnist for *Wired* and the chair of Creative Commons) argues that the era of digital media has ushered in not only a major cultural shift toward a “remix” culture, but also has decisive legal ramifications.³ The original provisions of American copyright law set out in the constitution sought to protect intellectual property by focusing on the copy. In pre-digital era media, the copy served as the trigger for copyright protections because copies were the exception and thus were the most obvious source of control. Copying was a slow, painstaking process; it was a discrete event that took place in historical time and could thus be regulated. Lessig argues that this protection system is woefully outdated in the digital age because digital networks are predicated on copies in the network. In other words, with digital materials copying has become so easy and automatic that it is no longer the exception but rather the norm. In this shift, not only will what is intellectual about “intellectual property” change, but I would argue that the notion of property itself is liable to change dramatically in relation to the new technologies.

But what is it specifically about digital media that allows for this? Most media systems involve an interaction between digital and analog formats. In fact, the difference between the two formats, though useful analytically, is perhaps more of degree than kind. We use the modifiers *analog* and *digital* to differentiate two kinds of “signals,” energy patterns that “carry information.”⁴ For example, human perceptions are primarily based on analog signals. The word *analog* gives us a clue here in the sense that the “information” on one side of a medium is analogous to that on the other side; it is related to it by some physical process, it is an impression. Etching is thus a

³ Lawrence Lessig, *Remix: Making Art and Commerce Thrive in the Hybrid Economy* (New York: Penguin Press, 2008).

⁴ I place the notion of carrying information in quotation marks because I am not convinced it is an apt metaphor for what goes on during communication. In addition I am suspicious of the very idea of information when it is disconnected from a communicative context.

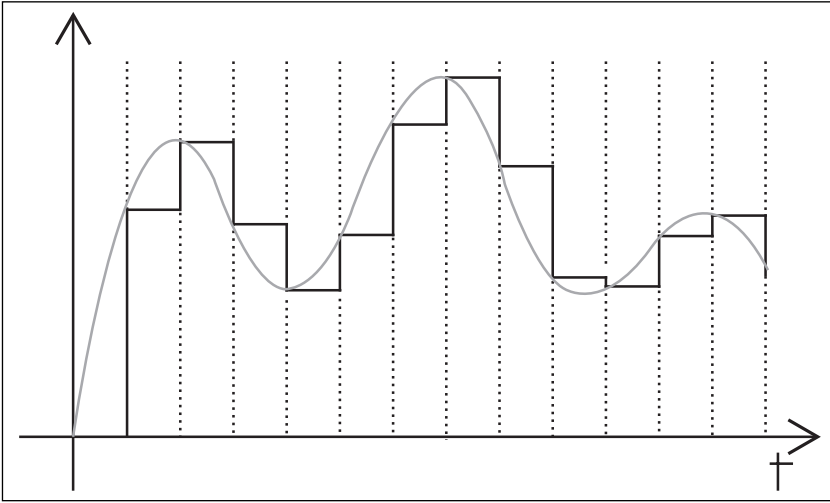


Figure 1. Depiction of the way digital signals code for analog signals⁵.

quintessential example of an analogue process, where the contours of an object directly cause gradations in the etched image. A similar kind of etching takes place when creating phonographic records. These records record the variations of physical sound patterns directly in the medium. There is of course a conversion taking place: a conversion of sound patterns, sound waves, into physical marks on a record. But those physical marks are physically analogous to, and directly “caused” by, the sound waves. I belabor these points because it is important that we get into the fine details in order to really appreciate the differences between analog and digital.

In the case of digital signals, there is not a physical, direct relation between the two media. A digital signal, as the name suggests, involves a digitization process—usually in terms of numerals, but not always—whereby analog samples are converted into arbitrary values (see Figure 1). These values are often called “discontinuous” or discrete. So we can see that the primary differentiation concerns whether values are discrete or indiscrete.

The distinction appears to reduce to the fact that digital signals necessarily utilize the “off.” Analog signals, we might say, are always “on.” The “information” they convey is primarily that of form. Most

⁵ Wikimedia Commons Public Domain Image, <http://en.wikipedia.org/wiki/File:Zeroorderhold.signal.svg> (accessed July 18, 2010).

often it would appear that analog coding is metonymic, where the higher the fidelity, the more of the “essence” of the original signal persists. Digital signals, by contrast, are not waves, they are not energy as such, but second-order patterning on the model of on or off. For example, the dots and dashes of Morse code are the basic elements of a digital signal.

Lessig begins the introduction to his book with the following example of the way in which present-day copyright law, and the cultural norms that surround it, must change in light of digital technology. He tells the story of Stephanie Lenz, who recorded her eighteen-month-old son Holden’s impromptu enthusiastic dancing to Prince’s song “Let’s Go Crazy.” Holden had first heard the song during the championship game of the National Football League (the Super Bowl), where Prince performed the halftime show, and had been hooked on it ever since. The video was incredibly cute, so Stephanie naturally wanted to share it with her family and friends. The easiest way to share the 20-megabyte file was by uploading it to Google’s YouTube. But as her family and friends watched the video, they too wanted to share it, and eventually it became one of those YouTube hits. Universal, the owner of the rights to many of Prince’s songs, was not so amused and demanded that YouTube take the video down, threatening a lawsuit. Lessig takes this as an example of the system gone awry, the upholding of an outdated principle about the nature of intellectual property. Lessig thinks the war on this form of piracy, along with other forms of file sharing, is a lost cause and is liable to stunt creativity and prosperity if it continues.⁶

Lessig calls the new form of creativity RW culture, using the analogy of “Read/Write” file permission protocols in computing that allow a user to both read a file and change it as she sees fit. He thinks RW culture is replacing RO (“Read Only”) culture, the culture of media consumption that has characterized media since the phonograph, but has recently become institutionalized in the age of television.⁷ Before the RO age, cultural forms were rarely restricted by legal norms; rather, there was a constant borrowing and copying, as forms reshaped and evolved. Thus, for Lessig, RW culture is not so much a new phenomenon as a return to the predominant mode

⁶ Lessig, *Remix*, 1–4.

⁷ *Ibid.*, 28.

of cultural expression and interaction that has become warped over the last four score years or so.

Lessig goes on to cite John Philips Sousa's testimony before the U.S. Congress in 1906 that new forms of mechanical reproduction of music would rob, and in fact already had robbed, America of its valuable folk forms of music. Sousa thought people would simply become media consumers, unable to play instruments, sing, and create culture. For Lessig, this means that mechanical technology made culture less democratic, while the digital revolution is ushering in a new age of democratic culture. This new culture is a "hybrid" culture of "mash-up" and "remix," where new technologies cut up and parse analog and digital material of the past, allowing the pieces to be put together in new and dynamic ways. The new culture thus challenges the nature of media consumption to the core.⁸

Judaism prefigured much of this movement.⁹ Many scholars have noted that the requirement of *male* literacy in Judaism led to a kind of democratization of the Word. Each individual subject becomes the arbiter of God's Word; it is bottom-up, not top-down. European history since the Reformation has also been characterized as a kind of democratization of the Word. An enlightened electorate is most importantly also a *literate* electorate, marked by the ability to read the Constitution and make informed electoral decisions.¹⁰ Thus literacy, when universal, is part of that democratic culture whose loss Sousa was mourning. The kind of remix culture Lessig is calling for is one of general media literacy.

⁸ Ibid., 25, 34.

⁹ See Samuel Preus, "Prophecy, Knowledge and Study of Religion," *Religion* 28 (1998): 125–138; and "Secularizing Divination: Spiritual Biography and the Invention of the Novel," *Journal of the American Academy of Religion* 59 (1991): 441–466.

¹⁰ For more on the relation between literacy, democracy, and religion, see Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 1983), especially chapter 5. His ideas about the connection between media technology and religion probably come ultimately from Max Weber and Walter Benjamin. I do not wish to romanticize either rabbinic or modern forms of democracy. Rabbinic Judaism was obviously not "democratic" in the strong sense of the word. Relative to other religions and forms of politics of the time, however, the requirements for male literacy in Judaism suggest some measure of hermeneutic freedom. In Greece, for example, only citizens and a lucky few others were trained in literacy. I have written more about this connection elsewhere; see Gabriel Levy, "Biblical Prophecy in Recent American Theological Politics," *Postscripts* 2:1 (2006), 64ff. For our purposes here I am most interested in the conceptual relation between media technology, politics, and religion; in this respect new technologies such as literacy, the printing press, and the Internet create both hazards and opportunities with regard to human freedom.

This argument calls to mind Demsky and Bar-Ilan's suggestion concerning the historical relationship in Judaism between media technology and religion. In a detailed study of the nature of writing in early Judaism, Demsky and Bar-Ilan were the first to truly formulate the problem, though they do not provide much of an explanation:

The reciprocal influence of writing and monotheism can be seen in the biblical rejection of the plastic representation of the deity, a commonplace in all contemporary pagan religions: "You shall not make for yourself a sculptured image, or any likeness of what is in the heaven above, or on the earth below, or in the waters under the earth" (Exod 20:4). It is most instructive that this opposition to an iconographic object of veneration is expressed in the written tangible sign of His presence. Stored in the Ark, the footstool of the divine throne, the tablets were the focal point of cultic service in the Tabernacle and Temple and their later synagogal copies formed the centre of Jewish worship. By attributing the tablets of the covenant to divine authorship, the mundane treaty model was transformed and infused with a non-mythological holiness and became the means of comprehending God. The medium of writing therefore provided the solution to the problem how to represent physically an invisible and transcendent deity. Henceforth, not only the content of the covenant, but also the medium of writing became an influential factor in Israelite religion and in later Judaism.¹¹

So these scholars see a connection between literacy in early Judaism and monotheistic iconoclasm. In other words, an abstract invisible superhuman agent may be better captured or referenced by an abstract systematic representation of symbols, or a code, rather than a "plastic representation." This superhuman agent is visible, in effect, in the visible letters of a text. Thus writing allowed for a kind of reflection on intuitive religion that was not possible before. Judaism came to be a form of second- or even third-order reflection on primary religion.

First we have the Jewish temple in Jerusalem, which functioned like a typical Middle Eastern temple of a god. But already in the murky history of ancient Judaism, a series of catastrophes had detached this god from that particular place in Jerusalem. That god began to be a god who worked out his will in the course of human history. He was far more concerned about humanity than

¹¹ Emphasis added. Aaron Demsky and M. Bar-Ilan, "Writing in Ancient Israel and Early Judaism," in *Mikra: Text, Translation, Reading and Interpretation of the Hebrew Bible in Ancient Judaism and Early Christianity*, ed. Martin Jan Mulder and Harry Sysling (Assen: Van Gorcum; Philadelphia: Fortress, 1988), 19.

most of the surrounding gods. He was invested in human beings, and “Israel” in particular. He was a moralizing god, immensely concerned with the internal mental states of his subjects, in addition to their behavior.

The other gods were also invisible abstractions to some degree. What stands out about ancient Jewish practice is that it did not involve a plastic representation of the deity, a token of the deity himself (aside perhaps from the written token of his name: יהוה). That is, in most cases in ancient religions, the plastic representation of the deity *was* the deity, incarnated in an anthropomorphic, indeed anthropocentric, form. The deity could take an analog format, facilitating easier input for many of our most basic mental systems. In the case of Judaism, the Jewish god is either essentially invisible, or simply has no representation—but perhaps this amounts to the same thing. Or, perhaps the Jewish god simply cannot incarnate in such a way. The formats are off; there is an encoding error.

So this god was already stepping outside the role of the deity in the typical Middle Eastern temple by the time the Jerusalem temple was destroyed for a second time in 70 CE. Stepping out of a temple role meant stepping into a far more virtualized state anyway. Jewish law is derived from commentaries on the Mishnah, which was itself a set of virtualized temple instructions. That is, the Mishnah was an effort to order life in response to the destruction of the temple.¹² The Talmud represents the definitive statement of the Law. It is itself a commentary on the Mishnah. The name of the god also becomes deferred in the sense that it is replaced with any number of stand-ins, such as “HaShem”—literally, the name.

It is in this sense we can say that Judaism has always been a digitized religion. Judaism is ever ready to export itself to different formats. This is because it “went digital,” off format, almost since the beginning. Rabbinic Judaism represents an ancient remix in response to the invention of writing. It incorporates analog and digital processing in a way that made previous religion unrecognizable. This process “makes the embrace of a visible deity more elusive and less important . . . since God lives in the twists and turns of applied intelligence and in the very process of imaginative striving that studying Talmud involves.”¹³ At the same time that it went

¹² See Jacob Neusner, *Transformations in Ancient Judaism: Textual Evidence for Creative Responses to Crisis* (Peabody, MA: Hendrickson, 2004).

¹³ Rosen, *Talmud and the Internet*, 91.

off format, it instituted rather strict rules about membership. This is an interesting juxtaposition. Christianity, in contrast, did not; instead it reformatted the Word into the person and matter of Jesus, the dead Jew. As Rosen reports the distinction: for Judaism the Word “was never made flesh,” rather “the flesh became words.”¹⁴

Writing, Quotation, and Sampling

At the start of a chapter called “RW Revived,” Lessig notes that the act of quoting someone in print is a form of sampling that has never needed copyright protection, and that it would be “weird” to think you needed permission to quote someone. He suggests this has something to do with the nature of writing itself, for it would be impossible to write if we needed special permission to quote every time we used someone else’s thoughts for inspiration. But writing, he argues, is not the only form of expression that should be freely remixed. All media, Lessig thinks, should follow this basic paradigm of written quotation.¹⁵

In this section I argue that sampling represents the core of the ancient form of rabbinic remix and present some material from the philosophy of language and literacy on “quotation” in order to understand how sampling works. Quotation is the most basic form of linguistic sampling and was an integral part of ancient media *cultus*; most religions, whether their revelations are oral or written, depend on it to some degree. But in order to really have quotation one must have the concept of literal meaning, because quotation relies on the ability to represent, or say, the literal words that someone said. The concept of literal meaning forms the basis for distinguishing what someone says from what they mean and what their words do. Quotation is thus a core feature of meta-representation and semantics. However, quotation has a natural history; with the emergence of literacy in the ancient world, the technology of quotation changed.

Though early rabbinic practice was largely orally performed and transmitted because its audience was not so literate (although this is debated), the rabbis themselves were quite literate men who were

¹⁴ Ibid., 54

¹⁵ Lessig, *Remix*, 51–54.

operating with a distinctly literary conception of the Word. Reported speech, though rarely examined analytically in the study of religion, is a core feature of Jewish holy books, whether the speech of God, prophets, or sages. In some sense reported speech forms the very core of Jewish (Christian and Muslim) religion. However, the emergence of literacy in the ancient world resulted in at least two divergent conceptions of the Word: the rabbinic and the Platonic, east and west. As I argue in the next section, this divergence is one of the primary features that define the idealized distinction between Jerusalem and Athens.

David Olson's laboratory at the University of Toronto has demonstrated that consciousness of the spoken word itself often comes with learning to read, because writing helps bring the phonological-structural qualities of speech into consciousness. However, Olson finds that phonological awareness is not the only form of metalinguistic awareness encouraged by literacy. Citing studies that link indirect quotation to literacy, he finds that "writing pries open a conceptual gap between sentence and utterance." He notes an anecdotal, though helpful, example: the game "Simon says," which is common among young school children. This game tests precisely a child's ability to understand meta-representation; in this case, the ability to recognize a proposition outside of its normal use, for one is not to obey what the speaker in the game says but only what *Simon* says. The association of the game with school-age children is not a coincidence for Olson, because education into literacy "makes the recognition and interpretation of quoted expressions, that is, texts, routine."¹⁶

Olson has found further that children's developing conception of "word" is based on a model derived from literacy. Children who are exposed to writing from a young age tend to think that words are graphic signs such that "some understanding of written text mediates children's concept of the word." The concept is a product of experience with writing because it "is developed as children discover how written signs carve up the more continuous structures of speech." In other words, children learn to understand their oral speech by analogy with its visual form, which is made up (at least in most Western languages) of distinct visible semantic units (morphemes

¹⁶ David Olson, "What Writing Is," *Pragmatics and Cognition* 9 (2001): 249.

and words). The word thus comes to be understood as a reified, material entity.¹⁷

Literate people (of varying skills) thus have a tendency to model spoken language in terms of written language, for better or worse. More generally, Olson finds that not just their concept of “word” but also the host of “children’s early metalinguistic concepts are influenced, if not determined by, experience with writing.” Metalinguistic concepts are second-order concepts that apply to language, such as grammatical concepts like noun and verb, semantic concepts like meaning, and phonological concepts. While there may be other ways to reflect on these concepts, Olson’s point is that literacy encourages and influences their development.¹⁸

The main point I want to emphasize with Olson is that writing has two main consequences:

The first, well known, is that writing is sufficiently fixed and permanent that it can be read in a context other than that in which it was produced, by readers for whom it was not intended. Secondly, writing systems map onto language rather than onto either the world or ideas or meanings directly.¹⁹

Olson, citing the Berkeley philosopher Donald Davidson’s 1984 essay “Quotation,” thus postulates that psychological displacement is the most fundamental consequence of writing.²⁰ Writing should be understood as a second-order process that is “intrinsically reflective” and is “in principle metalinguistic.” In other words, the displacement that occurs in writing is intrinsically a form of sampling: it is sampling speech.

Olson elaborates on this point further, comparing the psychological displacement of writing to that of quotation or of overhearing speech, for both also involve the displacement of propositions from their normative use, “lifting words and expressions from their

¹⁷ Bruce Homer and David Olson, “Literacy and Children’s Conception of Words,” in *Written Language and Literacy*, 2:1 (1999): 117–119. For a clear picture of recent work on literacy, see David Olson and Nancy Torrance, eds., *The Cambridge Handbook of Literacy* (Cambridge: Cambridge University Press, 2009); Bruce Homer’s essay on “Literacy and Metalinguistic Development” is most relevant to my argument.

¹⁸ See Homer and Olson, “Literacy and Children’s Conception of Words.”

¹⁹ Olson, “What Writing Is,” 243.

²⁰ See Donald Davidson, “Quotation,” in *Inquiries into Truth and Interpretation* (Oxford: Oxford University Press, 1984), 79–92.

normal usage thereby turning them into objects of attention.”²¹ He notes that quotation has been understood by linguists and philosophers to lead to “the property of referential opacity, the nonsubstitutability of co-referential expressions within the quoted clause.” Thus writing (in most cases), like quotation, is a case of *mentioning* or *sampling* speech, not *using* it. Here are Olson’s examples of different forms of disembedding through quotation:

- (1) Can you say “chicken”?
- (2) Did you say “I am crazy”? (Direct quotation)
- (3) Did you say that you are crazy? (Indirect quotation)²²

In these cases we do not find normal uses of language. The first example refers to the word “chicken,” not the concept *chicken*; the second example refers to an utterance; and the third example refers to a proposition. Olson’s point is that writing, as in these examples, is implicitly a form of meta-representation.²³

Writing is implicitly meta-representational because, like “both direct and indirect quotation,” it is a “means of representing an idea without oneself asserting it as true.” This leads Olson to suggest, following Frege, “that such devices make thought, i.e., entertaining some content without either asserting or denying it, possible.” In other words, “thinking is seen as a kind of saying to oneself” and writing, similarly, is quoting oneself.²⁴ In this sense, though the phonetics of language may be closer to the memory storage of spoken signs,

²¹ Olson, “What Writing Is,” 246.

²² *Ibid.*, 244.

²³ The second-order nature of quotation and writing, which involve displacement at a core level, are well-known features of propositional attitudes like belief. Pascal Boyer was perhaps the first to note the connection to religious beliefs in *Religion Explained: The Evolutionary Origins of Religious Thought* (New York: Basic Books, 2001), 129–131. Boyer argues, among other things, that the psychological or cognitive phenomenon of displacement (which he calls decoupling) is a core feature of religion. Decoupling is the human ability to entertain propositions without assenting to or dissenting from them. Religion thus takes advantage of our propensity to “suspend disbelief.” This ability has been tied by others more closely to a suite of cognitive abilities that come to fruition in children by the age of four or five, which are called “theory of mind” or mentalizing abilities. “Theory of mind” is understood as a specific cognitive capacity whereby a person understands that others have beliefs, desires, and intentions. It is the human propensity to endow other agents with minds. The marker of this suite is the ability to complete the false belief task, which requires a child to understand that another person may have a representation that is false. In sum, entry into conceptual human mental life requires the ability to both entertain propositions and engage them critically.

²⁴ Olson, “What Writing Is,” 245–246.

writing may provide a better analogy for propositional thought. Writing, unlike speech, is a form of composition, akin to a musical score. In sum:

Writing should be seen neither as completely different from speech nor as identical to speech but rather as being related to the reflexive property of speech exploited in quotation. This in turn suggests that writing is in principal reflexive and meta-representational while direct speech, typically, is not.²⁵

Rabbinic Monism

In linking Olson to rabbinic hermeneutics I want to suggest that *sampling*—the parsing, splicing, pasting, and repackaging of “chunks of information”—is actually the phenomenon Olson is isolating at the heart of thought. With this brief cognitive point as background, I will now move more directly into the subject of rabbinic hermeneutics.

In their book *Zweierlei Diaspora: Zur Spaltung der antiken jüdischen Welt*, Doron Mendels and Arye Edrei argue that two Jewish cultures were present during the initial phase of rabbinic Judaism: in the “east,” a Hebrew- and Aramaic-speaking Jewish culture under the authority of rabbis; and in the “west,” a Greek-speaking Jewish culture not familiar with the largely oral teaching of those eastern rabbis.²⁶ They argue that most of the latter culture was eventually assimilated into the expanding Christian denomination.²⁷ It was not until the eighth or ninth century of the Common Era that these two Jewish cultures merged, with the eastern form becoming dominant. Though this kind of conceptual dichotomy was surely more complicated “on the ground,” involving a great deal of interaction between those two cultures, it sets up a useful distinction between the more Greek-influenced philosophical trajectory of some forms of Judaism, most notably perhaps Jewish mysticism, and another form more solidly

²⁵ Ibid., 247.

²⁶ Doron Mendels and Arye Edrei, *Zweierlei Diaspora: Zur Spaltung der antiken jüdischen Welt* (Göttingen: Vandenhoeck & Ruprecht, 2009).

²⁷ For an English version of the argument, see Doron Mendels and Arye Edrei, “A Split Jewish Diaspora: Its Dramatic Consequences,” *Journal for the Study of the Pseudepigrapha* 16:2 (2007): 91–137.

centered in the analytic and argumentative method represented in the Talmud.²⁸

The philosopher Samuel Wheeler makes a similar distinction in the seventh chapter of his book *Deconstruction as Analytic Philosophy*, “A Rabbinic Philosophy of Language,” where he argues that two sorts of implicit philosophies of language exist in the Jewish corpus: a rabbinic one and a Greek, Platonically influenced one ultimately represented by Maimonides. The former philosophy of language he sees more in line with that of Derrida, Davidson, and Wittgenstein, where some degree of institutionality and normativity is embedded in the relation between propositions and the world, while the latter philosophy of language relies more on what Wheeler calls “magic language.”²⁹ As he says in comparing Davidson to Derrida:

²⁸ Although Mendels and Edrei clearly provide some evidence for a distinction between “western” and “eastern” forms of Judaism, the consequences that I draw are probably more difficult to cash out in terms of the historical record. In this respect I plead guilty to the charge of anachronism throughout this essay. The distinction I am making between “Greek” and “rabbinic” forms of hermeneutics is as much a conceptual distinction as a historical one. I do not wish to claim that one form or the other is a more “authentic” form of Judaism, nor reproduce an ancient polemic against “foreign” Hellenism. No, I think culture and thought are far more porous and interpenetrating than could be captured in such a polemic. The distinction I draw below may characterize any hermeneutic system where there are both centripetal and centrifugal forces acting at once, forces of determinacy and forces of indeterminacy. Thus the distinction is not so much between Greek and rabbinic language but between theory, or philosophy as such, whose goal is scientific truth guided by logical axiomata, and a method meant to interpret a capricious mind. No system fully possesses one or the other but instead lies somewhere on a continuum between the two. Jewish mysticism, with its Neoplatonic influence, was on a quest to experience the divine and explain the origins of the cosmos (among other things). In this sense it has more in common with science than what I am calling the rabbinic philosophy of language, which had an entirely different purpose.

²⁹ Samuel Wheeler, *Deconstruction as Analytic Philosophy* (Stanford: Stanford University Press, 2000). Maimonides fits within what Wheeler and I are calling “Greek” philosophy because he thinks the truths of religion can ultimately be vindicated by philosophy, by nature. For more on Wheeler’s ideas about Maimonides, see 265 nn. 15–16. For example, Wheeler argues that in distinction to Maimonides the rabbis thought God omniscient only about things that were knowable. In other words, Moses ben Maimon makes God a philosopher’s god, whereas the rabbis retained a more anthropomorphic conception. This is connected to the point about the magic language. For Wheeler’s rabbis God speaks a human language, while for Maimonides God speaks a magic language of forms, a perfect language of “metaphysically complete speech acts” (265 n. 16). Of course neither Maimonides nor the great scholars of the Vienna Circle would accept that their philosophy appeals to magical language; this is precisely the reversal, following Wheeler, that I have in mind. With regard to the talmudic period, I admit that ours is probably an idealistic reading of rabbinic thought and that there was probably a great diversity of

The fundamental point of agreement between Derrida and Davidson, as well as other thinkers in the analytic tradition, such as Quine and Wittgenstein, is their denial of what I call the “magic language.” This is the language of *nous*, a language that is, in Wittgenstein’s terms, self-interpreting. The magic language is the language in which we know what we mean, think our thoughts, and form intentions... Derrida argues that the presupposition of some form of magic language has determined the very project of philosophy from the beginning. Direct access to the Platonic Forms, Aristotle’s deliverances of *nous*, the ideas of the empiricist philosophers, and the sense data of the Vienna Circle are all versions of the magic language. We have a magic-language theory whenever a kind of term is alleged to be by its very nature “present” to the mind. Accordingly, Derrida characterizes such positions as “presence” theories, “presence” being what Wilfred Sellars has termed “the myth of the given.”³⁰

In light of this argument we can extrapolate that the two forms of Judaism differ in their implicit conception of the relation between language and the world. In Greek-inspired Judaism, God speaks this magic language. His words are *logoi*, the furniture of the natural world: “complete specifications of sets of possible worlds in which they were true.”³¹ The rabbinic philosophy of language, by contrast, is partly contingent on human decision. God’s speech, written down in the Tanach, was incomplete and underdetermined. The rabbis tended to read God’s speech and actions more literally, tended to interpret God as an agent in the world, and thus had no need to read deep scientific principles into his speech as the philosophers would do. For the rabbis, the prospect of understanding God centered on moral psychology, and had less to do with ontology. God’s speech was more like our speech, and his thoughts were more like our thoughts, “in that they are not complete in every detail.”³² This was not to say that God was not all-knowing, but rather that the future was not real, and in that sense could not be known. It was left to the rabbis to fill in the gaps.

Wheeler bases his analysis on the famous story of an argument that took place among the rabbis and was eventually recorded in *Baba Metzia* 59b. The story concerns a dispute among some Tanna’im

opinions. But this is precisely the point. I would note that Wheeler’s chapter is entitled “A Rabbinic Philosophy of Language.”

³⁰ *Ibid.*, 3.

³¹ *Ibid.*, 142.

³² *Ibid.*, 143.

about an oven that has become ritually impure. The oven is broken into pieces and the debate is over whether the oven retains that ritual status after it has been put back together. Wheeler rightly notes that the identity status of objects is an interesting philosophical question in itself, but that issue is somewhat peripheral to the narrative in question. In the story, Rabbi Eliezer contends that the oven loses its ritually impure status in its breaking down and reconstitution, while the majority of the rabbis around him think it retains that status in its reconstitution. Along the way, the dispute also addresses the question why the oven, and by extension the story about the oven, is called the oven of “Aknai,” the Aramaic word for snake. This is because the sages coiled arguments around Rabbi Eliezer like a snake. But the story goes on.

In divinatory fashion Eliezer performs a series of feats—uprooting a carob tree, reversing the course of a stream, and bending the wall of the school—to demonstrate that his argument is correct. These amazing feats do not convince his peers, so he finally appeals to a “daughter of a voice” (בת קול, Bat Kol: an echo or “voice from heaven”), a sort of hotline to heaven still in place despite prophecy no longer being active in Israel. This voice also declares Eliezer correct.

Rabbi Joshua stands up and quotes a verse from Deuteronomy (30:12) saying, “It is not in heaven.” The Gemara asks what he meant by that, providing the answer given by Rabbi Jeremiah: since the Torah is already given, already written down for anyone to see, we do not pay attention to such voices, but follow majority opinion. At this point, Rabbi Nathan reports that Elijah told him God laughed.

The story of the oven of Aknai makes a powerful statement about the nature of rabbinic interpretation, and for this reason it is a favored *sugya* for subsequent commentators, most notably Maimonides in the *Mishneh Torah*.³³ Jason Rosenblatt and Joseph Sitterson discuss the story in the introduction to their book “*Not in Heaven*”: *Coherence*

³³ For the long list of commentaries on this *sugya*, see Jeffrey Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999), 34 n. 1. Jonathan Rosen also mentions the story; see *Internet and the Talmud*, 86–89.

and *Complexity in Biblical Narrative*.³⁴ The title is an obvious reference to the biblical verse (Deut 30:12) that Rabbi Joshua cites:

(11) כי המצוה הזאת אשר אנכי מצוך היום לא נפלאות הוא ממך ולא רחקה הוא (12) לא בשמים הוא לאמר מי יעלה לנו השמימה ויקחה לנו וישמענו אותה ונעשנה (13) ולא מעבר הים הוא לאמר מי יעבר לנו אל עבר הים ויקחה לנו וישמענו אותה ונעשנה (14) כי קרוב אליך הדבר מאד בפיך ובלבבך לעשתו

For this commandment that I command today is not too difficult, nor is it too far out. It is not in the heavens, lest you should say, “Who will go on up to the heavens for us and get it for us, and make us listen to it and do it?” Neither is it beyond the sea... Rather, *the word* [*ha-davar*] is very near to you; in your mouth and in your heart for you to do. (Deut 30:11–14; my translation)

Rosenblatt and Sitterson see the argument between Eliezer and his colleagues as a “struggle for primacy between poetics and hermeneutics,” with Eliezer representing conservative poetics and Joshua revisionary hermeneutics, because Joshua draws on the verse from Deuteronomy to prove his point despite the fact that God and heaven miraculously show otherwise. However, I think these scholars miss something crucial in terms of the social context in which the Talmud was composed. They also seem to miss the fact that the Talmud condemns Eliezer and endorses his adversaries.³⁵ I agree with Wheeler that a more important tension is between “science” and rabbinics, for divination was the dominant empirical method to gain knowledge about things unseen in that day (e.g. Eliezer’s “proofs”). The debate was about whether truth is an epistemic or a semantic concept: whether truth depends merely on some correspondence between language and the world, or on some complicated arrangement of correspondence and coherence.

Eliezer does not rely on Written Torah as his proof. He simply asserts something and proves his point with recourse to nature. For the other sages nature is irrelevant, and thus both Joshua and Jeremiah quote from the Written Torah to illustrate their point. Eliezer is subsequently excommunicated for his behavior. And we may ask: What did he do that was so wrong? To answer this question

³⁴ Jason Rosenblatt and Joseph Sitterson, eds., *“Not in Heaven”: Coherence and Complexity in Biblical Narrative* (Bloomington: Indiana University Press, 1991).

³⁵ Rosenblatt and Sitterson, *“Not in Heaven,”* 2–3. Actually the Talmud pretty much condemns everyone involved except Rabbi Akiba. See n. 41.

we have to address the admittedly opaque cultural context of the last phase of the compilation of the Talmud.

Jeffrey Rubenstein, among others, has argued for a literary-historical analysis of the Talmud Bavli that identifies three layers in its formation.³⁶ The initial layer is the Mishnah, which is made up of rather concise rulings about temple regulations and civil relations, among other things. The next layer is the Talmud Yerushalmi, which amounts to legal and homiletic interpretations of those rulings, primarily with a report of the majority opinion among the Tanna'im. The last layer is the portion of Talmud Bavli that is not present in Yerushalmi. Rubenstein contends that this layer was composed in the last phase by the Stamma'im, or anonymous ones, who recorded both majority and minority opinions and who seemed to value the argumentative method for its own sake. The second layer was concise enough that it was likely preserved in oral form among the Amora'im, in the context of very small-scale schools (*bet midrash*), which were probably simply the home or a room in the home of a "Master" (*rav*). But the final layer, which Rubenstein attributes to the newly formed institution of the Babylonian rabbinic academy, probably quickly became inscribed in written form.³⁷ In sum, we see a corresponding institutional form for the development of the hermeneutic trope represented in the story of the oven of Aknai.

Rubenstein locates a central ethos of the Stamma'im in the method of "dialectics," the give-and-take style of debate so esteemed in the Babylonian Talmud. He shows that this method was not so lauded in the Palestinian Talmud and thus conjectures that it developed out of the more institutionalized rabbinic academies in Babylonia. For the Tanna'im and the Amora'im, argumentation was a means to an end and thus they mostly transmitted the conclusions of their debates, whereas for the Stamma'im argumentation was "an end in its own right."³⁸ The great scholar was the one who could not only raise numerous objections but also provide answers. Debate was a form of intellectual warfare. For example, King David is called a "warrior—he knows how to engage in give-and-take in the war of Torah" in *b. Sanhedrin* 93b. The Stamma'im even looked forward to "an

³⁶ Jeffrey Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), 4.

³⁷ Jeffrey Rubenstein, "Social and Institutional Settings of Rabbinic Literature," in *Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte Fonrobert and Martin Jaffee (Cambridge: Cambridge University Press, 2007), 66.

³⁸ Rubenstein, *The Culture of the Babylonian Talmud*, 176 n. 31.

eternity of debate in the next world,” with one’s reward tied directly to his intellectual acumen.³⁹ There can be no doubt that an extremely high value was placed on critical reasoning in the rabbinic academies of Babylonia.

Debate was not the only form of Torah study in the academy—other activities included “determination of law, study and repetition of Tannaitic traditions, scriptural interpretation, even homiletic craft”—but debate was the most central, thus the supreme importance of the study partner and friend (*hevruta*).⁴⁰ It was in the context of face-to-face intellectual combat that the swords of the war of Torah were sharpened. The Bavli explicitly praises joint study and condemns private study, as opposed to the Palestinian Talmud, which seems to praise private study (*y. Berakhot* 9a). For the Babylonians, one can only learn Torah properly in the context of intersubjective, dialectical conversation: “Form yourselves into groups when you study Torah, since Torah can only be acquired in fellowship [friendship]” (*b. Berakhot* 63b).

These points put the account of the oven of Aknai in a new light. Rabbi Eliezer’s interpretation not only went against the consensus, but his method of confirmation involved no fellowship with his peers.⁴¹ The rabbinic dialectic method relies on weaving an argument through the Written and Oral Torah, quoting them in the way that Rabbi Joshua and Rabbi Jeremiah did.

Daniel Boyarin has shown that the form of argumentation they favored had a very distinctive nature. The dominant rhetorical trope is *משל* (*mashal*) or “exemplification.”⁴² Talmudic argumentation is a

³⁹ Ibid., 43–46.

⁴⁰ Ibid., 48.

⁴¹ This argument is supported by Rubenstein’s detailed interpretation of the *sugya* and its context in the Talmud in *Talmudic Stories*. He argues that the context is the discussion of ‘ona’a or “wronging” in the Mishnah and that the *sugya* is focused on the “personal-emotional angle” (41) of the harsh treatment that the other rabbis impose on Rabbi Eliezer. The moral is, in effect, one about the impropriety of bullying. Akiba is the hero of the story because of his compassionate treatment of Eliezer after the others have treated him so harshly. In sum, according to Rubenstein this *sugya* is about the balance between the legal process and communal harmony, where “the treatment of other human beings, and especially competitors or colleagues in the academy, is inseparable from legal activity” (61). This reading also highlights a distinction between rabbinic and mystical conceptions of language in the sense that the Talmud is very focused on the human dimension of such narratives whereas mysticism is more focused on the cosmic (micro and macro).

⁴² Daniel Boyarin, *Sparks of the Logos: Essays in Rabbinic Hermeneutics* (Leiden: Brill Academic Publishers, 2003), 93.

layering process: verses from the latter parts of the Tanach are juxtaposed with the Torah and used as interpretive tropes; that is, they are *sampled*. Or, the verses from the Written Torah are juxtaposed and used to understand rulings from the Mishnah. Boyarin translates *mashal* as “example,” “parable,” and “sample.” I prefer the last of these because it calls to mind more modern forms of sampling, such as in blogs or hip-hop, that function in quite a similar way. Though he does not quite put it in these terms, for Boyarin rabbinic sampling is also a metonymic, not metaphorical, process where the actual physical piece, or some essential element of it, is moved around and placed into a new medium. Some basic character of the material form remains; it is “a small portion of a substance that serves as a way of communicating to others the properties of the substance.”⁴³

As noted in the previous section, sampling is a basic form of meta-representation. That is, this is how quotation works: If you want to talk about something someone said, you can paraphrase them or you can quote them. In the latter case, the physical form of their expression has to be carried over in some way. This form of textual interpretation does not then try to remove the material form to get to its spiritual essence. In this sense, the rabbinic method did not read biblical myth as metaphor. As Boyarin puts it: “there is no abstraction (in either a nominalist or a realistic sense) but a placing of a concrete entity beside another concrete entity in such a way that characteristics that are obscure in the one are revealed by association with the same characteristics of the other, where they are obvious or explicit.”⁴⁴

In the case of the Written Torah, the written text cannot change: as noted above, it is not in heaven, its material form is given. Similarly, for the Amora'im and Stamma'im, the Mishnaic form was also given. What is left to do is juxtapose the written form with the Mishnaic form and develop further oral law from that juxtaposition. In the Talmud the paragraph is the cognitive unit, the smallest piece of text that carries semantic information, as Neusner has noted—but it is important to recognize that the sample is also a cognitive unit: The Talmud speaks by juxtaposing the paragraph with the sample. This is the method the rabbis used to interpret God, for “until

⁴³ Ibid., 96.

⁴⁴ Ibid., 99.

Solomon invented the *mashal* [sample], no one could understand Torah at all.”⁴⁵

The first layer of the story of the oven of Aknai is a basic Mishnaic ruling (*Kelim* 5:10):

If an oven was cut up into rings, and sand was inserted between each pair of rings, R. Eliezer rules: it is clean; but the Sages rule: it is unclean. Such an oven is known as the oven of Aknai.

In the Bavli (*Baba Metzia* 59b) it is juxtaposed with further quotations:

We learnt elsewhere: *If he cut it into separate pieces, placing sand between each piece: R. Eliezer declared it clean, and the Sages declared it unclean; and this was the oven of Aknai.*

Why Aknai?—Said Rab Judah in Samuel’s name: [It means] that they encompassed it with arguments as a snake, and proved it unclean. It has been taught: On that day R. Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: “If the *halachah* agrees with me, let this carob-tree prove it!” Thereupon the carob-tree was torn a hundred cubits out of its place—others affirm, four hundred cubits. “No proof can be brought from a carob-tree,” they retorted. Again he said to them: “If the *halachah* agrees with me, let the stream of water prove it!” Whereupon the stream of water flowed backwards—“No proof can be brought from a stream of water,” they rejoined. Again he urged: “If the *halachah* agrees with me, let the walls of the schoolhouse prove it,” whereupon the walls inclined to fall. But R. Joshua rebuked them, saying: “When scholars are engaged in a halachic dispute, what have ye to interfere?” Hence they did not fall, in honor of R. Joshua, nor did they resume the upright, in honour of R. Eliezer; and they are still standing thus inclined. Again he said to them: “If the *halachah* agrees with me, let it be proved from Heaven!” Whereupon a Heavenly Voice cried out: “Why do ye dispute with R. Eliezer, seeing that in all matters the *halachah* agrees with him!”

But R. Joshua arose and exclaimed: “*It is not in heaven*” [Deut 30:12].

What did he mean by this?—Said R. Jeremiah: That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because Thou hast long since written in the Torah at Mount Sinai, *After the majority must one incline* [Exod 23:2].

R. Nathan met Elijah and asked him: What did the Holy One, Blessed be He, do in that hour?—He laughed [with joy], he replied, saying, “My sons have defeated Me, My sons have defeated Me.”⁴⁶

⁴⁵ Ibid., 111; see *Song of Songs Rabba*.

⁴⁶ Translation from *The Soncino Talmud* (Brooklyn, NY: Judaica Press, 1973).

As noted, Wheeler uses this *sugya* to attribute to the rabbis the Davidsonian philosophy known as “anomalous monism” (in addition to Derrida’s “deconstruction,” which he sees as an allied philosophical movement). Davidson’s idea was that although the material and the mental are identical, the mental is not reducible to the material according to any laws. In other words there is an a-nomalous, non-lawlike, or non-linear relation between the material and the mental. Human reason cannot escape the mental and should not pretend to do so. This is why Davidson saw physics as perfectly adequate for explaining the world when we regard it as mindless, but “natural” science could have less to say about the world when we regard it as mindful. Davidson did not think that the “methods of the poet, the critic and the social scientist” were necessarily opposed to “the methods of the sciences of (the rest of) nature,” but rather that the former relies on teleological forms of causality, while the latter depends on a “nomological-deductive” form of causality.⁴⁷ The former case finds that

the understanding of the thoughts and actions of people involves the imaginative adjustment of the interpreter’s beliefs and values to the attitudes of the interpreted, a process that requires the accommodation of one normative system within another. [In the latter case, however,] such considerations are beside the point: physics strives to find categories from which norms, even causal concepts, are excluded, categories which lend themselves to incorporation in a system of laws with as few *ceteris paribus* [all else being equal] clauses as possible.⁴⁸

It is for this reason that Davidson called himself “Spinozist”: because he emphasized

somewhat as Spinoza had, that the two domains—of mind and body, intension and extension, law-governed events and thoughtful actions—were parts of radically distinct but equally legitimate ways of describing, understanding, and explaining phenomena, but that they nonetheless applied to a single ontology of events and objects.⁴⁹

⁴⁷ Donald Davidson, “Locating Literary Language,” in *Literary Theory after Davidson*, ed. Reed Way Dasenbrock (University Park: Pennsylvania State University Press, 1993), 296.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.* For more on the comparison, see Floris Van der Burg, *Davidson and Spinoza: Mind, Matter, and Morality* (Burlington: Ashgate, 2007).

Spinoza found that no (nomologically-deductive) causal relation exists between the material and the mental but rather God sets the two in motion as an act of will. God, in effect fills in for the *anomos*, the anarchy between the mental and the material. Since God is an intentional agent, literary psychology does a better job filling this gap than ontological reductionism. Natural laws do not fill the void, only that capricious nonhuman person. This philosophy does appear to capture the rabbinic hermeneutic, a literary triangulation that does not abstract itself out of the communicative situation, as opposed to a philosophy that pretends to take the perspective of heavenly forms. In terms of the Davidsonian paradigm worked out above, the nomological-deductive was far less useful to the rabbis for understanding their god and his inscriptions in the biblical text.⁵⁰

Matthew Day has taken this argument one step further, noting how anomalous (or pluralistic forms of) monism also applies to complexity in nature, such as the relationship between phenotype and genotype. This anomism amounts to the “maddening complexity” the philosopher of biology Alexander Rosenberg finds “once we have climbed to the level of physical organization at which natural selection is a causal factor.”⁵¹ Part of Day’s argument is that

⁵⁰ It should be noted that Spinoza was quite critical of the rabbis of his day (in seventeenth-century Amsterdam) precisely because he thought they were too constrained by the text. Despite this, there is a strong case to be made that Spinoza favored a form of interpretation similar to the one outlined here. As Levinson notes: “Nevertheless Spinoza’s concerns in [the latter portion] of the *Tractatus* were not to void the text of significance and authority. That such is the prevalent understanding of Spinoza, however, accounts for the unease about his work that endures among scholars of Judaica. . . . The latter chapters, whose concern is freedom, share a common conceptual structure with the earlier chapters, whose concern is hermeneutics. Spinoza argues in chapters 1–15 that neither philosophy nor theology should be subordinate to the other. . . . Spinoza’s concern is to permit the reader to deal with the biblical text on its own terms and thereby emancipate the Bible from two forms of alien hermeneutics: first, the reduction of theology to philosophical truth. . . . and second, the reduction of philosophy to theological truth. . . . Spinoza argues that contradictions that cannot but engage the Bible’s attentive reader must not be explained away through allegorical exegesis (Maimonides) nor be used to contradict reason itself.” From Bernard Levinson, “The Right Chorale: From the Poetics to the Hermeneutics of the Hebrew Bible,” in Rosenblatt and Sitterson, “*Not in Heaven*,” 134.

⁵¹ Matthew Day, “Let’s Be Realistic: Evolutionary Complexity, Epistemic Probabilism and the Cognitive Science of Religion,” *Harvard Theological Review* 100 (2007): 55. The rabbinic and the scientific perhaps come together after emancipation in the notion of “Jewish Science,” the fascist label for modern physics. The

complex sciences are “instrumental” rather than “realist” because there is a limit to human understanding. Similarly, rabbinic hermeneutics depends on the recognition of that limitation, attributing the madness to a nonhuman person, while modern science has other methods of dealing with the complexity. We need not countenance the latter stance by default, though it is probably the most powerful and parsimonious manner for interpreting natural complexity. This argument is not intended to lend any credence whatsoever to “intelligent design,” but quite the contrary. I simply want to point out that there are alternative hermeneutics that scientists may use to understand and explain nature that are not nomological-deductive in form. Darwin’s dangerous idea was a breakthrough precisely because it could explain such complexity without recourse to a designer.

Rabbinic Words

The talmudic dialectic Rubenstein describes is a particular method of interaction with writing technologies. The rabbis did not write much history or philosophy. However, we should hesitate in construing this as an opposition between oral and literate cultures, whether Hebrew/Aramaic or Greek. If literacy studies have taught us anything in the past twenty years it is that oral and written discourses intermingle in a diversity of ways.⁵² The primary difference appears to be regarding the technologies of literacy. The oral discourse of the rabbinic method relied on the written, though incomplete, word of Torah as the ultimate basis of authority. As I noted above, Wheeler insightfully argues that the Torah serves as a basic source of reference, just as “nature” does in Greek discourse. For Greeks, truth is found in nature, while for the rabbis it is some hybrid species, a mixture of acknowledged normativity in argumentation (majority opinion), written word, and nature. Rabbinic and Greco-Christian conceptions of prophecy differed in precisely the same way. The rabbis did not regard themselves as prophets, but as heirs to a degraded divinatory tradition, diviners of the texts as represented

main target of the polemic was Albert Einstein, who, though he believed God did not play dice with the universe, did postulate a fundamental and paradoxical relation between matter and energy that classical German physics never accepted.

⁵² For an older but good summary, see James Collins, “Literacy and Literacies,” *Annual Review of Anthropology* 24 (1995): 75–93.

in the movement from divinatory *derash* to Midrash.⁵³ In contrast Judeo-Christian prophets, like those envisioned by Philo, are mediators of the *logoi*.⁵⁴

Halivni's study of rabbinic exegesis also gives us some clues about the differences between the emerging rabbinic and Christian methods of interpretation. He notes that both confronted the problem that the "literal" or "surface" meaning of the text was often intolerable to contemporary views, such as the "eye for an eye" clause in Exod 21:24. When the church confronted problematic texts it "allegorized their meanings," turning them into metaphors and figures of speech. The "rabbis of the Talmud, in contrast, when confronting a legal text whose surface meaning needed to be revised, changed it, *read in* a different meaning."⁵⁵ His distinction between "reading in" and "allegorizing" has resonance with my argument. Allegorizing, for Halivni, "adds to" the text while reading in "excludes the simple, literal meaning," or rather, simply *changes* the literal meaning. This was possible precisely because the Torah was not in heaven, whereas the Christian church retained the Platonic mission of getting behind the text to its ultimate meaning in heaven.

Halivni also refers to the oven of Aknai, arguing that it resembles modern forms of reader-centered hermeneutics.⁵⁶ He notes what he calls the "bizarre" story in *b. Baba Metzia* 86a, where fourth-century Babylonian Amora'im mediate a halakhic dispute between God and the "Heavenly Academy." Apparently, not only does God study Torah (for three hours a day, see *b. Avodah Zarah* 3b), he debates it like the rabbis. Halivni thinks that the account of the oven of Aknai is mostly about the importance of practical matters of the majority over and above the logic of the minority. Minority opinion "may have verity in the realm of intellect, in the realm of logic, but not in the realm of everyday behavior. In the realm of practical decision, the majority rules."⁵⁷

Is there anything to this pragmatic reading of the rabbinic method? Pragmatism, as a theory of action predicated on the contingency and uncertainty of human interaction, helps illuminate the distinct

⁵³ See Preus, "Secularizing Divination," 442.

⁵⁴ For example, see Philo, *De Vita Mosis* 2.52.

⁵⁵ David Weiss Halivni, *Peshat and Derash: Plain and Applied Meaning in Rabbinic Exegesis* (Oxford: Oxford University Press, 1991), 6.

⁵⁶ *Ibid.*, 160.

⁵⁷ *Ibid.*, 109.

nature of rabbinic hermeneutics. More recently, Hashkes has argued (in this journal) for some strong affinities between American pragmatism, especially the works of Dewey and Peirce as understood by Menand, and rabbinic “Torah Study.”⁵⁸ Hashkes’s argument is similar to Wheeler’s in the sense that anomalous monism developed out of American pragmatism. Thus Hashkes does us a service in tying the other pragmatists up with the red thread of my argument concerning anomalous monism and sampling. The major tension that both pragmatism and rabbinism grapple with is “between the idea that our conception of Reality is a human construct and the recognition that there exists an independent factor that influences it.”⁵⁹ More concretely she notes five basic similarities between the two “quests.” Both are (1) hermeneutical in nature; (2) continual (meaning never-ending); (3) practical; (4) communally conditioned; and (5) holistic.⁶⁰

These aspects, however, perhaps characterize *any* intellectual or religious quest. What truly ties these two streams together is the idea that “Reality knocks at the door of the Pragmatist exactly in the manner in which God’s will knocks at the door of the Torah student.”⁶¹ The manner in which this knocking takes place is in a provisional, underdetermined context of dialogue and criticism. The watershed for the pragmatists came in their break with logical positivism, which was trying to create the perfect language where everything had a singular reference, where we could finally pin down the world. Logical positivists failed to recognize that language is integrated into the world, with no further reality behind it. In other words, there is no escape from our provisional, sloppy language games. In the same way, for the rabbis God is no longer active in the world except through Torah, a message or a vessel of his will. But its language is messy and provisional and there is no more essential reality behind it, for even God studies Torah.

However, I fear Hashkes gets into trouble at times because she wants to postulate a “religious Reality” and a separate “natural” or scientific “Reality” (151), a dualism that would surely not be condoned

⁵⁸ Hannah Hashkes, “Studying Torah as a Reality Check: A Close Reading of a Midrash,” *Journal of Jewish Thought and Philosophy* 16:2 (2008): 149–193. See Louis Menand, *The Metaphysical Club* (New York: Farrar, Straus and Giroux, 2002).

⁵⁹ Hashkes, “Studying Torah,” 151.

⁶⁰ *Ibid.*, 162–164.

⁶¹ *Ibid.*, 161.

by the pragmatists, especially when it comes to Quine and Davidson. Quine famously denounced two dogmas of empiricism, Davidson a third, and Sellars a fourth. The first dogma is the analytic-synthetic division. Quine argued that there is no fundamental cleavage between so-called synthetic and so-called analytic truths: “truths of reason” and “truths of fact.” There is no separable linguistic and factual component of a statement. The second dogma is reductionism and the principle of verification. Quine argued that reductionism, and the principle of verification on which it is based, is hopelessly flawed. Part of the latter is Quine’s famous assertion that “our statements about the external world face the tribunal of sense experience not individually but only as a corporate body.” Thus the meaning of a statement, even a scientific statement, can only be understood in the context of multiple other sentences in that language, such that “the unit of empirical significance is the whole of science.”⁶²

Davidson suggested a third dogma: the scheme-content dualism, or the idea that we can distinguish between a conceptual scheme and some empirical content.⁶³ Davidson takes Quine one radical step further by denying there is any way, even in principle, to distinguish language and concepts from experience. Davidson argues that while the analytic-synthetic distinction was a crucial step, it is still problematic because it is “explained in terms that may serve to buttress conceptual relativism, namely the idea of empirical content.” In Quine’s model, language serves as a scheme that organizes empirical content. However, Davidson wants “to urge that this second dualism of scheme and content, of organizing system and something waiting to be organized, cannot be made intelligible or defensible.” In other words, for Davidson there is no neutral point of reference to judge the difference. We cannot step outside of our language and world and project ourselves into another. When we do so it is an act of fantasy.⁶⁴

Thus for Davidson, an heir of American pragmatism, there could be no distinction between “religious Reality” and “natural Reality”⁶⁵

⁶² W. V. O. Quine, *From a Logical Point of View* (Cambridge: Harvard University Press, 1953), 40–42.

⁶³ Donald Davidson, “On the Very Idea of a Conceptual Scheme,” *Proceedings and Addresses of the American Philosophical Association* 47 (1974): 5–20.

⁶⁴ See Donald Davidson, *Inquiries into Truth and Interpretation* (Oxford: Clarendon Press, 1984), 189.

⁶⁵ Hashkes, “Studying Torah,” 151.

because in order for something to count as a language, in order for us to count something else as Reality, it must be translatable in some way, and thus not a distinct reality after all. In other words, the very idea of a language (or conceptual scheme) requires that it be translatable. But in order for us to call something a conceptual scheme, we must be able to translate it into our scheme, so there can be no such thing as an alternative conceptual scheme. But neither can we assert that there is only one scheme, for that is either false or trivial. Thus the very idea is unintelligible.⁶⁶

Davidson's third dogma is the basis for Sellars's argument concerning the fourth dogma of empiricism: the myth of the Given. This is the mistaken belief that there is anything given to experience, such as sensations, in pretheoretical form, that provide the ground for knowledge. For Sellars even something as basic as seeing (i.e., seeing that) is propositional. Evidence need not rest on experiential foundations, since it is part of a larger holism (experience in specific instances may happen to play a role, although examination of specific instances misconstrues the holistic project). Evidence and therefore knowledge rests on a process of epistemic justification under which experience has no *a priori* claim.⁶⁷

I think we can conclusively say that the four dogmas of empiricism are the logical outgrowth of American pragmatism. Interestingly, as Menand notes, the early pragmatists admired the pre-Socratic philosophers such as Heraclitus, a man who allegedly worshipped fire, and lived in what is now Turkey (an "easterner"). Even the originators of the tradition would be reticent to separate off one realm of "experience" from any other realm. This is where Hashkes gets things wrong in her appeal to the role of basic "experience" as a way to differentiate religion from other forms of "Reality" (153, 161). The pragmatists would surely not countenance the idea of a wholly other playing any role in human experience.

With all that said, if we give up talk of numinous experience, Hashkes is right to talk about a tension between rabbinic discourse

⁶⁶ See Gordon Bearn, "The Horizon of Reason," in *Relativism: Interpretation and Confrontation*, ed. Michael Krausz (Notre Dame, IN: Notre Dame University Press, 1989), 210.

⁶⁷ See Willem A. DeVries, Timm Triplett, and Wilfrid Sellars, *Knowledge, Mind, and the Given: Reading Wilfrid Sellars's "Empiricism and the Philosophy of Mind," Including the Complete Text of Sellars's Essay* (Indianapolis: Hackett, 2000), viii.

and natural discourse. The rabbis do not look to nature for empirical confirmation, but to Torah. Like the pragmatists, their intellectual pursuits were directed towards future action in open systems where it is not so much a matter of answering the sticky questions but of getting beyond them. Overall, the main thrust of the similarity concerns monism. Both systems tend to mix propositional and empirical knowledge (or analytic and synthetic) so thoroughly that nothing much is left of the original dualism. They stand in stark contrast to positivist traditions that think if only we could rid ourselves of language (or propositions and ethics) we could find out what is really going on in Nature. Trying to “recover” that originary language is akin to the folly of the tower of Babel.⁶⁸

Let us go back again to Wheeler who, like Hashkes, argues that the rabbinic philosophy of language—at least the one represented in the tale of the oven of Aknai—is “a way to think about language and the world without adopting either the idealist’s or the realist’s fantasies.”⁶⁹ Wheeler proposes that the Torah is analogous to nature in the sense that some interpretations may be tied more or less empirically to nature or Torah. The gap in this underdetermination is filled in by human choices—judgments “not necessitated by anything in the situation”—in particular interpretive contexts. He argues that the imperative contents of Torah, the halakhah, though binding, have “truth conditions that are either unknowable or indeterminate until the Rabbis make a decision.” Wheeler contrasts this indeterminacy and incompleteness of rabbinic exegesis with the Greek concept of language, *logos*, which falls victim to the “illusion that implicit in any act of speech or writing is a complete specification

⁶⁸ See Jacques Derrida, “Des Tours de Babel,” *Semeia* 54 (1991): 3–34, an essay that explores the indeterminacy of translation—that is, the idea that a translation is always underdetermined, always a confusion, and an act producing something new. Derrida pursues these issues through a reading of the biblical story of Babel (Genesis 11), in which he sees Yahweh punishing humanity with the gift of difference—here specifically, difference in tongue. Humanity is punished for trying to give itself a pure name, that is, one name. For Derrida a sacred text is translatable in epitome; that is, it begs for translation from those who read it. Each act of translation is the production of something new—not mimesis, but coordination. Though the problem is a characteristic of all language (idioms, metaphors, and other plays) for Derrida, it is shown most acutely in proper names, like Babel, that are by nature untranslatable. Derrida notes a double bind of translation: the command to translate, yet the “impossibility” of translation. This problem is most explicit in terms of the unpronounceable name of God.

⁶⁹ Wheeler, *Deconstruction as Analytic Philosophy*, 137.

of the set of possible worlds meant.” As we saw in Rubenstein’s discussion of the social context of the Stamma’im, this is because the world is so thoroughly mixed up with Torah; that is, the normative is inextricably tied up in the real.⁷⁰

Wheeler points out further, following Heidegger, that Western philosophy, and the West, have adopted this Platonic “onto-theo-logy,” even after they have renounced God. That is, the Laws of Nature are Greek-God-like Platonic words, “in which every detail of every possible circumstance is already implicit.”⁷¹ But, he notes, Heidegger was wrong if he equates this with the Judaic God, because rabbinic Jews, at least, were not operating with such a deterministic sense of the Word. Of course, the tradition did come to include Neoplatonist mystics and to incorporate Greek philosophy into Judaism through Islamic sources.⁷² The Greek *logos* was adopted by some Jewish philosophers, most notably Philo, Maimonides, and many Kabbalists.⁷³

⁷⁰ Ibid., 139–140, 145.

⁷¹ Ibid., 143.

⁷² For an alternative to Wheeler’s or Heidegger’s interpretation of *logos*, see Elliot Wolfson, *Language, Eros, Being: Kabbalistic Hermeneutics and Poetic Imagination* (New York: Fordham University Press, 2005), chapter 1.

⁷³ See, for example, Barbara Holdrege, *Veda and Torah: Transcending the Textuality of Scripture* (Albany: State University of New York Press, 1996), and her discussion of the Torah as heavenly blueprint for creation, 196ff. See n. 28 above for my apologies about the ideal typical distinction I am drawing here. The main difference as I see it concerns whether truth is a natural correspondence between language and nature: whether there are universal, eternal truths or whether truth is radically and partly contingent on human decision. I leave open the historical question of whether the anonymous commentators who crafted the story of the oven of Aknai really thought their collective decisions overrode heavenly realities. Though a detailed comparison of Jewish mystical hermeneutics and what I have called “rabbinic” hermeneutics is a worthwhile project, it is beyond the scope of this paper. Two crucial points are worth noting, however. First, the rabbis of the talmudic period probably did see Torah as a “blueprint” for the creation of the world to some extent and thus may have more in common with mystics than I have acknowledged. I contend that they did not see it merely as a blueprint for the creation of the natural world, but rather as a blueprint for the creation of a hybrid social world. Second, Torah as a “blueprint” also probably did connote the idea that the letters of the Torah themselves make up the furniture or stuff of the world as expressed in an ancient text like *Sefer Yetzirah*. I myself take this text to be saying something slightly stronger, that the letters of the Torah *are* the stuff of the physical and social world. That is, the rabbis literally live within the Torah, within the letters themselves. This point is consistent with my argument about the Torah not being in heaven.

Conclusion

Boyarin's insightful points about the nature of rabbinic interpretation allow us to distinguish it from Greco-Christian practice. The latter understood prophecy as direct access to the Platonic forms; language strove toward this correspondence. In distinction, the rabbinic project consisted of integration through the method of exemplification, juxtaposition, and "sampling." I attribute this difference to the fact that the rabbis were trying to understand the Written Torah, where God often behaves in such a strange manner. The rabbis, in effect, were trying to understand a "non-human person," in Stewart Guthrie's sense of the term.⁷⁴ "God" was "non-human," for example, because his body was bigger than the universe (Job 11:7, 9), which was perhaps another way of saying that he was invisible.⁷⁵

In distinction, Greco-Christians were not trying to understand a person's behavior; they were trying to understand the nature of the world and the way in which language did or did not correspond to it. The Hebrew text had been fulfilled: they knew what the Word referred to and subsequent interpretation only had to decode it. This distinction led to an entirely different production of oral and written texts. In other words, Christological hermeneutics had to be conducted through a world-historical and ontological lens, whereas for the rabbis the Torah was a singular act of writing. They were thus open to a type of literary hermeneutics in which one tried to access intentionality and agency behind the given word.

So, what is the heart of the particular form of rabbinic hermeneutics I have tried to isolate throughout this essay? How does it differ in its commodification and reification of the Word compared to other forms? Mendels and Edrei think the rabbis kept things "oral" as a way to protect their turf, and there is something to be said for this point, but it does not get to the core of the answer. The core involves the ideal-typical distinction between "eastern" (talmudic) and "western" forms of Judaism. The distinction involved more than just intellectual property—the distinction did not simply arise from the fact that the eastern rabbis had memorized a great body

⁷⁴ See Stewart Guthrie, *Faces in the Clouds: A New Theory of Religion* (New York: Oxford University Press, 1993), 241 n. 1. Guthrie provides this term as an alternative to "superhuman agent."

⁷⁵ *The Midrash on Psalms*, ed. S. Buber (New York, 1947), 452; cited in Boyarin, *Sparks of the Logos*, 100.

of oral literature and would only disseminate it for their students in the right context.

To answer these and other questions in this essay, I have used modern parallels with Internet technology as a source of comparison to argue that rabbinic Judaism foreshadowed some aspects of modern digitized read/write culture. I tried to locate the rabbinic hermeneutic of sampling in the context of cognitive and technological changes brought about by the emergence of literacy. I argued, following Olson, that literacy technologies can tweak some of our most basic conceptual operations. Such tweaking can lead hermeneutics in different directions, toward two ideal types: the Greek-Judeo-Christian and the talmudic (or what I have called “rabbinic”). The former bridges the apparent gap between language and the world through attempts to make language correspond to nature, and truth is epistemic.⁷⁶ The latter presents a hybrid picture, where language is messy and complicated, and truth is semantic, emerging through argumentation and fellowship.

I have argued further that anomalous monism—and specifically its arguments about token identity, of which “sampling” is one species—provides some insight into understanding the nature of rabbinical hermeneutics and religion. Following Wheeler and others I have tried to show that sampling is at the core of rabbinical hermeneutics as an attempt to understand Torah and communicate with divinity. Anomalous monism, the philosophical perspective attributed to rabbinical hermeneutics, also gives us some clues toward understanding how meta-representations change in the context of new media technologies. As new media technologies emerge they become integrated into communicative processes. Rabbinic Judaism represents an early attempt to integrate written texts, where there was a danger of falling into a “read-only” paradigm. Similarly the invention of the transistor—the basis of modern computing—and the Internet have changed the picture once again, providing an opportunity and a danger. But what is it, in particular, about rabbinic practices that anticipates Internet technologies, and specifically Lessig’s notion of read/write culture?

⁷⁶ To the extent that some rabbis, many of whom were mystics, accepted this idea, it is a misnomer to label the alternative “rabbinic.” Perhaps “talmudic” works better, but this designation still has problems. I have followed Wheeler in my terminology for better or worse.

In comparing the Talmud with the Internet one finds minor differences, such as the core material of the technology (transistors vs. ink) and the nature of their metalanguages (HTML vs. gematria). As Rosen notes, we also find a major difference, for the Talmud was produced “by the moral imperative of Jewish law” and “the self-conscious need to keep a civilization together,” such that “nobody was trying to buy airline tickets or meet a date” (10). In other words, the Talmud is religious scripture, while the Internet is not. Despite these major and minor differences, Rosen makes a number of insightful points about the similarities between the Talmud and the Internet.

Both involve an “infinity of cross-referenced texts” (8), such that there is a “disjointed” approach to reading that takes practice to learn. Indeed, in both cases there is too much information, such that one’s method of searching/*derash*, the search engine as it were, becomes paramount. Both involve a feeling of “being everywhere and nowhere” at once (14). Both then are “ways of dealing with the loss of our own center” (109). Both involve a strong aspect of communal collaboration, especially with the invention of Web 2.0, for “the Talmud isn’t read like a book but studied aloud, chanted, lived” (55). We might also add that both are obviously “external memory stores.”⁷⁷

I think these similarities between the Internet and the Talmud are important and insightful for helping us understand both technologies. In this essay I have been pushing one similarity in particular, which Rosen does not describe explicitly, although it is related to those mentioned in the preceding paragraph: the phenomenon of sampling. But is sampling unique to the Talmud as opposed to other religious media?

Most forms of media are combinations of analog and digital technologies. Language, for example, involves both semiotic manipulation (think Saussure), in addition to analogical processes such as the volume, timbre, and tone of the voice, which do not so much encode signs but are signals in themselves. Their form is their content. As noted earlier, the difference between analog and digital

⁷⁷ In the sense given by Merlin Donald in, among other essays, “The Mind Considered from a Historical Perspective: Human Cognitive Phylogenesis and the Possibility of Continuing Cognitive Evolution,” in *The Future of the Cognitive Revolution*, ed. David Johnson and Christina Erneling (Oxford: Oxford University Press, 1997), 478–492.

encoding is not that sharp. For example, a modern computer works digitally but it is still based on a physical medium, such as the presence or absence of magnetic grains on a hard disk that code for 0s and 1s. For my purposes, the strongest distinction between analog and digital involves the notion of levels. When analog processes can be abstracted and represented in binary form (or using other symbols), that level of description and manipulation is digital. The brain, for example, mostly operates through analog signals (electrical waves, chemicals); cognitive scientists are on the hunt for the digital representations that will make sense of such signals. The relation between digital and analog is extremely important because it explains how different systems in the body “communicate” without, in effect, speaking the same language. A digital level thus samples elements from the analog level. The sample or “token” itself is analog, but it is taken as a digital sign at a different level. That is, it takes a chunk of analog “information” and makes that information relevant by making it into a digit, a unit of digital information.⁷⁸ For example, the presence of a discrete amount of glucose in the bloodstream can act as a “signal” for the pancreas to produce more insulin.

There are two points I want to make clear in bringing up the distinction between analog and digital once again: Interaction between ontological levels requires analog and digital processes, and the digital process eliminates noise by focusing on what is relevant to a particular level. Concerning the first, anomalous monism argues that the analog and digital tokens (the tokens of two different levels) are identical but irreducible to one another; thus it has often been called a “token identity” theory.

Concerning the second, noise is a natural part of human communication. Digital representations thus take shortcuts in the process of transcending analogical form, as represented in the image reproduced near the start of this essay (Figure 1). In taking the shortcut, or “compressing” the analogical format, digital encoding often eliminates noise and other effects thought to be beyond normal human perception. Thus, for example, in the case of digital music sequencing, programmers often add a “humanizing function,” where a random element (noise) is introduced in order to make the music sound natural (i.e., better). Music that is too perfect and orderly does

⁷⁸ See Carl F. Craver, *Explaining the Brain: Mechanisms and the Mosaic Unity of Neuroscience* (Oxford: Oxford University Press, 2007), especially chapter 4.

not sound as good to human ears. This is also the reason why many people insist on listening to vinyl records rather than CDs or MP3s, since these are analogical imprints that retain much of the subliminal energy that digital music eliminates. Similarly, orderly brain patterns are not always a sign of good health, but rather may be a sign of pathology. Noise thus appears to be endemic to how human beings must experience and process the world.

Reading/writing is also both an analog and digital process. The letters of the alphabet may have once been strongly analogical in character, since they were originally based in part on logographic signs (Egyptian hieroglyphs) representing an ox, a house, and so forth, but they no longer retain any connection in form with the agricultural world of the ancient Near East. As Olson and Lessig argue, robust writing is a form of sampling or quoting oneself; it is a form of sampling thought. Thought can come in a variety of chunks: the sentence, the paragraph, the *sugya*, the tweet.

The Talmud and the Internet especially represent hybrid forms of analog and digital, which allow them to take full advantage of the technique of sampling. Recent inventions—in particular the production of smaller and smaller transistors, which allow for faster manipulation of 0s and 1s—are what enable the Internet and modern computing technologies to take off in the way Lessig describes. Digital representations, unlike analog ones, can be broken down into pieces and numerically manipulated, making them much more easily and efficiently transmitted. Lessig calls this “nature remade,” for “with the introduction of digital tokens of RO [read-only] culture and, more important, with the widespread availability of technologies that could manipulate digital tokens of RO culture, digital technology removed the constraints that had bound culture to particular analog tokens of RO culture.”⁷⁹ The analog format protected cultural representations from being copied because copying was difficult and time consuming, if not impossible, while digital technologies now make such copying ubiquitous.

Writing has often been accused of being too digital in a sense, because much of the richness, context, and even noise of spoken language is lost in the writing process. If this is true, both the Internet and the Talmud are attempts to retain the noise of oral life. Sampling is the central way that they do so. As noted, sampling is the basic

⁷⁹ Lessig, *Remix*, 38.

component of analog information processing between levels. In the case of the Babylonian Talmud, because it moves through the medium of whole samples, whole quotations, it retains analogical noise that would be lost in a digital format. The samples themselves do not contain any essential digital code or “magic language,” for interpretation is not a matter of 0s and 1s, but of the spaces between. This is what makes the Talmud so earthy, mundane, pragmatic, and parabolic. It retains the semantic noise of human conversation and fellowship. The Talmud thus has always been a way of retaining analog feelings in context of the new digitality of writing.