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Stealth Stamma: Queer Time and Affect in the Babylonian Talmud

by

Elya Zissel Piazza

A dissertation submitted in partial satisfaction of the
requirements for the degree of

Doctor of Philosophy

in

Near Eastern Studies

and the Designated Emphasis

in

Jewish Studies

and the Designated Emphasis

in

Women, Gender, and Sexuality

in the

Graduate Division

of the

University of California, Berkeley

Committee in Charge:
Professor Daniel Boyarin, Chair
Professor Chana Kronfeld
Professor Susan Schweik
Professor Naomi Seidman

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Abstract

Stealth Stamma: Queer Time and Affect in the Babylonian Talmud

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Elya Zissel Piazza

Doctor of Philosophy in Near Eastern Studies

Designated Emphasis in Jewish Studies

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Stealth Stamma: Queer Time and Affect in the Babylonian Talmud uses queer theory to tease out overlooked aspects of the Babylonian Talmud, shedding light on specific discursive impulses for meaning-making and, especially, subversion of Torah law. The queer Talmudic methods I draw out and discuss are the *stamma*'s stealth argumentation, a non-linear orientation to temporality, and the use of affective interruption for complicating the discourse. I argue that, in turn, the Talmud and its methods can serve as a cultural case study useful to queer theorists via the practice of discursive subversion as a response to oppressive power structures. Alongside textual analysis and theory, I also incorporate autoethnography toward a reading of Talmud that is queerly embodied and a reading of queer that is, in part, constituted by my deviant relationship to the Talmud. I argue that the interpretive possibilities for understanding this critical cultural text can only be expanded by upending the exclusivity that has defined Talmud study for centuries.

The dissertation is comprised of an introduction, three chapters, and an epilogue. My introduction first lays the foundation for my usage of the term "queer" throughout the dissertation and the ways that it is and is not bound to identity. Then, I argue that queer readings of Talmud must strive to attune to the pre-institutional charismatic impulses that characterized the rabbinic project before the Talmud's cultural ascendance and canonization. Chapter 1, "Stealth Subversion in the Talmud: The Case for Queer Readership," utilizes queer theories about visibility, performativity, and especially, the trans notion of "stealth" in order to construct a model queer Talmud reader whose orientation to vulnerability and attunement to the stakes of visibility make them more sensitive to the radical "stealth" innovations being made in the *stamma*'s construction of the discourse. Chapter 2, "The Talmud as Queer Archive: Claiming Power through Discourse," uses theories of queer historiography and queer temporality to look at the Talmud's orientation to time and history, arguing that alternative relationships to time, such as non-linear, nonbiological inheritance and inter-generational dialogue, are themselves queer expressions of resistance, comprising a particular discursive strategy for undermining hegemonic power structures whose authority and legitimacy are endowed by a particular imagined past. Chapter 3, "Affective Pedagogy and Discursive Prosthesis in the Bavli," looks at one strategy in

the Talmud that I term the "affective interrupter," as an overlooked method for meaning-making that interrupts a more “objective,” detached discourse in favor of a more holistic approach accounting for the lived consequences of the topic at hand and the insufficiency of reason and language alone to account for the whole of human experience. The discussion in this chapter is organized primarily around Talmudic excerpts related to disability, as affective interruption is a Talmudic pattern that in some cases interferes with ableist discussions, and it is in these cases that affective interruption holds the most liberatory potential for subversive readings. I discuss the Talmud’s use of disability as a kind of "discursive prosthesis" that pushes argumentation forward but which neglects the lived experiences of disabled people and the impacts of Talmudic legal discourse on the lives of disabled people. The Epilogue zooms out to argue that subverting discourse evolved as a method extracted from the Talmud to become a characteristically Jewish way of responding to unjust power structures.

פֿאַר אַלעמען וואָס שאַפֿן יושר, צדק, שלום און שבת, אין זכות פֿון די אורעלטערן.

Contents

Acknowledgments iii

Introduction: The Talmud’s Queer (Re)Turn 1

Chapter 1: Stealth Subversion in the Talmud: The Case for Queer Readership 24

Chapter 2: The Talmud as Queer Archive: Claiming Power through Discourse 55

Chapter 3: Affective Pedagogy and Discursive Prosthesis in the Bavli 89

Epilogue 116

Bibliography 124

Glossary of Hebrew, Aramaic, Yiddish terms 135

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I came to Berkeley to pursue a Jewish Studies that was liberatory. I spent my first weeks in California protesting white supremacy and it was by sharing in a culture of resistance that I found my people. So here goes: a painfully insufficient and incomplete acknowledgement and expression of profound gratitude to my family.

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Introduction
The Talmud's Queer (Re)Turn

The Babylonian Talmud[1] has perhaps been the most influential text in Jewish history, arguably more authoritative than the Hebrew Bible. Barry Wimpfheimer has shown that "the Talmud" can refer to any of three degrees of significance: the "essential Talmud," meaning the tractates of Mishna and Gemara themselves that together make up the Talmud; the "enhanced Talmud" which is the Talmud itself along with its many commentaries and the vast rabbinic literatures that emerged from it; or the "emblematic Talmud" which refers to the Talmud's role as a symbol for Jewish life, culture, and people throughout time and space.[2] Wimpfheimer's is a useful framework because while I will be almost exclusively engaging with the essential Talmud, an awareness of the enhanced and emblematic Talmuds helps to impart a sense of the weight and stakes of engagement with this text for the broader body of literature and the millennia-old Jewish culture the Talmud has come to symbolize. Yet, for most of Jewish history, study of this defining and monumental Talmud has been reserved for a small number of elite Jewish men.

In this introduction I lay the foundation for my usage of the term "queer" throughout the dissertation and the ways that it is and is not bound to identity. Then, I argue that queer readings of Talmud must strive to attune to the pre-institutional charismatic impulses that characterized the rabbinic project before the Talmud's cultural ascendance and canonization. I argue that the institutionalization of rabbinic Judaism that began at the earliest in the Geonic period established certain interpretive norms that were more conservative than those on display in the Talmud itself. At the same time, this institutionalization established the yeshiva as a core site of cultural production that would continue to exclude social "others" including women and queer people for over a millennium and thus severely limit the interpretive possibilities that can only once again be unlocked through expanding access to Talmudic study to the marginalized.

Queer people, who inherit queer culture through non-biological kinship structures, often feel rejected by the cultures they inherit biologically, including Jewish culture. By situating Talmudic discourse in a queer theoretical framework and showing its radical methods of subversion and empowerment of the marginalized—in contrast to the more common image of Talmudic culture as patriarchal and heterosexist—I hope to make the case that queer and otherwise marginalized people can be ideal readers of the Talmud as well as crucial stakeholders in Jewish discursive tradition. The term "queer" is itself an expression of discursive resistance, evading precise definition and speaking into being an epistemic advantage. Similarly, subversive Talmudic discourse rests on its ability to obscure its true project from critics who would focus on a situated argument rather than on the mechanisms for ongoing subversion on display. For communities historically marginalized within Jewish culture, the process of queering Jewish thought and the findings that emerge from this interpretive work can foster a sense of ownership over a tradition that has been either wrongfully withheld or, worse, weaponized against social outcasts.

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[1] In this dissertation, "the Talmud" always refers to the Babylonian Talmud (Talmud Bavli) rather than its Palestinian sister text (Talmud Yerushalmi). I use Babylonian Talmud, Talmud, and Bavli interchangeably. Likewise, throughout the dissertation, I use sages, rabbis, and ChaZaL interchangeably. ChaZaL is a traditional term, an acronym transliterated from Hebrew which stands for "Our sages of blessed memory." At times, I will note whether I am referring to specific generations of sages by using terms, such as *tanna, amora,* and *stamma.* I would like to direct the reader's attention to the glossary which includes all foreign terms I use. For bibliographic information on specific named sages, see Shulamis Frieman, *Who's Who in the Talmud* (Northvale, NJ: Jason Aronson, 1995).

[2] Barry Scott Wimpfheimer, *The Talmud: A Biography* (Princeton, Oxford: Princeton University Press, 2018).

Over the past decade, "queer Talmud" has become a growing phenomenon. Indeed, my first serious experience studying Talmud took place at "Queer Talmud Camp," a program run by SVARA: A Traditionally Radical Yeshiva. SVARA is a queer-normative Jewish educational organization founded in 2003 devoted to rigorous, radically accessible Talmud study, which now serves thousands of learners annually. This queer gravitation to Talmud may be in intuitive to some, but it is incomprehensible to others. This project probes the question: what makes Talmud study, of all things, so seductive to queer people? And with that: what can Talmud study offer queer people after so many centuries of exclusion? What features of Talmud resonate as queer?

Stealth Stamma: Queer Time and Affect in the Babylonian Talmud explores how queer and trans epistemologies reveal discursive trends characteristic of the Babylonian Talmud that challenge normative conceptions of rabbinic culture as necessarily patriarchal and exclusionary rather than subversive and liberatory. This way of reading has vast implications for the centering of marginalized people in Jewish spaces. I use queer and trans theory, close reading, and auto-ethnography to draw out under-examined patterns in Talmudic discourse, displaying a queer Talmudic sensibility. The Talmud, read as queer text, is a source of interpretive methods proven to be historically impactful in fundamentally rewriting cultural norms. The phrase "Stealth *Stamma*" alludes to the choice and ability of some trans people to "pass" as cisgender, that is, to be "stealth" in response to considerations vis-á-vis safety and visibility, which may or may not conflict with one's values and identity. In my first chapter, I suggest that the anonymous generations of Talmud redactors, collectively referred to as the "*stamma,*" (literally, the unnamed) can also be understood through this cultural phenomenon. That is, by making discursively "stealth" interventions which at times attempt to pass as an historically established authority (such as an adjacently cited rabbi or even a product of the reader's own reasoning), the *stamma* demonstrates a similar preoccupation with considerations of visibility, cultural legitimacy, and core values. *Stealth Stamma* examines three domains of queer and trans experience: visibility and "stealth" in Chapter 1, queer historiography and temporality in Chapter 2, and queer affect theory in Chapter 3, showing how each illuminates Talmudic trends which have been neglected by historically cis-heteronormative patriarchal cultures of Jewish learning.

Queer is the defining methodology for my encounters here with the Talmud. As the term "queer" remains an inherently destabilizing framework, I will devote some time now to interrogating its usage and relevance for this study, using a combination of auto-ethnography and queer theory literature. I must take my own body as the starting point. While I hold many markers of identity that contribute to my own self-concept (trans, Yiddishist, anti-Zionist, performer, lover boy, faggot, dyke, Jew) none have been more meaningful and dear to me than queer. In fact, it often feels as though it was my queerness that made way for all the other facets of my identity to take shape. Following the example of many scholars of minority studies before me who have shared Alan Sinfield's position that "intellectuals should work in their own subcultural constituencies,"[3] I situate most of my observations in this work, as well as in general, as products of my lived experience, influenced by many factors, but in my mind, most profoundly shaped by my queerness and my commitment to striving toward the as-yet-unrealized potential of queer.[4] Queer is essential because it allows me to situate my inquiries in my own context, a scholarly imperative still too often neglected. In this way, I follow Dipesh Chakrabarty's notion of "affective history," which rejects purely intellectual inquiries into the past that fail to sufficiently situate thought within the particular life-situations in which it emerges.[5] Affective history requires attention and care paid to difference and diversity, where lives are "porous to one another [but not] exchangeable."[6] In my treatment of the Talmud, I recognize both the profound overlap between my cultural attachments and those espoused in Talmudic culture, in addition to the spaces of painful incongruence, all the while remaining firmly planted in my particular motivations of the present.

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[3] Alan Sinfield, *Cultural Politics—Queer Reading*, University of Pennsylvania Press New Cultural Studies (Philadelphia: University of Pennsylvania Press, 1994), x.

Moreover, situating my work as queer positions it squarely within the lineage of those queer thinkers who taught me and shaped the thinking that led to this work: queer theorists who gave language and meaning to my experience, the queer teachers I found at SVARA, in my community, growing up at Camp Kinderland, studying at UC Berkeley, and in the streets opposing injustice. While there is considerable difficulty in making legible my usage of queer primarily as an analytical framework, this challenge hardly interferes with my conviction that a queer framing remains the most apt way both to cite the influences to which I am indebted and to accurately invoke what drives my interpretive conclusions. On the contrary, illegibility is one of the greatest potentialities of queer as a political force in addition to being particularly useful for the study of Talmud, which strategically makes meaning through a continuous and playful dance between what is legible and that which remains elusive, stealthily resisting or subverting language and definition.

Judith Butler's foundational contribution to queer theory[7] in the framework of gender performativity made way for another way of understanding queer illegibility. The performativity of identity reveals the instability of any given category of identity. Everyone performs identity imperfectly; to the extent that we achieve coherence and legibility in one area, we are given to fail to meet expectations for identity performance in another, as the artificial compartmentalization of identity means that intersectionality necessarily detracts from the ideal performance of a given identity marker. According to Tyler Bradway and E. L. McCallum, "our identity performances may not be compatible with one another, producing disturbances in one's social intelligibility that might be called . . . queer."[8] But opportunities for agency and subversion within that failure to achieve coherence are where the real potential of queer lies as a disruptive and liberatory agenda.

> While queer is a glitch in the matrix – a disturbance in how smoothly one's cultural or social intelligibility operates – it can also be a skillful subversion of intelligibility. Through irony, parody, camp, and other deployments of language, some people queer

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[4] Here I allude to Muñoz's assertion in response to Edelman's *No Future* that "queer is not here yet." See José Esteban Muñoz, *Cruising Utopia: The Then and There of Queer Futurity* (New York: NYU Press, 2009).

[5] See Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference*, Revised edition (Princeton: Princeton University Press, 2007).

[6] Chakrabarty, *Provincializing Europe*, 72.

[7] Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, Thinking Gender (New York: Routledge, 1990).

[8] Tyler Bradway and E. L. McCallum, *After Queer Studies: Literature, Theory and Sexuality in the 21st Century*, After Series (Cambridge: Cambridge University Press, 2019), 3.

> identities and other social practices. Queer marks an opportunity for reinterpretation. In this sense, queer is not an identity, a thing, or an entity but an activity. Queer names a practice, an approach, a way of relating.[9]

As a practice, queer reclaims unintelligibility and exaggerates and appropriates that incoherence towards intentional disruption and subversion of social assumptions and hierarchies. In that sense, the very supposition that there is something queer about the Talmud is itself a most flamboyant queer cultural act. In other words, queer is the intellectual and affective force driving this project; while the conclusions herein are not only accessible to people who identify as queer, I find it important to express my findings using explicitly queer language in order to situate my work within the tradition of campy, exaggerated queer subversion that characterizes queer cultural production. This should not be taken as exclusive or overreaching; I hope to demonstrate in this introduction that my usage of queer clings most tightly to a set of social and political values.

The illegibility that attends queerness, alongside the queer "refusal to choose between aesthetics and politics"[10] has led to a natural affinity between queer theory and literary studies.[11] In addition to the search for representation in literature and culture, queer theory has interrogated the very rules of literary interpretation itself. Hanna Kubowitz has adapted Wolfgang Iser's model of an abstract implied reader[12] to account for the inherent biases that abstractions of identity make possible, arguing instead that we consider the concrete features of the supposed default reader of most cultural objects, including, crucially, heterosexuality.[13] Informed by a cultural materialist approach that sees all "texts as inseparable from the conditions of their production and reception in history,"[14] queer reading has the potential to redirect the political significance of the textual object.[15] By engaging in queer and subcultural reading practices, we can not only uncover queer elements already present below the surface, but, more powerfully, we can redefine how meaning is made in such a way that again undermines the social norms of stratification and subjugation. Citing Kevin Ohi's *Dead Letters Sent: Queer Literary Transmission*,[16] McCallum and Bradway summarize,

> As Ohi argues, literature's failures to cohere – its ruptures in meaning, its thwarted moments of understanding – are the place where it preserves and transmits queerness as potentiality…Ohi reframes "queer theory as a mode of literary reading" and identifies close reading as a queer mode to "access the potentiality of a literary work – not to settle it, once and for all, in a meaning that masters it, but to rewrite it, perpetually."[17]

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[9] Bradway and McCallum, *After Queer Studies*, 3.

[10] Bradway and McCallum, *After Queer Studies*, 10.

[11] Bradway and McCallum, *After Queer Studies*, 9–10.

[12] Wolfgang Iser, *The Implied Reader: Patterns of Communication in Prose Fiction from Bunyan to Beckett* (Baltimore: Johns Hopkins University Press, 1974).

[13] Hanna Kubowitz, "The Default Reader and a Model of Queer Reading and Writing Strategies Or: Obituary for the Implied Reader," *Style* 46, no. 2 (2012): 201–28.

[14] Sinfield, *Cultural Politics*, viii.

[15] Sinfield, *Cultural Politics*, x.

[16] Kevin Ohi, *Dead Letters Sent: Queer Literary Transmission* (Minneapolis: University of Minnesota Press, 2015). Cited in Bradway and McCallum, *After Queer Studies.*

[17] Bradway and McCallum, *After Queer Studies*, 10.

Interestingly, David Kraemer characterizes the Talmud reader's crucial task of meaning-making similarly, albeit without the queer terminology, highlighting first the reliance of the Talmud on the reader in order to make meaning. This is of course true of all literature but is particularly apparent in the Talmud where the text's "ruptures" can come in such imposing forms such as an ellipsis wherein the reader is literally tasked with finishing a sentence. Crucially, Kraemer asserts that this process of meaning-making is indeed, a process "of how the reader-text dialogue proceeds over time."[18]

Taking seriously the intimate relationship between queer theory and literary criticism raises the question: to what extent can the Talmud be read in this context as literature? Aryeh Cohen has argued that it is precisely the ruptures in the Talmud—in its argumentation, logic, stylistic norms and patterns, tropes, and syntactical themes—that call for literary readings. These ruptures and instances of establishing and then diverging from discursive norms in the Babylonian Talmud have fueled later commentaries, debates, and ultimately the proliferation of rabbinic literature. Reading the Talmud as literature offers an opportunity to tend to aspects of Talmudic discourse that have been neglected; for the anonymous redactor(s) of the Talmud referred to as the *stamma* chose to include material that is legally insignificant or irrelevant and to take that choice seriously means to consider the literary significance of these ruptures.[19] I rely on this impulse heavily in the chapters that follow in my discussions of the Talmudic phenomenon I refer to as the "affective interrupter."

Just as anachronism is a constant paranoia when applying queer to historical texts and phenomena, so too must one be careful not to excessively ascribe modern assumptions about what necessary features constitute literature to a historical text which has such a fluid relationship to genre and form. In their introduction to *The Cambridge Companion to the Talmud and Rabbinic Literature*, Charlotte Fonrobert and Martin Jaffee problematize the term "rabbinic literature," demonstrating that in the time of the composition of what is now known as rabbinic literature, the term "rabbi" was a broadly used honorific that did not denote a particular social role as it does in a modern context; not only that, the designation "literature" evokes early modern scholarly associations that the study of literature is a study of human creativity and originality, whereas "the producers of 'rabbinic literature saw their knowledge as 'Torah'…it was inconceivable to compare any Torah – written or oral – to anything so mundane as human creativity in communicating law, lore, and, indeed, laughs by means of the written word."[20] Still, this has no bearing on whether or not the Babylonian Talmud is a legitimate object of literary inquiry; it most certainly is. But part of the queer work of the Talmud is that in the very act of questioning whether or not it can be contained by a stable, legible framework such as "literature," we are challenged rather to interrogate the limits of the category of literature itself. Perhaps a better formulation emerges following David Kraemer's work on the Talmud as literature. Kraemer looks to several definitions of literature and explores their applicability to the Talmud before asserting that the question of whether or not the Talmud is literature is less useful than the question of what constitutes literary reading, and how the text makes meaning in light of such reading strategies. The Talmud is literature by nature of its being read through a literary lens.[21] The same can be said of queer readings; however inflammatory it may be to claim the Talmud as a queer text, the nature of the claim simply speaks to the ways that the Talmud makes queer meaning when read queerly, and this dissertation experiments with various methods of queer reading.

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[18] David Kraemer, *Reading the Rabbis: The Talmud as Literature* (New York/Oxford: Oxford University Press, 1996), 16.

[19] Aryeh Cohen, *Rereading Talmud: Gender, Law, and the Poetics of Sugyot*, Brown Judaic Studies, No. 318 (Scholars Press, 1998).

[20] Charlotte Elisheva Fonrobert and Martin S. Jaffee, "Introduction: The Talmud, Rabbinic Literature, and Jewish Culture," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee (Cambridge University Press, 2007), 3–5.

Moreover, the early contributions of medievalists to queer theory and queer reading practices show the usefulness of queer theory to historical artifacts as much as modern ones.[22] Michael Warner asserts that "the theoretical problem of coordinating the local and the global is also a political problem" when discussing the import of queer theory to postcolonial studies, where sensitivity is required to attune to the differences in sexualities and the gendering and sexing of bodies in different contexts. Still, it is politically useful to strive towards broad coalitions while being careful not to privilege dominant assumptions, taxonomies and epistemologies. The same care required when expanding a local framework to a global circumstance must be brought to bear when engaging modern concepts in pre-modern historical contexts. For queer readings of Talmud to occur, we must be capable of expanding both our notions of queer beyond stable gender and sexual identity categories as well as our ideas about genre—being careful not to ascribe modern categories of history, law, exegesis, narrative or myth to the Talmud in ways that limit our abilities to examine the multifaceted and fluid nature of a given passage. Whether or not one designates the Talmud as literature or as literary, it is not merely as worthy an object of queer reading as any other writerly text; on the contrary, it has some features that make it particularly well-suited to queer readings.

Indeed, the question of how the Babylonian Talmud is a queer text is one apt way of framing the investigations undertaken in this project as a whole. My chapters correlate themes such as queer visibility, queer temporality, and queer affect with the logics that shape the Talmud. In addition, the tradition of Talmud study is a particularly embodied tradition in ways that contrast with modern associations with text, reading and intellectual engagement and which therefore highlight the interpretive relevance of queer desire, affect, and vulnerability. This aspect of embodiment alone situates the Talmud as a queer text insofar as it incorporates what McCallum and Bradway have described as a "thinking – which might seem to be disembodied – [as] inherently a bodily practice."[23] This has led to such scholarly innovations as Shlomo Gleibman's "text model of queer desire,"[24] a formulation of the particular erotics that characterize the Jewish yeshiva, wherein queer desire and even queer practice can be positioned as a "form of Jewish exegetical practice, as a type of reading and learning…an enactment of the interpretive possibilities of the Torah."[25] Gleibman relies upon a model of queer eroticism that does not require (nor preclude the transgressive possibility of) sexual activity, penetration, or even explicit expression, but rather offers a model of Jewish intellectual homoeroticism that engages the senses and "resists dominant binary discourses by arranging the sexual and the affective, the erotic and the religious as a Jewish queer continuum."[26]

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[21] Kraemer, *Reading the Rabbis*, 7–9.

[22] See, for example, Carolyn Dinshaw, *Getting Medieval: Sexualities and Communities, Pre- and Postmodern* (Durham: Duke University Press, 1999); Carolyn Dinshaw, *Chaucer's Sexual Poetics* (Madison: University of Wisconsin Press, 1989); Simon Gaunt, *Gender and Genre in Medieval French Literature* (Cambridge/New York: Cambridge University Press, 1995).

[23] Bradway and McCallum, *After Queer Studies*, 3.

[24] Shlomo Gleibman, "The Jewish Queer Continuum in Yeshiva Narratives," *Shofar (West Lafayette, Ind.)* 35, no. 3 (2017): 3.

[25] Gleibman, "The Jewish Queer Continuum," 15–20.

Daniel Boyarin has enumerated some of the instances in which the Talmud positions the Torah as the female object of male sexuality, where study stands in for sex, and where the homoerotic desire between male study partners (a relationship which is figured in some cases as analogous to a same-sex marriage) is mediated through intellectual engagement with Torah.[27] The social site of the yeshiva with its norms of physical engagement, as well as the practice of learning Torah in intimate partnership known as *chavruta* condition the homoerotic potential of Jewish intellectual culture. Taking the practice of *chavruta* as a case study, we see a model of textual engagement that is intimately relational, highly charged sexually, and deeply embodied.[28] Regardless of the sexual identities or practices of any of the historical readers of Talmud, the Jewish textual culture was part of a system that functioned, in Naomi Seidman's words, "according to a bisexual distribution of sexual energies, combining a partially eroticized homosocial sphere with a partially de-eroticized heteronormative sphere."[29] This bisexuality is further underscored when we recall the male God of the Hebrew Bible. In Torah, the love between God and Israel is often figured erotically.[30] Thus, the homoerotic challenge to Jewish masculinity could be seen as having even predated the Rabbinic movement. Against this Biblical backdrop, conceiving of Torah as female may have been a corrective, heterosexualizing impulse.

Of course, because of the male homosociality and exclusivity of the *yeshiva,* queer readings of Jewish textual culture remain incomplete and unsatisfying to the extent that they too exclude women and other gender and sexual others. Yet, this does not to diminish the significance of the interventions by Boyarin, Gleibman and others; on the contrary, they have been influential in attracting a more diverse group of queer people to Talmud study, paving the way for more expansive and inclusive queerings of Jewish text culture.

Still, queer must maintain some specific linkage to those phenomena which stand in one way or another in opposition to heteronormativity. But this requisite feature goes far beyond a simple umbrella term for LGBT(Q)IA. While my deviant gender(s) and sexualit(ies) are in some way implicated in my queerness, I believe that one of the main demands of queer theory and politics is to disentangle queer from gender and sexual identities per se. The ways I describe my gender and sexuality, for example, are vague and non-static; to me, the terms I may use are not all that important. However, my queerness conditions all that I see and do. After all, I have for much of my life and in many contexts felt profoundly misunderstood. In the Talmudic context, as in no other, queer has given me permission to find meaning in misunderstanding; it has allowed me to understand myself without having to lay bare for others that understanding in translations that feel incommensurable with the origins of my thoughts, words, performances and actions.

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[26] Gleibman, "The Jewish Queer Continuum," 1.

[27] See Daniel Boyarin, "Homotopia: The Feminized Jewish Man and the Lives of Women in Late Antiquity," *Differences: A Journal of Feminist Cultural Studies* 7, no. 2 (1995): 41–81; Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture*, Revised edition (Berkeley: University of California Press, 1995); Daniel Boyarin, *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man* (Berkeley: University of California Press, 1997).

[28] See Gleibman, "The Queer Jewish Continuum;" Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Philadelphia: Jewish Publication Society, 1998); Elie Holzer and Orit Kent, *A Philosophy of Havruta: Understanding and Teaching the Art of Text Study in Pairs* (Boston: Academic Studies Press, 2013). For rabbinic discussions of *chavruta*, see BT Berakhot 63b, BT Ta'anit 7a, BT Ta'anit 23a, BT Yevamot 62b, Avot 1:6, and Avot de Rabbi Natan 8:3.

[29] Naomi Seidman, "Reading 'Queer' Ashkenaz: This Time from East to West," *TDR: Drama Review* 55, no. 3 (2011): 53.

[30] See Howard Eilberg-Schwartz, *God's Phallus and Other Problems for Men and Monotheism* (Boston: Beacon Press, 1994).

As I write this, I feel hesitant to get to the point I feel must be made of de-essentializing queerness as inherently bound to those deviant LGBT(Q)IA sexualities and genders. In a society that is still so intent on dehumanizing difference, it feels risky to evacuate queer of its sexual and gender specificity. This fear has attended queer studies since its conception. In 1994, Eric Savoy lamented "queer theory without homosexuals."[31] Moreover, I do not wish to alienate my work from the very lineage I wish to honor and appeal to. That lineage of deviance from heteronormativity is operative in broader political conceptions of queer insofar as queer critique emerges naturally from queer experience. As early as 1991, Michael Warner had already carefully charted this inevitable trajectory:

> 1) from the most everyday and vulgar moments of gay politics to its most developed theoretical language, a major obstacle is the intrication of the sexual order with a wide range of institutions and social ideology, so that to challenge the sexual order is sooner or later to encounter those other institutions as problems; 2) most broadly, there are very general social crises that can only be understood from a position critical of the sexual order; 3) many of the specific environments in which lesbian and gay politics arises has not been adequately theorized and continue to act as unrecognized constraints; 4) concepts and themes of social theory that might be pressed to this purpose are in fact useless or worse because they embed a heteronormative understanding of society; and 5) in many areas a new style of politics has been pioneered by lesbians and gays, little understood outside of queer circles … Every person who comes to a queer self-understanding knows in one way or another that her stigmatization is intricated with gender, with the family, with notions of individual freedom, the state, public speech, consumption and desire, nature and culture, maturation, reproductive politics, racial and national fantasy, class identity, truth and trust, censorship, intimate life and social display, terror and violence, healthcare, and deep cultural norms about the bearing of the body. Being queer means fighting about these issues all the time, locally and piecemeal but always with consequences. It means being able, more or less articulately, to challenge the common understanding of what gender difference mean or what the state is for, or what "health" entails, or what would define fairness, or what a good relation to the planet's environment would be. Queers do a kind of practical social reflection just in finding ways of being queer. (Alternatively, many people invest the better parts of their lives to avoid such a self-understanding and the social reflection it would imply.) [32]

While resistance to these many areas of social domination emerges from LGBT(Q)IA experience, it can hardly be reserved for those who identify as sexually "other." Although I am reluctant to make my usage of queer so broad as to invite the popular critique that "queer comes to be used in seemingly undisciplined ways,"[33] I feel certain a better way to conceive of queer's relationship to gender and sexuality is pointing to the overwhelming *overlap* among these constituencies, rather than clinging to their co-constitutive *definition*. Indeed, it seems clear that a non-binary Jewish pervert is more likely to relate to the illustrations of the Talmud that follow, but *more likely* is the key qualification: "While a marginal identity undoubtedly increases the prospects of shared consciousness, only an articulation and commitment to mutual support can truly be the test of unity when pursuing transformational politics."[34] Taking an etymological approach to the term, Sedgwick emphasizes that "queer" is nothing if not transitive. "The immemorial current that *queer* represents is antiseparatist as it is antiassimilationist."[35] So, who am I to refuse a reader compelled to move through the world subverting power and queering normativity, simply because she has not engaged in homosexual sex? Likewise, mustn't queer also remain in opposition to the homonormativity and homonationalism that gives way to pinkwashing, neoliberal imperialism, and the capitalist appropriation and depoliticization of Pride?[36] For this reason, queer activists have long acknowledged the presence of "straight queers."[37] I refuse to give up on the possibility that everyone can be moved toward queerness through encounters with the destabilizing force of queer reading practices.

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[31] Eric Savoy, "You Can't Go Homo Again: Queer Theory and the Foreclosure of Gay Studies," *ESC: English Studies in Canada* 20, no. 2 (1994): 150.

[32] Michael Warner, "Introduction: Fear of a Queer Planet," *Social Text*, no. 29 (1991): 5–6.

[33] Bradway and McCallum, *After Queer Studies,* 6.

In the public discourse around LGBTQIA identity, I hold the privileged position of having been very obviously a gender-fucker practically from birth. Nevertheless, I believe wholeheartedly in the socially constructed nature of gender and sexuality. Desirability itself is governed by media and culture and is therefore always historically specific and dependent on cultural attitudes regarding race, class, gender, body size, and ability. On an individual level, attraction changes over the course of one's life, very often as a result of being intellectually introduced to new paradigms. Part of me believes, then, that political education, done right, has the potential in theory to make the whole world queer, whether or not we all come to participate in homosexual intercourse.

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[34] Cathy J. Cohen, "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?," *GLQ: A Journal of Lesbian and Gay Studies* 3, no. 4 (May 1, 1997): 462.

[35] Eve Kosofsky Sedgwick, *Tendencies*, (Durham: Duke University Press, 1993), xii.

[36] On homonationalism and pinkwashing see Jasbir Puar, "Citation and Censure: Pinkwashing and the Sexual Politics of Talking about Israel," in *The Imperial University: Academic Repression and Scholarly Dissent*, ed. Piya Chatterjee and Sunaina Maira (Minneapolis: University of Minnesota Press, 2014), 281–298; Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times*, Next Wave (Durham: Duke University Press, 2007); Jasbir Puar, "Rethinking Homonationalism," *International Journal of Middle East Studies* 45, no. 02 (May 2013): 336–39; Ghaith Hilal, "Eight Questions Palestinian Queers Are Tired of Hearing," *The Electronic Intifada*, November 27, 2013, https://electronicintifada.net/content/eight-questions-palestinian-queers-are-tired-hearing/12951; Aeyal Gross, "Israeli GLBT Politics between Queerness and Homonationalism," Blog, *Bully Bloggers* (blog), July 3, 2010, https://bullybloggers.wordpress.com/2010/07/03/israeli-glbt-politics-between-queerness-and-homonationalism/.

To connect this discussion to current events, see the disturbing photographs posted by the Israel Foreign Affairs Ministry X account on November 13, 2023, depicting "The first ever pride flag raised in Gaza." One photo depicts an IDF soldier standing amidst rubble in Gaza holding a large rainbow flag upon which is written "In the Name of Love." The second photo depicts an IDF soldier with a large modified Israeli flag that has replaced the typical blue stripes with rainbows. Behind him is an IDF tank. On November 13, 2023, the IDF had killed over 11,000 civilians in Gaza since October 7th. As I write this, that number has surpassed 34,000. Meanwhile, people of conscience around the world wonder how many murders of people—queer, straight, infant, elderly, journalist, artist, aid worker, doctor—can be perpetrated under the false and disgusting pretense, "in the name of love." See Israel ישראל IL [@Israel], "The First Ever Pride Flag Raised in Gaza 🏳️‍🌈 Yoav Atzmoni Who Is a Member of the LGBTQ+ Community Wanted to Send a Message of Hope to the People of Gaza Living under Hamas Brutality. His Intention Was to Raise the First Pride Flag in Gaza as a Call for Peace and Freedom. 📸… Https://T.Co/0l0QAO35Jv," Tweet, *Twitter*, November 13, 2023, https://twitter.com/Israel/status/1723971340825186754..

[37] Cohen, "Punks, Bulldaggers, and Welfare Queens," 452.

Image Description: Two photos of the author. On the left, at approximately age 3, author is pictured wearing a Buzz Lightyear costume with a facial expression suggesting confusion, criticism, sarcasm and a bit of anger. On the right, author is pictured at approximately age 7. They are wearing thick black pigtails, long denim shorts and no shirt. They are biting their lower lip and flexing their abs with knees bent forward.

Disability Justice activism has long emphasized the temporary and partial nature of able-bodiedness.[38] All people eventually and repeatedly succumb to disability and illness, and ableism relies on the mass-scale subconscious denial of this fact that demands the distinct "othering" of disabled people. Part of my sense of the interrelatedness of disability justice and queer politics that is on display in this dissertation, particularly in chapter three, stems from the fact that both interventions call for the destabilization of identity categories and the re-valuing of human difference as necessary steps toward dismantling oppression.[39] Indeed, queer politics insists that "sexual expression is something that always entails the possibility of change, movement, redefinition, and subversive performance—from year to year, from partner to partner, from day to day, even from act to act."[40]

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[38] Kafer, *Feminist, Queer, Crip,* 25-26.

[39] For an in-depth discussion of the fluid and contested nature of disabled and crip identity, especially in light of feminist and queer theory, see Alison Kafer, *Feminist, Queer, Crip* (Bloomington, Indiana: Indiana University Press, 2013). Kafer also does important work in this book bringing into conversation queer temporality and futurity with "crip time," further outlining the political potentialities of queer crip intersectionality and solidarity.

[40] Cohen, "Punks, Bulldaggers, and Welfare Queens," 439.

To assert the political necessity of unseating fixed identity categories as the defining features of queerness, I turn to Cathy Cohen's essay "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" Cohen offers a critique of the racism that necessarily characterizes queer spaces that rely too heavily on gay and lesbian identity as a litmus test for membership in the community and articulation of queer political goals. What differentiates, in theory if not in practice, queer from gay or lesbian politics, is its potential to account for intersectionality. As such, it is the opposition of queer politics and theory to "category-based identity politics"[41] that carves out a space for queer to move beyond a civil rights toleration or inclusion-focused orientation to social change (that sees success as, for example, gay participation in the U.S. imperialist military) toward a truly liberatory and holistic antiracist, anticapitalist, disability justice leftist political praxis that sees all systems of oppression and domination as interdependent.[42] Cohen "envision[s] a politics where one's relation to power, and not some homogenized identity, is privileged in determining one's political comrades."[43] After all, "At the intersection of oppression and resistance lies the radical potential of queerness to challenge and bring together all those deemed marginal and all those committed to liberatory politics."[44]

Warner asserts that in order for the potential of queer politics to be realized, queer activists and theorists must adjust to the necessity of "partially disarticulating itself from other kinds of identity politics and, partly, from the frame of identity politics itself."[45] Part of this stems from an understanding that identity-based alliances are a strategic tool to be implemented in specific contexts toward achieving specific political goals; identity politics can become the very weapon of social control we wish to dismantle when they are wrongly clung to as a schema that ought to condition broader social relations. As Joshua Gamson states, "The assumption that stable collective identities are necessary for collective action is turned on its head by queerness, and the question becomes: When and how are stable collective identities necessary for social action and social change? Secure boundaries and stabilized identities are necessary not in general, but in the specific, a point social movement theory seems currently to miss."[46] Therefore, queer politics demand "the destabilization, and not the destruction or abandonment, of identity categories." [47]

Queer recognizes that alliance politics across different identities and experiences of marginalization are necessary albeit not without their own social and theoretical problems. Indeed, "different conditions of power give rise to different strategies that cannot always be made homogenous."[48] There are certain theoretical and political risks that come with overgeneralization of queer politics that relies on a vague shared experience of marginalization without any specificity. These are indeed the "inherent tensions and dilemmas many queer activists currently encounter: how does one implement in real political struggle a decentered political identity that is not constituted by a process of seemingly reductive 'othering'?"[49]

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[41] Cohen, "Punks, Bulldaggers, and Welfare Queens," 440.

[42] Cohen, "Punks, Bulldaggers, and Welfare Queens," 458; Warner, "Fear of a Queer Planet," 16.

[43] Cohen, "Punks, Bulldaggers, and Welfare Queens," 438.

[44] Cohen, "Punks, Bulldaggers, and Welfare Queens," 440.

[45] Warner, "Fear of a Queer Planet," 11.

[46] Joshua Gamson, "Must Identity Movements Self-Destruct? A Queer Dilemma," *Social Problems* 42, no. 3 (1995): 390–407. Cited in Cohen, "Punks, Bulldaggers, and Welfare Queens," 439.

[47] Cohen, "Punks, Bulldaggers, and Welfare Queens," 459.

[48] Warner, "Fear of a Queer Planet," 13.

Yet, Cohen demonstrates the theoretical possibilities that come with attuning to similarities between different marginalized positionalities that are nonetheless similarly conditioned by conceptualizations of sexual normalcy and stigmatization of those who are designated as deviant from it. These cultural definitions are not only built on a heterosexual/homosexual binary opposition; on the contrary, they are inherently and profoundly raced and classed. For this reason, single black mothers on welfare are not just demonized with language pointing to their racial otherness and poverty, but using language that paints those qualities in terms of sexual immorality and the social danger of child grooming.[50] When all social systems of domination are conceived as interdependent, exclusion on the bases of overly-determined identity categories, such as "queer" as in opposition to "straight," threaten to undermine our movements. As the group Queers United Against Straight-Acting Homosexuals wrote in 1993, "Assimilation is killing us…Getting a corporate job, a fierce car and a condo does not protect you from dying of AIDS or getting your head bashed in by neo-Nazis. The myth of assimilation must be shattered…We must learn from the legacy of resistance that is ours: a legacy which shows that empowerment comes through grassroots activism, not mainstream politics, a legacy which shows that real change occurs when we are inclusive, not exclusive."[51]

Queer must then stretch to meet the demands of inclusivity based on a broad understanding of how normativity writ large creates the conditions for oppression across social categories, while also refusing to elide the specificity of experience that comes with particular forms of sexual and gender deviance. One way to address this tension, I argue, is by locating queer theory and politics not in the particular identities that engender them, but in the particular methods of resistance. A relative de-emphasizing of particularistic sexual and sexed experiences in favor of an attachment rather to the particular styles and means of resistance and subversion is implicit in my loyalty to queer as the framework driving my analyses in the chapters that follow. Cohen write: "What seems to make queer activists unique…is their willingness to confront normalizing power by emphasizing and exaggerating their own anti-normative characteristics and non-stable behavior."[52] Eve Kosofsky Sedgwick terms some of these queer tactics "performative identity vernaculars" and locates the preconditions for these creative acts of subversion not in specific identity categories but rather in a range of identities that are constituted by the affect of shame.

> the shame-delineated place of identity doesn't determine the consistency or meaning of that identity, and race, gender, class, sexuality, appearance, and abledness are only a few of the defining social constructions that will crystallize there, developing from this originary affect their particular structures of expression, creativity, pleasure, and struggle. I'd venture that queerness in this sense has, at this historical moment, some definitionally very significant overlap, though a vibrantly elastic and temporally convoluted one, with the complex of attributes today condensed as adult or adolescent "gayness." Everyone

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[49] Cohen, "Punks, Bulldaggers, and Welfare Queens," 448.

[50] Cohen, "Punks, Bulldaggers, and Welfare Queens," 453–457.

[51] Queers United Against Straight-acting Homosexuals. "'Assimilation is Killing Us: Fight for a Queer United Front." WHY I HATED THE MARCH ON WASHINGTON (1993): 4. Quoted in Cohen, "Punks, Bulldaggers, and Welfare Queens," 445.

[52] Cohen, "Punks, Bulldaggers, and Welfare Queens," 439.

> knows that there are some lesbians and gay men who could never count as queer and other people who vibrate to the chord of queer without having much same-sex eroticism, or without routing their same-sex eroticism through the identity labels lesbian or gay. Yet many of the performative identity vernaculars that seem most recognizably "flushed"…with shame consciousness and shame creativity do cluster intimately around lesbian and gay worldly spaces.[53]

Again, we are called here to reject a definitional concept of queer as denoting static LGBT(Q)IA identity in favor of a Venn-diagram conception of queer politics, resistance and creation of culture as that which sometimes, but not always, overlaps with LGBT(Q)IA experience, leaving space of course for the fluidity and instability of each of those acronymic identities. Sedgwick characterizes the "cluster" of experience that produces queer culture as marked by the queer affect of shame. In the context of Talmud interpretation, attention to shame and other affectual resonances is one of the practices that marks queer reading as I demonstrate in my third chapter, "Affective Pedagogy and Discursive Prosthesis in the Bavli."

While some crucial queer interventions into the field of rabbinics have focused on the queer content that appears in the Talmud, and indeed, I gesture at moments to this queer content with regard to sexual and gender deviance, it is rather the methods of Talmudic subversion that I theorize as queer in this dissertation. Before doing so, it is necessary to address the problem of locating and uplifting subversive impulses in relation to hegemonic power as characteristic of a text when the cultural tradition that emerged from that text has, for much of its history, itself been a locus of power and patriarchal domination. I account for this problem by asserting that the very movement of the Babylonian Talmud from marginal cultural sphere to the defining site of Jewish culture necessarily required that the text be evacuated, in theory, of its subversive political potential. That is to say, the Babylonian Talmud's rise to cultural supremacy amongst Jewish in the Geonic period marked, in a major though perhaps not all-encompassing way, the end of its habitual queer reading.

I expect my reader will pick up on an assumption throughout this work that in my years of studying Talmud I have never succeeded in shaking: that queer readings of Talmud are somehow more textually warranted than ones which privilege submissive piety or interpretive conservatism. My biases are no doubt apparent in what follows, and, neither able nor willing to shed them, I choose rather to acknowledge them transparently and ask my reader to temporarily suspend their disbelief so that we may together explore what emerges from a deviant interpretive impulse normally summarily dismissed before even coming to articulation. I believe that the vulnerability that opens a reader to the affective experience of surprise, and the affective expressions of those surprises will allow for a deeper understanding of the Talmudic texts at hand, whether or not the reader comes to agree with my proposed conclusions.

Still, I wish to be diligent in at least establishing as plausible the possibility of queer authenticity in the context of the Babylonian Talmud. I do not dare suppose I can historically recover the Talmud's "true" purpose as subversive, revolutionary text, lost to history and redeemable only by way of hitherto excluded queer readings. I have long learned that the criteria to be taken seriously as a scholar in our time (at least in my trans, rebellious body) require that I restrict myself to only the most modest possible claims based on my research; this is true despite being trained to uplift as the most brilliant thinkers of all time a select group of 19th and 20th century white men who rarely bothered to cite their influences when making sweeping statements about the nature of humanity or the progress of history. If uncovering historical truths is the supreme scholarly value to which all critical thinkers must aspire, over and above ethical, political, spiritual, or other intellectual concerns, the Talmud would be a masochistic choice as the object of study. It teaches us very little about empirical history, and what it does shed light on can hardly ever be corroborated by other sources.[54]

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[53] Eve Kosofsky Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* (Durham: Duke University Press, 2003), 63.

I find it necessary therefore to establish one framing for the Talmud's reception history based on Max Weber's works on charisma and institution building.[55] It is my hope that by offering a plausible argument for the deflation of the Talmud's charisma (as symbolic of rabbinic centrality in Jewish life) in the centuries following its redaction, that space may open to explore what can emerge from a process of queer, creative, interpretive recovery. For however fraught the notion of recovery may be as historiographical method, marked as it is by subjective interests, it remains one of the most powerful and compelling methods of cultural-political intervention. It is for this reason that "queer Talmud" exists as a growing phenomenon, and indeed, why so many cultural-political innovations rest their legitimacy on renewed engagement with historical events and artifacts.

Often framed in opposition to one another, Max Weber's conceptions of charisma and social institution rather posit that the two operate in a complex interdependent dynamic with one another, each ultimately a perpetual condition of all social relations. It is only in moments of rapid or dramatic change, either on a large societal scale, or in the life or lives of an individual or small group, that the distinction between the two becomes most apparent. Social institution, for Weber, is the result an ever-present human impulse toward social order—often toward a better, more just, social order, but order nonetheless. Social institutions necessarily contain groups and individuals with varied goals and whose goals are in part determined by their differential positions in those institutions.[56] The success in establishing a social institution assumes that it has found a way to contain the variations and differences in goals that operate and exchange resources within it, while managing to provide a broader sense of shared meaning or ascription of value that shapes those goals.[57] The social need to tether the organizational functions of the institution to a higher sense of meaning is the function of charisma that is always at play to varying degrees in all social institutions. This charisma carries some reference to the intentions of the agents who helped establish the institutions, but often the institutions are a far cry from the original aspirations of their founders.[58] Social institutions constrict freedom and creativity, which ultimately leads some to experience a sense of alienation.

It is this sense of alienation, experienced by a group within a social institution that gives way to the rise of charismatic movements. Charismatic leaders or groups' ability to gain momentum depends upon the size and rate of widening cracks in an existing social or cultural order; the more instability in a given system, the more people are either susceptible to proposals for new symbols and systems of meaning-making that can provide guidance on behavior and restore a sense of belonging, or given to create these programs themselves. Weber's concept requires some tweaking in order to fit well in the rabbinic context; for example, Weber theorizes charismatic movements as originating from a particular charismatic personality, and one would be hard-pressed to identify a single individual who would have been the originating charismatic leader of rabbinic Judaism. Moreover, Weber suggests that while "traditional authority is bound to the precedents handed down from the past and to this extent is also oriented to rules… charismatic authority repudiates the past, and is in this sense a specifically revolutionary force."[59] However, figurations of the past feature prominently in rabbinic culture in both its most charismatic and institutional iterations. Indeed, it is not the repudiation of the past but rather the refiguration of the past that is so often core to the charismatic rhetoric of revolutionary movements in general. Nevertheless, I would venture to designate the early Talmudic sages a charismatic movement that, over the course of their development and reception, operate in a liminal space between cultural heresy and cultural hegemony; we can trace through the text in a non-linear way an interplay between impulses towards either charismatic destruction of certain institutions on the one hand or routinization and institutionalization on the other, which indicates the unstable influence of rabbinic culture on the broader Jewish community over the course of its development.

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[54] See Seth Schwartz, "The Political Geography of Rabbinic Texts," in *The Cambridge Companion to the Talmud*, 75–96; Isaiah M. Gafni, "The Political, Social, and Economic History of Babylonian Jewry, 224–638 CE," in *The Cambridge History of Judaism*, ed. Steven T. Katz, 1st ed. (Cambridge University Press, 2006), 792–820.

[55] Max Weber, *Max Weber on Charisma and Institution Building: Selected Papers*, ed. S. N. Eisenstadt, The Heritage of Sociology (Chicago: University of Chicago Press, 1968).

[56] S. N. Eisenstadt, "Introduction," in *Max Weber on Charisma and Institution Building: Selected Papers*, The Heritage of Sociology (Chicago: University of Chicago Press, 1968), ix–lvi.

[57] Eisenstadt, "Introduction."

[58] Eisenstadt, "Introduction."

Historically speaking, it is difficult to pinpoint the initial coalescence of the rabbis into a charismatic movement. While the Talmudic rabbis are often imagined to have been responding directly to the destruction of the Second Temple collectively attempting to salvage a post-Temple Judaism, this story must be qualified to account for the fact that the early community of rabbis was very small and lacking in social or political sway.[60] The Mishna, compiled in Palestine in 200 CE, is the earliest concrete evidence that the sages had formed any "self-conscious rabbinic organization."[61] Seth Schwartz claims that the rabbis in the immediate aftermath of 70 CE were more likely drawn together initially by a "shared need for mutual support than in the pursuit of some grand…scheme."[62] Yet, the need for mutual support need not undermine that, even if the rabbis did not at that time see themselves as the redeemers of Jewish culture as it stood at the edge of destruction, by whatever precise time they came together, they at least held some shared commitments amongst themselves and regarding their own express internal practices, including, namely, the belief that the Torah ought to remain central to Jewish life even as its teachings would have to be recast. Over the course of the next roughly seven centuries from the destruction of the Temple until the completion of the Babylonian Talmud and ultimately the formation of Rabbinic Judaism as the predominant Jewish orientation, the rabbis were active under a range of occupying political regimes, across Palestine and Babylonia, through shifts in power, each with their own cultural impacts.[63] In the text of the Bavli itself, the destruction of the Temple certainly looms as the major historical event shaping rabbinic consciousness, and the rabbis tend to present themselves as the successors to previous positions of power in the Jewish community. Yet, it is impossible to know the precise extent to which this consciousness, apparent in the text, was retrojected back onto earlier sages as self-serving lore by later generations.

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[59] Max Weber, *Max Weber on Charisma and Institution Building,* 52.

[60] Schwartz, "Political Geography," 80–82. Schwartz offers an analysis of how Zionist historiography has inflated the account of Jewish political autonomy in the Land of Israel, including exaggerating early rabbinical influence, and strives to set the record straight. See also, Gafni, "The Political, Social, and Economic History of Babylonian Jewry."

[61] Schwartz, "Political Geography," 78. For a discussion of how the rabbis clarified their self-concept in contrast both to external (non-Jewish) and internal "others," see Christine Hayes, "The 'Other' in Rabbinic Literature," in *The Cambridge Companion to the Talmud*, 243–69.

[62] Schwartz, "Political Geography," 77.

In any case, the many generations of sages that are represented in the Talmud were each, to differing extents, responding to a range of socio-political and cultural orders in any given time and place.[64] In all of these settings, the rabbis were a relatively marginal group within the broader Jewish community—though with increasing status in the amoraic (approx. 220-550 CE) and finally stammaitic-savoraic (550-800) periods.[65] It was not until the Geonic period (700-1100) that large rabbinic institutions and yeshiva academies became active.[66] So while we cannot always reconstruct the precise social institutions within which particular rabbinic generations were operating, of greater importance to my study are the explicit institutions to which the rabbis themselves oriented once they did develop a coherent self-concept, as later framed by the *stamma*. That is to say, if we cannot with certainty situate the rabbis in the post-Temple period as consciously responding in real time to the upheaval that came with the destruction of the Temple, we can take seriously that by the rise of Rabbinic Judaism as the mainstream expression of Jewish life, the Babylonian Talmud had already painted a convincing picture of a charismatic rabbinic culture that was consistently (though not exclusively) in conversation with one particular locus of power: Divine power as expressed by the Torah.

For Weber, charisma has within it an innate anti-institutional predisposition. Moreover, because charisma denotes a creative preoccupation with matters of supreme human importance such as the meaning of existence and the origins of creation, it often espouses sacrilegious tendencies—positioned against the sacred as defined by existing social orders.[67] I hope to demonstrate in the chapters that follow that rabbinic creativity is at its pinnacle in the instances of outright destruction of existing Toraitic institutions.

What is most important for our discussion is understanding the ultimate flattening of the charisma of the rabbinic movement as it moves toward institutionalization. The rabbis, obsessed with the rational and practical, extend the rules of substantive rationality to account for the more supernatural or irrational aspects of their worldview.[68] This is part of the routinization of rabbinic charisma. Yet, the moments when the *stamma* neglects to rationalize the irrational, moments I call in this dissertation "affective interrupters" are moments when the charismatic impulse of rabbinic Judaism is most visible. The rabbis' relationship to rationality, and the contradictions therein, simultaneously opens up possibilities for liberatory creativity while also constricting freedoms and demanding routinization. This is the tension that I believe lies at the heart of how we choose to interpret Talmudic culture.

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[63] Gafni, "The Political, Social, and Economic History of Babylonian Jewry."

[64] Gafni, "The Political, Social, and Economic History of Babylonian Jewry."

[65] Jeffrey L. Rubenstein, "Social and Institutional Settings of Rabbinic Literature," in *The Cambridge Companion to the Talmud*, 58–74; Schwartz, "Political Geography," 89–93.

[66] Rubenstein, "Social and Institutional Settings." David Goodblatt, "The History of the Babylonian Academies," in *The Cambridge History of Judaism: Volume 4: The Late Roman-Rabbinic Period*, ed. Steven T. Katz, vol. 4, The Cambridge History of Judaism (Cambridge: Cambridge University Press, 2006), 821–39, https://doi.org/10.1017/CHOL9780521772488.034.

[67] Eisenstadt, "Introduction," xix.

[68] See, e.g. BT Bava Metz'ia 59a-b.

According to Weber, there are a number of factors that lead to the routinization of charisma. Beyond the circumstances of its origination, the survival of an inherently unstable charismatic movement depends on its ability to transform its charismatic character to make way for stability and organization.[69] It does so by fashioning from its abstract components an order that can be adhered to, and by boiling down its values into symbolic processes. One prerequisite is of course acceptance of charismatic leadership by others. Already, by virtue of a movement's popular acceptance and ascension to hegemony in a given community (even a small one), deflation of its charismatic elements ensues. Moreover, when a charismatic group grows in numbers, those responsible for it become afraid of the spread of the creative potential it offers. As such, the "fate of charisma" is to give way to "rational discipline," which is Weber's term for the process of routinization that requires the de-emphasis of individual action in favor of communal social order.[70] Rational discipline not only dictates behavior of an order's subjects, favoring uniformity, but also creates the conditions for "social stratification" and establishes regulations[71] for restricting access to the creative aspects of an institutional system to the most elite.[72]

I would propose that the orientation of rabbinic culture towards elitism is crucial for our understanding of the rabbinic movement and its place on the continuum between charisma and institution. Paying attention to the fluctuating status of elitism as rabbinic ideology can perhaps help us gauge to what extent rabbinic culture was following an impulse towards subversion or institutionalization at a given snapshot in history. Kraemer's insistence on rabbinic elitism reveals how threatened the rabbinic establishment has been by the potential for inappropriate applications of rabbinic sensibilities by those perceived as misguided or malicious actors.

> If the Bavli speaks to a restricted, elite society, this means that, however we are tempted to interpret its ideologies and messages, we must be mindful that it is not a popular communication. Of course, certain messages that might appear threatening or radical if offered before a popular audience would not be so if shared in the restricted society of colleagues. The same claim that would provoke a defensive response if articulated by an outsider could invite welcoming curiosity if spoken instead by an insider; and the Bavli is talking in the company of insiders. We should thus be extremely cautious before responding, "the Bavli couldn't possibly be saying that!" (Where "that" is an opinion that contradicts our sense of common Jewish piety). The Bavli could be saying "that," though it might not intend to share "that" with more than a relatively small number of like-minded Jews.[73]

This analysis, however, relies on there having already been an institutionalized rabbinic organization with an implicit if not explicit hierarchy; these assumptions must be reevaluated in the context of informal charismatic cultural activity by sages who lived before any formal rabbinic institutionalization. Moreover, the extent to which these threats of perversion by outsiders characterize rabbinic elitism is conditioned by social and political factors that are ever in flux, certainly across continents and through the nearly two-thousand-year-old history of rabbinic Judaism. We must situate the tightening around rabbinic creativity that took place in the Geonic period and which shaped the subsequent development of rabbinic culture as indeed having taken place after the codification of the Babylonian Talmud. Still, it has not been a linear progression from rabbinic charismatic creativity to ordered discipline and institutionalization. While many modern rabbinic authorities have been apprehensive of modernizing influences, this cannot be accepted as the normative orientation of rabbinic authority throughout history. Many influential members of the rabbinic elite have been very positively disposed to contemporary secular discourses and forces of change. Maimonides, for example, was committed to incorporating scientific and philosophical developments into Jewish thought. Moreover, what constituted "common Jewish piety" for the Talmudic sages themselves was very different than it is for us, and I am not convinced that they were very hesitant about contradicting it as such. While historical rabbinic Judaism indeed cannot be entirely disentangled from elitism, I maintain that in the period of the Talmud's composition, when the rabbinic organization itself was still forming and not by any means mainstream, the tenor of elitism was very different from what it would become and held a very different power analysis. After all, while the sages aspired to social authority, there was little institutional rabbinic power to protect.

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[69] Weber, *Max Weber on Charisma and Institution Building,* 54.

[70] Weber, *Max Weber on Charisma and Institution Building,* 28.

[71] For a fuller description of "regulation of recruitment," see Weber, *Max Weber on Charisma and Institution Building,* 58.

[72] Weber, *Max Weber on Charisma and Institution Building,* 28-29.

[73] Kraemer, *Reading the Rabbis,* 15.

Menachem Kellner's investigation of the concept of *yeridat ha-dorot* can further illustrate my point with regard to elitism and institutionalization. The notion of *yeridat ha-dorot*, or the decline of the generations has often been cited as rabbinic ideology and ascribed to the Talmudic sages. Yet Kellner convincingly shows that the decline of the generations was far from an accepted doctrine in the Talmud; rather, the concept found expression in isolated Talmudic discussions, alongside propositions that suggest the exact opposite—that it was indeed possible to surpass previous generations[74] (whether spiritually, intellectually, or morally — *yeridat ha-dorot* is not a specific ideology and different Jewish thinkers have conceived of it differently). In fact, some of the very Talmudic passages that may seem on the surface to be supporting the notion of *yeridat ha-dorot* can easily be read as undermining it. See for example this excerpt from Berakhot 20a:

> אֲמַר לֵיהּ רַב פָּפָּא לְאַבָּיֵי: מַאי שְׁנָא רִאשׁוֹנִים דְּאִתְרְחִישׁ לְהוּ נִיסָּא, וּמַאי שְׁנָא אֲנַן דְּלָא מִתְרְחִישׁ לַן נִיסָּא? אִי מִשּׁוּם תַּנּוֹיֵי, בִּשְׁנֵי דְּרַב יְהוּדָה כּוּלֵּי תַּנּוֹיֵי בִּנְזִיקִין הֲוָה, וַאֲנַן קָא מַתְנֵינַן שִׁיתָּא סְדָרֵי... וְאִילּוּ רַב יְהוּדָה כִּי הֲוָה שָׁלֵיף חַד מְסָאנֵיהּ, אָתֵי מִטְרָא, וַאֲנַן קָא מְצַעֲרִינַן נַפְשִׁין 18מִצְוָחקָ◌א צָוְחִינַן, וְלֵית דְּמַשְׁגַּח בַּן .אֲמַר לֵיהּ: קַמָּאֵי הֲווֹ קָא מָסְרִי נַפְשַׁיְיהוּ אַקְּדוּשַּׁת הַשֵּׁם, אֲנַן לָא מָסְרִינַן נַפְשִׁין אַקְּדוּשַּׁת הַשֵּׁם.

> Rav Pappa said to Abaye: what is different about the earlier [sages] for whom miracles happened and what is different about us for whom miracles do not happen? If it is because of study [of Mishna], in the years of Rav Yehuda, all of the studying was in *Nezikin* [the order pertaining to damages], whereas we are studying all six orders [of the Mishna]!…and if Rav Yehuda would remove one of his shoes, rain would come, and we afflict our souls and indeed shouting we cry out, and no one minds us. [Abaye] said [to

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[74] Menachem Kellner, *Maimonides on the Decline of the Generations and the Nature of Rabbinic Authority* (Albany: State University of New York Press, 1996).

> Rav Pappa]: The earlier [sages] would risk their lives for the sanctification of God's name; we do not risk our lives for the sanctification of God's name. [75]

Abaye seems to agree with Rav Pappa that it is not to be understood that the previous generations of sages were intellectually superior. Rather, Abaye explains, earlier sages made more extreme devotional choices for which they were rewarded with miracles, while the later generations do not concern themselves with martyrdom. Another maneuver by which this problem of rabbinic authority through the generations is bypassed is through the frequent metaphor of a dwarf on the shoulder of a giant which Kellner concisely sums up as follows: "The earlier figures may have been giants, but we, even though we are dwarves, can, if perched on the shoulders of the giants, see further than they."[76]

Yeridat ha-dorot as an ideology is a significant access point for understanding rabbinic elitism because it allows for readers of Talmud to comprehend the radical moves of the sages while precluding the possibility that they themselves will as a result feel empowered to imitate them. While some medieval discussions of *yeridat ha-dorot* seem to be primarily espousing a sense of humility with regard to the greatness of the tradition, the ideology also situates rabbinic authority (and especially, authority to subvert) in the past, where it is wholly out of reach, excepting only rare elite geniuses who find themselves born in later generations by fluke. Kellner shows that the Talmudic sages did not share a sense that progressive decline was a feature of history; rather this doctrine was retroactively applied to them by later generations. The attribution of *yeridat ha-dorot* as a doctrine to the Talmudic sages appeared for the first time in the Iggeret of Rav Sherira Gaon in the 10th century and Kellner suggests that this may have been part of a defense of rabbinic Judaism against Karaite threats. If one can accept that contemporaries can never have as much insight into the meaning of Torah as earlier generations such as the *tanna'im,* one must accept the rabbinic tradition as authoritative. By definition, ChaZaL was closer to the true meaning of Torah than anyone after them could hope to be.

The bulk of Kellner's book Is dedicated to demonstrating that Maimonides, born over a century later, still rejected (or rather ignored) the notion of decline of the generations. Maimonides explains the relative limitation on rabbinic authority after the codification of the Talmud as a logistical problem; when the Talmudic sages were active, the entirety of the Jewish people accepted their rulings willingly, but because the Jews thereafter dispersed and the political realities required decentralization, later rabbis can never have an influence on the Jews as a whole; rather, local rabbis and rabbinic courts have de jure authority only insofar as they have de facto authority.[77] Gafni has shown that the later Babylonian rabbinic generations were members of the cultural elite in contrast to the greater Babylonian Jewish community,[78] but rabbinic elitism really took root only in the Geonic period, and more importantly, rabbinic elitism became exclusive (of non-elite Jewish men; to be sure, it has always been exclusive of women and other social Others) only when rabbinic Judaism acquired a broad base of followers who could be excluded.

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[75] All translations in the dissertation are my own unless otherwise noted. Talmudic texts are reproduced for the reader's reference; when vocalized and punctuated, text has been taken from the Steinsaltz Edition.

[76] Kellner, *Maimonides on the Decline,* 25-26.

[77] Kellner, *Maimonides on the Decline,* 85.

[78] Gafni, "The Political, Social, and Economic History of Babylonian Jewry," 809–811.

As illustrated by the emphasis of Rav Sherira Gaon on *yeridat ha-dorot*, it was in the Geonic period that the institutionalization of rabbinic Judaism severely limited the creativity of its adherents. It is helpful to consider the Rabbinate-Karaite debate as a factor; the presence of external cultural threats can intensify the impulse of charismatic movements toward institutionalization as a way of mitigating the radical potential for subversion and destabilization encouraged by its most creative elements.

Weber outlines four ways that a social order can be ascribed legitimacy in its plea for institutionalization:

> (a) By tradition; a belief in the legitimacy of what has always existed; (b) by virtue of affectual attitudes, especially emotional, legitimising [*sic*] the validity of what is newly revealed or a model to imitate; (c) by virtue of a rational belief in its absolute value, thus lending it the validity of an absolute and final commitment; (d) because it has been established in a manner which is recognized to be legal.[79]

The champions of rabbinic Judaism, of course, assert its institutional legitimacy by appealing to each of these categories. The Talmud is culturally authoritative because it claims continuity with the divine word given by God to Moses at Mount Sinai; it appeals to the affective needs of the Jewish people and acts as a unifying force; it inculcates in its adherents its own idiosyncratic model of rationality; and it establishes the legal bases for all Jewish practice.[80] Parallel to the always-present threats posed by occupying a minoritarian status within a dominant regime, the Geonic period saw a shift in the concentration of Jewish cultural authority through the consolidation of rabbinic prestige in major yeshiva institutions, the ideological closing of ranks against internal cultural threats such as the Karaite movement, and the advent of new study methods for learning Talmud, now a *closed* text. Still, we know little about how Jews related to the Talmud even in that period. Talya Fishman has argued that the way we understand the Talmud and its role in Jewish life as a legal and educational enterprise is most heavily influenced by how it was framed even later on by commentators in the Middle Ages.[81] What is apparent is that certainly by the medieval period in which the *Rishonim* were active as commentators, the impulse toward institutionalization had resulted in the relative diminishing of interpretive possibilities. However, because the sages themselves refigured the past and the ultimate source of legitimacy that is the Torah, subversion masquerading as traditionalism is an ever-present queer possibility for readers across time and space. It is important, too, to read the Talmud's subversive orientation to the Torah, in part, as an outlet for the tensions arising Jewish culture's marginalization within the broader Greco-Roman and Iranian cultures. Yet, insofar as yeshiva culture crystallized and continued as an elitist sphere, the relative lack of access for non-elites including women, queer people, the poor, and the disabled meant there was also a dearth of experiences of intersectional marginalization and systemic disenfranchisement that may inspire more subversive interpretations. Thus, expanding access to people with different perspectives is necessary for continuing to foster new meanings derived from the very methods of textual engagement developed in the Talmud.

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[79] Weber, *Max Weber on Charisma and Institution Building*, 12.

[80] See Boyarin's argument that the Jewish homeland was supplanted by the shifting centers of Talmudic scholarship in the Jewish imagination and geographic orientation. Daniel Boyarin, *A Traveling Homeland: The Babylonian Talmud as Diaspora*, (Philadelphia: University of Pennsylvania Press, 2015).

[81] Talya Fishman, *Becoming the People of the Talmud: Oral Torah as Written Tradition in Medieval Jewish Cultures*, Jewish Culture and Contexts (Philadelphia: University of Pennsylvania Press, 2011).

If we take seriously the imperative to expand access to the tradition to those who have historically been excluded, this expansion requires that we also reconfigure our power analysis to account for the ways that those missing voices were in fact multiply marginalized within an already minority Jewish culture and move to extend the sanction of interpretive creativity. The queer demand of inclusivity challenges the insider/outsider binary that Kraemer relies on above. If astute readers can agree to recognize certain queer (in form) impulses in the Talmud but diverge only in their refusal to acknowledge them as such, this is less a matter of loyalty to historical accuracy than it is an expression of modern queerphobia. We can never study the past completely free of the biases of our own circumstances. Scholars therefore necessarily use all kinds of modern, culturally-situated terminology to understand historical texts, including, as discussed above, Kraemer's own use of the category of literature. These tools do not prevent us from accessing the aspects of historical culture that we can come to know in the past's own terms; on the contrary, lenses like queer provide tools that help us get close enough to the text so that we can become receptive to the unexpected.

Chapter 1, "Stealth Subversion in the Talmud: The Case for Queer Readership," utilizes queer theories about visibility, performativity, and especially, the trans notion of "stealth" in order to construct a model queer Talmud reader whose orientation to vulnerability and attunement to the stakes of visibility make them more sensitive to the radical "stealth" innovations being made in the *stamma*'s construction of the discourse. Chapter 1 defines "stealth" as an agential mode of subversive resistance to oppressive power structures that includes opportunities for obscurity, "passing," as well as strategic disclosure. It then uses this framework to understand the ways that the *stamma*, the anonymous editor(s) of the Babylonian Talmud, disguises its most radical legal interventions through a stealthy use of discourse.

I then turn in Chapter 2, "The Talmud as Queer Archive: Claiming Power through Discourse," to theories of queer temporality and historiography to show how the queer impulse to find oneself in histories wherein representations of one's own experiences are missing reverberates in the Talmud's orientations to the past. For those erased from historical records who employ inventive methods to uncover resonant pasts, encountering imaginative histories in the Talmud can foster the very sense of intergenerational intimacy that queer historiography seeks to highlight. Queer people, experienced in this type of "temporal drag",[82] are particularly well-positioned to identify the motivations at play in the Talmudic past, whether through narrative tales or intergenerational halakhic discourse. I argue that the alternative relationships to time exemplified in the Bavli, such as non-linear, nonbiological inheritance and inter-generational dialogue, are themselves queer expressions of resistance, comprising a particular discursive strategy for undermining hegemonic power structures whose authority and legitimacy are endowed by a particular imagined past.

Finally, my third chapter, "Affective Pedagogy and Discursive Prosthesis in the Bavli" looks to queer affect theory alongside radical pedagogies exemplified in the Talmud, which train readers in emotional vulnerability and a willingness to change and be changed by the text through the encounter of reading. I zoom in on one strategy in the Talmud that I term the "affective interrupter," as an overlooked method for meaning-making that interrupts a more

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[82] Elizabeth Freeman, *Time Binds: Queer Temporalities, Queer Histories* (Durham: Duke University Press Books, 2010).

"objective," detached discourse in favor of a more holistic approach accounting for the lived consequences of the topic at hand and the insufficiency of reason and language alone to account for the whole of human experience. The affective interrupter functions as a pedagogical tool that undermines the established rules of Talmudic discourse and, utilizing the elements of surprise, incongruity, fantasy or tragedy, invokes an affective response in the reader that demands that they break open established Talmudic structures in order to differently account for the embodied and felt stakes of the discourse. The discussion in this chapter is organized primarily around Talmudic excerpts related to disability, as affective interruption is a Talmudic pattern that in some cases interferes with ableist discussions, and it is in these cases that affective interruption holds the most liberatory potential for subversive readings. I discuss the Talmud's use of disability as a kind of "discursive prosthesis" that pushes argumentation forward but which neglects the lived experiences of disabled people and the impacts of Talmudic legal discourse on the lives of disabled people. Affective interrupters, I argue, intervene in the dehumanizing process of discursive prosthesis and model a mode of resistance that can be deployed against other oppressive power structures in play.

The Epilogue zooms out to argue that subverting discourse evolved as a method extracted from the Talmud to become a characteristically Jewish way of responding to unjust power structures. I look at Yiddish poetry as one aspect of partisan resistance to the Nazis and connect this tradition to the poetry and work of Palestinian scholar, activist, poet and teacher Refaat Alareer who was recently targeted and murdered by the Israeli military along with his family. These acts of creative rebellion align with practices of Talmudic subversion, rooting Jewish resistance to systems of oppression and violence in an ancient textual tradition and gesturing toward the possibilities for liberation for all paved by refigured Talmudic meanings that emerge only by expanding access to the tradition to those who have been excluded.

Explicitly queer readings of Talmud have previously focused on content rather than form.[83] My project focuses on queer as method—informed by embodied experiences—that elucidates core values of Talmudic discourse, with vital pedagogical applications across queer and Jewish studies. The intersection of queer studies and Talmud remains underexamined, in part due to the imagined opposition between religion as fundamentally repressive and queerness as secular rebellion.[84] My project posits the Talmud not only as a text of great religious consequence worthy of queer consideration but indeed as an underutilized source for queer theory. Working at this intersection has broad implications for increasing access and inclusion for marginalized communities, shifting the ways that the Talmud is read, and recasting queerness as a feature of (and not extraneous to) Jewish tradition.

Stealth Stamma builds upon scholarship including trans studies of passing and stealth, queer temporality and historiography, and queer affect theory. Throughout every chapter, I weave in Talmudic examples from a number of tractates, especially relying on well-known chapters such as *Ben Sorer u'Moreh* (Tractate Sanhedrin), *ha-Chovel* (Tractate Bava Kamma), and *ha-Kol*

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[83] See Boyarin, *Unheroic Conduct*. Charlotte Elisheva Fonrobert, "Regulating the Human Body: Rabbinic Legal Discourse and the Making of Jewish Gender," in *The Cambridge Companion to the Talmud*, 270–94. Max K. Strassfeld, *Trans Talmud: Androgynes and Eunuchs in Rabbinic Literature* (University of California Press, 2022), https://doi.org/10.1525/9780520382060.

[84] Puar, *Terrorist Assemblages.* David Shneer, "Introduction: Interpreting the Bible through a Bent Lens," in *Torah Queeries: Weekly Commentaries on the Hebrew Bible*, ed. Gregg Drinkwater, Joshua Lesser and David Shneer, 1st Edition (New York: NYU Press, 2009), 3–4.

Chayavin (Tractate Chagigah). These chapters are apt primary sources because they have been heavily examined by medieval, modern, and contemporary scholars, thus providing a baseline of established interpretations to build upon as I explore what new insights can be gleaned from queer inquiry into Talmudic discourse—insights which have been previously absent owing in part to the exclusion of queer perspectives. The theory and practice I draw upon highlight queer and trans tendencies at the heart of the Talmudic project, making the Talmud a rich source for queer engagements with tradition.

Chapter 1
Stealth Subversion in the Talmud: The Case for Queer Readership

In this chapter, I discuss the relationship between queerness and notions of passing—specifically the trans notion of *stealth*—as a framework through which to understand certain tendencies of Talmudic discourse. In so doing, I argue that the Talmud instructs its intended reader to read queerly as exemplified by the prioritization of several key values. First, a queer reader of the Talmud must approach the text with an eye towards balancing practical and moral considerations. A queer reader will also be particularly adept at discerning the subversive impulses which lie underneath a "stealth" guise of conformity and be attuned to the text's common preference for obscuring core interventions. Finally, a queer reader is well suited to Talmudic study when they bring a sense of vulnerability to the text, characterized by a willingness to change and be changed through the encounter of reading, understanding both the stakes and potential challenges that such an approach poses.

I begin by drawing on the work of trans studies theorists Toby Beauchamp and Susan Stryker to introduce the concept of *stealth* in relationship to the broader phenomenon of passing. Then, I introduce David Kraemer's reconstruction of the "intended reader" of Talmud.[85] Kraemer, along with Daniel Boyarin and David Weiss Halivni, are three scholars whose recent work on Talmud I will be responding to as I seek to construct a model of the queer Talmudist and apply the trans notion of stealth to several close readings of Talmudic passages. I demonstrate my own queer and trans-informed approach to Talmud study by interpreting several passages which I believe reveal subversive impulses capable of instructing readers towards interpretive rebellion. The multivocal composition of the Bavli is strategically leveraged by the *stamma* such that its own discourse can be both uplifted and stealthily challenged. The pedagogical function of the Talmud is a queer one, I argue, because it anticipates the reader's further subversion of the text over time. I conclude my chapter by returning to my exploration of the stakes—both personal and political—of queer engagements with the Talmud, perhaps the core concern woven through this dissertation.

When unpacking the political and social dynamics at play in explorations of passing, and later, stealth, several recurring issues arise. Any discussion of passing must be attuned to the dual considerations of the individual's choice to present in a certain way in an attempt to pass as belonging to a certain identity category and the externally imposed public and political surveillance which determines whether or not someone passes according to any number of factors outside of the subject's control. In other words, personal agency is always partial and contentious when it comes to passing. Moreover, the conscious choice to pass is conditioned of course by social and physical limitations including skin tone, education, height, weight, disability, and other factors to which culture and society ascribe so much racialized and gendered meaning. Finally, just as there is a choice to strive towards passing, subjects also possess the agency to resist passing. At play in these choices—when one is able to choose, that is—is also a delicate dynamic between practical considerations and moral ones.[86]

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[85] David Kraemer, "The Intended Reader as a Key to Interpreting the Bavli," *Prooftexts* 13, no. 2 (1993): 125–40.

[86] Martha Cutter's essay "Sliding Significations" discusses the literary theme of passing (in an intersectional, racialized context) in two of Nella Larson's books, *Quicksand* and *Passing*. In *Quicksand,* Cutter explains, the main character's experience of passing speaks to the societal inability to hold complexity and the intersectional nature of identity. The main character can only ever pass as one piece of

I argue that what differentiates stealth from the broader notion of passing is precisely the element of agency. While not everyone has the choice or ability to pass, "stealth" has been claimed by members of the trans community as a way of asserting choice in a political context where bodily autonomy is too often regulated by the state and its violent discourses. While one can accidentally "pass," or strive towards passing, stealth is a mode of being that is always actively claimed and intentionally enacted. In the context of trans* identity, stealth refers to an MTF or FTM trans person who has transitioned but lives in some or all areas of their life in the closet, passing as cisgender. In *Going Stealth*, Toby Beauchamp discusses state surveillance of gender and gender deviance as a mechanism which disciplines the public writ large to adhere to normative performances of gender which appear healthy and natural in contrast to gender deviants.[87] Notions of gender, gender conformity, and gender non-conformity are all conditioned by constant gender-based surveillance. Moreover, because gender surveillance is most potently enacted upon non-conforming bodies (as defined by state mechanisms of surveillance, sometimes in contrast to one's conscious choices about presentation and conformity) it is those bodies who disproportionately condition what normative gender performance "ought" to look like in contrast.

Choosing to live stealthily is often a strategic choice, but it can also be one that is simply life-affirming for an individual. Likewise, there are both moral and practical concerns to consider in the choice to *avoid* passing. For example, being visible as trans may make it easier to meet other trans people which can also foster a sense of safety, and visibility can help others feel safer living out as their true selves as well. The choice to live and identify as stealth is sometimes critiqued by members of the queer and trans community who strive towards visibility in their daily lives because they see queer liberation as necessitating visibility, while stealth relies on partial invisibility for power. Stealth has the connotation of having a disempowering orientation that is all but forced by hostile transphobic environments. According to this critique, gender norms are inherently violent and choosing to adopt them to a convincing degree is in a sense reifying those norms, indirectly making it harder for visibly gender nonconforming people. Yet, if those gender norms that cause so much violence to transgressors are co-opted in the service of transgender euphoria, does that in fact constitute conformity? This debate is shaped by different approaches to the balancing act demanded of most queer and trans people with regard to practical and moral concerns. Indeed, stealthiness walks the line between orthodox conformity and subversive rebellion. Moreover, as Foucault argued in *Discipline and Punish*, often compulsory visibility functions as a mechanism of control and subjugation of gender deviants.[88]

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herself at a time; the very act of passing requires the subjugation of other aspects of one's identity. This recalls Butler's theory of the performative nature of identity. In our culturally-mandated attempts to convincingly perform one identity, to the extent that we can succeed, we will always fail to perform others. In Larsen's *Passing*, however, Cutter emphasizes another model wherein agency and social mobility characterizes the main character Clare's relationship to passing. In her refusal to be defined, limited, or consistently categorized, the other characters are left to make their own assumptions which are bound to be challenged. As the characters witness Clare's dance between passing and reveal, the stability of their identities are implicated and destabilized, as are their notions about race and identity writ large. See Martha J. Cutter, "Sliding Significations: Passing as a Narrative and Textual Strategy in Nella Larsen's Fiction," in *Passing and the Fictions of Identity* (Durham: Duke University Press, 1996), 75–100, https://doi.org/10.1515/9780822382027-006. Judith Butler, *Gender Trouble*.

[87] Toby Beauchamp, *Going Stealth* (Durham: Duke University Press, 2019).

[88] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, 1st American ed. (New York: Pantheon Books, 1977).

According to this perspective, it is the invisibility of gender deviance enacted by stealthiness that has the most potential to undercut state power. Hovering above the line of intelligible and unintelligible, visible or stealth, ready to move to one side or the other with each fleeting encounter are natural queer and trans instincts for survival, safety, and gaining advantages on a daily basis, as well as on a more conceptual level.[89]

Both passing and stealth share a dynamic interplay between potential disempowerment and potential empowerment. Because we are all multi-faceted beings with intersecting identities, and because identity categories are too often imagined as discrete from one another, passing can elide liminality and interfere with an individual's ability to be seen in their complexity. However, passing also has the empowering and liberatory queer potential to destabilize identity categories themselves by making their borders contentious. Passing can implicate and challenge the fixity of others' senses of identity while allowing for queer infiltration of sites of power wherein passing individuals can deploy visibility strategically.

As much as stealth can be judged as selfishly seeking personal safety over collective liberation, stealth is also a potent form of resistance, sometimes carrying with it the most danger; for in addition to the crime of gender deviance, the stealth trans person is "guilty" of the crime of deception. It is the threat of deceit that is constantly mobilized to incite social panic and anti-trans violence. Fear of deception is capitalized upon by everyone from the politicians pushing anti-trans bathroom bill legislation to the white couple in front of me in line at the spa last week complaining to the receptionist that the risk of infiltration by covert trans people makes the spa unsafe for children. Stealth can provide safety from wholesale rejection and ridicule while allowing for strategic disclosure. Yet, a moment of "reveal," even when chosen intentionally, can be the most dangerous of all, for straight cissexual bigots fear nothing more than the idea that there could be trans people among them that they wouldn't be able to recognize. In some contexts, stealthiness revokes the opportunity for bigots to discriminate, which in turn, can incense them further. This is evidenced by the gay/trans "panic" defense, the legal framework that allows people to get away with the murder of queer and trans people because the killers were "victims" to the affect of surprise through revelation. The increased "passing" of Jews as non-Jews in Weimar Germany has been cited as partially responsible for the rise in antisemitism and antisemitic violence leading to the Nazi genocide.[90]

Outrage is commonly expressed at queerness or transness when accompanied by surprise in literary contexts as well. Years ago, I took a class in which we read *Stone Butch Blues*.[91] I remember vividly the class discussion on the scene where the main character Jess has a sexual encounter with a barista Annie using a strap-on without Annie detecting Jess's use of the dildo. In other words, Jess's stealth phallus passes. Students in the class were frustrated by what they understood as the impossibility of such a scene. I recall my own surprise at the emotional response of some of students to the perceived deceit by Jess of Annie. Indeed, they were threatened. A similar scene occurs in Isaac Bashevis Singer's tale, "Yentl the Yeshiva Boy,"[92] in which Yentl/Anshel consummates their marriage to Hadass while Hadass is none the wiser of Anshel's trans identity. The encounter is taken for granted as plausible within the narrative, yet, critics of the story choose either to ignore that moment outright or to rage against it, asserting the realistic impossibility of the scene. Sarah Halperin's 1981 article, "Virtuosity and Moral Deficiency in Bashevis' Yentl the Yeshiva Boy," for example, refers to the "perverse marital relations" that take place between Anshel and Hadass on their wedding night, as resulting only in the reader's affect of "aversion and disgust," for "it is not acceptable that a pious girl would cheatingly marry another girl and live with her as man and wife, without the latter noticing that the 'husband' with whom she is making love is not a man."[93]

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[89] I share a personal anecdote here to illustrate how the matter of unintelligibility is as much an ordinary experience as a theoretical one. As a non-binary queer person, I am constantly coming up against my own unintelligibility to the outside world. I am at times unintelligible to myself, but this hardly strikes me as a problem in need of solving. Yet, when interacting with a queer-hostile environment, I have been at times either physically threatened or delighted by perceiving my own unintelligibility in the eyes of others. While I have no instinctive resistance to making a traditionally gendered name gender-expansive through the body to which it belongs, I ultimately decided that a distinctly unintelligible gender presentation paired with a traditionally uni-gendered name was inhibiting my queer potential with others. Thus, I decided to go with the name Elya, just unintelligible enough for me to be both seen and maintain strategic invisibility.

[90] Kerry Wallach, *Passing Illusions: Jewish Visibility in Weimar Germany* (Ann Arbor: University of Michigan Press, 2017), 127. Sander Gilman, *The Jew's Body*, 1st edition (New York: Routledge, 1992).

[91] Leslie Feinberg, *Stone Butch Blues*, 3rd Printing edition (Los Angeles: Alyson Books, 2004).

Queer people, both cis and trans, often deploy gender deviance strategically, such as in the case of drag, or in butch/femme culture, as a way of asserting discursive power. Eve Sedgwick refers to these practices as "performative identity vernaculars."[94] The strategic and intentional performance of gender by queer people is impactful because it spotlights the tension that arises when one loses track of what in a given context can be considered deviant versus conforming. This false binary is challenged when we see someone living authentically. Nowhere is this tension more active than in the case of the stealth transgender person. By performing gender to an extreme degree that surpasses even the "natural" expertise of gender normatives, the queer epistemic advantage[95] is wielded against oppressive societal imperatives around gender belonging.

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[92] Isaac Bashevis Singer, "Yentl der yeshiva-bokher," in *Mayses fun hitern oyven* (Tel Aviv: I. L. Peretz Publishing House, 1970), 131–64.

[93] Sarah Halperin, "Virtuosity and Moral Deficiency in Bashevis' 'Yentl the Yeshiva Boy.,'" in *Proceedings of the Eighth World Congress of Jewish Studies* (Division C: Talmud and Midrash, Philosophy and Mysticism, Hebrew and Yiddish Literature, Jerusalem: World Union of Jewish Studies, 1981), 177–82.

[94] Sedgwick, *Touching Feeling,* 63.

[95] Many theorists have emphasized the epistemic advantage of minority identity. Uma Narayan popularized the term "epistemic advantage" itself in the context of non-Western feminist studies (See Uma Narayan, "The Project of Feminist Epistemology – Perspectives from a Nonwestern Feminist," in *Gender/Body/Knowledge – Feminist Reconstructions of Being and Knowing*, ed. Alison M. Jaggar and Susan Bordo [New Brunswick, NJ: Rutgers University Press, 1989], 256–72.), but many others have written similar arguments from a range of marginalized perspectives, such as Gloria Anzaldúa in her theory of mestiza consciousness (Gloria Anzaldúa, *Borderlands: La Frontera; The New Mestiza*, 1st ed. [San Francisco: Spinsters/Aunt Lute, 1987].) In the lineage of Black thought, see W.E.B. Dubois's theory of double consciousness: W. E. Burghardt Du Bois, *The Souls of Black Folk: Essays and Sketches*, 2nd Edition (Chicago: A.C. McClurg & Co., 1903). Daniel Boyarin Du Bois's double consciousness to post-colonial diaspora identity and education. See Daniel Boyarin and Ilan Gur-Ze'Ev, "Judaism, Post-Colonialism and Diasporic Education in the Era of Globalization," *Policy Futures in Education* 8, no. 3–4 (June 1, 2010): 346–57. To read from a minoritized positionality or to use a critical lens based on a history of oppression is to read with two minds. To read as a feminist is first and foremost to read always with a magnifying glass toward the question "where are (or aren't) the women here?" To read as a postcolonial scholar or colonized person is to wonder how colonization contributed to a work in named or unnamed

Martha Cutter uses notion of a writerly text and Umberto Eco's idea of "model readers" to unpack the narratological functions of "passing." When a literary character moves in and out of "passing" with relative degrees of visibility, the reader is left to interpret the character and the text that holds her, as well as interrogate their own assumptions about the fixity of identity.[96] Similarly, I add, the potency of stealth is that it calls into question fundamental assumptions about what is knowable and what ought to be known about a person's identity and experience. In "(De)Subjugated Knowledges," the introduction to *The Transgender Studies Reader*, Susan Stryker emphasizes that "epistemological concerns lie at the heart of transgender critique.... Transgender phenomena, in short, point the way to a different understanding of how bodies mean, how representation works, and what counts as legitimate knowledge."[97] I use the notion of stealth as an epistemological tool that will help me demonstrate some of the impulses that continually animate Talmudic discourse and the mechanisms of early rabbinic interpretation.

One queer epistemic advantage is a particular relationship to language as a fundamentally creative and subversive force, coupled with the ability to anticipate how language is interpreted differently by queer readers versus mainstream culture. Language is the vehicle by which the rabbis speak to different readers simultaneously, intentionally guiding them towards a range of interpretations shaped by their own experiences. The conscious enactment of stealth as a tool for undermining oppressive power structures and reconstituting assumed meanings while dodging immediate repression by those same power structures is a method of knowledge creation that is consistently found in common discursive mechanisms for Talmudic intervention. This particular orientation to undercutting assumed epistemologies paired with the emphasis on language as the vehicle for subversion is a uniquely apt asset that queer and trans people have when attempting to access, understand, and make use of the linguistic culture of the Talmud and the Jewish communities it helped shape.

While all minority-based approaches lead to rich and necessary discoveries, on occasion, we discover that reading through one of these critical lenses is so fruitful that it leads us to reconsider our initial assumption that we were reading against the grain to begin with. When we read the Talmud as queer readers, we are stirred not only by the obvious references to six genders which clearly disrupt a binary idea of gender and sexuality, but by a comprehensive system of bold but elusive subversion, whose language and discourse at once reflect loving loyalty and artful insubordination to traditional biblical values. Rather than uncover the queer narratives fighting to reach the surface of the page against all odds, queer readings of Talmud uncover epistemological impulses that seem to be at the heart of the Talmudic project. As an intervention into the majority (biblical) Judaism of their time, early rabbis engaged in neither of the reductive options of either wholesale compliance or outright rejection. Rather, they transformed and reproduced the tradition according to their own minority sensibilities in a process akin to what

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ways as Ann Laura Stoler has done with Foucault's *History of Sexuality*. See Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995).

[96] Martha J. Cutter, "Sliding Significations: Passing as a Narrative and Textual Strategy in Nella Larsen's Fiction," in *Passing and the Fictions of Identity* (Durham: Duke University Press, 1996), 75–100, https://doi.org/10.1515/9780822382027-006.

[97] Susan Stryker and Stephen Whittle, "(De)Subjugated Knowledges: An Introduction to Transgender Studies," in *The Transgender Studies Reader* (United Kingdom: Routledge, 2006), 17–34.

José Esteban Muñoz terms “disidentification,”[98] the alternative for queer people of color who refuse the binary options of either assimilating and conforming to majoritarian cultures and identities on the one hand, and completely rejecting it in favor of a counter-identification on the other. Instead, Muñoz argues, sexual and racial minorities have learned to adopt a third approach, which he terms “disindentification,” which allows them to exist within and consume exclusionary and discriminatory mainstream culture while subverting and repurposing those cultural artifacts for their own cultural projects.

These surreptitious discursive strategies which sit below the surface of Talmudic argumentation are not only visible by way of a queer reading. Serious Talmud scholars have and will continue to observe the same strategies. Rather, these strategies are applied differently when read through a queer lens. Moreover, these features are uniquely meaningful to queer people, and queer engagement with them will have different stakes and consequences in the world. While it is controversial to claim the Talmud as a queer text because of the undeniable inequity and patriarchy that shaped the world of the Talmudic rabbis, it is this text that gives us not only the tools but the sanction to continue to read queerly and irreverently—innovating the tradition, challenging unjust systems of power, and expanding the use of Jewish discourse to account even more for the marginalized.[99]

According to Althusser, ideology makes subjects of individuals through a process he terms "interpellation."[100] Interpellation is one way that state apparatuses produce and reproduce the conditions for production at the same time that it produces. Through interpellation, or, the hegemonic apparatus's "hailing" of the individual, the subject recognizes that they themselves are the one being subjected.[101] For Althusser, "caught in this...system of interpellation as subjects...the subjects 'work,' they 'work by themselves' in the vast majority of cases, with the exception of the 'bad subjects' who on occasion provoke the intervention of one of the detachments of the (repressive) State apparatus. But the vast majority of (good) subjects work all right 'all by themselves', i.e. by ideology."[102]

Judith Butler has critiqued Althusser, claiming that interpellation also offers possibilities, however limited, for resistance and crucially resignification.[103] The practice of "reclaiming" terms which have been wielded against individuals as hate speech is an example of Butler's complication of Althusser's analysis, where the terms of interpellation are subverted and used "against [their] originary purposes."[104] From my perspective such reclaiming practices constitute both disidentification as well as stealth intervention, relying on the imperfect performance of identity, or, more agentially, the citational performance of hegemonic ideology, but with a crucial interruptive twist.

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[98] José Esteban Muñoz, *Disidentifications: Queers of Color and The Performance of Politics* (Minneapolis: University of Minnesota Press, 1999).

[99] Again, while the rabbinic sages were a minority within the minority of Jews under Roman and Sassanian empiric rule, the broader culture to which they respond most explicitly is the culture of the Hebrew Bible and Second Temple Judaism. Of course, this outward orientation must be read as the result of many factors—social, ideological and political—and it is both possible and necessary to interrogate the ways that Talmudic culture was responding *implicitly* to other majority cultures around them. Still, for the present context, it is useful to read rabbinic exegesis as a response to Torah—the most important source conditioning daily life. In this context, many of the interventions I cite appear to be aimed at partially alleviating the negative impacts of marginalized positionality. Rather than merely applauding the rabbis and resting on the relative progress made in the cultural context of late antiquity, however, a queer approach may recognize in this rabbinic trend a mandate to continue to expand inclusivity, irreverence, and innovation.

[100] Louis Althusser, “Ideology and Ideological State Apparatuses: (Notes towards an Investigation),” in *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (NYU Press, 2001), 85–126.

[101] Althusser, “Ideology and Ideological State Apparatuses,” 118–119.

[102] Althusser, “Ideology and Ideological State Apparatuses,” 123.

[103] Judith Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 2013), 13–14.

Chana Kronfeld has already done the work of theorizing the relevance of interpellation, with Butler's interventions, to Jewish textual tradition and specifically, what I would refer to as the hyper-intertextual nature of the Jewish textual canon. Connecting modern Hebrew poetry to an "age-old religious--but no less radical--Jewish exegetical tradition of rewriting and textual appropriation,"[105] Kronfeld skillfully applies Butler's discussion of resistance to interpellation to the reiterative intertextual habitus of Jewish texts, wherein authoritative texts are continually resignified by nature of their being replicated with a change.

Butler and Kronfeld's intervention applies primarily to the disruptive agency of the interpellated subject. I agree that this is an accurate and insightful analysis of the rabbinic tradition. Yet, I wish to complicate further the model of interpellation in the context of queer readings of Talmud to suggest that in the progressive historical relegation of Talmud study to elite-only subsections of the community, those who have been excluded have been improperly interpellated by the then hegemonic text of the Talmud.

The rabbinic literary tradition, interpellated by Talmudic discourse, finds an outlet for its need to creatively participate in the evolution of the tradition through these instances of limited resignifications of intertextual meanings. In this way, the hegemonic Jewish textual tradition is indeed already radical. However, these resignifications remain limited because the Talmud's interpellation of its subjects implicates them in its own interpretive rules, including, crucially, its stated orthodoxy.

Of course, the culture of Talmud study does not have at its disposal all the tools of the majority culture's "state apparatus." Interpellation in a minority counter-cultural space may have been far preferable to an assimilative interpellation within state hegemonic culture. Nevertheless, the emergence of elite Talmudic culture contributed to multiply marginalizing those who were othered within the already marginalized Jewish culture, namely women and the disabled.

What makes the "bad subjects" Althusser mentions in the quote above? While according to Althusser, all individuals are already subjects and all subjects are interpellated, I assert that not all subjects are interpellated in the same way. State apparatuses enact differently on individuals based on certain markers of privilege and compliance with norms. Moreover, what particular considerations are required when adapting Althusser's model to hegemonic apparatuses that exist within a minority culture--or even a minority culture within a minority culture, such as the culture of the elite yeshiva within Jewish culture? I offer the possibility that it is precisely by virtue of having been excluded, and thus improperly interpellated, that queer readers of Talmud have an epistemic advantage that highlights the difference between Talmudic discourse's stated commitments and the methods of interpretation it deploys.

In a meta-textual or metaphorical sense, we see a similar dynamic in the work this project does. The genre of academic writing is evidence of my own interpellation in the para-state apparatus known as the academy. Yet, I seek to resist hegemonic academic power in my own limited way by resignifying scholarly discourse against exclusionary and repressive purposes. Using the term "queer" in an academic context—despite now decades of circulation—remains a bold act. "Queer" frustrates the intellectual precisely because of its refusal to be easily defined, that is, its resistance to the imperatives of visibility and clear categorization that state control feeds upon. Yet, there is power in evading definition, or, more aptly, recognition. Indeed, the term "queer" is itself a form of discursive resistance, resisting precise definition and speaking an epistemic advantage into being. This linguistic shroud represents not only the complexity and fluidity of personal identity but also a deep-seated political tactic. While the gay rights movement has often relied on a narrative of being "born this way" in order for gay people to be recognized as human and afforded rights, queerness is adopted not as a static identity category or description of desire but as an oppositional orientation to the question of identity as normatively framed. Indeed, queer undermines the dogma of sexual and gender identity writ large as an axis of identity, power, and exploitation. Part of the power of this subversive use of language is that any opposition emerges first and foremost from a state of confusion. As a result, the logics of anti-queer oppression are inherently muddled while those who take on the label and strategies of queer thrive on the inability to be easily defined—always becoming and subverting, evading opposition and policing along the way.

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[104] Butler, *Excitable Speech,* 114. Cited in Kronfeld, *The Full Severity of Compassion,*" 162.

[105] Kronfeld, *The Full Severity of Compassion,* 162.

Like the term "queer" as a form of discursive rebellion, Talmudic discourse rests on its ability to obscure the full force of its Torah revisions. This Talmudic pattern suggests that the *stamma* is balancing multiple agendas. One way of framing these competing agendas might be that on the one hand, for a comprehensive system governing a Jewish way of life to be sustainable, it must be adaptable and capable of profound change to account for different circumstances across time and space. On the other hand, there must be safeguards in place to govern these innovations such that they do not undermine the system as a whole. Some of the ways that the *stamma* insulates its radical project are by demanding that the written Torah remains the central basis for argumentation and by constructing the discourse in such a way that it can be interpreted either as conservative or as subversive depending on the orientation and background of the reader. The *stamma* often uses coded language to make arguments wherein the perfunctory understanding of the logic suggests a stringency while a queerly-oriented reader will identify through the queer use of language a radical leniency or innovation. It is the ability of the *stamma* to stealthily arrange the discourse as apparently orthodox vis-á-vis the Torah for the precise purpose of abrogating its teachings that makes it queer. I apply the term stealth theoretically to the *stamma* to highlight its ability to disguise its contributions so that they barely register as a unique voice in the text. Stealth allows the *stamma* to situate its most radical moves "between the lines" so as not to attract attention and to avoid direct confrontation with the ideological and logical disputes that characterize the text. This stealth stammaitic layer is unique in a textual culture that systematically cites lineages of thought and debate.

The Talmudic rabbis must be read as always positioned as part of a socio-political matrix consisting of multiple loci of power operating simultaneously. The rabbis' relationship to Roman empiric power is tenuous, while the social order upheld—even created by—the text itself places the rabbis at the top of the hierarchy. Thus, even more relevant to the present study is not the queer tactics for evading punishment or rejection by powerful socio-political forces, but rather the ways in which queer slipperiness is contagious, imposing its instability on those who encounter it. The threat of queerness is that it asks everyone to examine their own assumptions about gender and identity—some of the most deep-seated assumptions we hold as a society. Applied to Eve Kosofsky Sedgwick's schema, this formulation rejects the minoritizing view of gender and sexuality which locates issues of gender and sexuality within certain deviant bodies, instead promoting a universalizing view wherein all people are implicated and affected by gender and sexual categorizations as well as by the degree to which those around us conform or deviate from the perceived norms.[106] Queer and trans people are given to having an internalized understanding that gender and sexuality—indeed, identity writ large—are co-created in community, and shaped by a number of forces, where one person's deviance shapes the social reality of everyone. This empowers the queer reader to read openly and vulnerably, to be impacted by the text, and to be brave enough to interpret and thus permanently shape the text boldly. As I discuss later on in this chapter, this is precisely the kind of readership that the Talmud demands.

When an interpretive trend operates stealthily, it is not quickly or easily identified and interpreted. This puts the reader to work, and as a result the readers' own identities and orientations become implicated. The Talmud is a palimpsest of these generations of interpretive work which hold true to the mechanisms established by the earliest rabbinic works, but continue to subvert the findings and interpretations of previous generations. In turn, the Talmud shows us readers, throughout the ages, how to involve ourselves in the shifting definitions of law, personhood, identity, and any number of social categories. Queer is threatening because it evades clear recognition and resulting control, yet actively seduces innocent bystanders into confronting their own suppressed shames, desires, and dreams.

Queer reading, then, is coming to the text with openness and vulnerability, knowing that the text is likely to change us and that we change it by encountering it. This is fitting because Jewish texts, in more obvious ways than most, exist in an intertextual web. Jews learn a text through its relationships to other texts. A massive intertextual matrix of Jewish text is not only necessary reading for someone engaging in Jewish text study, rather, it is simply unavoidable. While the commentary is the core genre of rabbinic literature, it is unique in that commentary can include a huge range of sub-genres, from gloss, to translation, dialogue, fantasy, genealogy, and so on; vacillation between these forms often occurs unmarked.[107] The more the temporal or linguistic distance from the source text increases, the more the source requires collaboration between commentators across generations, ages, and locales in the Jewish world to arrive at the most pertinent meaning for changing contexts. What constitutes the interpretation of a text is precisely an amalgamation of intertextual associations throughout the ages, formed by continuous cross-temporal and trans-spatial communication.

Consider the famous example of the so-called Yiddish translation of the Hebrew Bible: the *tsene-rene*, also known as the women's bible.[108] Designated "the five books of Torah, with the five scrolls and haftarahs, in the language of Ashkenaz," the work has traditionally been accepted and referred to as a translation. The *tsene-rene* achieved immediate widespread popularity and has never gone out of print, with hundreds of varying editions published over at least four centuries.[109] Below is the t*sene-rene*'s treatment of the opening verse of Genesis, in my own translation from the Yiddish of a 1927 edition,

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[106] Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley: University of California Press, 1990).

[107] On the applicability of intertextual theory to the fluid genres of Jewish textual tradition, see Chana Kronfeld, "Beyond Untranslatability," *PMLA/Publications of the Modern Language Association of America* 138, no. 3 (2023): 759–68, https://doi.org/10.1632/S0030812923000615.

[108] I say "so-called" because the discrete genre of translation as normatively theorized by the field of translation studies remains a poor model for understanding Jewish textual tradition. While there are components of the text that could fall under a traditional understanding of translation, such as the first sentence in the passage I translate here, I am compelled to point out that this model of translation in the context of Jewish textual tradition is but one small facet of an every-growing intertextual matrix and does not exist as a free-standing discrete category. Translation slips into gloss which runs in and out of commentary or *midrash,* and these textual engagements are very often fluid and indiscrete. Moreover, modern translation theory privileges the source text over the target language translation, such that the translation will always fall short of achieving equivalence. This is not to say that translations in other cultures are not worthy of attention. To the contrary, they are rich resources for understanding

> In the first creation of the heavens and the earth, the earth was empty and desolate, and the holy seat of God soared in the air over the water. And why does the Torah begin with the letter beys (ב)? To show that a beys is three sides and the fourth side is open. So too, is the world. The Holy One Blessed be He enclosed the three sides of the earth and on the northern side, there the Holy One Blessed be He did not enclose the heavens. Another literal meaning is because beys is brokhe, [blessing] and alef (א) is arur [curse], and that's why the Holy One Blessed be He began with the beys.[110]

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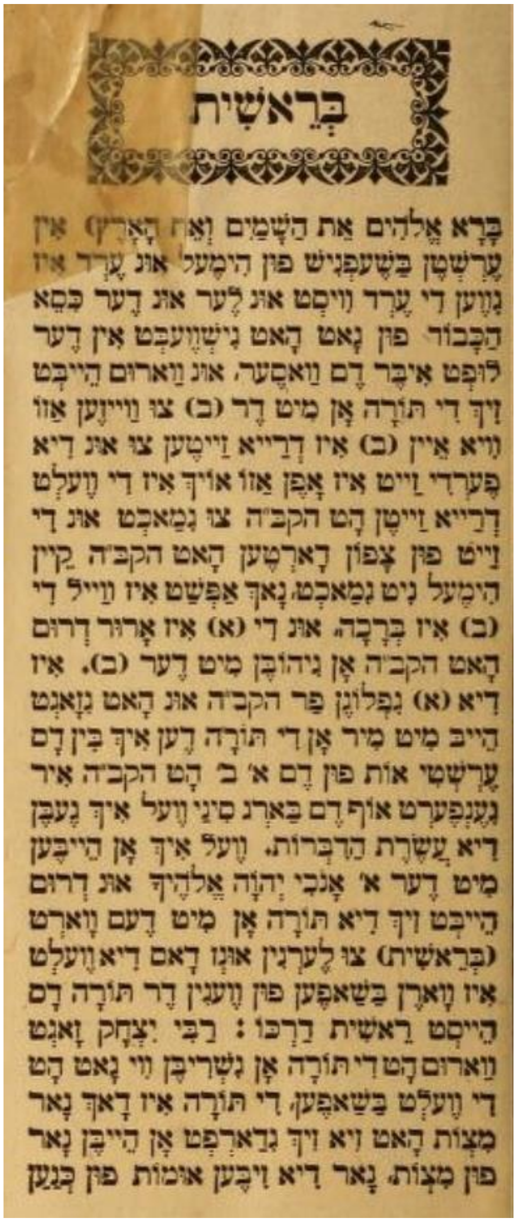
intercultural engagement and the many social and political factors that shape them. However, the assumption remains that translations are always already intercultural engagements, facilitating contact between two separate milieus, rather than a tool of engagement stemming from the same source culture. The tradition of Jewish interlingual textual engagement has a different implicit goal beyond equivalence. The source text in Jewish rabbinic theology *needs* translation, as heavily influenced by subjective human experience, in order to be fully realized and expounded. Translation is therefore part of a broader holy practice of engagement that not only clarifies but also expands the sanctified status of scripture, such that it becomes inextricably linked with the source text and takes on its holy status. Part of this fundamental difference stems from the fact that Jews have always been multilingual (at least textually) and so translations served always to facilitate deeper and more expansive intimacy with the source in its original language, and was never (until very recently) provided as a substitute. Jewish translations are more accurately analyzed when viewed through the theory of intertextuality, where each iteration adds to existing intertextual conversations within an interdependent system of meaning-making, where there is no sense in over-privileging the source text over its translations and judging translation based upon its achievement of equivalence. See Kronfeld, "Beyond Untranslatability."

[109] The earliest extant copy was published in 1622.

[110] Yaakov ben Yitzchak Ashkenazi, Tseʾenah u-reʾenah (Nyu Yorḳ : Hibru poblishing ḳompani, 1927), http://archive.org/details/nybc213555.



בְּרֵאשִׁית

בָּרָא אֱלֹהִים אֵת הַשָּׁמַיִם וְאֵת הָאָרֶץ) אִין
עֶרְשְׁטֶן בַּשֶׁעפְנִיש פון הִימֶעל אונ עֶרְד אִיז
גְוֶועֶן דִי עֶרְד ווִיסְט אונ לֶער אונ דֶער כִּסֵא
הַכָּבוֹד פון גָאט הָאט גִישְׁוֶועבְּט אִין דֶער
לוּפְט אִיבֶּר דֶם וַואסֶער, אונ וַוארוּם הֵייבְּט
זִיךְ דִי תּוֹרָה אָן מִיט דֶר (ב) צוּ וַוייזֶען אַזוֹ
וְויא אַיין (ב) אִיז דְרַייא זַייטֶען צוּ אונ דִיא
פֶערְדִי זַייט אִיז אָפֶן אַזוֹ אוֹיךְ אִיז דִי וֶועלְט
דְרַייא זַייטֶן הָט הקב״ה צוּ גְמַאכְט אונ דִי
זַייט פון צָפוֹן דָארְטֶען הָאט הקב״ה קַיין
הִימֶעל נִיט גְמַאכְט, נָאךְ אַפְּשַׁט אִיז וַוייל דִי
(ב) אִיז בְּרָכָה, אונ דִי (א) אִיז אָרוּר דְרוּם
הָאט הקב״ה אָן גִיהוֹבֶן מִיט דֶער (ב). אִיז
דִיא (א) גְפַלוֹגֶן פַר הקב״ה אונ הָאט גְזָאגְט
הֵייבּ מִיט מִיר אָן דִי תּוֹרָה דֶען אִיךְ בִּין דֶם
עֶרְשְׁטִי אוֹת פון דֶם א׳ ב׳ הָט הקב״ה אִיר
גֶעעֶנְפֶערְט אוֹיף דֶם בַּארְג סִינַי וֶועל אִיךְ גֶעבֶּן
דִיא עֲשֶׂרֶת הַדִּבְּרוֹת. וֶועל אִיךְ אָן הֵייבֶּען
מִיט דֶער א׳ אָנֹכִי יְהֹוָה אֱלֹהֶיךָ אונ דְרוּם
הֵייבְּט זִיךְ דִיא תּוֹרָה אָן מִיט דֶעם וָוארְט
(בְּרֵאשִׁית) צוּ לֶערְנִין אוּנְז דָאס דִיא וֶועלְט
אִיז וָוארְן בַּשַׁאפֶען פון וֶועגִין דֶר תּוֹרָה דָם
הֵייסְט רֵאשִׁית דַּרְכּוֹ: רַבִּי יִצְחָק זָאגְט
וַוארוּם הָט דִי תּוֹרָה אָן גְשְׁרִיבֶּן ווִי גָאט הָט
דִי וֶועלְט בַּשַׁאפֶען, דִי תּוֹרָה אִיז דָאךְ נָאר
מִצְוֹת הָאט זִיא זִיךְ גְבַארְפְט אָן הֵייבֶּן נָאר
פון מִצְוֹת, נָאר דִיא זִיבֶּען אוּמוֹת פון כְּנַעַן

Image: The first column of the first page of the same edition, including the above translated text.

Here, the author of the text, Yankev ben Yitzkhok Ashkenazi of Janów (1550-1628), not only incorporates a clearly already digested but still more-or-less direct translation of the Hebrew verse, but also incorporates a condensed version of an important midrash interpreting why the first letter of the Torah is a beys, as opposed to the first letter of the Hebrew alphabet, alef.[111] The *tsene-rene* goes on to include not only early midrash, but also excerpts from the Talmud as well as a wide selection of bible commentaries including Nachmonides, Bachya ben Asher, and Yankev ben Asher, even incorporating some contemporary commentaries by Efraim of Luntshits.[112] In so doing, Ashkenazi comprises his "women's translation" of an interwoven piecework of scholarly interpretations from antiquity through his own lifetime, sometimes attributed and sometimes unmarked. This indicates that conversational approaches to meaning-making were already essential for translating and understanding the sources. Even as the *tsene-rene* is offered as the simplified version of the text—that is, one meant "for women and men who are like women,"[113] i.e., not learned in Hebrew—it requires a complex understanding of the interrelated nature of meaning-making and the cultural impossibility of attaining understanding without the use of myriad devices, sources, and embodied perspectives. This is just one popular example, but it has at least since the rabbinic era been entirely normal—mandatory, even— to read Jewish sources alongside and interwoven with later interpretations. That's what the Talmud is. And in the process, the source itself is continually and profoundly transformed. The source text is paired with its intertextual resonances to such an extent that the scriptures and early rabbinic texts themselves become layered while the source, and crucially, its holy status, is expanded to include insights from those who have inherited it.

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[111] Genesis Rabbah 1:10.

[112] "YIVO | Tsene-Rene," accessed December 5, 2019, https://yivoencyclopedia.org/article.aspx/Tsene-rene.

The invention of the printing press in the 15th century began a process of standardization of the Talmud's layout. While the Soncino edition established the norm of printing the Talmud text between Rashi's commentary on the binding side and *Tosafot* commentary on the ouside of the page, the subsequent Bomberg edition applied this layout to its complete printing of the Bavli, while introducing different typefaces to distinguish between the primary text and commentaries and standardizing pagination. They also began printing additional commentaries as back matter. This was the start of the sanctification of the printed form of the Talmud known as *tsuras hadaf.* The 19th century Romm's publishing house in Vilna, famous for printing both religious and secular Jewish texts, further innovated the form by adding a *third* layer of commentaries on the outside border of the page and introducing a new streamlined type. Romm's publishing house mass produced the Bavli like never before and their edition became known as the Vilna ShaS. To this day, it remains the basis for all popular editions; editions that deviate from the iconic form are subject to widespread criticism. Its sanctified format has become a visual symbol for the Talmud itself.[114] Without its attendant commentaries, the Talmud itself cannot be considered complete. This system contrasts with other literatures wherein many intertextual resonances may be named only by scholars or register entirely on a subconscious level. The extreme reliance on intertextuality for meaning-making in Jewish literature implicates the reader in grand ways. The readers are co-creators of the text, and the texts themselves are inherently incomplete without the active *seeking* [דרש] of meaning by the Jewish people.

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[113] This popular dedication typically appearing in printings of the *tsene-rene* was not an innovation of the *tsene-rene*. Rather, it was inscribed in many volumes of Yiddish prayer and religious texts (i.e., *tkhines*, moralistic stories) as well as later works of Yiddish literature. The first iteration appeared in the 1596 Cracow publication of the *Brantshpigl*.

[114] Wimpfheimer, *The Talmud*, 211–224.

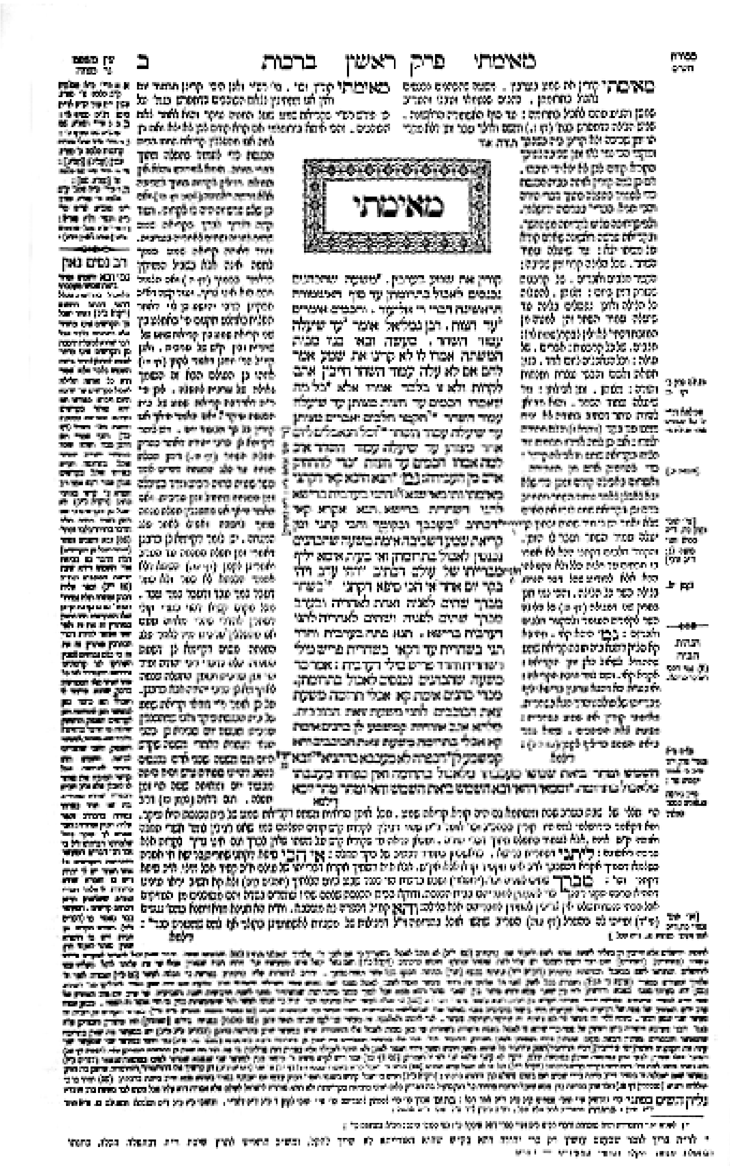

Image: The first page (Berakhot 2a) of the Vilna edition.

In 1993, Talmudist David Kraemer published an article in *Prooftexts* entitled “The Intended Reader as a Key to Interpreting the Bavli.”[115] It is one of very few serious explorations of the crucial matter of identifying the characteristics of the intended reader of the Talmud.[116] In the article, Kraemer justifies as necessary the pursuit of the question of intended reader and lays out the import and significance of cultivating an understanding of the intended audience of the myriad contributors of the Babylonian Talmud for our ability to make sense of the Talmud's discursive moves. Kraemer then paints a picture of a reader of the Talmud who is "a member of the schooled elite who has…committed much of Scripture to memory." Moreover, this reader would have spent years learning early rabbinic texts including the Mishnah and Midrash prior to initiating a study of Gemara. Kraemer assigns several more abstract attributes to this intended reader as well, including "considerable ingenuity and intellectual prowess." Without these qualities and a massive arsenal of memorized texts, Kraemer argues, the reader would be forced to abandon the text before making sense of it, or at the very least, abandon a thorough interpretation in favor of parsing the plain, surface meaning of the language. Kraemer doubles down by claiming that this reader would have been "a Jewish male of advanced rabbinic training whose native intellect was far superior to that of the common individual."

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[115] Kraemer, “The Intended Reader.”

[116] In his dissertation, Zvi Septimus offers a thorough analysis of an “implied reader” of the Babylonian Talmud. However, unlike an investigation into an intended reader, Septimus’s implied reader is a theoretical archetype, and no such person would be possible. The implied reader, in contrast to any actual readers, is a theoretical perspective whose entire worldview, context, and sensibilities are constructed by the text itself. Septimus relates this implied reader to a perhaps more historically possible “global Bavli reader” who in fact knows the entire textual world of the Bavli and even plays an active and literal role in editing the text based on this “global” perspective (i.e., constituting one of the final layers of editing and canonization of the Bavli) as part of an attempt to construct meaning “horizontally,” or across the Bavli as

On the one hand, Kraemer's assumptions are not surprising to anyone who has studied the Talmud in its original language. It is an exceedingly difficult canon to make sense of literally, let alone interpret, and readers do need to practice to develop any level of facility with reading it. It lacks all punctuation and includes no diacritical notation. It switches suddenly and routinely between rabbinic Hebrew and Jewish Babylonian Aramaic which have related grammatical structures but also significant differences. The Talmud routinely cites the *Tanakh*, but does not cite the book, chapter, or verse which it is referencing, and sometimes includes only two words of a quote with an implied ellipsis and sometimes not even the words under examination in the discussion, leaving it to the reader to recall precisely what verse is being highlighted and fill in the entire context before even venturing a guess as to what the next interpretive statement is claiming. The Talmud documents dialogue among many contributors, many of whom did not live contemporaneously and, only after pages of winding dialogue with multiple voices, will it sometimes simply attribute a core intervention to "the other one," forcing the reader to resolve any residual uncertainties about the preceding material in order to have even a basic understanding of what has just taken place. These are all challenges to understanding a basic, limited meaning of the words on the page and do not begin to address the challenge of understanding the logic and complex discursive mechanisms at play on any given page of the Talmud from any of its sixty-three tractates, which, of course, is the stuff worth swimming in. Yet, in the face of these difficulties, it is not mastery that can unlock access to the text, but rather the cultivation of an interdependent relationship between reader and text, where relative visibility and invisibility of meaning is itself a meaningful dynamic choice worthy of interpretation. This interdependent posture also characterizes the intended reader as necessarily a member of a *community* of readers working collaboratively.

Kraemer is right to assert the high expectations the Talmud places on the reader and the stakes and implications of bringing such a reader to the project of interpretation. However, I would argue that the crucial expectation of a Talmud reader is not their intellectual superiority

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a whole document not just vertically across disparate historical moments and conversations. The implied reader is a helpful notion when making the case, as Septimus does, that there was a wider scope and perspective, one shaped by the text as a whole, at play in the editing of the Bavli. However, it is less relevant when engaging the question of how did the contributors of the text desire for their work to be read by actual living bodies who would inherit the tradition. And who are those rightful inheritors ideally? See Zvi Septimus, "The Poetic Superstructure of the Babylonian Talmud and the Reader It Fashions" (Ph.D. diss., University of California, Berkeley, 2011), 18.

but rather their orientation to the Talmud as an open text which needs the reader's participation in to become whole. Indeed, the most beautiful and meaningful interpretations occur when the reader, motivated by their own present lack, desire, or need for answers in the text, recognizes the mirrored needs and desires within the text. The rabbis were motivated by painful incongruities and incompatibilities between their lives and times and the tradition as they had inherited it, and they recognized that the continued relevance of the tradition to the changing times lay in their powers of interpretation as readers. An ideal reader of the Talmud must be motivated by similar concerns as well as a similar sensitivity to the potency and potential of one's choices as a reader. Queer interpretation is a mutual fulfillment of the desires of both text and reader.

Kraemer does appreciate that the Talmud's intended reader must be empowered and actively engaged, and by presenting this ideal in contrast to a normative Yeshiva student, Kraemer reveals his biases against a perceived norm of Yeshiva culture fostering interpretations which are conservative rather than empowered and reading as an ultimately passive rather than active endeavor. He explains,

> like the Bavli itself, [the intended reader] challenged and questioned, and [they were] anything but intellectually submissive. [Their] piety did not demand simple acceptance of received traditions. Instead, [they] were called upon (intellectually, at least) to transform the tradition according to [their] own reasoned understanding. This reader was not the stereotypical *yeshiva-bokher;* rather, [they were] the incumbent master of a developing tradition, one that [they] had a hand in transforming.[117]

In its own way, Kraemer's reconstruction of the Talmud's intended reader is radical. Most Talmud study takes place in Ultra-Orthodox yeshivas where, in reaction to a rapidly changing world, emphasis is often placed on interpreting the text according to received tradition, obscuring or explaining away the logical or ideological challenges presented by the sages on practically any page of the Talmud.

Kraemer describes a problematic norm in Talmud study, namely, the inherent belief that there is one coherent intended meaning of the text that simply has to be discerned through rigorous guided interpretations that create harmony between apparently conflicting sources or commentaries. This approach, decried by Kraemer, stands in contrast to his understanding of the Talmud as a dynamic text with many possible valid interpretations and implications which shift according to what the reader brings to the text. Of course, even the yeshivish model of study articulated by Kraemer requires quite a great deal of intellectual prowess, but without any of the broader implications for disrupting the status quo or transforming tradition with an eye towards greater relevance. Consider, for instance, Talmud scholar David Weiss Halivni. Recognized as a Talmudic genius (*ilui*) at a young age, Halivni argues in his 1978 essay "Can a Religious Law be Immoral?" that the need for exegetical consistency is in fact the paramount concern of the Talmudic rabbis, eclipsing any moral considerations. Any apparent rabbinic bias towards moral innovation is coincidental or at most, according to Halivni, *only* operative on a subconscious level.[118] The motivation for Halivni's argument is laid bare in the very first sentences of the essay in which he mentions the radical potential, or, in his view, danger, that the alternative view poses:

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[117] Kraemer, "The Intended Reader," 133.

[118] David Weiss Halivni, "Can a Religious Law be Immoral?" in *Perspectives on Jews and Judaism: Essays in Honor of Wolfe Kelman*, ed. Arthur A. Chiel (New York: Rabbinical Assembly, 1978).

> It is commonplace to say that whenever a conflict arose between morality and law, the Rabbis of the Talmud resorted to interpretation, interpreting the law out of existence. The assumption being that the Rabbis were aware of the conflict and, siding as they did with morality, they abrogated the offensive law. In short, they favored morality over the law. If this were so, our present religious predicament would be of less magnitude, for we, too, like the Rabbis of old, could resolve our religious versus moral conflicts in favor of the moral.[119]

Halivni picks up of course on the Talmudic norm that morally-inspired legal innovations and abrogations of Torah law are often presented stealthily, but, apparently out of the reverence he personally holds for ChaZaL, dismisses outright the possibility that they would have "hid" true motives from us. Halivni references one example where the rabbis explicitly raise moral concerns—in the case of *mamzeirim* (children of forbidden sexual relationships, to whom a series of oppressive laws apply)—and explains that this is the exception that proves the rule, because in that case, they "became so paralyzed that no substantial change of the law was enacted." Yet, this is hardly the only case in which moral concerns with existing Torah law are raised directly. (See the discussion below on the concept of *svara.*) Moreover, even with regard to *mamzeirim,* the rabbis do make legal decisions so as to limit the circumstances in which one can be designated a *mamzer,* such as when they rule *Ein Ones b'Gittin*—that circumstances beyond one's control [*ones*] do not have legal standing with regard to divorce law.[120] Halivni's piety precludes any inquiry that may cast a shadow of doubt on the integrity of the Talmudic rabbis and their mission to make the Torah work without any contradictions or inconsistencies. Likewise, he ascribes to the rabbis a similar refusal to concern themselves with moral objections to the Torah. Doing so, to Halivni, would constitute an undermining of the moral wisdom of either God or any of their predecessors.

Core to this normative orientation to Talmudic study, however, is that orthodoxy and pious acceptance of source authority are prized over intellectual collaborative participation in an innovative rabbinic process. Kraemer is right to want to recast the intended Talmud reader as more actively engaged in a collaborative process with the text. However, beyond repeating upsetting ableist and elitist assumptions in his portrait of the Talmud's intended reader, Kraemer also holds assumptions that he does not explicitly recognize but which nevertheless shape the picture he paints. I would like to challenge the outcome of Kraemer's exploration and argue not for an intellectually superior intended reader, but rather, for a queer reader, characterized by a number of qualities that I lay out and justify in this dissertation.

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[119] Halivni, "Can a Religious Law be Immoral?" 165.

[120] This ruling speaks to a circumstance wherein a man gives his wife a conditional *get* (bill of divorce). The most common example of this would be if a man were to leave on a trip, he would give his wife a divorce contract that states, should he fail to return within twelve months, the divorce will go into effect. The reason this is an important practice is that it provides some security to married women who, barred from legally effectuating a divorce on their own, must receive a divorce from their husbands before being able to remarry. In the case of a husband whose whereabouts are unknown, the wife could spend her whole life waiting for him to return and never be able to remarry without a divorce, leaving her an *agunah* (lit. "chained" but refers to a deserted wife). "Ein Ones b'Gittin" applies to such a case, where the husband has given a conditional get, and is on schedule to arrive back to his wife before the divorce goes into effect, but he is delayed due to circumstances beyond his control, such as a tardy ferry. If unavoidable circumstances, were to have legal standing, he could come home a year later and argue that the divorce was invalid because he was captured while away. However, if the woman had already remarried and had children when her previous marriage was still valid, it would mean her children would be designated as *mamzeirim*. On the other hand, a woman could spend her whole life waiting for the return of her husband if she believes he is being held due to some circumstances outside of his control, when in fact, he has died. This would also be a tragic case. As a result, Ein Ones b'Gittin teaches that if one gives a conditional get, once a stipulation has been met and the get goes into effect, it cannot be retroactively invalidated due to the husband claiming *ones*. [See BT Ketubot 2b–3a.]

First, Kraemer's familiarity with the Talmud leads him to the correct conclusion that because the Talmud is almost constantly referencing other texts—biblical, rabbinic, or another Talmudic text separated by hundreds of pages of material—the reader must have access to these references and a way to recall and assess them. In a historical context, it is also not surprising that Kraemer solves this difficulty by asserting the many years of study accomplished by the intended reader and the assumption that the reader has committed an enormous amount of text to memory. Indeed, rabbinic statements in the Talmud do appear to reference other texts from memory. Yet, we also know that the rabbinic project has always been one that has taken place collectively. The intimate tradition of partner-study, *chavruta was* established in late antiquity and is referenced repeatedly in the Talmud, and adopted by learners and scholars of the Talmud for centuries thereafter. *Chavruta* allows for the intertextual memory to be divided up among members of a learning collective, generating together a more full resonant echo chamber in the study house. The assumed method of Talmud study is not only with a partner, but also with a teacher, and often with an entire community.[121]

As a first grader, I remember learning about the *Halakha* that if someone drops a Torah scroll, they must fast for 40 days. Curious about how someone could actually do this and survive the physical toll of 40 days without food or drink, I approached my rabbi one day and asked him about it. After getting past the disturbing image I had painted of a dropped Torah scroll, he responded to me that he would solve the problem by splitting up the fast days amongst the entire community, so everyone would play a part in the necessary spiritual repair. While I myself have been guilty of locking myself in a room and staring at a Talmud page in utter isolation trying to solve as many puzzles as I could, I did so with the acute understanding that this is not the method which the tradition prefers. And, even then, I had to ask for help to get where I wanted to go. Furthermore, the collaborative enterprise of Talmud study has been preserved to such a degree through commentaries and notes in the margin that even when one learns alone, one is never really left to think alone.

Informed by the tradition of Jewish learning, disability justice, and the principle of interdependence, as well as queer kinship models, I would argue against Kraemer's conclusion to wit that it is not the intellectual superiority of the individual that the Talmud requires, but rather that of the collaborating collective. When written texts are not easily available, one does not need to have the entire canon committed to memory. In the midst of a halakhic discussion, one does not mentally scan the entire canon in order to arrive at the most relevant source to bring in, rather, one brings in what arises spontaneously as the brain makes natural connections using the material that is already top of mind. What makes these discussions so thorough and exciting is that this process occurs simultaneously for everyone in the yeshiva. Together, they have collective access to the canon as filtered through each person's unique perspective. Rabbinic interpretation has never been and could never be a solo affair.[122] This is all the more so the case today when we have much easier access to cited material via libraries and the internet, and also benefit from commentators and Talmudists over the course of hundreds of years who have done their part to make the Talmud more accessible to more people. It is thus farfetched to assume that intertextuality in the Talmud necessarily assumes that any single intended reader must have access to the entire canon by memory. Moreover, the ideal of individual mastery does not leave sufficient room for the ways that the reader is implicated through challenge and the necessary willingness to recognize what is unknowable from the text alone without the subjective input of the reader. In order for the reader to be empowered to impact and subvert the tradition, which I argue is one pedagogical goal of the *stamma*'s stealth methods, humility is a prerequisite. Being aware of what one does not know is an asset. Furthermore, insofar as many Talmudic texts promote an illusion that a learned reader has uninhibited access to the whole canon at any given time, we must understand this rather to be an expectation of a community of learners as a whole; for centuries of study have established a clear trend that all learning occurs collaboratively and requires interpersonal reliance on others whether they be teachers, peers, or the teachings passed on by earlier scholars. See for example how for hundreds of years now we have benefitted from the work of Yehoshua Boaz Mevorach, an under-appreciated 16th-century Sephardic Venetian scholar and in my view a pioneer in accessible pedagogy. Among many other contributions, Yehushua Boaz Mevorach went through the entire Talmud to comprehensively fill in citations for every reference to Tanakh, every parallel text from within the Talmud, as well as references to medieval halakhic codes which distill the dynamic and open rabbinic discourse of the Talmud into catalogues of crystallized and closed legal outcomes. Rabbi Yehoshua Boaz Mevorach's comprehensive and monumental contributions have been included in virtually every standard printing of the Bavli for over one hundred years.[123]

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[121] For rabbinic discussions of *chavruta*: See BT Berakhot 63b, BT Ta'anit 7a, BT Ta'anit 23a, BT Yevamot 62b, Avot 1:6, Avot de Rabbi Natan 8:3.

Kraemer seems to take for granted an elitist orientation to rabbinics which more closely resembles Jewish cultures in later eras of institutionalized rabbinic Judaism, and he does so without interrogating the deep ambivalence that the pre-institutional Talmudic rabbis themselves express regarding esotericism and democratization. Kraemer's discussion of the Talmud's intended reader as an elite rabbinic scholar whose reading would naturally diverge significantly from that of a common reader holds several implicit assumptions. The description of the prerequisite mastery of sources suggests that the intended reader would have spent many years focusing primarily or exclusively on study, a reality that was rarely feasible for Jews in the *tannaitic* and *amoraic* eras who almost always had to labor in order to make a living. Many Talmudic sages had professions that did not apparently relate to study, but which valuably informed their approaches to rabbinic thought and interpretation. Moreover, the small size of the rabbinic community during the time of the Talmudic sages suggests it is unlikely that the rabbis' produced their discourse with the intention or expectation that it only be read by those who are solely devoted to rabbinic study. On the contrary, Babylonian sages were known to address lay audiences directly.[124] What set the first generations of rabbis apart from their contemporaries was not their elite circles and intellectual superiority enabling them to read layers of Torah that popular audiences could not pick up on. Rather, they were a small group who *chose* to locate and express possible solutions to common social problems of their time in Jewish canonical textual interpretation and collaborative inquiry rather than any number of other possible sources from other religions and thought traditions.

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[122] Note the legend recalled to me by my teacher Dr. Daniel Boyarin that each of the students in Rabbenu Tam's yeshiva was charged to know one tractate (masekhet) by heart and to contribute what he knew about the text being studied at that moment.

[123] See Wimpfheimer, *The Talmud,* 210–224.

[124] See Rubenstein, "Social and Institutional Settings of Rabbinic Literature." 58–74.

Moreover, alongside rabbinic ambivalence regarding elitism, the Talmud frequently cites positions decidedly opposed to an ivory tower locus of rabbinic excellence. Consider, for example the following statements in Mishna Pirkei Avot:

> שְׁמַעְיָה אוֹמֵר, אֱהֹב אֶת הַמְּלָאכָה, וּשְׂנָא אֶת הָרַבָּנוּת, וְאַל תִּתְוַדַּע לָרָשׁוּת:
>
> Shmaya would say: love work and hate superiority[125] and do not make yourself known to the ruling authorities. (Avot 1:10)

> שִׁמְעוֹן בְּנוֹ אוֹמֵר, כָּל יָמַי גָּדַלְתִּי בֵין הַחֲכָמִים, וְלֹא מָצָאתִי לַגּוּף טוֹב אֶלָּא שְׁתִיקָה. וְלֹא הַמִּדְרָשׁ הוּא הָעִקָּר, אֶלָּא הַמַּעֲשֶׂה.
> וְכָל הַמַּרְבֶּה דְבָרִים, מֵבִיא חֵטְא:
>
> Shimon, son of [Rabban Gamliel] would say, “All my days I grew up among the Sages, and I never found anything better for a person than silence. The main point is not study but rather actions. Anyone who talks too much brings about sin.” (Avot 1:17)

> רַבָּן גַּמְלִיאֵל בְּנוֹ שֶׁל רַבִּי יְהוּדָה הַנָּשִׂיא אוֹמֵר, יָפֶה תַלְמוּד תּוֹרָה עִם דֶּרֶךְ אֶרֶץ, שֶׁיְּגִיעַת שְׁנֵיהֶם מְשַׁכַּחַת עָוֹן. וְכָל תּוֹרָה
> שֶׁאֵין עִמָּהּ מְלָאכָה, סוֹפָהּ בְּטֵלָה וְגוֹרֶרֶת עָוֹן.
>
> Rabban Gamliel son of Rabbi Yehuda HaNasi would say, “Great is the study of Torah combined with a secular occupation, for laboring in the two makes one forget sin. And any Torah that is not combined with work is void in the end and draws in sin.” (Avot 2:2)

> בֶּן זוֹמָא אוֹמֵר, אֵיזֶהוּ חָכָם, הַלּוֹמֵד מִכָּל אָדָם, שֶׁנֶּאֱמַר (תהלים קיט) מִכָּל מְלַמְּדַי הִשְׂכַּלְתִּי כִּי עֵדְוֹתֶיךָ שִׂיחָה לִּי.
>
> Ben Zoma would say, “Who is wise? The one who learns from every human, as it is said, ‘From all who taught me have I gained understanding’ (Psalms 199:99)” (Avot 4:1)

> וְכָךְ הָיָה הִלֵּל אוֹמֵר, וּדְאִשְׁתַּמֵּשׁ בְּתָגָא, חָלָף. הָא לָמַדְתָּ, כָּל הַנֶּהֱנֶה מִדִּבְרֵי תוֹרָה, נוֹטֵל חַיָּיו מִן הָעוֹלָם:
>
> Thus Hillel would say, “…Thus you have learned, anyone who derives worldly benefit from the study of Torah, his life shall be taken from the world.” (Avot 4:5)

These statements do not prove that the rabbis did not belong to an elitist culture, but rather display a non-elitist ideal to which they aspired and perhaps also idealized for their abstract intended reader. Like many marginalized groups, ideals of justice may have been held along communal insularity that emerges as a social defense mechanism in an oppressive context. In other words, Kraemer, picking up on the stealth presentation of the most radical halakhic innovations in the Talmud, explains the choice by illustrating an intended reader who is intellectually sharp enough to recognize radical change underway rather than stopping at a surface-level read which suggests orthodox adherence to biblical authority. I believe that moments of stealthy innovation and the paradoxical layering of meanings instead reveal the rabbis' weighing of practical and moral concerns. Here, radical change and innovation with an eye towards imbuing the tradition with more relevance and inclusivity are the paramount moral concerns. If, however, the methods are too transparent, this might raise practical concerns of having them disregarded as heretical or as inadvertently motivating others to upend tradition in ways not driven by moral concerns.

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[125] The term here, רבנות, translated broadly as leadership or superiority, linguistically points to the rabbinic project itself. We may interpret Shmaya's statement as suggesting that rabbinic learning or “work” should not replace trade labor, nor should rabbinic leadership become political by taking on administrative roles in the governing empire.

Kraemer criticizes conceptions of the intended reader of Talmud which overemphasize piety and a subservient orientation to rabbinic authority over and above intellectual agility and sharp criticism. Yet, in so doing, he posits an alternative intended reader who is *overly* concerned with intellectual sharpness over and above moral considerations which have always been core to rabbinic interpretation. In other words, Kraemer's emphasis on the intellectual superiority of the reader causes him to neglect the question of the intended reader's motivations—the "why" of Jewish exegesis. Below, I will introduce a passage from Eruvin 13b which engages precisely this tension and proceed to unpack this little *sugya* in an effort to understand how Talmudic ethics may consider a rabbi who is perhaps *too* mentally agile.

In my study of the selections below, I will demonstrate my own queer approach to the Talmud, paying special attention to themes and concerns I have introduced above of vulnerability and mutual affect between text and reader, a stealthy representation of key interventions into tradition for the purposes of maintaining social relevance by passing as relatively conforming to an unchanging tradition, and the balancing of moral and practical concerns. I take for granted a Jewish approach to language and discourse as fundamentally creative with a queer aptitude for both employing and recognizing the particularly subversive potential of language.

Returning to the matter of intellectual agility, Kraemer reiterates that this quality is of paramount importance when theorizing the traits of an intended reader of the Talmud. Yet, by not engaging the question further to explicate towards what ends a reader must possess intellectual agility, Kraemer inadvertently advocates for the modern model of rabbinic scholarship, *Torah lishma*, that is, Torah study for its own sake, which I believe he means to push back against in his critique of the typical *yeshiva-bokher*. Consider the following section from Eruvin 13b:

אָמַר רַבִּי אַחָא בַּר חֲנִינָא: גָּלוּי וְיָדוּעַ לִפְנֵי מִי שֶׁאָמַר וְהָיָה הָעוֹלָם שֶׁאֵין בְּדוֹרוֹ שֶׁל רַבִּי מֵאִיר כְּמוֹתוֹ, וּמִפְּנֵי מָה לֹא קָבְעוּ הֲלָכָה כְּמוֹתוֹ? שֶׁלֹּא יָכְלוּ חֲבֵירָיו לַעֲמוֹד עַל סוֹף דַּעְתּוֹ.

> Rabbi Acha bar Chanina said it is bare and known to the One Who Spoke and the World Was [i.e. God] that there was no one in the generation of Rabbi Meir who matched him. So why did they not establish *Halakha* according to his view? Because his peers were not able to stand by the end of his reasoning.

On this last statement we get a clarifying gloss from Rashi, "They couldn't understand which of his words were right [*nekhonim*] and which were not because he would give equally sound and worthy reasoning for and against the *Halakha*, [i.e., the particular ruling in question]."[126] What is being raised in this passage is precisely the tension that Kraemer fails to account for. Here we have an account of the brightest rabbi in his generation, whose reasoning capabilities superseded any of his peers. We are told later on in the same *sugya* that Rabbi Meir's contemporaries were made smarter simply by being in proximity to him in the study hall, even facing his backside.[127] Yet, the rabbinic collective chose not to justify legal and practical implications of their Torah study according to Rabbi Meir's contributions.

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[126] על סוף דעתו - לא יכלו להבין באיזה דבריו נכונים ובאיזה אין דבריו נכונים שהיה נותן דעת מיושב והגון על אין הלכה כהלכה:

[127] BT Eruvin 13b

In his article, "Patron Saint of the Incongruous: Rabbi Meir, the Talmud, and Menippean Satire," Boyarin offers a counter-narrative of Talmudic discourse that undermines Kraemer's account of Talmud and its readership as necessarily hyper-intellectual. Boyarin likens the text's view of Rabbi Meir to Mikhail Bakhtin's notion of the Carnivalistic Legend. The above-quoted statement encapsulates this Talmudic orientation towards Rabbi Meir: he is at once elevated and undermined. It is precisely the fact of Rabbi Meir's distinctiveness, over and above his peers, that ultimately leads to his being misunderstood—and utterly humanized. Boyarin takes the incongruity presented in Rabbi Meir's character as representative of the Talmudic project more broadly in his framing of Talmudic discourse as Menippean satire, a trans-genre form theorized by Bakhtin in which the practices of the textual culture itself are at once asserted and mocked. Boyarin articulates the import of the Menippean satire for understanding what I would refer to as the piously irreverent characteristics of Talmudic discourse:

> I would argue that, consistent with the practices of the Menippea itself, in the farrago that is the Talmud the most important intellectual practices of the rabbinic community are being advanced sincerely and queried at one and the same time with the effect, not of their undermining, but of their ironization.[128]

I adjust Boyarin's statement to argue that there is in fact a tension within the Talmud's genre wherein the instances of satire and query can be read as a tool either of ironization or of undermining of the discourse. It is precisely this dynamic interplay that the *stamma* stealthily orchestrates and which is a crucial textual feature demanding perpetual resignification of the text's meanings by the reader. I also add that the designation of the Menippea as "satire," points to the role of affect in constructing the Talmud's meaning. The interruption of what is often serious legal discourse with the surprise of laughter demands the subsequent reconsideration and possible refiguration of the meanings of the discourse. Likewise, the Talmud just as frequently evokes the reader's empathy and sensitivity to pain or tragedy towards the same ends.

Returning to the text at hand, the reason given for the apparent inconsistency between Rabbi Meir's brilliance and his meagre halakhic influence is the inability of the rabbinic sages to fully understand Rabbi Meir's reasoning. A literal reading of this statement may lead us to the conclusion that Rabbi Meir was simply too intellectually advanced for his peers for them to discern actual *Halakha* from his teachings, or perhaps that he was not effective enough at communicating. This registers as a weak interpretation—it is unlikely that the *meimra* would suggest the intellectual ineptitude of ChaZaL. Yet, Rashi's gloss of "not able to stand by the end of his reasoning" as "couldn't understand which of his words were right [*nekhonim*] and which were not" requires us to go deeper. נכון is often defined as "right," "established," or "correct," yet the root of the word—kaf, vov, nun—is related to directionality or orientation and may be better rendered "upright" or "upstanding." It suggests that Rashi's clarification wants us to read that the rabbis struggled to identify where Rabbi Meir's *intentions* [*kavanot*] lay. In other words, Rabbi Meir's teachings were taken more as exercises in mental agility rather than actual moral arguments upon which to base decisions that had real lived consequences. Boyarin likens Rabbi Meir's approach to the function of the sophist in Platonic philosophy whose role is positioned against that of the philosopher's, rather challenging the very notions of "right" and "wrong."[129]

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[128] Daniel Boyarin, "Patron Saint of the Incongruous: Rabbi Meʾir, the Talmud, and Menippean Satire," *Critical Inquiry* 35, no. 3 (2009): 539.

[129] Boyarin, "Patron Saint of the Incongruous," 545–546.

In a contemporary legal context, we use the method of the “devil’s advocate” as an intellectual tool which helps us strengthen the argument to which we are committed. It is dangerous and counter-productive for this method to be used in earnest for its own sake or as a legitimate position for an alternative ruling. Queer and other marginalized people recognize the danger of abstraction in legal and political discourse because it obscures the lived consequences for real people of the discourse and the conclusions it leads to. Usually, this orientation emphasizing logical abstraction over practical application indicates a privileged social position because the consequences are unlikely to have a major impact on the logician, otherwise, they would be emphasized and evaluated in their own right. The description of Rabbi Meir suggests that the rabbis agree that mental agility is only valuable insofar as it can be mobilized to support moral imperatives. If not applied intentionally, intellectual superiority is benign at best, dangerous at worst. Indeed, Boyarin sums up his own argument regarding Rabbi Meir as follows: “The suggestion that I put forward is that the sophistry of Rabbi Meir is, in some sense, at the very heart of the Talmudic enterprise itself, an enterprise that both asserts the value of and critiques the limitations of intellect as means of knowledge and control of the world.”[130] This tension regarding the potentialities and limits of reasoning as the primary or sole tool for Torah interpretation and creation is expressed at several other moments within the same *sugya*. For example, the following anecdote illustrates the ethical implications of sharp reasoning, not to mention the profound spiritual-ideological significance accorded to the project of rabbinic interpretation.

אָמַר רַבִּי אַבָּא אָמַר שְׁמוּאֵל: שָׁלֹשׁ שָׁנִים נֶחְלְקוּ בֵּית שַׁמַּאי וּבֵית הִלֵּל, הַלָּלוּ אוֹמְרִים: הֲלָכָה כְּמוֹתֵנוּ, וְהַלָּלוּ אוֹמְרִים: הֲלָכָה כְּמוֹתֵנוּ. יָצְאָה בַּת קוֹל וְאָמְרָה: אֵלּוּ וָאֵלּוּ דִּבְרֵי אֱלֹהִים חַיִּים הֵן, וַהֲלָכָה כְּבֵית הִלֵּל. וְכִי מֵאַחַר שֶׁאֵלּוּ וָאֵלּוּ דִּבְרֵי אֱלֹהִים חַיִּים, מִפְּנֵי מָה זָכוּ בֵּית הִלֵּל לִקְבּוֹעַ הֲלָכָה כְּמוֹתָן? מִפְּנֵי שֶׁנּוֹחִין וַעֲלוּבִין הָיוּ, וְשׁוֹנִין דִּבְרֵיהֶן וְדִבְרֵי בֵּית שַׁמַּאי, וְלֹא עוֹד אֶלָּא שֶׁמַּקְדִּימִין דִּבְרֵי בֵּית שַׁמַּאי לְדִבְרֵיהֶן.

> Rabbi Abba said in the name of Shmuel: For three years the House of Shammai and the House of Hillel disagreed. These ones said the *Halakha* is according to us, and those ones said the *Halakha* is according to us. A divine voice called out and said, “both these and these are the words of the living God, but the *Halakha* is according to the House of Hillel.” But why, if both these and these are the words of the Living God, would the House of Hillel merit establishing *Halakha* according to them? Because they were easeful and humble and they would synthesize their words with the words of the House of Shammai. And not just that, they would also anticipate the words of the House of Shammai and incorporate them into their own.

According to rabbinic theology, the work of interpretation is the realization of the Divine word of God. Apparently, even contradicting interpretations are all considered valid as the Divine word. Later, post-stammaitic generations of rabbis such as the Tosafists placed a higher value on resolving apparent inconsistencies within the text, often with the goal of codification of cohesive halakhic systems meant to guide large groups of people (rather than smaller groups of Jews following particular interpretations either they or their trusted rabbis have arrived at). In contrast, however, Talmudic impulses toward cohesion are more about method than content. Interpretation is an absolutely crucial piece of the Torah and adducing interpretation is holy whether or not it leads to one coherent law that is chosen for codification. This resonates with Kraemer's conviction that the intended reader of the Talmud must participate in the holy work of interpretation according to their own knowledge and sensibilities whether it challenges or harmonizes with established positions in the text. Yet what determines the ways of life and practical applications of the Divine word is the capacity to integrate a moral standpoint into the work of interpretation that impacts one's ability to lead with compassion and connection. It is the humility of the House of Hillel, that is, their vulnerability and willingness to listen, change, and grow based on what they hear from the House of Shammai—and not their intellectual superiority—that gives them authority.

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[130] Daniel Boyarin, *Socrates and the Fat Rabbis* (Chicago: University of Chicago Press, 2009), 548.

If we turn to 13a, we read another account of Rabbi Meir, this time concerning his own tutelage.

מֵעִיקָּרָא אֲתָא לְקַמֵּיהּ דְּרַבִּי עֲקִיבָא, וּמִדְּלָא מָצֵי לְמֵיקַם אַלִּיבֵּיהּ — אֲתָא לְקַמֵּיהּ דְּרַבִּי יִשְׁמָעֵאל, וּגְמַר גְּמָרָא, וַהֲדַר אֲתָא לְקַמֵּיהּ דְּרַבִּי עֲקִיבָא, וּסְבַר סְבָרָא.

> At first, he came [to study] before Rabbi Akiva, and since he was not able to stand according to his teachings, he came before Rabbi Ishmael who taught the traditional teachings. Then, he returned to learn before Rabbi Akiva and he discerned *svara.*

The term *svara,* after which the queer yeshiva mentioned in my introduction is named, refers to that which can be derived from one's own independent sense of things, in contrast to learning from the received tradition (i.e., *gemara*). The Jastrow Dictionary lists among its definitions of *svara* "logical deduction," "ingenuity," and "brightness of mind."[131] *Svara* shares a root, however, with the word "hope."[132] The definition preferred by SVARA Rosh Yeshiva Benay Lappe is "moral intuition." Not all scholars would ascribe radicality to this term, but it is safe to say that the term *svara* encapsulates a process of interpretation that occurs when a fresh perspective enters into conversation with the received tradition. As displayed in the preceding anecdote, Rabbi Meir's ability to grasp Rabbi Akiva's *svara* is dependent on his first having a handle on the *gemara,* or received tradition, and according to Rashi, on his finding the ability to harmonize innovative *svara* with inherited gemara so as to reason effectively and stealthily. One has to be sharp in understanding the material as received in order to know how to effectively apply it according to one's own ingenuity.

Interestingly, *svara* is itself an established basis for Jewish law (alongside custom-*minhag*, precedent-*ma'ase*, rabbinic legislation-*takanah*, and Torah verse-*kra*). *Svara* is the only basis along with *kra* [written Torah] that has the status of *d'oraita,* that is, Torah law versus the lesser status of *d'rabbanan,* rabbinic legal innovations. One example of *svara* in action which appears in Tractate Sanhedrin (74a), with parallel texts in Yoma (82b) and Pesachim (25b), is when the rabbis claim *svara* as the basis for the ruling that if a local authority comes and commands someone to kill another person, or else they will be killed, one must face death rather than commit murder, for "who says that your blood is redder? Perhaps that fellow's blood is redder."[133] Of course, these categories are fraught to begin with, as everything the rabbis innovate is ultimately an expression of their own *svara.* The fact that it is not always explicitly acknowledged as such reflects a characteristic feature of Jewish adaptability and cultural evolution. According to Max Weinreich, Jews have always been comfortable adopting and changing traditions based on contemporary sensibilities and cultural exchange. What marks these shifts as authentic to Jewish tradition is not their source in ancient Jewish traditions but rather the ability of Jews in a particular place and time to convincingly claim that the innovations are consistent with older Jewish customs and opinions in a process Weinreich calls "vertical legitimation."[134]

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[131] Marcus Jastrow, "סברא," in *Dictionary of the Targumim, Talmud Bavli, Talmud Yerushalmi and Midrashic Literature.*

[132] Aramaic סְבְרָא, סוֹבָרָה; Hebrew סֵבֶר, see entries in Jastrow, *Dictionary of the Targumim.*

[133] מי יימר דדמא דידך סומק טפי דילמא דמא דהוא גברא סומק טפי.

A more generous reading of Rabbi Meir in the previously discussed text would be that he is not simply engaging in intellectual gymnastics for its own sake, but rather applying his methods to innovations far beyond what is normative in the rabbinic discourse of his time. The text states, "[Rabbi Meir] would state that the thing designated as ritually impure is pure and would provide justification, and that the ritually pure thing is impure and give justification." Perhaps the problem was not, as Rashi would have it, that Rabbi Meir's colleagues were not able to discern which *Halakha* was the right or upstanding one to put one's weight behind, but rather that the notion of calling into question the categories themselves was beyond the pale of rabbinic thought at the time. In this sense, Rabbi Meir may have been viewed as controversial in his particularly bold applications of *svara* to the discourse itself rather than the details of its contents. Perhaps Rabbi Meir's chief flaw according to this understanding was his inability to effectively communicate with and educate his colleagues about his process and project the way that Rabbi Ishmael and Rabbi Akiva had worked together to do when educating Rabbi Meir.[135] This understanding of the Rabbi Meir controversy clarifies Boyarin's point on Talmudic dialectic. The dialectic lies not in the monologizing debate about what may be designated pure or impure and how—a debate which fundamentally underscores the systems and rules organizing halakhic discourse, thereby promoting a cohesive rabbinic epistemology and reasserting rabbinic hegemony; rather, Rabbi Meir is posited as the true dialogical voice, the corollary to the sophist in philosophical discourse, challenging the normative system of rabbinic thought itself by calling into question the very import of the biblical categories of ritual purity and impurity.

While the example of designating ritually impure things pure may seem like it was chosen for rhetorical purposes, it is in fact a radical example to bring in. In another *sugya* (Sanhedrin 17a), the prerequisite ability of a rabbi who sits on the Sanhedrin to creatively use the Torah to designate the *sheretz* (an impure creature by definition) as ritually pure is used as evidence for the ruling that a Sanhedrin who unanimously sees a defendant as guilty of a capital offense must acquit him. The implication of this argument is that if the most brilliant minds (as established by their ability to do the supposedly impossible, that is, rule a *sheretz* ritually pure) cannot find a way to argue reasonable doubt and thus save the defendant from facing the death penalty, they are not fit to hold such power. In other words, the crucial requirement for holding rabbinic power is the ability to use the Torah to abrogate the Torah. The *stamma*'s choice here to use this example of purifying the *sheretz,* when we know the stakes of this particular interpretive move, suggests a deep commitment to the complexity of balancing practical considerations (i.e., the need to communicate effectively with others towards collective decision making, while honing the logical capabilities of oneself and the group) with moral requirements. When lives are on the line, superior reasoning for its own sake is unacceptable. Rather one must commit to a singular position and be able to argue it with impenetrable reason.

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[134] Max Weinreich, "Di shprakh fun derekh hashas," in *Geshikhte fun der yidisher shprakh: bagrifn, faktn, metodn*, 4 vols. (Nyu York: Yidisher Visnshaftlekher Institut, 1973).

[135] As discussed on 13a, cited above, when it was Rabbi Meir at the time who was not able to "stand" according to his teacher's reasoning [לא מצי למיקם אליביה].

תָּנָא: לֹא רַבִּי מֵאִיר שְׁמוֹ אֶלָּא רַבִּי נְהוֹרַאי שְׁמוֹ, וְלָמָּה נִקְרָא שְׁמוֹ רַבִּי מֵאִיר? שֶׁהוּא מֵאִיר עֵינֵי חֲכָמִים בַּהֲלָכָה. וְלֹא נְהוֹרַאי שְׁמוֹ אֶלָּא רַבִּי נְחֶמְיָה שְׁמוֹ, וְאָמְרִי לַהּ רַבִּי אֶלְעָזָר בֶּן עֲרָךְ שְׁמוֹ, וְלָמָּה נִקְרָא שְׁמוֹ נְהוֹרַאי? שֶׁמַּנְהִיר עֵינֵי חֲכָמִים בַּהֲלָכָה.

> It was taught in a *Baraita:* His name was not Rabbi Meir, but rather Rabbi Nehorai, so why was he referred to by the name Rabbi Meir? Because he enlightened [*me'ir]* the eyes of the sages in *Halakha.* And his name was not Rabbi Nehorai but rather Rabbi Nehemiah, and there are those who say his name was Rabbi Elazar ben Arakh, so why was he called Rabbi Nehorai? Because he enlightened [*manhir* - from same root as *nehorai]* the eyes of the sages in *Halakha*. [Eruvin 13b]

I would like to return to the notion of passing here as a useful metaphor in unpacking the texts of this Rabbi Meir *sugya* and others which I discuss further below. Rabbi Meir's halakhic authority rests upon his ability or choice whether to pass or not as an adherent to the established system of Rabbinic reasoning. The Talmud and rabbinic inquiry writ large can be understood as projects in passing. Innovations are the matter of rabbinic Judaism, but they are crucially introduced and accepted only when passing as part of a received tradition. That is, the value of any innovation, no matter how novel or subversive of Torah, rests on whether it can be vertically legitimated; that is, whether a plausible argument can be made that it has a basis in a historical source, namely, Torah, and whether it can pass as somewhat orthodox vis-à-vis that source. Any thorough understanding of the text, then, requires that the reader both play along with this project of orthodox legitimation while also peeking behind the curtain to put into sharper relief what is sometimes a contrived discourse. The reader judges each statement's success or refusal at passing as halakhically *kosher*, so to speak, as determined by made-up rabbinic criteria that nevertheless are perceived as "from the Torah." The extent to which the reader grasps the ambivalence of the formula may impact whether they themselves participate in the continuing unfolding of the tradition through introducing and justifying their own interpretations and innovations. One who primarily follows the legitimation process of the argument may not attune fully to the radical extent of the innovation. The brilliance of Rabbi Meir is his ability to self-consciously play with the formula toward whatever end he seeks. His arguments do not simply pass, they operate stealthily (because he can cause any statement, no matter how contradictory, to pass convincingly within the established system). What is more threatening than something passing as what it is not, is Rabbi Meir's ability to agentially make *anything* pass as conforming—even the purification of the *sheretz*. This disrupts the binary of visibility/invisibility itself; while Rabbi Meir's logic remains stealth, his ability to move *between* contradictory opinions rather shines a bright light on the tenuousness of the system of meaning-making as a whole. Perhaps it is this feature of stealthy argumentation that is perceived by his peers as *too* risky when it comes to drawing halakhic conclusions. This is threatening to his colleagues who feel compelled to find legal material to hang their yarmulkes on comfortably. Rabbi Meir calling into question the very categories of *pure* or *impure* is destabilizing. This destabilizing effect is then underlined by the above-quoted bizarre journey through the many different rabbis whose identities collapse into this one figure. Nevertheless, Rabbi Meir's agile manipulations of the rules of the discourse would have been enlightening to his colleagues as a way of helping clarify their own hierarchy of values for their interpretive project.

It is clear that the honorific valences of the names *Meir* and *Nehorai* (coming from "light" in Hebrew and Aramaic, respectively) are symbolic of the tension that surrounds the "how" and "how much" to pass within the established rules of rabbinic reasoning. That choice can either uphold the illusion of consistency of *halakhic* legality or reveal its true instability and undermine it. By passing within the overall framework, intentionally or unintentionally, the identity of the individual and their contributions are destabilized. Thus, these slippages reflect more the function of Rabbi Meir and his influence, by being named or unnamed or named differently or discretely, over and above his individual contributions. Indeed, the Babylonian Talmud in its canonized form seems to always be speaking both to the reader who accepts the discourse's stealth claim to be the legitimate explication of God and Moses's intended Torah law, and to those who are attuned to the cracks in the facade, left intentionally by the *stamma* as pedagogical hints. That is, the intended reader of Talmud must remain vulnerable enough so that they are susceptible to having their most fundamental suppositions pulled out from under them and then have the courage to synthesize that new information with their own *svara* toward transformative change within themselves as well as the new implications of the text. Rabbi Meir did not "enlighten" the eyes of the sages in specific halakhot to be codified. Rather, he revealed to them the instability of the halakhic system at large when not bolstered by human interpretive choices which must always be intentional.

One's ability, choice, or refusal to "pass" is a potent metric because any tension with established, taken-for-granted identity categories challenges those around it to interrogate their own assumptions about identity, belonging, and social categorization. The potential for destabilization is so great that the idea of someone doing it strategically and intentionally for their own benefit—that is, the notion of agential stealth—is unacceptable. Similarly, queer approaches to reading assume that the encounter and act of interpretation will cause both the text and the reader to experience something destabilizing; a queer reader is experienced enough with this tactic to roll with it and make something beautiful from it.

The famous *sugya* of *Ben Sorer u'Moreh* responds to the following section from Deuteronomy 21:

> 18 כִּֽי־יִהְיֶ֣ה לְאִ֗ישׁ בֵּ֚ן סוֹרֵ֣ר וּמוֹרֶ֔ה אֵינֶ֣נּוּ שֹׁמֵ֔עַ בְּק֥וֹל אָבִ֖יו וּבְק֣וֹל אִמּ֑וֹ וְיִסְּר֣וּ אֹת֔וֹ וְלֹ֥א יִשְׁמַ֖ע אֲלֵיהֶֽם׃ 19 וְתָ֥פְשׂוּ ב֖וֹ
> אָבִ֣יו וְאִמּ֑וֹ וְהוֹצִ֧יאוּ אֹת֛וֹ אֶל־זִקְנֵ֥י עִיר֖וֹ וְאֶל־שַׁ֥עַר מְקֹמֽוֹ׃ 20 וְאָמְר֞וּ אֶל־זִקְנֵ֣י עִיר֗וֹ בְּנֵ֤נוּ זֶה֙ סוֹרֵ֣ר וּמֹרֶ֔ה אֵינֶ֥נּוּ שֹׁמֵ֖עַ
> בְּקֹלֵ֑נוּ זוֹלֵ֖ל וְסֹבֵֽא׃ 21 וּ֠רְגָמֻהוּ כָּל־אַנְשֵׁ֨י עִיר֤וֹ בָאֲבָנִים֙ וָמֵ֔ת וּבִֽעַרְתָּ֥ הָרָ֖ע מִקִּרְבֶּ֑ךָ וְכָל־יִשְׂרָאֵ֖ל יִשְׁמְע֥וּ וְיִרָֽאוּ׃ (ס)
>
> 18 If a householder has a wayward and defiant son [*Ben Sorer u'Moreh*], who does not heed his father or mother and does not obey them even after they discipline him, 19 his father and mother shall take hold of him and bring him out to the elders of his town at the public place of his community. 20 They shall say to the elders of his town, "This son of ours is disloyal and defiant; he does not heed us. He is a glutton and a drunkard." 21 Thereupon his town's council shall stone him to death. Thus, you will sweep out evil from your midst: all Israel will hear and be afraid. (JPS translation)

Disturbed by this biblical scenario and compelled to ban such an occurrence from their midst, the *tanna'im* attempt to specify the requisite characteristics of this "wayward and defiant son" (*Ben Sorer u'Moreh*) which would have to be met in order for the punishment to be carried out.

Among the necessary characteristics they specify must be present are: the son has to be between boyhood and manhood as defined by having between two pubic hairs and a full-grown beard, "the lower one not the upper one, said the sages euphemistically." This *Ben Sorer u'Moreh* cannot be a daughter or a minor who is not yet commanded to fulfill mitzvot. He must also eat a *tarteimar* of meat and a half *log* of fine Italian wine under highly specific conditions that cannot include either performance of a mitzvah or a transgression. The *Ben Sorer u'Moreh* also must have stolen crops from his father and eaten them while trespassing the property of another. Rabbi Yosi in the name of Rabbi Yehuda adds an even more unlikely requisite that the son must have also stolen from his mother. This is a significant limitation in a social context where women owned very little property. The *amora'im* commenting on these *Mishnas* clarify and continue the limiting stipulations begun by the *tanna'im.* Finally, when the layered prerequisites converge to create such an obscure and unlikely picture, the obvious question is raised.

כמאן אזלא הא דתניא בן סורר ומורה לא היה ולא עתיד להיות ולמה נכתב דרוש וקבל שכר כמאן כרבי יהודה. איבעית אימא ר' שמעון היא דתניא אמר רבי שמעון וכי מפני שאכל זה תרטימר בשר ושתה חצי לוג יין האיטלקי אביו ואמו מוציאין אותו לסקלו אלא לא היה ולא עתיד להיות ולמה נכתב דרוש וקבל שכר אמר ר' יונתן אני ראיתיו וישבתי על קברו. כמאן אזלא הא דתניא עיר הנדחת לא היתה ולא עתידה להיות ולמה נכתבה דרוש וקבל שכר כמאן כר' אליעזר דתניא רבי אליעזר אומר כל עיר שיש בה אפילו מזוזה אחת אינה נעשית עיר הנדחת. מאי טעמא אמר קרא (דברים יג, יז) ואת כל שללה תקבוץ אל תוך רחבה ושרפת באש וכיון דאי איכא מזוזה לא אפשר דכתיב (דברים יב, ד) לא תעשון כן לה' אלהיכם אמר רבי יונתן אני ראיתיה וישבתי על תילה.

> According to whose opinion is it taught in a *Baraita*: the *Ben Sorer u'Moreh* never was and never will be in the future, so why is it written? Interpret [*drosh*] and receive reward. And according to whom was this said? According to Rabbi Yehuda, or if you want say it was Rabbi Shimon, for it was taught in a *Baraita* Rabbi Shimon said, "but really—because he ate this *tarteimar* of meat, and drank this half *log* of Italian wine, his father and his mother are going to go out and stone him?! On the contrary, he never was and never will be. So why is it written? Interpret and receive reward." Rabbi Yonatan said, "I saw him, and I sat on his grave." According to whose opinion is this which was taught in a *Baraita*, "The idolatrous city never was and never will be in the future so why is it written? Interpret and receive the reward." According to whom? According to Rabbi Eliezer as it was taught in a *Baraita* Rabbi Eliezer says, "Any city in which there exists even one *mezuzah* will not be made an idolatrous city [destined to be destroyed.] What's the reason? It is written, "you shall gather all of the booty [i.e., everything from the city] to the middle of an open space and burn it in fire" (Deuteronomy 13:17) and since if there is a mezuzah this would not be possible, as it is written, "This you shall not do to *hashem* your God." (Deut. 12:4) Rabbi Yonatan said, I saw it [the idolatrous city which was destroyed] and I sat upon her ruins.[136]

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[136] Ilana Pardes has argued that the nation of Israel is metaphorically conceived in the Torah as God's chosen and rebellious son. Incidents such as the Golden Calf story underline Israel's rebellious characterization; just as God is giving God's metaphorical first-born son the Torah, Israel is caught "whoring" after false idols, to use the verb often appearing in the Hebrew Bible in reference to idolatry [*zenut*]. See Ilana Pardes, *The Biography of Ancient Israel: National Narratives in the Bible,* Contraversions 14 (Berkeley: University of California Press, 2000). In the prophets, however, Israel is refigured as God's "beloved but often unfaithful, whoring wife." See Chana Kronfeld, "The Land as Woman: Esther Raab and the Afterlife of a Metaphorical System," *Prooftexts: A Journal of Jewish*

Any reader who has been following along with the preceding series of definitions of *Ben Sorer u'Moreh* which limit the cases in which the biblical law would be applicable would likely be struck at one point or another by the realization that these stipulations are shockingly precise. For Halivni, relegating oppressive laws to complete obscurity is substantively different than explicitly overturning them.[137] Yet, this case is so conspicuous that the *stamma* anticipates the reader's pause by bringing in two *Baraitas* which pose the very question: this case is so specific, could it ever really have occurred?

What happens next is a glaringly transparent explanation which at once stakes a claim for Divine sanction of rabbinic interpretive authority while simultaneously undermining the potency of this interpretive move. "Interpret and receive reward" is a clear argument that textual interpretation, however farfetched, is an expression not of heresy but rather of Jewish piety! This ought to strike a chord with any reader. Yet, "interpret and receive reward" also functions to sublimate the radicality of the rabbinic interventions on display in this *sugya*, which of course were to outlaw (without outlawing) the real extant practice of stoning the *Ben Sorer u'Moreh.* This statement locates the outlandish rabbinic interpretive moves within the Divine intent of the biblical passage, as though the biblical passage were written for the sole purpose of rabbinic interpretation, never intended to be understood literally. For Halivni, this explanation is satisfactory. After all, how else are we to learn to take seriously the sin of the stubborn and rebellious son? But, to suggest that the Torah verses exist for this purpose and that this was obvious to and taken for granted by the Talmudic rabbis, rather than a surreptitious justification theorized after the fact of the rabbis' bold interpretive moves, is a true instance of intellectual gymnastics. Rather, this statement is a display of rabbinic irreverence that can easily go overlooked because it is paired with ultimate devotion to the necessity of demonstrating that the tradition legitimates rabbinic thought.

The rules of rabbinic interpretation work to indoctrinate the reader into believing just that—that biblical texts exist mainly for the purposes of rabbinic interpretation (which is often anything but intuitive). For example, the rabbis hold that nothing in the Torah can be redundant. Therefore, if a law or principle appears more than once, each iteration must in fact be coming to teach something different, and it is the role of the rabbi to interpret the true meaning behind the apparently redundant statements. This interpretive principle is referred to as a *kra yeteira*—an apparently redundant verse.

Yet, because of the Talmud's ability to indoctrinate the learner in its systems of logic, the radicality of this interpretive principle is most apparent precisely to an amateur eye! This is yet another indication that it is not always advantageous to be a reader who has been studying the rabbinic corpus for most of one's life; the reader to whom access has recently been expanded will have crucial insights that have been underrepresented. This also goes to show why the Talmud has been considered so dangerous throughout history not only by Christians who have sought to

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Literary History 39, no. 2 (January 1, 2022): 173. This characterization as whoring wife is then extended beyond the nation Israel to land and city. See, e.g., when Ezekiel 16:25 chastises Jerusalem for spreading her legs to every passerby and multiplying whoredoms. Cited in Kronfeld, "The Land as Woman," 174. That both rebellious son and rebellious city are cited in this passage and are asserted to have never existed may be read as a rabbinic historiographical attempt to recast Israel as worthy of God's "reward" through redefinition. Rabbi Yonatan's grief and testimony stand in for the collective grief that attends both the initial figuration of Israel's rebellion and the loss that comes with rabbinic rewritings of the past.

[137] Halivni, "Can a Religious Law be Immoral?", 166.

destroy and vilify it for centuries,[138] but also by Jewish *yeshivot* and rabbinic authorities who ensured that the study of the Talmud was reserved almost exclusively for the most elite Jewish men who overall stood to benefit most from relatively conservative interpretations. Once an elite rabbinic class had been established, there would have been little motivation within that class to subvert the halakhic norms that supported their power in favor of uplifting marginalized members of the community such as women. If such interpretive moves were put forth, they were unlikely to gain widespread approval. This is not to say that there have not been many Talmudists throughout history who have recognized that radicalism of ChaZaL, but rather that the norms of Talmudic interpretation are more attuned to the expressed piety of the text rather than the revelatory cracks in the facade of reverence. This shows how effective the rabbis ultimately were at solidifying their authority to determine what true Jewish piety looks like in a post-Temple Judaism as though it were passed on through the generations from God's intent to Moses's hand.

In the above passage, the *stamma* doubles down in an attempt to communicate to the queer, vulnerable reader that we must not accept the preceding explanation given of "interpret and receive reward." For, the very utterance itself is a stealthy one; while it expressly uplifts the sanctified work of interpretation, functionally, it undermines the interpretive intervention that has just been made. The *stamma* does this by bringing in the voice of Rabbi Yonatan: "I saw him, and I sat on his grave." We are then given a series of parallel examples from elsewhere which follow the same pattern: a destructive biblical case is interpreted by the rabbis to only apply under such obscurely limited circumstances that it is said to have never actually occurred, but rather, the Talmud asserts, the case is only described in Tanakh for the purposes of interpretation, and therefore we can rest assured that this horrific violence never occurred. In each of those cases too, Rabbi Yonatan steps in to assert, 'no, this did happen, I saw it, I was there.'

This phenomenon, which I will refer to as an affective interrupter, occurs occasionally in the Talmud, and, to my knowledge, it has not been carefully examined by scholars. Yet, I find it to be one of the most potent tactics for Talmudic subversion pointed directly at the queer reader. An affective interrupter denotes an occasion in which a statement, often but not only an aggadic one, comes to invoke an affective response in a sensitive reader, as an interjection in an otherwise rather abstract halakhic discussion. The interjection is relatively unmarked and left uninterrogated and often occurs to close out a *sugya* before a shift in topic. These narrative interjections are at times comedic, tragic, and often fantastical. This pattern can easily fit within Boyarin's theory of a second, dialogizing *stamma* which interplays fantasy with intellectual halakhic dialectic. I shall discuss the pedagogic utility of this pattern in more detail in Chapter 3, but for the purposes of the present discussion, I offer my interpretation of how it functions in this *sugya*.

Modern rabbinic thought tends to privilege halakhic discourse over aggadic discourse, overstating (perhaps even inventing) the distinction to begin with. When the *stamma* brings in Rabbi Yonatan's personal testimony of sitting on the *Ben Sorer u'Moreh*'s gravesite, most readers gloss right over it. After all, the Talmud often tells fantastical stories, and they are usually either interpreted allegorically or entirely disregarded. The failure of the *stamma* to bring in a response to Rabbi Yonatan's statement encourages the reader, too, to disregard it. Yet, this is not a throwaway statement, and the openness and vulnerability that an ideal reader of the Talmud must bring in order to participate in the necessary process of drawing meaning from an open text such as the Talmud requires that reader to be affected by this bizarre contradictory interjection of Rabbi Yonatan's personal experience. What makes Rabbi's Yonatan's statement even more emotionally alarming is the context one can imagine for such an occurrence knowing what we can about Rabbi Yonatan, namely, that he was a priest, a Kohen. The laws governing priestly behavior state that a priest may not enter a gravesite except to visit the grave of an immediate family member. Because the teachings about the *Ben Sorer u'Moreh* clearly exclude a father from being classified as such, we are left to infer that Rabbi Yonatan must be visiting his very own son's grave, and that he, as a father, was complicit in his own sons' stoning.

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[138] Wimpfheimer, *The Talmud,* 176–187.

Why on earth would this statement come immediately after we conclude that the case of the *Ben Sorer u'Moreh* was never factual, but rather an abstract warrant for the spiritually crucial work of rabbinic interpretation? A queer reader must make sense of this moment without any assistance from the *stamma* or, in many cases including this one, without support from later commentators. The marked lack of critical engagement with these affective interrupters constitutes a rare window into the rigidity of what have been culturally sanctioned modes of Talmudic scholarship throughout the history of the institutionalized reception of the text. While *Ben Sorer u'Moreh* is an oft-cited *sugya* used to demonstrate one of the ways that rabbis innovate and abrogate Torah law by interpreting something out of existence,[139] it is my trailblazing queer Talmud teacher Rabbi Benay Lappe who picked up on and chose to emphasize in her teaching this particular moment, where the vulnerable queer reader is asked to investigate according to their own *svara* why this statement matters. The queer reader responds to Rabbi Yonatan's demand that we mustn't become desensitized to the weight, the stakes of rabbinic innovation. Rather, we must recognize the choices that were made in this series of interpretive moves for what they were, moral imperatives to change law in order to save real lives. Readers must take it upon themselves not to become a Rabbi Yonatan whose piety leads them to commit terrible acts. Rabbi Yonatan passes on the call to the reader to continue to innovate laws that go against one's own moral intuition, no matter how revolutionary or apparently heretical those innovations might appear. If we do it right, in several generations, our descendants might take those radical changes for granted. The *stamma*'s choice to bring in Rabbi Yonatan's statement teaches us readers not to have uncritical faith, not even in the Talmud's own express teachings. Rather, we are asked to critique purely intellectual engagement, even when it espouses the best of intentions, for its inability to sufficiently account for the emotional, fantastical, and affective vulnerability of the human experience.

Ben Sorer u'Moreh is a useful text to consider when thinking about the intended reader of the Talmud because it directly speaks to the reader and names the interpretive expectations placed on the reader of Jewish texts. Yet, as evidenced by the range of interpretations of the *sugya*, the stealthiness with which the *stamma* collages together its radical demands of the reader and text also illustrate the ways in which Talmudic stealth is fundamentally concerned with balancing practical and moral concerns vis-à-vis tradition, its continuity and flexibility, and social wellbeing and balance. Queer readers are not threatened by radical change to existing social and legal norms. Long-standing queer cultural practices such as disidentifying with cultural artifacts, are a way of locating oneself in existing traditions. Moreover, queer people who exist at the social margins, like other marginalized people, are often first to experience the consequences of society's moral deficiencies and have thus developed strategies for survival, visibility, and subversion within the oppressive circumstances which also condition the possibilities for our liberation. Queer readers, then, are accustomed to engaging with issues that arise from maintaining and innovating tradition, and often have a felt sense of the stakes of those choices.

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[139] Halivni cites this sugya as evidence for a contrary argument that the Rabbis *never* abrogate the Torah, and he noticeably doesn't engage Rabbi Yonatan's comment. Halivni's dutiful reading of the sugya shows how effective the sages were at disguising their radicalism and also offers a possible explanation as to why Halivni was praised as genius while others who see this sugya as an exemplar of Rabbinic innovation as motivated by moral concerns may have been disregarded in their time and place. (This is not to say that Halivni wasn't brilliant or deserving; indeed, it was Halivni who first introduced what is now referred to as "stam theory," and his influence no doubt permeates my learning and thinking on all things Talmud. Rather, Halivni nonetheless represents a conservative perspective with regard to the fundamental motivations and strategies of ChaZaL that I believe is still preserved in part as a result of the rabbis' intentional stealthiness, but that still ignores core Talmudic tendencies and values.)

When it comes to reading the Talmud, queer readers are adept at reading between the lines as they search for their own representation. As we read, we discover familiar strategies of subversion, stealthy passing, disidentifications, and loving irreverence. Through this process, the text is redeemed to its status as Open—requiring the work of interpretation that benefits from a diversity of perspectives. When text and reader encounter each other with vulnerability, both are changed. Looking through queer eyes to traditional sources also serves to release queer theory from the typical curse of constant critique. Critique of tradition is easy for us, but it is also alienating and spiritually and intellectually limiting when it is presented as the only option. Growing queer engagement with historical sources that continue to hold cultural relevance is evidence of the lack that emerges from persistent traditions of queer rejection. Queer historiography, including through serious engagement with ancient textual traditions, is a response to this cultural norm. Rather than weakening the queer demand that society ought to continue to question deep-seated assumptions, queer historiography strengthens those demands by forging relationships across time with spiritual and intellectual ancestors, grounding and offering a needed sense of belonging to people who are all too accustomed to a sense of being uprooted.

Chapter 2
The Talmud as Queer Archive: Claiming Power through Discourse

A little bit of irreverence is very good for battling irrelevance.
– *Rebbetzin Hadassah Gross*[140]

This chapter explores core trends in queer temporality and historiography to show how similar orientations are animated in the Babylonian Talmud's treatment of genealogy, tradition and cultural inheritance. I argue that studying the Talmud using queer historiographical methods such as the use of affect as a hermeneutical tool, a nonlinear concept of temporality that rejects repronarrativity, queer expectancy, and erotohistoriography, can attune a reader to textual resonances that may otherwise be missed, presenting valuable new insights to the queer Talmudist. Moreover, I suggest that Talmudic temporality may have a lot to offer queer epistemologies. I introduce theoretical frameworks that have influenced my queer engagements with the past and with historical texts in particular, providing along the way textual examples that illustrate how the Talmud relates queerly to time. The texts I focus on in order to demonstrate my own queer retroactive reading practice are: a bizarre anecdote from Sanhedrin 75a about sexual transgression and death, the discussion of prophecy in comparison to rabbinic wisdom from Bava Batra 12a, a discussion about positions of power and responsibility from Shabbat 54b-55a, and Bava Kamma 83b which reimagines the Torah's meaning of "an eye for an eye." I hope to shed light on a persistent Talmudic relationship to time that is characterized by attachment and intimacy across generations, expressed not by the conservative and pious reverence which orients some modern norms of Talmudic interpretation, but by a process of loving rejection and reformulation of previously held beliefs. In this way, I return to the *stamma*'s habit of pious irreverence as illustrated in the previous chapter here with particular attention to the temporal considerations and historiographic strategies at play. The Talmud displays an intergenerational tradition of simultaneously uplifting and undermining the authority of one's inheritance which, I argue, informs a particular discursive mode of resistance to systems of power.

The Talmud's Nonlinear Queer Temporality

I sit now writing from my friend's inherited home in the Catskills. My friend has allowed me to use this time-warped home as a space for self-guided writing retreats. I am surrounded by stacks of ephemera acquired or created across a century of the Solomon family's habitation in this home. On the side table in the sunken living room, sits a Yiddish book, *The History of a Life*, an autobiography by Nosn Shmuel Davis, published in 1963.[141] Last night, bored by the television and desperate for consumption, I picked up the book to find the following handwritten inscription in Yiddish on the inside cover: "With much affection to an unknown reader. 'The History of a Life' is—to a certain extent—also a history of a reader. Nosn Shmuel Davis."

In the above-translated inscription to his own autobiography, addressed to an unknown reader, Davis highlights the particular intimacy that emerges only through the act of reading. Davis understands that this reader is indeed not reading his book so much as reading his life. In turn, Davis assures, the story of his life is indeed his story as a reader. The inscription invites me, likely the only one to read and understand it in decades, into relationship with him through my own act of reading. It is through this encounter and mutual reaching that our lives are intertwined. Moreover, by insisting on his own role as a reader rather than a writer, alongside the addressee, Davis emphasizes the amateur nature of this so-called history. Carolyn Dinshaw's model of amateur reading as a queer retroactive reading practice emphasizes that unlike a modern "scientific" reading which privileges detachment, amateur reading is characterized by "positions of affect and attachment … desires to build another kind of world"[142] divested from the scientific obsession with forward progress. Positioned in contrast to "scientific" scholarship and historiography, "amateur" is a crucial intervention. Yet, in the Jewish textual tradition, expertise is already marked by intimacy, attachment, and desire. As such, it is culturally intuitive for Davis to seek an explicit bond with his reader in his inside cover inscription. I add to Dinshaw's critique of modern scholarship that, while a performance of *impersonal* objectivity is often demanded, the exaltation of the "original" contribution (no doubt motivated in part by capitalist demands of productivity and competition) suggests a culture of egotism from which both amateur and Jewish readings allow an escape. (Of course, this is not to say that there are no Jewish egomaniacs; on the contrary, our collective identification with "chosenness" is reflective of the plenitude of chauvinistic Jewish personalities over the millennia.) However, individualistic originality is not highly valued in Jewish textual culture. Rather, it is intimacy that is fostered by the act of reading—and reading is always multidirectional. The Talmud is itself a matrix of interpersonal connection and communication between readers across time and space. There is no writer—only generations upon generations of readers. The intergenerational intimacy that attends Jewish textual practice rejects egotistical notions of creativity as original to the individual, preferring a more relational and collaborative approach. This practice begins in the Talmud but continues to shape what Harshav refers to as Jewish discourse into modernity. As Harshav explains in his analysis of Yiddish language as shaped by Talmudic discourse, "The major genres of Hebrew writing and formal discourse…were either commentaries, that is, written or spoken on the margins of some other, established text; or sermons, that is, starting from a quote…and shifting, through story, allegory, and parable, to a topical or moral issue and then back to the next quote from the original text."[143] There is a freedom that attends both amateur and Jewish reading—when one's desires are apparent, deeper intimacy and access is possible.

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[140] "Hadassah Gross – Amichai Lau-Lavie," accessed February 6, 2024, https://amichai.me/hadassah-gross. Rebbetzin Hadassah Gross is a *frum* drag character.

[141] Nosn-shmuel Davis, *Di geshikhte fun a lebn (oytobiografiye)* (Meksike-Mayami Bitsh: A group of friends – Drukeray Manuel Pintel, 1963).

I now return to Max Weinreich's theory of vertical legitimation, mentioned briefly in the previous chapter.[144] It is well-known how Jewish culture has always been informed by and taken aspects from innumerable other surrounding cultures. Jews have lived all over the world, and in each time and place, they have adopted practices and sensibilities from cultures around them. According to Weinreich, however, for an adopted cultural practice, saying, or belief to become lasting and pick up steam in Jewish culture, it must be vertically legitimated, which means that there has to be a plausible argument that it came from the past, generationally, even if it does not seem to be the case historically. That is to say, a core feature of Jewish culture is its insistence on deriving legitimacy, power, and meaning, from previous generations. What is most interesting in

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[142] Carolyn Dinshaw, *How Soon Is Now?: Medieval Texts, Amateur Readers, and the Queerness of Time* (Durham, NC: Duke University Press, 2012), 6.

[143] Binyamin Harshav, *The Meaning of Yiddish* (Stanford: Stanford University Press, 1999), 99.

[144] Max Weinreich, "Di shprakh fun derekh hashas." In English translation: Max Weinreich, "The Language of the Way of the ShaS," in *History of the Yiddish Language* (New Haven: Yale University Press, 2008), 175–246.

Weinreich's model is that the fixation on sourcing legitimation from the omnipotent past leads to contrived formulations which in effect undermine the absolutist authority of the past.

Harshav, however, makes a crucial addition to Weinreich's theory in his discussion of Jewish discourse which speaks directly to the nonlinearity of Jewish temporality. As remarked by Yosef Hayim Yerushalmi, "Of course there is something rather compelling about that large portion of the rabbinic universe in which ordinary barriers of time can be ignored and all the ages place in an ever-fluid dialogue with one another."[145] For Dinshaw, the encounter staged by amateur reading opens up possibilities for non-modern queer temporalities. Perhaps the Jewish textual tradition is one such possibility. According to Harshav, rabbinic literature instituted concentric levels of dialogue which ultimately had a profound impact on the development of Jewish discourse. These concentric layers of discussion continued after the canonization of the Talmud to include later scholars who would challenge and dialogue with existing layers "as if it were all one synchronic presence."[146] Thus, in every case, the necessity of "vertical" dialogue intersects with the ubiquity of "horizontal dialogue" which stages encounters between different arguments, quotes, sources, and dialogues, as though they were synchronous. This anti-historical method of reading/rewriting fundamentally shapes how meaning is made in Jewish discourse. Harshav articulates this phenomenon by pointing to the "reified importance of the small unit." One can look to any page of Talmud to discover a free-associative, thematically-organized discourse. "Thus, the structure of the Talmudic texts is *additive* rather than *directional.* It has neither the direction of plot, of a chain of events in time, nor the direction of a hierarchical logical argument as practiced in European philosophy and science…[T]he smallest unit of the text—not harnessed to any logical or narrative chain—is related to the universe of discourse as a whole."[147]

Occasionally this anti-historical methodology extends to the content of the Talmud, such as when we see the refrain, *mai d'hava hava,* literally, "what was was," which is used to assert that what happened in the past has no relevance to us in the present or future whatsoever. See for example the following anecdote from Yoma 5b:

כֵּיצַד הִלְבִּישָׁן? כֵּיצַד הִלְבִּישָׁן?! מַאי דַּהֲוָה הֲוָה! אֶלָּא: כֵּיצַד מַלְבִּישָׁן לֶעָתִיד לָבוֹא? לֶעָתִיד לָבוֹא נָמֵי, לִכְשֶׁיָּבוֹאוּ אַהֲרֹן וּבָנָיו וּמֹשֶׁה עִמָּהֶם!

> How did he dress them? [i.e. in what order of garments did Moses dress Aaron and his sons in priestly clothes?] How did he dress them?! What was was! [Why are you asking such a useless question about the past?] Rather, [the question ought to be] in what manner will he dress them in the future yet to come [i.e., in Messianic times when the dead are resurrected and the Temple service will be reinstated as overseen by the priests]? In the future also, when Aaron and his sons come, Moses will be with them [and he will know what to do with regard to dressing.]

As a matter of fact, neither are the rabbis concerned with events of the present or future in terms of historicity. Indeed, the pliability of the past's meaning in Jewish and queer culture suggests that perhaps "history" is not even a fitting framework. Dipesh Chakrabarty outlines a distinction between “minority histories,” which are articulations of a “struggle for inclusion and representation” in normative Western liberal models of history and “subaltern pasts” which are entirely outside the realm of what can plausibly be called history.[148] For all the work that feminist, queer, and postcolonial scholars have done to challenge the oppressive regimes of rationalism and objectivity as mandatory performances of all knowledge production, including especially the writing of History,[149] knowledges which truly counter these norms can only ever enter scholarship as socially constructed belief systems, not as acceptable assumptions, no matter the identity of the scholar. Chakrabarty goes even further in challenging the notion that history is in any sense a natural, primordial, or even premodern impulse. Abram Lewis aptly responds to Chakrabarty’s critique, applying it to the context of the queer archival turn: “In such a reading, the queer’s ‘felt need for history’ would seem to index not an exclusion from modernity but the success with which queer has been incorporated into the affective life of the modern subject.”[150]

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[145] Yosef Hayim Yerushalmi, *Zakhor, Jewish History and Jewish Memory*, The Samuel and Althea Stroum Lectures in Jewish Studies (Seattle: University of Washington Press, 1982), 17.

[146] Harshav, *The Meaning of Yiddish,* 16.

[147] Harshav, *The Meaning of Yiddish,* 17.

Lewis attempts to incorporate postcolonial critiques of history into their reading of the transgender archive. While being sure to disclaim that they are not, in fact, arguing against history and queer historiography but rather challenging the drive to be accountable to its norms in encountering queer archives, Lewis poses the question: what would happen if we reclaimed queer as a people without a history? What possibilities open up when we see the disconnect between queer people and the historical record not as evidence merely of our exclusion from the status quo but also as evidence of our lack of interest in it? I believe that the Talmud as an emblem of Jewish discursive culture is a powerful exemplar of the non-linear assemblages that characterize queer temporality.

In order to apply Chakrabarty and Lewis’s critique of history to the study of texts, I draw on Chana Kronfeld’s discussion of minor literatures. Kronfeld critiques Gilles Deleuze and Félix Guattari’s criteria for a literature counting as minor as needing to be in the language of the major culture. They thus exclude the critical potential of literature in minoritized languages.[151] They thus exclude Instead, Deleuze and Guattari assert that the minor is a deterritorialized construction by a minority within a major language.[152] Deleuze and Guattari thus situate all literary revolutionary potential within the major, rather than, as Kronfeld suggests, drawing additionally on literature in minor languages in constructing the major itself. Ironically, by situating their argument on minor literatures in their reading of Kafka, whom they consider to be the paradigmatic example of their construction of the minor, Deleuze and Guattari must further marginalize a crucial expression of Kafka’s minoritarian positionality; that is, the ways in which Kafka’s work is in fact part and parcel of a broader Yiddish and Jewish textual tradition.

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[148] Chakrabarty, *Provincializing Europe*. Cited in Abram J. Lewis, “‘I am 64 and Paul McCartney Doesn’t Care:’ The Haunting of the Transgender Archive and the Challenges of Queer History,” *Radical History Review*, no. 120 (Fall 2014): 26.

[149] See Jennifer Terry, “Theorizing Deviant Historiography,” *Differences* 3, no. 2 (July 1, 1991): 55–74, https://doi.org/10.1215/10407391-3-2-55. Bonnie G. Smith, *The Gender of History: Men, Women, and Historical Practice*, New Ed edition (Cambridge: Harvard University Press, 2000). Donna Haraway, “Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective,” *Feminist Studies* 14, no. 3 (1988): 575–99, https://doi.org/10.2307/3178066.

[150] Lewis, “‘I am 64’,” 19.

[151] Chana Kronfeld, *On the Margins of Modernism*, Decentering Literary Dynamics (Berkeley: University of California Press, 1996), 4–13.

[152] Gilles Deleuze and Félix Guattari, *Kafka: Toward a Minor Literature*, trans. Dana B. Polan, Theory and History of Literature ; v. 30 (Minneapolis: University of Minnesota Press, 1986).

In the context of historiography, it is crucial that queer interventions occur not just within the framework of hegemonic historiography, creating space for alternative modes of inquiry, affective methodologies, and more expansive conceptions of evidence. Queers must also engage pasts and timescapes that resist fundamental assumptions about history such as sequential, linear chronology and, crucially, as that which gives meaning to the present, thus putting into sharper relief the constructed, socially and historically situated nature of history itself. The Talmud, as both a minor language literature and a living archive of non-linear anti-historical temporality, can be an experiential resource to queer people; a cultural immersion for the further destabilization of internalized epistemological hierarchies.

In *Time Binds*, Elizabeth Freeman further explores queer temporality as a matrix of non-sequential pulls in different directions. Utopian dreaming, hauntings from pasts real and unrealized, political fantasizing, and vertical and horizontal desires across space-time, all act upon the queer subject engendering a "temporal drag" which conditions queer affect.[153] Temporal drag, necessarily associated with a pull toward the past, acts upon a queer subject routinely cast as futuristic—one step ahead of the cis-heteronormative present. The performative associations with "drag" also implicate queer performativity writ large as always already conditioned by the disavowal or reclamation of pasts longing for transformation across time. In Freeman's words,

> Time Binds began when I understood someone else's self-presentation as drag, if drag can be seen as the act of plastering the body with outdated rather than just cross-gendered accessories, whose resurrection seems to exceed the axis of gender and begins to talk about, indeed talk back to, history. This drive to figure along with our drive to love, survive, and mourn, is part of "our history," or at least our way of becoming and being historical.[154]

The queer subject is perpetually dragged into transgression from many directions. Freeman also suggests that our queer political movements may benefit from allowing temporal drag to "feel the tug backward as a potentially transformative part of movement itself."[155] I argue for the crucial role of the Talmud, as a perpetually contested repository that resists distinctions between past and present, as a source of queer temporal drag that can serve to enhance contemporary and future queer movements.

While intellectual queering has tended to "privilege the avant garde," always outpacing "existing social possibilities," queer affect, for Freeman, evokes a drag—a "not-quite-queer-enough longing for form that turns up backward to prior moments, forward to embarrassing utopias, sideways to forms of being and belonging that seem, on the face of it, completely banal."[156] Freeman's analysis points to the failures that mark queer engagements with the past, often stemming either from redemptive impulses, as critiqued by Heather Love and others,[157] or by paranoid readings.[158] As Freeman states, "For queer scholars and activists, this cultural debris includes our incomplete, partial, or otherwise failed transformations of the social field," but this perpetual inconclusion may perhaps be "a state to enjoy, rather than just mourn."[159] I assert that Talmud study, replete with unrealized liberatory potentials and timeless violent rhetoric, has been an unexpected avenue for queer people to practice both enjoyment and grief that comes with immersing oneself in nonlinear historical repositories and cultural debris.

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[153] Freeman, *Time Binds*.

[154] Freeman, *Time Binds*, xxi.

[155] Freeman, *Time Binds*, 93.

[156] Freeman, *Time Binds*, xiii.

[157] See Heather Love, *Feeling Backward*, 1st edition (Cambridge, Massachusetts London, England: Harvard University Press, 2009).

[158] Eve Kosofsky Sedgwick, "Paranoid Reading and Reparative Reading; or, You're So Paranoid, You

Queer Affective Historiography as Talmudic Hermeneutic

Love looks at queer backwardness as a modernist condition in *Feeling Backward*.[160] Queer archival research has for the most part privileged what Anjali Arondikar has described as "a search-and-rescue model...where the lost histories of the past were recuperated and reinstated through more liberatory histories of the present."[161] For Love, the queer political impulse to rescue and redeem queer historical narratives must be counterbalanced, or even replaced, by a willingness to be haunted by an unredeemable past often characterized by suffering and shame. The drive of the queer historian to elide the pain of the queer archive and focus only on the affirmation of queer existence and survival is not necessarily reflective of the desires and legacies of those figures we reach back to. Rather, it is "motivated by a sense of lack in the present"[162]—the historian longing to be rescued. Love asserts, "I insist on the importance of clinging to ruined identities and to histories of injury. Resisting the call of gay normalization means refusing to write off the most vulnerable, the least presentable, and all the dead."[163]

My queer readings, however, are influenced by the Talmud's fundamental standing as an archive demanding to be read and projected upon across the ages. Perhaps the Talmud is self-consciously seeking redemption in its very composition. The Talmud, and the culture it helped foster, longs for continual reaching across time in all directions, to the point of collapsing history itself. This reaching is indeed characterized by and vulnerable to suffering and shame. A queer reading practice asks that we remain present to the negative affects that mark our engagements with the past as displayed by the texts—naming them and not recoiling from them or attempting to rewrite them—while also asserting our right to impact the textual past by engaging with it—a fundamentally Jewish attitude.

Many scholars point to affective engagement as the central marker of queer dealings with the past, where shame and desire feature most prominently. I read the Talmud as an affective history, one in which ideas are generated by interweaving lives conditioned by both pain and pleasure. From the standpoint of textual criticism, especially when the object of so-called "critique" is as historically influential as the Babylonian Talmud, affective historiography is practiced through "close readings that are, for most academic disciplines, simply too close for comfort."[164] Yet, this intimacy, uniquely accessible across time through the textual study of primary sources, is a balm to the pain that queers endure as outcasts of the present. This intergenerational intimacy achieved through "close reading" may be partially responsible for the

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Probably Think This Introduction Is about You," in *Novel Gazing*, ed. Eve Kosofsky Sedgwick, Queer Readings in Fiction (Durham: Duke University Press, 1997), 1–38.

[159] Freeman, *Time Binds*, xiii.

[160] Love, *Feeling Backward*.

[161] Marshall et al, "Queering Archives: A Roundtable Discussion," *Radical History Review*, no. 122 (May 1, 2015): 215.

[162] Love, *Feeling Backward*, 33–34.

[163] Love, *Feeling Backward*, 30.

[164] Freeman, *Time Binds*, xxi.

explosion in recent years of queer interest in the Talmud; often alienated from our own biological lineages, queer people are at times want to cling too closely to accounts of the past that do offer some sense of continuity.

Another queer historiographical innovation of Freeman's is her methodology of eroto-historiography, which acknowledges that

> contact with historical materials can be precipitated by particular bodily dispositions, and that these connections may elicit bodily responses, even pleasurable ones, that are themselves a form of understanding. It sees the body as a method, and historical consciousness as something intimately involved with corporeal sensations.[165]

Zohar Weiman-Kelman has expanded Freeman's eroto-historiography in their readings of modern Yiddish, framing their explorations of the linguistic expressions of deviant Jewish sexuality and embodiment as "eroto-philology."[166] More than just a theoretical thought experiment; in the Jewish context, it is hard to escape textuality as the mediating force of both sexuality and temporality.

José Esteban Muñoz identifies the affect of *desire* as queer futurity's political foundation, where utopia is inextricable from queerness: "an ideality that can be distilled from the past and used to imagine a future."[167] This framing suggests that it is queer's interrelationship with the past that Muñoz takes for granted and relies upon to assert the necessity of the queer future. Thus, the affect of desire conditions both queer futurity and queer attachments to the past.

Talmudic culture appears to be quite accustomed to this framework of desire; the Talmud itself occasionally suggests that the Torah is the rabbi's female lover,[168] constantly in competition with his wife, the other woman. Interestingly, the rabbi's gender is fluid, as when the metaphor of a loving couple is projected onto the Jews' relationship to God, God becomes the masculine form and the rabbis the feminine. The laws requiring men to sexually satisfy their wives (*onah*) designate how frequently one must do so depending on their profession. The most stringent requirements are reserved for the scholar precisely because of the threat posed to marital intercourse by the immense pleasure brought by figurative intercourse with the Torah and the learning and law it represents, as well as the homoerotic bond with the other scholars.[169] Shlomo Gleibman has theorized the trend of modern queer Jewish identification with traditional sites of Jewish learning such as the yeshiva and *chavruta* precisely due to the homoeroticism that characterizes depictions of those spaces.[170] "Queer identification with the homosocial homoerotic relationships characteristic of traditional Jewish intellectual life comes hand in hand with disidentification from the heteronormativity, androcentrism, misogyny, and often homophobia that underlie these relationships, which are produced and structured by a patriarchal society.”[171] However, Gleibman draws on Foucault to argue that it is precisely the repression of (queer) sexuality in traditional Jewish culture that “generates and proliferates the sexual discourses that it is supposed to repress.”[172]

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[165] Freeman, *Time Binds*, 95–96.
[166] Zohar Weiman-Kelman, "Eroto-Philology: Sex, Language, and Yiddish History," *Orbis Litterarum* 74, no. 1 (2019): 58–69.
[167] Muñoz, *Cruising Utopia*, 45.
[168] See Boyarin, "Homotopia." Aryeh Cohen, "The Sage and the Other Woman: A Rabbinic Tragedy," in *The Passionate Torah: Sex and Judaism*, edited by Danya Ruttenberg (New York: New York University Press, 2009), 58–72. David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (Berkeley: University of California Press, 1997).
[169] See BT Ketubot 61b.
[170] Shlomo Gleibman, "The Jewish Queer Continuum."

> Drawing upon the theory of disidentification suggested by Munoz, I explore constructions of queer subjectivity through (dis)identification from the text and the textual process. In the study partnership (hevruta) as a form of Jewish queer continuum, the desire for the text, for studying the text, and for the study partner is one. This desire is intellectual, erotic, and affective at once. In this sense, hevruta is an erotic-affective triangle that includes the two study partners and the text that they study. The relationships between the study partners, on the one hand, and between them and the text, on the other, are predicated on each other. While the exegetical process is eroticized, the erotic relationship is fundamentally hermeneutical…The erotic and affective possibilities of hermeneutical activity and larger Jewish intellectual life have not gone unnoticed in Jewish tradition.[173]

Linguistically underscoring the eroticism of Jewish textual engagement is the fact that the root of the word “Torah,” ירי, often translated as to shoot or teach, is also translated in the Jastrow dictionary as “penetration.”[174] The eroticism that attends live study culture extends to characterize the intergenerational relationships forged through Jewish textual engagement. Since the canonization of the Talmud, learning “Torah” has generally meant studying the Talmud, and the relationship between a scholar and the object of his study, that is, the transhistorical interaction between rabbis animated in the process of studying the Torah, continued to be imagined as a sexual relationship.[175] There is a wealth of resources which liken the study of the Talmud, i.e. the asynchronous interaction between rabbis, to sex.[176]

The simultaneous queer Jewish identification and disidentification articulated by Gleibman arises in relationship to the text itself—want at times to invoke both positive and negative affect, as well as pleasurable and shameful erotics. See for example the following passage from Sanhedrin 75a:

אמר רב יהודה אמר רב מעשה באדם אחד שנתן עיניו באשה אחת והעלה לבו טינא ובאו ושאלו לרופאים ואמרו אין לו תקנה עד שתבעל אמרו חכמים ימות ואל תבעל לו תעמוד לפניו ערומה ימות ואל תעמוד לפניו ערומה תספר עמו מאחורי הגדר ימות ולא תספר עמו מאחורי הגדר. פליגי בה ר' יעקב בר אידי ור' שמואל בר נחמני חד אמר אשת איש היתה וחד אמר פנויה היתה בשלמא למאן דאמר אשת איש היתה שפיר אלא למ"ד פנויה היתה מאי כולי האי. רב פפא אמר משום פגם משפחה רב אחא בריה דרב איקא אמר כדי שלא יהו בנות ישראל פרוצות בעריות ולינסבה מינסב לא מייתבה דעתיה כדר' יצחק דא"ר יצחק מיום שחרב בית המקדש ניטלה טעם ביאה וניתנה לעוברי עבירה שנאמר (משלי ט, יז) מים גנובים ימתקו ולחם סתרים ינעם:

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[171] Gleibman, “The Jewish Queer Continuum,” 5.
[172] Gleibman, “The Jewish Queer Continuum,” 28.
[173] Gleibman, “The Jewish Queer Continuum,” 7.
[174] Marcus Jastrow, “ירי,” in *Dictionary of the Targumim, Talmud Bavli, Talmud Yerushalmi and Midrashic Literature.*
[175] See BT Eruvin 54b or BT Yevamot 63b.
[176] See BT Eruvin 54b or BT Bava Metz’ia 84a.

> Rav Yehuda says that Rav says: there was a case once wherein a man had his eyes fixated on one woman, and lust grew in his heart, and people came and asked doctors what to do, and they said, "he won't have a remedy until she has sex with him." The sages said, "let him die and she shall not have sex with him." Shall she stand before him naked? Let him die and she shall not stand in front of him naked. Shall she speak with him from behind a fence? Let him die and she shall not speak with him from behind a fence. Rabbi Yakov bar Idi and Rabbi Shmuel bar Nachmani disagreed on this. One of them said she was married and the other said she was unmarried. It works according to the one who said she was married, good, but according to the one who said she's unmarried, what's all this? Rav Pappa said, "it is because of the discredit to the family." Rav Acha son of Rav Ika said, "it is so that the daughters of Israel should not become unrestrained in lewdness." But surely let him marry her! His mind would not be settled [by marrying her] according to Rabbi Yitzhak, for Rabbi Yitzhak said, "from the day that the Temple was destroyed, the taste for [marital] sex was taken away and given to transgressors of sin, as it is said: "Stolen waters are sweet and secret bread is pleasant." (Psalms 9:17)

This is a text full of conspicuous absences and excesses. While, embarrassingly, I breathed a sigh of relief when I initially read this passage that the outcome was not worse, it is challenging, even taking historical context into account, to read this text charitably. The voice of this anonymous woman is painfully absent from the narrative. Meanwhile, that her humanity and right to embodied dignity is so at stake in the discussion of whether or not she is married is not surprising but is nevertheless disturbing. While we may take for granted that the rabbis held some concern for her wellbeing over and above that of this ailing man, the discussion fails to acknowledge this, attributing the rabbinic statements only to grandiose commitments regarding "the daughters of Israel" and the sacred notion of "the family."

I read this text and feel touched, not only by the rabbis who wrote it but by the women who lived with them, whom I hear about only through dehumanizing accounts such as this one. I am at once full of disgust and shame, and, reluctantly struck that thousands of years ago some men did not believe that a man had a "right" to a woman, to her body, not even to her voice, not even if it would save his life. My awe is less a testament to the heroism of the rabbis than to the brutal and everyday sexism that somehow still shapes the era in which I live.

The absurd and macabre display of this character who is on the verge of death if he does not get physical access to the woman he desires also begs interrogation. Is this not the definition of excess? Why is the community of people seeking out help so concerned about this man? Who is he? Why the elaborate charade of bringing in a team of doctors to attest to his desperation? The passage is certainly evidence for Boyarin's claim about the Talmud as Menippean satire.[177] We are faced with a rabbinic discussion that takes up the question of how? How do the rabbis justify allowing this man to die? But once again, as a reader assaulted with the absences and excesses present in this short passage, I am left only with the question of why? What is motivating this discussion? Are the rabbis flexing their feminist allyship? Are we to laud their ruling in response to this bizarre and offensive scenario that they themselves thought up? Is this the representation women need?

Through my discomfort, Rabbi Yitzchak's statement rings loud enough to demand I consider what other affective resonances may be sounding. Indeed, Rabbi Yitzchak's statement is brought in as an affective interruption, repudiating the established register of the discussion: "From the day that the Temple was destroyed, the taste for [marital] sex was taken away and given to transgressors of sin, as it is said: 'Stolen waters are sweet and secret bread is pleasant.'" This moment references the inherited trauma that was commonplace in the rabbis' time, asserting the trauma of the destruction of the Temple and its comprehensive impact on such intimate aspects of life as the experience of embodied pleasure, but does so in service of precluding the possibility that forced marriage is a suitable resolution to the absurd dilemma. In fact, this statement concludes the entire Talmudic chapter. To complicate matters further, as a queer, kinky, polyamorous slut, I cannot help but be excited by Rabbi Yitzhak's blatant reference to sexual transgression as being more pleasurable than marital sex. Erotohistoriography does not characterize most of my engagements of the Talmud, but here I cannot help being somewhat seduced by Rabbi Yitzchak. I wonder about Rabbi Yitzchak's sexual life. Perhaps he himself experienced a loss of pleasure due to trauma that was regained through the process of embodied sexual transgression. I too might drop dead if I did not afford myself the queer authority to interpret his defense of the embodied pleasure of slutty, kinky, and trans*gressive sex as extra delicious when it appears now, in this context, unequivocally asserting the necessity of consent.

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[177] Boyarin, "Patron Saint of the Incongruous," 523–51.

Trauma as Queer Retroactive Reading Methodology

Christopher Castiglia and Christopher Reed have argued that in queer community in the wake of the mass queer death brought on by the AIDS epidemic, trauma and disconnection has resulted in the marginalization of the past. Castiglia and Reed assert that this neglect of the past must be answered by a return to the past and its agendas.[178] Yet, trauma can also foster a fixation on the past. In *An Archive of Feelings*, Ann Cvetkovich argues that the practice of archiving is itself a creative response to trauma; it involves preserving what has been lost or endangered, providing access such that engaging with these preserved materials can be a vehicle for their survival, and it is an opportunity for creating meaning out of painful experiences.[179] This is undoubtedly true in the case of the Talmud, particularly when read as an archive compiled with varying degrees of intentionality but which has an underlying self-consciousness about it. The Talmud's *tanna'im* were responding to an incomprehensible rupture in the established social order and system of Jewish belief and practice. The Temple in Jerusalem was literally God's home, and all rituals—which were understood to have profound consequences on one's lived reality, such as those asking for rain, food, or forgiveness—depended on the ability to access proximity to that particular site. The early sages had a monumental task of establishing a new world order that meant anyone from anywhere in the world could access the divine by observance of commandments (as interpreted and re-written by the rabbis) and prayer. The loss of the Temple was a symbol of many ruptures: the end to Jewish sovereignty; a monumental loss of access to the divine; the end of Biblical Judaism as it was practiced; and, last but not least, the loss of numerous Jewish lives. It was a trauma that would be mourned steadily for millennia until the present day.

Cvetkovich highlights how archives offer the opportunity for victims of trauma to rewrite history from their own perspective, thus, in some ways reclaiming power. In the case of the Babylonian Talmud, if the goal was to rewrite history from the perspective of its victims, it was extremely successful. In the Babylonian context, the Babylonian Talmud is virtually the only document offering any insight into Jewish life in the Sasanian Empire, and it achieved world renown.

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[178] Christopher Castiglia and Christopher Reed, *If Memory Serves: Gay Men, AIDS, and the Promise of the Queer Past* (Minneapolis: University of Minnesota Press, 2011).
[179] Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham: Duke University Press Books, 2003).

On occasion we come across direct references in the text to the trauma of the Temple's destruction. Consider the following section from Bava Batra 12a:

אָמַר רַבִּי אַבְדִּימִי דְּמִן חֵיפָה: מִיּוֹם שֶׁחָרַב בֵּית הַמִּקְדָּשׁ, נִיטְּלָה נְבוּאָה מִן הַנְּבִיאִים וְנִיתְּנָה לַחֲכָמִים. אַטּוּ חָכָם לָאו נָבִיא הוּא? הָכִי קָאָמַר: אַף עַל פִּי שֶׁנִּיטְּלָה מִן הַנְּבִיאִים, מִן הַחֲכָמִים לֹא נִיטְּלָה. אָמַר אַמֵּימָר: וְחָכָם עָדִיף מִנָּבִיא, שֶׁנֶּאֱמַר: "וְנָבִא לְבַב חָכְמָה" – מִי נִתְלֶה בְּמִי? הֱוֵי אוֹמֵר: קָטָן נִתְלֶה בַּגָּדוֹל.

> Rav Avdimi from Haifa said: "From the day that the Temple was destroyed, prophecy was taken from the prophets and given to the sages." [*Stamma*:] Do you mean to say that a sage is not [already] a prophet? [Rather,] what he is really saying is even though [prophecy] was taken from the prophets, it was not taken from the sages. Ameimar says: a Sage is greater than a prophet, as it is said, "and a prophet (נבא) has a heart of wisdom." (Psalms 90:12) Who is dependent upon whom? One would [have to] say: the small one depends upon the large one.

In the above passage, Rav Avdimi makes a statement articulating a core assertion of Rabbinic ideology, and frames it precisely in the context of the trauma immediately preceding their era, the destruction of the second Temple. The idea that prophecy was taken from the prophets and given to the sages both names the theological loss experienced as part of that tragedy, while also offering hope for continued communication with the divine, albeit in new forms. Still, this statement does not go far enough according to the perspective of the *stamma*, who, in characteristic Talmudic fashion, makes a claim about the true intent of Rav Avdimi's statement, clarifying that indeed, it is not that the sages previously didn't have powers of prophecy; rather, the sages always possessed these abilities, and still do. The destruction of the Temple only caused prophets to lose their prophetic abilities. Recall that the *stamma*'s contributions are often stealthy, unmarked. The anonymity of the clarification encourages a perfunctory understanding that indeed, this is what Rav Avdimi meant. A reader may even subconsciously assume that Rav Avdimi himself made this clarification. Yet, the *stamma* is making a substantive amendment that reveals their own orientation to the past. The *stamma* inserts themself into a conversation that occurred at least two centuries earlier. Thus, the *stamma* engages in horizontal dialogue with the text's actors, all the while situating their perspective in the textual past such that it can later be cited in a vertical dialogue. At the same time, the clarification retrojects rabbinic Judaism, and the influence of the sages, even further into history. We are meant to understand that sages have always had direct access to divine wisdom, despite having just read an account from Rav Avdimi, that the divine insight of the sages is indeed historically situated in the aftermath of the Temple's destruction. The rejection of temporal chronology, the dragging as outdated prophets, the reclamation of power by citing historical non-biological lineages, and the manipulation of language to carve out belonging in this *sugya* all reflect non-linear queer relations to temporality.

Isaiah Gafni has also written about how the Talmud resists the hegemonic norms of historiography.[180] In Gafni's analysis, Talmudic historiography is utilitarian; the discourse tends to only engage questions of history insofar as they are relevant for a particular legal ruling or serve some other consequential purpose for the rabbis' own agenda. This is the purpose of the recurring Talmudic phrase we examined above: "What was was!" Another way that this presents itself is that when attempting to establish their own legal and divine authority, the rabbis will occasionally retroject themselves and rabbinic law into pre-rabbinic history. In this way, the rabbis engage in queer historiographical practice by asserting their presence in a time that predates the formation of their identity category.

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[180] Isaiah Gafni, "Rabbinic Historiography and Representations of the Past," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 295–312.

In the above passage, when the *stamma* asserts that sages could already prophesize before the destruction of the Temple, a claim is made (at this point much later on, such that it may be more believable) that rabbinic authority is, in fact, not a political development at all. This is aligned with the language generally used to refer to rabbinic material. In order to uphold rabbinic discourse as the primary, or preferably, the sole vehicle for the word of God, the teachings of the rabbis were designated as Oral Torah, claimed to have been given to Moses on Mount Sinai as a guide for understanding the true intent of the written Torah and passed on orally through the generations until the time of the Talmudic sages when they got written down. In fact, the word "Mishna" comes from the same root as "two" or "to repeat." Thus, the earliest legal contributions of the rabbis are framed as the Second Torah, which has been repeated orally throughout the generations alongside the written Torah given to Moses at Mt. Sinai.[181]

The practice of retrojecting oneself into history is one that is often critiqued by people who have no difficulties finding themselves represented in the archive. Queer people and others who have been left out of the archive have a different orientation to the past. For many of us, the mere fact that patriarchy-controlled archives have absences is hardly grounds to reject a queer past outright. It strikes me as a far more controversial claim to assert the historical absence of queerness. Still, I have sadly encountered too many straight male Jewish historians who cling to the impossibility of writing histories that include women due to a lack of textual evidence, critique works that weave marginalized histories as lacking scholarly rigor, and displace any blame for their heterosexism and methodological cowardice onto sexists of the past. Yet, asserting a queer past is not only strategic politically in response to forces which seek to delegitimize marginalized people by excluding them from historical narratives, but it is also an important tactic for survival on a communal and personal level. As social human beings, cultivating an understanding of ourselves and our communities across time is a natural impulse that is a fundamental way people source validation for their experiences.

The *stamma* follows their statement by citing a formulaic contribution from Ameimar consisting of a statement, a *pasuk* cited as evidence, and a *drash* or interpretation demonstrating the relevance and applicability of the verse to the initial claim. Ameimar's general claim is that sages are better than prophets. It is not enough simply to say that sages have already possessed the ability to prophesize throughout history, nor to assert that prophets no longer have powers of prophecy. No, it is necessary to claim that even if both sages and prophets possessed powers of prophecy, sages are still superior. We are meant to understand Avdimi's evidence as follows: because the Torah states that a prophet has a heart of wisdom, we must understand (with the help of Ameimar's interpretation) that *wisdom* (*chokhma*, coming from the same root as *chakham,* "sage") and not prophecy (*nevu'ah*) is the true measure of greatness; the reason the prophet who already has the powers of prophecy must be said to have wisdom is that the prophet nevertheless relies upon the greater quality—wisdom—for legitimacy.

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[181] I was introduced to this narrative of the formulation of Oral Torah by my teacher Rabbi Benay Lappe, founder and Rosh Yeshiva of SVARA: A Traditionally Radical Yeshiva.

Therefore, the wise ones (sages) are superior. Yet, what Avdimi translates as prophet, נביא, has a different meaning in the context of the verse. The full verse is translated as follows: "Teach us to count our days rightly, that we may obtain (literally so that we shall bring נביא) a wise heart."[182] There is no reference in this passage to prophets whatsoever. Avdimi is appropriating the conjugated causative form of the verb "to come," which shares the same spelling as "prophet" but which has an entirely different root meaning, in order to make his point. This is not at all an atypical rabbinic use of *kra*--a Torah verse cited as a source for an argument. Without the full context readily available either by memory or with the help of other available written resources to cross-reference, it would be easy to overlook this stealthy move by Avdimi. Yet it is important to recognize the expansive approach to interpretating the Torah that the sages universally hold; this approach not only takes profound liberties with interpreting concepts and ideas, but it often brings the utmost creativity to individual words—words that are believed to have come directly and intentionally from God, no less. This creative and historiographically daring approach to the Torah is an enticing display of a powerful queer retroactive reading practice which engages circuitously and subversively with time and text in order to discursively assert a rabbinic power that had yet to convalesce.

Cvetkovich captures what seems core to all queer wrestlings with matters of time and history which is a desire—an attempt—to reclaim power that has been withheld from us. My discussion of the Talmudic texts through the lens of queer historiography and temporality rests upon an understanding of historiography as project in vertical legitimation—a Jewish method for claiming cultural, social, and even political power. Retrospection, alongside horizontal collapsing of time and insistence on texts as living archives are central methods of the Talmud. I maintain that looking, talking, and feeling backward are discursive mechanisms common in Jewish culture for relating to, appealing to, and seeking power and cultural authority, but that this backward looking is not linear but rather cyclical. This orientation to the temporality, which resonates on many levels with queer historiographical tendencies, continues to have a profound impact on Jewish interactions with the sources of power that influence societies in which Jews live.

The Talmud's Queerly Expectant Refusal of Repronarrativity

I thus attend in my readings of the Talmudic texts cited here to the alternatives to chrononormativity—the web of temporal systems necessitated by cultures which place biological reproduction, domesticity, and capitalist forms of productivity at the top of the hierarchy of social values.[183] Michael Warner further articulates the theoretical impact of this phenomenon in his discussion of repronarrativity: "the notion that our lives are somehow made more meaningful by being embedded in a narrative of generational succession."[184] However, another way that the rabbis of the Talmud respond to their own loss of power and to trauma is by adhering to a comprehensive system of attribution and citation of lineages of learning communities that ensured that they and their intellectual heirs would never be erased, even if some of those individuals' contributions threatened or disagreed with the overall goals of their project. Rabbis are named meticulously in the Talmud, and sometimes for a single statement—a single word even—a lineage going back four or five generations of teachers is explicitly enumerated and historicized. As we learned from Harshav's analysis, the Talmud relies neither on narrativity nor linear historical succession or biological inheritance for meaning. The kinds of genealogies which are preferred in the Talmud—those which trace legacies of particular teachers and learning communities—demonstrate a particular value placed upon non-biological forms of inheritance, which Jeffrey Shandler articulates as an important and defining feature of queer culture.[185] Shandler seeks to explain the phenomenon known as "queer Yiddishkeit," but convincingly illustrates how queers tend to develop affinities for other cultural sites that find continuity (at least in part) through non-repronormative kinship structures. While Shandler emphasizes Yiddish culture as transmitted via "cohort generations," drawing a parallel to the way queer culture is transmitted, I add that this also applies more broadly to Jewish textual cultures in general.

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[182] JPS translation with my own insertion for clarification.

[183] Freeman, *Time Binds*, xxii, 3.

[184] Warner, "Fear of a Queer Planet," 7.

Zohar Weiman-Kelman's framing of "queer expectancy" is useful for cultivating a textual posture informed by queer temporality. Weiman-Kelman describes their intergenerational relationship with the women and lesbian Yiddish, Hebrew and English poets they read as one characterized by non-linear "sideways" expectancy.

> Texts expressing resistance to the past's expectations refuse to fulfil those expectations, while bringing them into being. Queer expectancy, then, is not generated by looking forward, but by looking back, to, and through the past's unfulfilled desires. Challenging biology, linearity, and other hegemonic norms and dictates, queer expectancy creates a backward continuity. This backward continuity, the act of turning back, my turn and the turn of the writers I read, forges a new kind of lineage, constituted not be generative texts (say, like an expectant parent), but by what Christopher Nealon calls 'foundling texts'—orphan texts waiting to be adopted, not by the prior generation of parents but by future generation [sic] of (queer) readings and readers, who will adopt them across time.[186]

In their conclusion, Weiman-Kelman frames their theory in terms of their own experience coming to know Yiddish and its women writers within a Zionist cultural upbringing that sought to obscure both. Returning to the context of Yiddish's expectancy "lies in understanding the present we are living in as but one of the many futures that Jewish history could have had."[187] Through discovering an unknown past, unfulfilled futures are revealed that can shed light on the complexities of the present. Moreover, Weiman-Kelman elucidates, challenging the supposed inevitability of the course of history reveals possibilities for radical change in the present.

The Talmud has been withheld from so many people throughout history. Thus, reading the Talmud as queer people is already overcoming an "historical disadvantage."[188] Part of the pain of this project stems from the grief of discovering what potential futures may have come to fruition had women and queer people had access to this textual tradition earlier. So many of the Talmud's potentialities and expectancies remain dormant. I assert that the patriarchy that defines the culture of Jewish textual life was not an historical inevitability any more than Zionist colonialism was an inevitable effect of Jewish history. Is it not still possible to engage this previously withheld textual culture as a project of recovering better potential presents?

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[185] See Jeffrey Shandler, *Adventures in Yiddishland: Postvernacular Language and Culture* (Berkeley: University of California Press, 2005); and Jeffrey Shandler, "Queer Yiddishkeit: Practice and Theory," *Shofar: An Interdisciplinary Journal of Jewish Studies* 25, no. 1 (2006): 90–113.

[186] Zohar Weiman-Kelman, *Queer Expectations : A Genealogy of Jewish Women's Poetry*, Suny Series in Contemporary Jewish Literature and Culture (Albany: SUNY Press, 2018), xii–xiii.

[187] Weiman-Kelman, *Queer Expectations*, 136.

[188] Weiman-Kelman, *Queer Expectations*, xxiv.

What is apparent in the queer obsession with temporality is that the categories of past, present, and future, are always mutually dependent. That they are discrete categories cannot be taken for granted by the queer subject. So, too, for the Jew, whose relationship to time is not in these linear formulations but rather cyclical ones. Beyond Weinreich's discussion of verticality and Harshav's framing of horizontalism, Yersushalmi speaks to the circularity of Jewish time, conditioned by a liturgical calendar wherein Jewish memory is inculcated on a repetitive basis through ritualized recitals and retellings.[189] This cyclicality is linguistically accentuated at the Jewish new year through a spiritual process of turning and returning.[190] The Jewish utopia is characterized by the rising of the dead, and their *gilgulim*, literally circulations-rollings underground to be resurrected in Jerusalem.[191] The Jewish past is a chain of which we are always a crucial link.[192] One famous Talmudic legend from BT Menachot 29b tells of Moses time-travelling to an incomprehensible rabbinic future:

אמר רב יהודה אמר רב בשעה שעלה משה למרום מצאו להקב"ה שיושב וקושר כתרים לאותיות אמר לפניו רבש"ע מי מעכב על ידך אמר לו אדם אחד יש שעתיד להיות בסוף כמה דורות ועקיבא בן יוסף שמו שעתיד לדרוש על כל קוץ וקוץ תילין תילין של הלכות אמר לפניו רבש"ע הראהו לי אמר לו חזור לאחורך הלך וישב בסוף שמונה שורות ולא היה יודע מה הן אומרים תשש כחו כיון שהגיע לדבר אחד אמרו לו תלמידיו רבי מנין לך אמר להן הלכה למשה מסיני נתיישבה דעתו

> Rav Yehuda said that Rav said: At the time when Moses went up to the high place [to receive the Torah] he found the Holy Blessed One sitting and tying crowns to the letters [of Torah]. He said before God, "Master of the Universe, who is holding back your hand [from delivering the Torah as is]?" God said to him, "in the future there is a man who will come after several generations and his name will be Akiva ben Yosef, and he will derive from each and every thorn [of these crowns] mounds upon mounds of Halakhot. He said to God, "Master of the Universe, show him to me." God said to him, "Turn behind you." Moses went and sat in the back of eight rows [in the study house of Rabbi Akiva] and he didn't know what they were saying. His strength weakened. When [Rabbi Akiva] came to one word, his students said to him, "Teacher, where did you derive this?" He said to them, "The *Halakha* was given to Moses at Sinai." Moses's mind was then put at ease.

This remarkable story clearly asserts the Divine origins of rabbinic creativity even while insisting that the rabbinic future would have been unimaginable to Moses, the very first recipient of God's Torah. When Moses wants to understand what will become of the Torah being bequeathed to him, God instructs him, "Turn behind you (חזור לאחורך)." It is Moses's looking backward—underscored by the fact that he must sit in the back of the room signaling that he is anything but an honored guest in the *beit midrash* house of learning—that gives him insight into the future of Torah. Moses and the rabbis are placed in a relationship with each other in this anecdote that is precisely characterized by mutual queer expectancy. The end of the story cuts to the heart of the tension that lies within the rabbi's claim to authority with regard to interpreting God through Torah and their dismal lack of power at the hands of the empire.

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[189] Yerushalmi, *Zakhor,* 42.

[190] Here I refer to the spiritual practice of *teshuva*, often rendered repentance but more aptly translated as the spiritual and interpersonal practice of turning and returning.

[191] What is in Yiddish referred to at times either as *oylem habe* (the world to come in English or "olam haba" in Hebrew), *moshiakh tsaytn*, the times after the coming of the messiah, or *ganeydn*, paradise includes a central vision of *tkhias hameysim* or God's bringing back to life of the dead. Traditional liturgy reaffirms this utopian vision three times a day as part of the Amidah prayer.

[192] Here I am citing the Yiddish metaphor of "di goldene keyt" or the golden chain which is used to refer to the chain of transmission of Jewish tradition, stretching back into the deep past and forward into the future, where every person in each generation is a link.

חזר ובא לפני הקב"ה אמר לפניו רבונו של עולם יש לך אדם כזה ואתה נותן תורה ע"י אמר לו שתוק כך עלה במחשבה
לפני אמר לפניו רבונו של עולם הראיתני תורתו הראני שכרו אמר לו חזור [לאחורך] חזר לאחוריו ראה ששוקלין
בשרו במקולין אמר לפניו רבש"ע זו תורה וזו שכרה א"ל שתוק כך עלה במחשבה לפני

> [Moses] returned before the Holy Blessed One and said before him, "Master of the Universe, you have a person like this and you gave the Torah through my hands?" God said to him, "Be silent. This was my plan." He said to Him, "Master of the Universe, you showed me [Rabbi Akiva's] Torah, now show me his reward." [God] said to him, "Turn around." He turned around and he saw that they were weighing his flesh in the meat market. He said to Him, "Master of the Universe, this is Torah and this is it's reward?" [God] said to him, "Be silent. This was my plan."

The trauma of the archive is inverted and felt by Moses about the future fate of Rabbi Akiva. The rabbis enlist the sympathy of Moses in their move to position themselves as Moses's successors. In addition, the rabbinic trope we saw in *Ben Sorer u'Moreh* of "interpret and receive reward" (that will be treated systematically in the next chapter) is also undercut in the latter part of the story when Moses, staged in the story to voice the pain of the political crisis for the rabbis, reproaches God for Rabbi Akiva's brutal execution and undignified death at the hands of the empire. Rabbi Akiva and his story emerges as exceptional in its consistent critique of empire and repression. It is crucial, then, that we read the Talmud's positioning of Rabbi Akiva—the sage most famous for resistance to the Roman empire—as God's intended heir of Torah, to be an instance of discursive resistance to power, where rejection of violent empire is discursively replaced by a challenge to God, which then leads to another assertion of the rabbis' divine sanction.

Identification and Alienation

The project of queer historiography has to a large extent been positioned as an orientation of continuity as opposed to the more normative orientation of alterity in relationship to history. The trend is such that searching for kindred queer spirits in the past is the work of queer historiographers who are always met by constant critiques from those who hold more traditional historical orientations of alterity and who level critiques of anachronism and the failure to sufficiently concern oneself with the matter of changing terminologies and typologies. Medhavi Menon refers to this phenomenon as heterotemporality, where "chronological difference [is] the basis for sound historical knowledge," proposing instead homohistory—engagement with the past which emphasizes sameness.[193] I take issue with the bi-erasure in this formulation and will seek out a middle path in my Talmud readings by recognizing both the profound affinity and the profound ostracization that cloud my relationship to the Talmud. In this way, my queer retroactive readings call on me to stay present to my affective experiences of both desire and shame that characterize my encounters with the Talmud and shape my temporal positionality.

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[193] Madhavi Menon, *Unhistorical Shakespeare: Queer Theory in Shakespearean Literature and Film* (New York: Palgrave Macmillan, 2008), 2, https://doi.org/10.1057/9780230614574.

To the extent that I am reluctantly affectively aligned at times with Edelman's queer refusals, including the refusal to participate in intelligibility, I relish the refusal to make a claim as to whether my queer readings of the Talmud constitute an historical inquiry. Yet, I do hope they will change the stories I and my queer comrades and fellow travelers tell about the rabbinic past. Moreover, I insist on the historical self-consciousness of the rabbis who engage with the past outside the modern rules of history. I choose to identify with the rabbis of the Talmud—or perhaps, more accurately, I choose to disidentify with them. I read the Talmud charitably, but suspiciously as well. I am indebted to this Jew-centric ancient repository, but while the Talmud offers a counterculture of history, it also invents countless new methods of exclusion and othering. Archives are, by their very nature, incomplete and exclusionary. This is true even for modern community archives created with the express goal of centering on those normally left out.[194]

In Saidiya Hartman's article, "Venus in Two Acts," several themes emerge that are characteristic of queer archival studies: desire, loss, pain, grief, redemption. But as Hartman struggles with the violent absences of the archive, or presences marked only by violence, humiliation, and death, she positions her "critical fabulations" of slavery as the project of writing "a history of the present," which records the intimacy between the past and the present, articulating their role in the "incomplete project of freedom" and anticipating more liberatory futures.[195] Yet, it is the violence archive that persistently determines the borders of what can and cannot be said about history. This raises "important questions regarding what it means to think historically about matters still contested in the present and about life eradicated by the protocols of intellectual disciplines."[196] Thus, I see my project as queer also in the political sense, actively resisting the oppressive standards of inquiry that use the past as their alibi. The Talmud demonstrates in its always concomitant uplifting and undermining of the archive not only a subversive orientation to the past but also a blueprint for subversive discourse vis-à-vis what the past represents: power.

Talmudic Temporality as Queer Political Orientation

The rabbis of the Talmud established an implicit hierarchy of values that placed political power low on the list. A Talmudic legend about one of the earliest tannaitic sages, who lived through the destruction of the second Temple in 70 C.E., tells how Rabbi Yohanan ben Zakkai accurately predicted that Vespasian would become the new Roman Emperor. In exchange, Vespasian granted him one wish. Instead of seeking to regain any Jewish political power that had been lost, Rabbi Yohanan ben Zakkai famously said "Give me Yavneh and its Sages."[197] This legend is symbolic of the transition by which the act of learning and intellectual rigor, i.e., the work of the Talmudic rabbis, became paramount. Rabbinic discourse clearly creates an alternate version of power. An entire tractate is devoted to laws and practices of the Sanhedrin, appropriated in the text a rabbinic high court, which never had anything resembling the level of power suggested by the Talmudic discussions. This is a historiographical intervention because when the Sanhedrin did have authority during the Second Temple period, the rabbis did not exist as such.

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[194] See Sarita Hernández, "Resisting the Museum: Archiving Trans* Presence and Queer Futures with Chris E. Vargas," *American Quarterly* 71, no. 2 (June 2019): 371–78.
[195] Hartman, "Venus in Two Acts," 4.
[196] Hartman, "Venus in Two Acts," 10.
[197] BT Gittin 56b.

There are passages in the Talmud that critique the nature of political power whether held by Jews or not. In the previous chapter, I referred to the *sugya* in Sanhedrin wherein the Talmud proclaims, “in a Sanhedrin [case] where everyone [on the court of 71 judges] agrees [that the person on trial] is guilty, they exempt [acquit] him.”[198] The assumption is that there must be some kind of profound bias present if the judges unanimously see someone as guilty. In fact, there is a mechanism called *halanat din* in capital cases wherein if the judges decide the defendant is innocent, they deliver the verdict right away, but if they decide he is guilty, they must stay up all night attempting to find grounds for acquittal.[199] The implication is that if they fail to do so, it is not because the defendant is unequivocally guilty; rather, the court itself is faulty. If the high court judges who are supposed to be the brightest minds available cannot find a reason to argue innocence, they are not worthy of the power to convict. As far as critiques of external power go, the same tractate later on offers a discussion of what laws are permitted to be transgressed under duress. That is, if a soldier tells you to sin or he will kill you, the Talmud requires that you transgress in order to save your life in almost every case.[200]

The Talmud then circles back to distinguish between a transgression in public and in private, and, crucially, whether the governing power is asking you to transgress for their own benefit or as a mode of anti-Jewish oppression. For example, if the king tells you to cook him a meal on Shabbat because he’s hungry, you should do so. But if the king commands a Jew to move bricks back and forth on Shabbat without deriving any benefit simply because it is forbidden for Jews to do so, you are not permitted to obey the king’s orders.[201] In this case, potentially saving your life by transgression threatens the survival of the Jewish people. This distinction between differentials in power status either as an unfortunate but accepted social reality or as a function of identity-based oppression is a sophisticated critique and reflects queerness as first and foremost opposition to systems of domination and oppression.

Many rabbinic interventions aim to restructure existing power hierarchies or re-orient Jewish culture to social, political, legal, and cosmic power. In Shabbat 54b–55a, the Mishna discusses Shabbat restrictions on animal behavior. In the following section, the Gemara responds to the Mishnaic statement: “A cow may not go out with a strap between its horns.”

וְלֹא בִּרְצוּעָה שֶׁבֵּין קַרְנֶיהָ. אִי לְרַב דְּאָמַר בֵּין לְנוֹי בֵּין לְשַׁמֵּר — אָסוּר. אִי לִשְׁמוּאֵל דְּאָמַר לְנוֹי — אָסוּר, לְשַׁמֵּר — מוּתָּר. פָּרָתוֹ שֶׁל רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה[...] תָּנָא: לֹא שֶׁלּוֹ הָיְתָה אֶלָּא שֶׁל שְׁכֵינָתוֹ הָיְתָה, וּמִתּוֹךְ שֶׁלֹּא מִיחָה בָּהּ נִקְרֵאת עַל שְׁמוֹ. רַב וְרַבִּי חֲנִינָא וְרַבִּי יוֹחָנָן וְרַב חֲבִיבָא מַתְנוּ: בְּכוּלֵּיהּ דְּסֵדֶר מוֹעֵד כָּל כִּי הַאי זוּגָא חַלּוֹפֵי רַבִּי יוֹחָנָן וּמְעַיֵּיל רַבִּי יוֹנָתָן. כָּל מִי שֶׁאֶפְשָׁר לִמְחוֹת לְאַנְשֵׁי בֵּיתוֹ וְלֹא מִיחָה — נִתְפָּס עַל אַנְשֵׁי בֵּיתוֹ. בְּאַנְשֵׁי עִירוֹ — נִתְפָּס עַל אַנְשֵׁי עִירוֹ. בְּכָל הָעוֹלָם כּוּלּוֹ — נִתְפָּס עַל כָּל הָעוֹלָם כּוּלּוֹ. אָמַר רַב פָּפָּא: וְהָנֵי דְּבֵי רֵישׁ גָּלוּתָא מִיתַּפְסוּ אַכּוּלֵּי עָלְמָא. כִּי הָא דְּאָמַר רַבִּי חֲנִינָא: מַאי דִּכְתִיב ״ה׳ בְּמִשְׁפָּט יָבֹא עִם זִקְנֵי עַמּוֹ וְשָׂרָיו״ — אִם שָׂרִים חָטְאוּ, זְקֵנִים מֶה חָטְאוּ? אֶלָּא אֵימָא: עַל זְקֵנִים, שֶׁלֹּא מִיחוּ בְּשָׂרִים. רַב יְהוּדָה הֲוָה יָתֵיב קַמֵּיהּ דִּשְׁמוּאֵל. אֲתַאי הַהִיא אִיתְּתָא קָא צָוְוחָה קַמֵּיהּ, וְלָא הֲוָה מַשְׁגַּח בַּהּ. אֲמַר

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[198] BT Sanhedrin 17a

[199] The bias apparent here is underscored even further by the fact that the same term is used pejoratively in another context (*halanat sakhar,* sleeping on payment) to rule against someone who delays payment owed to a laborer. I owe this insight to my teacher Dr. Chana Kronfeld.

[200] See BT Sanhedrin 74a (with parallels in BT Pesachim 25b, BT Yoma 82b). The exceptions to this principle are if in exchange for one’s life, one is being commanded to kill someone else, commit certain sexual transgressions, or engage in idol worship.

[201] See Sanhedrin 74a–b.

לֵיהּ: לָא סָבַר לֵיהּ מָר: ״אוֹטֵם אׇזְנוֹ מִזַּעֲקַת דָּל גַּם הוּא יִקְרָא וְלֹא יֵעָנֶה״? אֲמַר לֵיהּ: שִׁינָּנָא, רֵישָׁךְ בְּקָרִירֵי, רֵישָׁא דְרֵישָׁיךְ
בְּחַמִּימֵי. הָא יָתֵיב מָר עוּקְבָא אַב בֵּית דִּין.

> In the case that this is according to Rav, he said whether [the strap is used] to beautify or to safeguard—it is forbidden. If it is according to Shmuel, he said to beautify—forbidden, to guard—permitted. […] The cow of Rabbi Elazar ben Azariah [would go out with a strap between its horns on Shabbat, against the ruling of the sages.] It was taught in a *Baraita* that it was not his cow but rather his neighbor's cow, and from [the fact] that he did not protest against the matter, the cow is referred to as having been his own. Rav, Rabbi Chanina, Rabbi Yohanan, and Rav Chaviva taught (and in all of Seder Mo'ed, whenever this pair [is mentioned], replace Rabbi Yohanan with Rabbi Yonatan): Anyone who has the ability to protest against [the violations of] the people in his house and does not protest, he is made responsible for the [actions of] the people in his house. Against the people of his city—he is responsible for the people of his city. Against [the violations] of the entire world, he is responsible for the entire world. Rav Papa said: Those of the house of the Reish Galuta were made responsible for the whole world. For thus said Rabbi Chanina: Why is it written, "Hashem will enter into judgement with the elders of his people and his chiefs"? (Isaiah 3:14) If the chiefs sinned, what was the sin of the elders? Rather, say [God enters judgment] on the sages because they did not protest against the chiefs. Rav Yehuda was sitting before Shmuel. This woman came and was crying before him and he did not consider her. He said to him: "Doesn't the Master hold [in accordance with the statement] 'The one who plugs his ears to the cries of the poor, he too shall cry out and not be answered?'" He said to him: "Sharp one, your supervisor is in cold [water], your supervisor's supervisor is in hot water. Behold, it is Mar Ukva who sits as Father of the Court."

Note the interjection placed in the middle of the citation from Rav, Rabbi Chanina, Rabbi Yohanan, and Rav Chaviva, "and in all of Seder Mo'ed, whenever this pair [is mentioned], replace Rabbi Yohanan with Rabbi Yonatan." This interjection is notable because it highlights some of the tensions for the rabbis involved in archiving legal matter and preserves a genealogy of edits that do not necessarily redact earlier material deemed inaccurate. Rather both the original and the qualification are preserved.

Following this passage, the Gemara enters into a discussion of whether or not death is a punishment for sin. The conversation discusses whether the patriarchs and leaders such as Abraham, Isaac, or Moses sinned and that's why they died. Ultimately the Gemara finishes in a *tiyuvta*, a conclusive refutation, that asserts clearly that everyone will die, whether or not they have sinned. Therefore, death is not an example of divine punishment.

This is quite a monumental little *sugya*. It offers a sophisticated and powerful analysis that ultimately holds the leaders of a household, community, or society responsible for what takes place within their jurisdiction. It is a profound charge to community leadership. Yet, the example we are then given is of a respected teacher, Shmuel, who obfuscates at least some of his own responsibility for ignoring the cries of a poor woman asking for help. There is a tension here between the obligations of the individual and the obligations of leaders and/or bystanders and who must be held accountable for harm done. Rabbi Elazar ben Azariah is judged as having violated the law that an animal may not work on Shabbat despite the fact that the cow was not his, simply because he did not step in to protest. From this we can learn that we have an obligation to protest injustice wherever it appears and to accept collective responsibility for one another. At the same time, however, we are taught to maintain a clear power analysis in order to recognize, in a given situation, where responsibility truly lies. In the case of Rabbi Elazar ben Azariah, it is possible that his rabbinic status meant that he was an authority, and not a peer in his relationship with his neighbor. But in the latter example, we have Rav Yehudah, Shmuel's student, looking to his teacher for an example, witnessing an injustice, and protesting. In response, Shmuel responds as any loyal bureaucrat would, pointing to his own relative powerlessness in relation to Mar Ukva, the real man in power.

We are thus left with a tension. We are to cultivate a sense of responsibility for the actions of ourselves and others, not to be a bystander, but we must be careful not to take on too much responsibility. This is a rather unsatisfying incident that fills me as a reader with frustration and disappointment. We are given the materials for a compelling political framework that emphasizes the responsibility that accompanies positions of power and leadership; however, we are also shown how this framework can be interpreted as a free pass to obfuscate responsibility and ignore those who are less fortunate. Again, we as queerly expectant readers are disappointed by the unfulfilled promise of the text. The *stamma* is of no particular help; the reader alone is tasked with drawing conclusive meanings from this passage. Why is Rabbi Elazar ben Azariah responsible for his neighbor's cow going out with a strap between its horns on Shabbat, meanwhile Shmuel is rendered powerless to help the woman appealing directly to him? How are we to balance collective responsibility with holding our leaders accountable? Moreover, when is pointing to the locus of power an excuse to obfuscate responsibility versus a strategic move to recognize a fitting target of protest? What future does this text long for? Can we pull from it to create a more just present? I follow the *stamma*'s lead by leaving these questions here unanswered for the reader. Perhaps the *stamma* was contending with the complexities and uncertainties of their time with regard to these issues and thus chose to leave the text still open. What insights do we have from our time that we can read into the text, fulfilling its desires?

The above examples illustrate how the rabbis of the Talmud were attuned to complex power dynamics, as apparent in the content of their discourse. However, these values regarding power and subversion are primarily expressed structurally, through the staging of intergenerational discourse that often involves one form or another of rewriting, refiguring, or reinterpreting the past.

Queering the Talmud Queering the Bible

If we take as our starting point that the reading of the past is the preferred avenue to accessing and refiguring power, it is logical to seek out those historical artifacts which are most potent in shaping social hierarchies. For many, scripture is the quintessential historical document which has helped shape collective understandings of history for millennia. Torah is often presented as the ultimate source of legitimation. By the same token, to reread the Bible according to an innovated set of rules, such that it can be understood to lend legitimacy to a host of alternative cultural and political outcomes, is an opportunity too good to ignore for the queer historiographer.

Queer readings of the Bible have become popular in the past couple of decades[202]. In their introduction to the 2020 issue of *Biblical Interpretation* dedicated to the queer turn in

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[202] For a Jewish perspective, see Gregg Drinkwater, Joshua Lesser, and David Shneer, eds., *Torah Queeries: Weekly Commentaries on the Hebrew Bible* (New York: NYU Press, 2009). For trans specific readings, see Joy Ladin, *The Soul of the Stranger: Reading God and Torah from a Transgender*

Biblical Scholarship, Stephen Moore and Denise Buell take note of the desire of the text itself to be met by its reader—a desire which perhaps is only perceptible in those texts that have taken on so many forms, co-evolving with civilizations. They write:

> Devotional engagement with biblical texts, whatever theological or religious lens is deployed and however normatively or queerly it is pitched, assumes that biblical texts may be intimately accessed across yawning temporal gulfs and dizzying cultural divides, that the texts insatiably desire readers of all times, places, and embodiments, and, as such, promiscuously bend to touch readers in their places of deepest need, thereby achieving intimate union with them.[203]

The 2011 collection *Bible Trouble* gathers pieces from queer scholars who apply many of the theories discussed above to their study of the Bible.[204] In the preface, Teresa J. Hornsby and Ken Stone are aware of the transgressive nature of their project, not because of anti-queer religious attachments to the Bible, but because of anti-queer norms in the field.

> Many biblical scholars will no doubt conclude that any queer "trouble" found in these essays is simply imposed on the Bible by perverse readers. Against such a conclusion, one might argue instead, in dialogue with queer theories and the sources that inform them, that our very notion of "Bible," our very sense of "Bible" as a material product with a fixed form and meaning, is itself a performative effect of our engagement with particular texts and our engagement in particular interpretive practices (including but not limited to those practices most widely accepted in biblical scholarship) in very specific contexts (cf. Stone 2008; Martin 2006). Such an argument raises critical questions about the extent to which a single, stable "Bible" preexists our interactions with diverse manuscripts, texts, translations, hermeneutical assumptions, scholarly and other collective traditions, strategies (implicit or explicit) for reading, contexts for teaching, or institutions of publishing. "Bible" may not be a foundation upon which interpretation takes place but rather a product of the very practices that are assumed to rest upon that foundation.[205]

Hornsby and Stone go on to argue for an embrace of the chaos that such a deconstructionist argument might give way to. After all, creation in Genesis emerges from chaos (*tehom*):

> It is not accidental that theologian Catherine Keller, grasping for language to speak about fears of chaos in relation to the biblical account of God's interaction with tehom, "Deep,"

Perspective (Waltham: Brandeis University Press, 2018). In the broader field of biblical studies, see Kent L. Brintnall, Joseph A. Marchal, and Stephen D. Moore, eds., *Sexual Disorientations: Queer Temporalities, Affects, Theologies*, Transdisciplinary Theological Colloquia (New York: Fordham University Press, 2017), https://doi.org/10.1515/9780823277544.

[203] Stephen D. Moore and Denise Kimber Buell, "Introduction: Queerness, Time, and Biblical Interpretation," *Biblical Interpretation* 28, no. 4 (October 30, 2020): 389, https://doi.org/10.1163/15685152-2804A001.

[204] Teresa J. Hornsby and Ken Stone, *Bible Trouble: Queer Reading at the Boundaries of Biblical Scholarship* (Society of Biblical Literature, 2011).

[205] Horsby and Stone, *Bible Trouble*, x.

> at the time of creation (Gen 1:2), coins the term “tehomophobia” (Keller 2003). For our fears of the forces of chaos (tehom) and our fears of gender and sexual heterogeneity (homophobia) have much in common.[206]

So too, creation and creativity emerge out of queerness. Compellingly, they argue for the legitimacy of their project:

> We do not see our work simply as a matter of “queering” the biblical narratives. The stories are in certain respects already queer. Centuries of interpreters have sought to put these texts in a box—to concretize and canonize meaning—a snapshot of an ocean’s wave. The stories, the characters, the meanings, and the truths of these passages cannot be organized—or, we should say, cannot be organized for any extended amount of time. The time of meaning is what distinguishes queer scholarship from what we would call “mainstream” scholarship. Queer scholars understand that meaning is fleeting; what is true is only true right here, right now, then gone. When time moves (as it always does unless we’re dead), I change, you change, meaning changes.[207]

I am excited by these queer projects in biblical scholarship even as I recognize that, aside from the commonality of supreme cultural influence shared by the Hebrew Bible and the Talmud, my queer reading practice of the Talmud is a very different endeavor. After all, the Talmud already exemplifies how to read Tanakh queerly. I am therefore starting already with several layers of meaning. The Talmud does not ask what the Torah means, but rather how it means. In turn, my queer readings will not only amplify queer resonances in the text in light of the rubrics above, but will also be mining the text for its own queer historiographical methods and seeing how they are similar and dissimilar to the trends of queer temporality.

I am going to focus the following reading and textual analysis part of this chapter on selections from the chapter “*ha-Chovel*” from the Bava Kamma. This famous chapter takes up the biblical principle of “an eye for an eye” and argues that the meaning of this statement actually refers to the payment of the monetary equivalent of an injury rather than the perpetrating party receiving punishment in the form of a physical injury identical to that which was inflicted.

מַתְנִי׳ **הַחוֹבֵל** בַּחֲבֵירוֹ, חַיָּיב עָלָיו מִשּׁוּם חֲמִשָּׁה דְּבָרִים: בְּנֶזֶק, בְּצַעַר, בְּרִיפּוּי, בְּשֶׁבֶת וּבוֹשֶׁת. בְּנֶזֶק כֵּיצַד? סִימֵּא אֶת עֵינוֹ; קָטַע אֶת יָדוֹ; שִׁיבֵּר אֶת רַגְלוֹ – רוֹאִין אוֹתוֹ כְּאִילּוּ הוּא עֶבֶד נִמְכָּר בַּשּׁוּק, וְשָׁמִין כַּמָּה הָיָה יָפֶה וְכַמָּה הוּא יָפֶה. צַעַר – כְּוָאוֹ (אוֹ) בְּשַׁפּוּד אוֹ בְּמַסְמֵר, וַאֲפִילּוּ עַל צִיפּוֹרְנוֹ מְקוֹם שֶׁאֵינוֹ עוֹשֶׂה חַבּוּרָה – אוֹמְדִין כַּמָּה אָדָם כַּיּוֹצֵא בָּזֶה רוֹצֶה לִיטּוֹל, לִהְיוֹת מְצַטַּעֵר כָּךְ. רִיפּוּי – הִכָּהוּ, חַיָּיב לְרַפְּאוֹתוֹ. עָלָה בּוֹ צְמָחִים, אִם מֵחֲמַת הַמַּכָּה – חַיָּיב, שֶׁלֹּא מֵחֲמַת הַמַּכָּה – פָּטוּר. חָיְיתָה וְנִסְתְּרָה חָיְיתָה וְנִסְתְּרָה – חַיָּיב לְרַפְּאוֹתוֹ. חָיְיתָה כׇּל צוֹרְכָּהּ – אֵינוֹ חַיָּיב לְרַפְּאוֹתוֹ. שֶׁבֶת – רוֹאִין אוֹתוֹ כְּאִילּוּ הוּא שׁוֹמֵר קִישּׁוּאִין, שֶׁכְּבָר נָתַן לוֹ דְּמֵי יָדוֹ וּדְמֵי רַגְלוֹ. בּוֹשֶׁת – הַכֹּל לְפִי הַמְבַיֵּישׁ וְהַמִּתְבַּיֵּישׁ.

> MISHNA: The one who injures his fellow is liable [to pay] five things [the five types of restitution. These are:] Damage, suffering [pain], healing [medical costs], rest [i.e., lost wages for time out of work due to the injury] and for shame.

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[206] Horsby and Stone, *Bible Trouble*, xi.

[207] Horsby and Stone, *Bible Trouble*, xii.

> How [would the amount of the compensation be determined] for damages? For one who blinded his [another's] eye, severed his hand, broke his leg, we [the court] see him as a slave being sold in the market, and we estimate how strong and healthy he was and how strong he is now [after the injury. The difference in his hypothetical cost as a slave before and after injury is the basis for determining how much compensation for damages is owed.]
>
> Suffering – [In the case of] one who scalded him with a spit or pin, even if [he scalded him] on his fingernail or a place that would not result in a wound, we estimate how much a similar person would want to receive to be similarly suffering.
>
> Healing – One who strikes [another] is liable to heal him [to pay for his medical costs]; if he [the injured party, or the wound itself] grows blisters, if as a result of the blow he [the one who injured] is liable [to pay for medical costs]. If not as a result of the blow, he is exempt [from paying for medical costs.] If [the wound] heals and then regresses: if the wound heals and then regresses [reopens], he [the party who caused the injury] is liable to heal him [pay for his medical costs]. If [the wound] healed fully [and then later reopened], he is not liable to heal him.
>
> Rest – We [the court] see him as though he was a cucumber watchman[208] [and we calculate how much compensation is needed based on the wages of a cucumber watchman], for he was already given compensation for his hand and his foot [i.e., even though he may have lost wages which are higher than that of a cucumber watchman, he is compensated as such because he has already received compensation for damages.]
>
> [How do we determine the amount of compensation required for causing] Shame – Everything depends on the one who shamed and the one who was shamed [and their relative status].

The Mishna is instituting a whole set of radical innovations that appear to come out of thin air. There is no apparent impulse in the Mishna to cite the source for these rulings. Yet, the process of citation and justification becomes a growing priority over the course of the development of the early rabbinic corpus, especially the Talmud. Determining the legal source for the Mishna is of paramount importance to the *stamma*, who will organize the discussion of this Mishna around several potential textual sources beginning with those proposed by the tannaitic *Baraita* below and continuing with an amoraic objection followed by the *stamma*'s own proposals. The first word of the Gemara on this Mishna is "*amai?*" Literally translated as "why," what the Gemara is actually asking is how did the *tanna'im* derive these teachings? Interestingly, the *stamma* is rarely if ever concerned with the "why" of a Mishnaic teaching. The *stamma*'s goal is to uphold the cultural authority of the Tanakh as treated through the rabbinic system. As we will see in the *sugya* that follows, the *stamma* is unafraid to undermine the logic of previous generations, but never does so transparently. Rather, the *stamma* challenges and plays with their inherited textual material by rewriting it, retrojecting their own influence back onto the imagined discussions of prior generations. The absolute authority given to the Hebrew Bible, and later to the Mishna, does not represent piety in the sense of an unquestioning acceptance of these sources. Rather, what is taboo is to acknowledge directly the profound interrogation and reimagining of these texts that the *stamma* and their predecessors have established as normative. The disruption of preexisting teachings happens not by offering something new, better, and separate, but by arguing that what is new and better was always already there. Precisely by rewriting the past does the present intention become viable and culturally acceptable.

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[208] This position of guarding a field was probably chosen because it was considered a "minimum wage" position.

A queerly-oriented reader will be attuned at once to the stakes of this *sugya*. The *tanna'im* responsible for this Mishna were not simply passing down an interpretive tradition passed down through the generations that taught that "an eye for an eye" is in fact code for this advanced system of recompense. Rather, they were motivated by a radical agenda. We may surmise that in ancient Mesopotamia, there was at one time cultural adherence to the literal enactment of "an eye for an eye."[209] Death is the punishment for many crimes in Hammurabi's code; we can imagine that "in kind" retribution in that context may have been a step in the right direction. Moreover, even insofar as fines were already being used in place of physical retribution by the tannaitic period, this Mishna remains a major innovation. Not only does this protect the perpetrating party from having to experience physical harm; it also is strikingly victim-centered, transmuting vengeance into concrete rehabilitation and repair. It is reasonable to conclude that as a result of their own moral intuitions and informed by their experiences witnessing injustice in their lifetimes, the rabbis of the Talmud understood the necessity of further undermining this inefficient and unjust system of punishment by speaking to the intent of the Biblical verses themselves.

Yet change is controversial. Thus, this change adopts a stealthy garb, dragging rather as orthodoxy to God's imagined true intention underneath the words. Queers who drag undermine social constructs of gender precisely by performing it in excess. The stealthiness in this case is a rewriting, a reinterpreting of the past. In the section of *Ben Sorer u'Moreh* discussed in the last chapter, experiencing the temporal drag of trauma, Rabbi Yonatan bursts forth from the facade of "never was and never will be" to claim visibility, demanding space for his grief and shame and asserting that indeed, a *ben sorer u'moreh was* stoned to death, and that he cried from the heartbreak, and that the innovation should not be obscured but rather seen for what it is—a proud change in the fact of legal injustice.

No less here is this Mishna attuned to the harm of social oppression as well as the potential harm of certain interpretations of the past, but, again, relentlessly strategic, will avoid naming their resistance as such. Can we make ourselves open and vulnerable to the cracks? Knowing the chaos and danger that could ensue should their project be clocked as the radical spiritual, political, intellectual uprising that it was, the reinterpretation of the past is wedded to the imperative of stealthiness, creating a system of checks and balances. One must assimilate into the rabbinic culture of reading and discussing in order to access such power. At once, textual authority is reified and leads to vastly different outcomes. In the process, we could hope, some of them processed their own lived trauma, ensuring more just futures.

As I signaled earlier, the first concern of the Gemara will be to determine the source for the rulings of the *tanna'im*. In other words, in this instance, it is the role of the *stamma* to establish vertical legitimation of these laws using a combination of biblical, tannaitic and amoraic material. The *stamma* asks the obvious question and then underscores it by citing a *Baraita* that shares the same concern before offering an explanation:

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[209] Yerushalmi, *Zakhor,* 18.

גְּמָ׳ אַמַּאי? ״עַיִן תַּחַת עַיִן״ אָמַר רַחֲמָנָא – אֵימָא עַיִן מַמָּשׁ! לָא סָלְקָא דַּעְתָּךְ; דְּתַנְיָא: יָכוֹל סִימֵּא אֶת עֵינוֹ – מְסַמֵּא אֶת עֵינוֹ, קָטַע אֶת יָדוֹ – מְקַטֵּעַ אֶת יָדוֹ, שִׁיבֵּר אֶת רַגְלוֹ – מְשַׁבֵּר אֶת רַגְלוֹ? תַּלְמוּד לוֹמַר: ״מַכֵּה אָדָם״ וּ״מַכֵּה בְהֵמָה״; מָה מַכֵּה בְהֵמָה – לְתַשְׁלוּמִין, אַף מַכֵּה אָדָם – לְתַשְׁלוּמִין.

> GEMARA: Why [is the Mishna teaching that compensation is monetary]? God said “an eye for an eye.” I would say [this is referring to] a literal eye [being taken as punishment for taking the eye of another!] This should not arise on your mind. For it is taught [in a *Baraita*]: [One could think that] If one blinded [another’s] eye, one can blind his eye [as punishment], if one severed [another’s] hand, one can sever his hand, if he broke his leg, one can break his leg? [Therefore,] the [Biblical] teaching says: “One who strikes a person” and “one who strikes an animal.” Just as one who strikes an animal [is liable] to pay [monetary compensation], so too one who strikes a person [is liable] to pay [monetary compensation.]

There are two rabbinic hermeneutical principles at play in this explanation. The first is a *gezeira shava* or “equivalent ruling.” This principle relies on the repetition of the phrase “one who strikes” in the cases of an animal and a person. The repetition is understood to teach that the ruling applied in the first case with regard to one who strikes an animal (that is, punishment in the form of monetary retribution) applies to the other case of one who strikes a person. In addition, the rabbinic principle of *hekkesh*, or “juxtaposition,” teaches that when two laws appear within one verse, which is the case here, what is true for one law can be understood as true for the other. The full verse brought in this case is Leviticus 24:21: “**One who strikes a beast [to death]** shall make restitution for it; but **one who strikes a human being [to death]** shall be put to death.” The first statement that says that monetary restitution is the punishment for killing an animal is then applied to the statement “one who kills a human being” despite the end of the Leviticus statement which rules on capital punishment. Now, an amateur reader would (with a *chavruta*) be able to grasp the principles of *gezeira shava* and *hekkesh*, but would still likely object to their application here where it leads one to a conclusion that directly contradicts the plain sense of the verse. For a Talmudist, this proof might also raise doubts, but for a more technical reason: the Talmud assumes a fundamental distinction between capital cases and civil ones. On the next page, the Gemara returns to this distinction, explicitly raising the point: “We derive laws concerning damages from [verses about] damages, and we do not derive laws concerning damages from [verses about] death.”[210] These holes in the argument will be addressed below. But first, the *stamma* preempts the reader’s skepticism by bringing in another potential source for the Mishna’s rulings:

וְאִם נַפְשְׁךָ לוֹמַר, הֲרֵי הוּא אוֹמֵר: ״לֹא תִקְחוּ כֹפֶר לְנֶפֶשׁ רֹצֵחַ, אֲשֶׁר הוּא רָשָׁע לָמוּת״ – לְנֶפֶשׁ רוֹצֵחַ אִי אַתָּה לוֹקֵחַ כּוֹפֶר, אֲבָל אַתָּה לוֹקֵחַ כּוֹפֶר לְרָאשֵׁי אֵבָרִים שֶׁאֵין חוֹזְרִין.

> And if your desire is to say [that the above isn’t a good enough reason?] behold, [the verse] says: “Do not take a fine for the life of a murderer who is guilty of death.” [this is teaching us that:] For the life of a murderer you shall not take a fine, but you shall take a fine for one who severs the heads of limbs [extremities of another], which do not return.

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[210] BT Bava Kamma 84a

The logic of this second potential source is as follows: because the Holy One had to specify that one cannot take ransom on the life of a murderer who is already sentenced to death (so as not to double a punishment), we can assume that for someone who is not a murderer—who is not liable for death but rather who caused non-lethal injury, ought to be charged a fine. The logic here underscores the distinction between a case of murder and a case of injury. Yet, at the same time, this difference is simultaneously stealthily undermined with the final clause, “which do not return.” While not integral to the point being made above, the emphasis on the inability of severed limbs to regenerate themselves is understood by commentators to suggest an analogy between a loss of life and the loss of a limb. The limb has experienced a kind of death.[211] This will again become relevant in my discussion below. Now, back to the objection to the first proof:

> הֵי ״מַכֶּה״? אִילֵימָא ״מַכֵּה בְהֵמָה יְשַׁלְּמֶנָּה, וּמַכֵּה אָדָם יוּמָת״ – הָהוּא בִּקְטָלָא כְּתִיב! אֶלָּא מֵהָכָא: ״מַכֵּה נֶפֶשׁ בְּהֵמָה יְשַׁלְּמֶנָּה, נֶפֶשׁ תַּחַת נָפֶשׁ״, וּסְמִיךְ לֵיהּ: ״וְאִישׁ כִּי יִתֵּן מוּם בַּעֲמִיתוֹ, כַּאֲשֶׁר עָשָׂה כֵּן יֵעָשֶׂה לּוֹ״. הַאי לָאו ״מַכֶּה״ הוּא! ״הַכָּאָה״–״הַכָּאָה״ קָאָמְרִינַן; מָה הַכָּאָה הָאֲמוּרָה בִּבְהֵמָה – לְתַשְׁלוּמִין, אַף הַכָּאָה הָאֲמוּרָה בְּאָדָם – לְתַשְׁלוּמִין.

> Which “one who strikes” is the *Baraita* referring to? If we say [that it is referring to the verse:] “One who strikes an animal, he shall pay for it, but one who strikes a person shall be killed,” this is written only with regard to one who murders [so the *Baraita* cannot be referring to this verse]! Rather, [the *Baraita* is referring to this verse] with regard to striking: “One who strikes and kills an animal pays for it, a life for a life.” And leaning on this verse is another: “When a man disables his fellow, when it is done, thus shall be done to him. But this verse does not use the word “strike!” [Because the previous verse uses the word strike, this verse is also referring to a strike by way of its juxtaposition, even though it’s not the literal words.] We are saying [that when the verse says] “strike” [with regard to the animal creates a parallel] “strike” [in the case of a person.] Just as striking that is said for an animal is paid for [with monetary compensation], so too striking that is said about a person is to be paid for [monetarily].

Here, the *stamma* responds to anticipated objections to the first proof by saying that the *Baraita* was not citing Leviticus 24:21—“One who strikes a beast shall make restitution for it; but one who strikes a human being shall be put to death,”—as this verse is clearly referring to a case of killing, and here we are establishing a principle with regard to injury. Rather, according to the *stamma*, the *tanna* was citing another pair of verses that share the language of “one who strikes,” in Leviticus 24:18–19: “One who strikes [and kills] a beast shall make restitution for it: a life for a life. [19:] If any person injures another [person]: that which was done, thus shall be done to him.” Because the first verse says “a life for a life” and we understand it to mean the monetary equivalent of a life, so too can we understand the second verse to mean that the punishment comes in the form of the monetary equivalent of the inflicted injury.

Yet, the *stamma* is completely changing the logic of the *Baraita*. The whole first proof relied on the repetition of the words “the one who strikes.” So, it was clearly meant to refer to Leviticus 24:21. Yet, the *stamma* is not concerned with undermining the logic of the *tanna’im* as much as with the goal of bolstering the original Mishnaic teaching about monetary damages. The

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[211] See, e.g. Rashi on BT Bava Kamma 83b:
והכתיב איש כי יכה כל נפש אדם - ולקטלא לא אתא קרא אלא לראשי אברים כדכתיב בתריה עין תחת עין וכתיב יומת כלומר ינטל אברו וימות אותו אבר:

stamma uses the *Baraita* as a basis for their own justification for the Mishna but proceeds to highlight the cracks in order to build upon it and make it stronger. Therefore, the *stamma* rejects this objection and reasserts that the principle of juxtaposition stands. The principle of juxtaposition holds that when two statements appear next to each other, we can understand the statements not necessarily as sequential, but as put together for another reason, i.e., to derive a legal principle. Usually and in the present case, juxtaposition allows the *stamma* to expand a principle that applies to one statement to the other statements. Essentially, the *stamma* is adding a hermeneutical step: i.e., the word "strike" is implied and figuratively reinserted into the second verse because of its juxtaposition with the first verse, even though it does not appear literally; from there, the *gezeira shava* principle can be applied.

Up until now, our reasoning has rested on the assumption that the principle of monetary restitution applies in the case of interpersonal non-lethal injury—and not to the case of murder. In fact, the second proof above rests solely on the differentiation between the case of a murderer and an injuring party. So, what comes next is surprising:

וְהָא כְּתִיב: ״וְאִישׁ כִּי יַכֶּה כׇּל נֶפֶשׁ אָדָם, מוֹת יוּמָת״! בְּמָמוֹן. מִמַּאי דִּבְמָמוֹן? אֵימָא בְּמִיתָה מַמָּשׁ! לָא סָלְקָא דַּעְתָּךְ. חֲדָא – דְּהָא אִיתַּקַּשׁ לְ״מַכֵּה בְהֵמָה יְשַׁלְּמֶנָּה״. וְעוֹד, כְּתִיב בָּתְרֵיהּ: ״כַּאֲשֶׁר יִתֵּן מוּם בָּאָדָם, כֵּן יִנָּתֶן בּוֹ״ – וּשְׁמַע מִינַּהּ מָמוֹן.

> But isn't it written: "and a man who strikes any person to death should be killed"? [This indicates the literal interpretation of "an eye for an eye." This is referring to payment] in money! How [do we know] that [it is paid for] with money?! I would say [this means] with actual death. Do not let it enter your mind. One: this is juxtaposed with the verse that says one who strikes an animal pays for it. And moreover, it is [also] written after it: "when he gives an impairment to a person, thus shall be given to him." And we learn from it, [i.e. from the word GIVEN, that it is] monetary compensation [that is given.]

Here we have the *stamma* applying the same logic that came before to establish monetary restitution in the case of injury to the case of killing! Now we must think back to the earlier analogy between the death of a person and the death of a limb. This analogy allows a conservative read of this passage as still only applying to the case of injury by interpreting "actual death" to refer to the death of a limb. This restricts the application of the legal innovation of monetary restitution to cases of injury, not murder. This is the interpretive path taken by Rashi and other commentators.[212] Yet, the *stamma* appears to be doing the exact opposite, rather expanding the principle of monetary restitution to perhaps even apply to cases of murder. The *stamma* pushes the tannaitic ruling further by echoing the opening objection (in which the *stamma* names the assumption that "an eye for an eye" is to be taken literally) but this time it proclaims with regard to the verse "and a man who strikes a person mortally shall be put to death" that lest you think this is to be understood literally, here are two arguments for why this statement is symbolic, and actually refers to monetary punishment. (The first being the juxtaposition and the second being the use of the verb "yitten," "will give," which implies the exchange of currency.) The *stamma* repeats the established pattern of logic, using the tool of juxtaposition introduced in the *Baraita* and subsequently reanimated by the *stamma*, to covertly assert what is a dramatically higher stakes interpretation of the Mishna. Moreover, this new interpretation happens to be in apparent direct conflict with what the *Baraita* said in its second citation arguing that the case of a murderer being punished by death and not by fines stands in contrast to the case of one who causes injury. The *stamma* states that even in cases of killing, the guilty party is punished monetarily.

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[212] Again, see, e.g. Rashi on BT Bava Kamma 83b:

והכתיב איש כי יכה כל נפש אדם - ולקטלא לא אתא קרא אלא לראשי אברים כדכתיב בתריה עין תחת עין וכתיב יומת כלומר ינטל אברו וימות אותו אבר:

But wait! Proving a liberatory anti-death penalty agenda is not so simple, and perhaps it is not the point. While it is tempting for me as an abolitionist queer leftist to advocate the most apparently radical understanding of this *sugya*, the more crucial innovation is to channel the amateur reader the *stamma* demands when stating that a life for a life cannot be literal. To simply notice what was put here for our attention, and to choose to attach to this moment, refuse to write it off outright as the inherited normative and detached interpretation would have us do, means taking seriously that the *stamma* wants us to struggle with this. The indeterminacy of the *stamma*'s move here conditions my experience of queer expectancy as a reader, caught between the disappointment of the present's failure to have realized the past's opportunities for liberation, and the disavowal of the past I have inherited that never quite meets the needs of the present. My "bihistory" of the *stamma* holds the ways that the *stamma* represents similarity and difference but refuses to relinquish the claim that this text demands continued, engaged, interactive relationship with the reader. The following statements bring us back to the earlier assumption, that while injuries are punished monetarily, killing is still punishable by death. What we are left with is not a redemptive proof that the *stamma* was anti-court-ordered death penalty (though they may very well have been) but the much deeper sense that the *stamma* wanted this to be read by us, played with by us, struggled with by us; the *stamma* wanted the question to be pondered, and that is already the queer paradigm. It is the *stamma*'s obsession with framing the past differently that reveals their profound commitment to futurity.

The *stamma* returns to unpack the initial tannaitic objection to the first proof. Perhaps the *stamma*'s introduction of the second proof did not fully address the concerns of the question.

וּמַאי ״אִם נַפְשְׁךָ לוֹמַר״? תּוּ קָא קַשְׁיָא לְתַנָּא – מַאי חָזֵית דְּיָלְפַתְּ מִמַּכֵּה בְהֵמָה? לֵילַף מִמַּכֵּה אָדָם! אָמְרִי: דָּנִין נְיזָקִין מִנְּיזָקִין, וְאֵין דָּנִין נְיזָקִין מִמִּיתָה. אַדְּרַבָּה! דָּנִין אָדָם מֵאָדָם, וְאֵין דָּנִין אָדָם מִבְּהֵמָה!

> And what [is meant when the *Baraita* says the phrase:] And if your desire is to say"? [What is the difficulty it was assuming and referring to?] There was a further difficulty for the *tanna*: What did you see that you then learned from "one who strikes an animal" [that a payment is to be made in the case of one who strikes a person]. Let him learn [about the case of one who strikes a person] from [the verse about] striking a person [that clearly is punishable by physical retribution not monetary]?! The sages said: Laws of damages [are derived] from verses on damages, and laws of damages are not [derived from verses about] death. On the contrary! Laws of man (should) be derived from sources about people and laws of man [should] not [be derived from sources on] animals?!

After giving two justifications for his own reasoning for determining monetary compensation as the punishment indicated by the verse which apparently points directly to mortal punishment, the *stamma* returns to the *Baraita* to ask why the *tanna'im* offer two potential justifications for the Mishna's teaching and suggest that someone might have rejected the first. The *stamma* seems to be returning to this point to raise up the amoraic teaching that laws regarding damages ought to be derived from verses about damages rather than death, and therefore laws about humans ought to be derived from verses about humans and not animals. The *stamma* uses the opportunity to retroject this Amoraic teaching back into the tannaitic *Baraita* by fabricating a paraphrased Aramaic version of this difficulty with the initial source offered ("What did you see that you learned from 'one who strikes an animal'? Let him learn from striking a person!"), attributing the statement to the anonymous *tanna* from the *Baraita* and asserting that it was indeed in response to this line of thinking (which seems to have in fact emerged later as a *meimra*) that the *tanna'im* brought in the latter source. Again, we are confronted with a re-collaging of the past by the *stamma*. Yet I argue that what makes this queer historiography is the *stamma*'s motivation of intergenerational solidarity and love.

Sarah Dillon comprehensively unpacks the genealogy of metaphorical uses of the palimpsest, differentiating between models of "palimpsestic" reading and "palimpsestuous" readings.[213] While many feminist applications of the palimpsest metaphor have focused on isolating and interpreting hidden layers of text, some have also argued for a more "palimpsestuous" approach which preserves the layered matrix of the palimpsest and seeks to highlight the relations between different resonances, whether intended or not. Here we must recognize not only the instance of stammaitic tampering with earlier textual layers but also the broader system which thrives on this kind of play and relationally across intellectual genealogies. The *stamma* sees their project—the rabbinic project—as fundamentally intertwined with the cultural legacy of their sage ancestors. Claiming and subverting their power in this textual world is only and can only be done while simultaneously reifying their power.

Through this process, the *stamma* strengthens the existing amoraic justification for the Mishnaic teaching by naming the obvious objections to the ruling based on a more superficial, literal understanding of the biblical texts. Then, the *stamma* raises a contradiction between the initial justification offered by the *Baraita* and the amoraic teaching, and then accounts for both by introducing additional sources. The stealth move of the *stamma*, however—and a queer reading would require that one understand this move to be the primary objective of the *stamma*—is that by bringing several layers of doubt to the Mishna and then addressing them one by one, the reader barely notices when the *stamma* radically expands the Mishnaic innovation such that it can be understood to include cases of manslaughter; for the *stamma*, even damages resulting in tragic loss of life need not be automatically avenged in kind.

Yet, the *stamma* leaves this conclusion vague, never proclaiming the full radical implications of the logic. Rather, the reader is left to draw their own conclusions. Once the Talmudist is assimilated into the rabbinic hermeneutical system to the extent that they learn to accept without a second thought that the verses which proclaim "an eye for an eye" are, in fact, intended by God and Moses to literally mean the monetary equivalent of an eye, it is not far stretched to accept the *stamma*'s statement in the verse that "one who strikes a person to death shall be killed" is also referring to monetary compensation but only in the case of the death of a limb, and not the death of the person. Rashi's interpretation is as follows: "The verse does not come to teach about murder, but rather about the extremities, since it is written after that, 'an eye for an eye,' and it is written 'he will be killed' so as to say his limb will be taken and that limb shall die." Thus, Rashi situates his interpretation of the *sugya* as less radical within the cited verse itself. Because Leviticus 24:17 "One who strikes any person to death surely shall be put to death" is juxtaposed with verse 19: "Any man who injures his fellow, whatever he did shall be done to him," the first verse must also be referring to injury, i.e. the severance, or "death" of a limb.

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[213] Sarah Dillon, *The Palimpsest: Literature, Criticism, Theory*, Illustrated edition (Bloomsbury Academic, 2014).

Yet, in Sanhedrin 78a, the rabbis cite this same exact verse in the context of another discussion, and there, they clearly interpret it as being about literal murder. The *Tosafot* are so troubled by this tension that they tell us to disregard the entire exchange about Leviticus 24:17 as a poor textual variant![214] Still, we are left with this text and Rashi's interpretation is hardly satisfying. A reader with a queer political orientation refuses this disempowering and roundabout reading about "a death of a limb," instead taking seriously the *stamma*'s suggestion that a life for a life is also not to be interpreted literally but rather as requiring monetary retribution. The whole analogy of the death of a person and the death of a limb is the definition of excess. It could easily have not been there, and the *sugya* would be much more straightforward. We've been set up to believe whatever logic is thrown at us despite the obvious and self-aware truth that all of these rabbinic interpretations are guided not by the uncovering of God's true intent, but rather by utterly human motives. The *stamma* plants the seed of doubt in our minds lest we forget the stakes of the rabbinic choices on display—and they are just that—choices. In rabbinic cosmology, the divine word is lowered in status while human agency is raised up. We humans meet God on the Talmudic page at the halfway point between majesty and profanity. I include the rest of the *sugya* below in my translation, and with my glosses, even as I will not treat it in as much depth as what has preceded so that we, can see how the *stamma* continues to establish interpretive systems only to subvert them in the next utterance.

נֶפֶשׁ רֹצֵחַ אֲשֶׁר הוּא רָשָׁע לָמוּת, כִּי מוֹת יוּמָת" – לְנֶפֶשׁ רוֹצֵחַ אִי אַתָּה לוֹקֵחַ כּוֹפֶר, אֲבָל אַתָּה לוֹקֵחַ כּוֹפֶר לְרָאשֵׁי אֵבָרִים שֶׁאֵינָן חוֹזְרִין. וְהַאי "לֹא תִקְחוּ כֹפֶר לְנֶפֶשׁ רֹצֵחַ" – לְמַעוֹטֵי רָאשֵׁי אֵבָרִים הוּא דַּאֲתָא? הַאי מִבְּעֵי לֵיהּ דְּאָמַר רַחֲמָנָא לָא תַּעֲבֵיד בֵּיהּ תַּרְתֵּי – לָא תִּשְׁקוֹל מִינֵּיהּ מָמוֹן וְתִקְטְלֵיהּ!

> This is why it is taught [in the *Baraita*] "And if your desire is to say" [... that the first derivation was insufficient, and then proceeds to give another answer…] And behold the verse says: "do not take a fine on the life of a murderer who is guilty of a capital offense for he shall surely be killed" [and therefore an additional monetary punishment is not permitted]. Do not take a fine on a murderer's life but do take a fine on one who severed the extremities of another for they do not grow back. And this [verse that says do not take a fine] for the life of a murderer is [seriously] coming to exclude [the case of one who severs] extremities?! This is [rather] needed [in order to teach] what God said: Do not make two [punishments] for him. Do not take money from him and kill him.

The objection here is that this verse does not exist to teach the difference between an injuring party who is fined and a murdering party who is not fined. Rather, these verses teach that no person shall receive multiple categories of punishments for a single crime.

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[214] See Tosafot on BT Bava Kamma 83a:
אף הכאה האמורה באדם לתשלומין - י"ס דגרסי בתר הכי והכתיב איש כי יכה כל נפש אדם מות יומת פירוש שימיתו אברו תחת אברו של חבירו ומשני יומת בממון וממאי דבממון אימא מיתה ממש לא ס"ד חדא דהא איתקש למכה נפש בהמה ועוד דכתיב התם כאשר יתן מום באדם כן ינתן בו ש"מ ממון ואין נראה לר"י אותה גירסא כלל חדא דאיש כי יכה כל נפש אדם מוקמינן בהנשרפין (סנהדרין דף עח.) בקטלא גבי פלוגתא דרבי יהודה בן בתירה ורבנן גבי הכוהו י' בני אדם בי' מקלות ועוד דלממון לא אצטריך ועוד מאי פריך מעיקרא והכתיב איש כי יכה כל נפש אדם מי אלים מקרא דעין תחת עין דמוקמינן ליה בממון בג"ש דהכאה הכאה ועוד מכיון דכתיב כאשר יתן מום באדם כן ינתן בו למה לי הך ג"ש דהכאה הכאה ע"כ נראה דל"ג ליה כלל:

הַאי מִ"כְּדֵי רִשְׁעָתוֹ" נָפְקָא – רִשְׁעָה אַחַת אַתָּה מְחַיְּיבוֹ, וְאִי אַתָּה מְחַיְּיבוֹ שְׁתֵּי רִשְׁעָיוֹת. וְאַכַּתִּי מִבְּעֵי לֵיהּ, דְּקָאָמַר רַחֲמָנָא:
לָא תִּשְׁקוֹל מָמוֹן וְתִפְטְרֵיהּ! אִם כֵּן, לִכְתּוֹב רַחֲמָנָא "לֹא תִקְחוּ כוֹפֶר לַאֲשֶׁר הוּא רָשָׁע לָמוּת"; "לְנֶפֶשׁ רֹצֵחַ" לְמָה לִי? שְׁמַע
מִינַּהּ: לְנֶפֶשׁ רוֹצֵחַ אִי אַתָּה לוֹקֵחַ כּוֹפֶר, אֲבָל אַתָּה לוֹקֵחַ כּוֹפֶר לְרָאשֵׁי אֵבָרִים שֶׁאֵינָן חוֹזְרִין.

> [That is not the case. That teaching about not doubling punishments] is derived from [the verse that states one is punished] "according to [the severity of] his evil." [Evil appears in its singular form], so you make him liable for one evil but you do not make him liable for two evils [with one act.]
>
> But still, [the verse about not taking a fine from a murderer cannot be used to teach that an injurer does get fined because it] is needed [to teach] what God says: You shall not take money [and thereby] exempt him [from the more severe punishment of death.] If so, [i.e. if that is the true intention of the verse] let the Merciful One write, "do not take a fine on one who [has been deemed] wicked [and liable] to die. Why do I [need the verse to additionally say] "for the life of the murderer?" Learn from it [i.e. the fact that the verse is redundant] that for the life of a murderer you shall not take a fine but you shall take a fine from [one who severs] extremities, for they do not regenerate.

Here, the principle of *kra yeteira*, or extraneous scripture, is at play for the *stamma*. The Torah is assumed to never be redundant, so any appearance of redundancy must rather be teaching a distinct principle. In the case of Numbers 35:31—"You may not accept a ransom for the life of a murderer who is guilty of a capital crime; he must surely be put to death"—the inclusion of both "the life of the murderer" and "one who is guilty of a capital crime" enables us to learn not one but two principles from the verse. First, we may not accept ransom (i.e., a lesser punishment) from a murderer and thereby exempt them from the greater punishment of death, and second, in contrast, in the case of a party who merely injures (causing "death" to a limb) one should take a fine.

וְכִי מֵאַחַר דִּכְתִיב "לֹא תִקְחוּ כֹפֶר", "מַכֵּה"–"מַכֵּה" לְמָה לִי? אָמְרִי: אִי מֵהַאי, הֲוָה אָמֵינָא: אִי בָּעֵי – עֵינוֹ נִיתֵּיב, וְאִי בָּעֵי
– דְּמֵי עֵינוֹ נִיתֵּיב; קָא מַשְׁמַע לַן מִבְּהֵמָה, מָה מַכֵּה בְהֵמָה – לְתַשְׁלוּמִין, אַף מַכֵּה אָדָם – לְתַשְׁלוּמִין.

> And when after it is written do not take a fine, why do I [then need the teaching derived from the juxtaposition of] "one who strikes [an animal]" and "one who strikes [a person]"? The sages said: if [it was only derived] from this [verse about the fine], I would [have a doubt and] say: if he wants, he can give an eye and if he wants, he can give the monetary value of his eye. That is why we learn from the [case of one who strikes an] animal. Just as one who strikes an animal pays in money, so too one who strikes a person pays in money.

Over the course of this *sugya*, several binaries and classifications have been set up and then undermined, reinstated, disregarded, and so on. The crucial differentiation between someone who murders and someone who injures is repeatedly affirmed and then undermined by the analogy of the death of a limb. The various sources given for the Mishnaic innovation require many rabbinic principles to operate in the *sugya* often drawing contradictory conclusions, thereby undermining any rabbinic claim to absolute interpretive authority. For example, the *gezeira shava* leads us to learn from the repetition of the verb "strike" that the monetary retribution ruled in the case of one who injures an animal must be similar to the punishment in the case of one who strikes a person. Yet, later on, we are reminded not to derive a law concerning a person from a law concerning an animal, nor are we to learn a principle regarding damages (civil law) from a source regarding capital crime. Yet, the entire enterprise is operating so as to move as much as possible from the category of capital offense to civic offense.

Moreover, as would be evident through the examination of virtually any excerpt taken from the Bavli, the *stamma* collapses time. The *stamma* speaks on behalf of the Merciful One, the *tanna'im*, the *amora'im*, and the reader. Yet, in the act of horizontalizing the discourse, the *stamma* remains steadfast in their commitment to the past as the paramount source of cultural legitimacy. Within that container of history's legacy is where true freedom can be attained. The *stamma* puts various voices into conversation with one another and retrojects a sense of awareness of the final fabricated conversation onto its earliest contributors. For example, when the *stamma* interrogates what was troubling for the *tanna* who in the *Baraita* stated "if it arises on your mind to say…" and then asserts that the *tanna*'s difficulty was in fact a result of amoraic principles only articulated centuries later and likely in a very different textual, not to mention cultural, context, the *stamma* is attempting to vertically legitimate their own agenda.

There are also several intratextual Talmudic resonances that remain unnamed in this *sugya* itself but which nevertheless influence one's understanding of the text. One of these is the group of Sanhedrin texts in which the distinction between capital cases and civil cases is fleshed out. According to the Mishna, a capital case must be judged by a Sanhedrin of 23 judges, while civil cases only require a *Beit Din*, or a three-person court.[215] There are far more legal rights and protections afforded to a person on trial for a capital case. For example, once a person has been ruled innocent, the case can never be reopened, not even with the addition of new evidence.[216] Any person may testify for or against an accused person in a civil case, but in a capital case, members of the public are only heard if they testify in favor of the accused's innocence.[217] Likewise, as mentioned in the last section, a court must make every attempt to uncover any evidence or argument that would point to an innocent verdict.[218] Complicating this matter further is the knowledge that historically speaking, the Sanhedrin lost the authority to administer capital punishment before the destruction of the Second Temple and before the Sanhedrin was under the rabbis' purview. Recall that the tannaitic and amoraic sages were quite small in number, and as an organization held no official political power.[219] As such, we must read rabbinic treatments of capital law in the same way that we understand their discussion of Temple sacrifice. It is quite a different matter to discuss a legal system that operates only in the realm of fantasy and abstraction than one that is empowered to execute human beings. After all, it would be highly problematic for my adversaries to claim that I am committing violence simply by publicly sharing my fantasies of punching fascists in the face. Finally, the question of intentionality which complicates the rather oversimplified formulation of a life for a life is not part of the discussion here but sits just under the surface, as intentionality vis-a-vis wrongdoing is a concern throughout the Bavli with regard to determining the severity of a punishment, if any.[220]

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[215] BT Sanhedrin 2a

[216] BT Sanhedrin 32a

[217] BT Sanhedrin 32a

[218] BT Sanhedrin 17a

[219] See Schwartz, "Political Geography."

[220] See, e.g. BT Bava Kamma 95a, BT Sanhedrin 72a, BT Makkot 10b.

I read this *sugya* as one that is profoundly attuned to the sanctity of the body. The *stamma* stops short from definitively ruling that the imposition of fines is the suitable punishment for murder, and perhaps that was the right call. But doubt regarding the legitimacy of court-ordered killing is nevertheless planted in the minds of readers, and continues only to grow when read in the context of other texts which take up the matter directly. In all of these texts, the queer reader is affected by both glimpses of liberatory promise and shadows of darkness and oppression.

The Satanic Temple advocates for abortion access, LGBTQ rights, and religious freedom, among other issues. Many of its members and allies are queer, and many of its tactics are aligned with my own favorite forms of queer resistance—especially, performance art. Former Detroit chapter leader Jex Blackmore[221] and their comrades noticed the spectacle of anti-choice activists who picket outside of abortion clinics and their fetishization of the fetus. In response, they organized a counter demonstration in which they attempted to hold a mirror to this fanatical and perverse display by showing up as adult babies (citing age play kink) and crawling around in diapers while squirting themselves with milk from baby bottles, screaming, and crying.

The Satanic Temple also uses many of its funds to stage legal battles in which they argue that any restriction on one's bodily autonomy goes in direct violation of their religious beliefs. In Oklahoma and Arkansas, in response to Christian politicians erecting monuments of the Ten Commandments in front of state capital buildings, the Satanic Temple petitioned to display their huge statue of Baphomet alongside them in the name of religious freedom and equality. Their requests have proven legally impactful, getting the Ten Commandments statue removed in Oklahoma. An Arkansas lawsuit has been open since 2018. It is no surprise that Jews, too, began appealing to religious freedom in the wake of the supreme court's overturning of *Roe v Wade* to argue that access to an abortion is a fundamental tenet of Judaism.

What these interventions have in common is their focus on discourse as a powerful site to subvert power. As I discussed in the previous chapter, Jews can be particularly sensitive to the creative potential of language. After all, it is the word that created the world. This orientation is so fundamental that rabbinic literature often refers to God as "The One Who Spoke and The

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[221] Jex Blackmore is a queer artist and activist. Despite being very involved in the development of the Satanic Temple, they ultimately split with the organization over a number of differences. The documentary film *Hail Satan?* about the Satanic temple portrays a ritual staged by Jex Blackmore that according to the Satanic Temple played a crucial role in the rift. In the ritual, complete with nudity, blood, and pig heads reminiscent to me of antinomian ritual orgies practiced by followers of Jacob Frank, Jex announced, "We owe our oppressors. We owe them hostility, inextinguishable justice, and uncompromising destruction. We outnumber them. We possess the fortitude to bring down powerful men and dismantle racist systems…. We are going to disrupt, distort, destroy…. We are going to storm press conferences, kidnap an executive, release snakes in the governor's mansion, execute the president." The national council of the Satanic Temple said that this event left them no choice but to cut ties with Jex Blackmore because their above quoted statement constituted a physical threat to Donald Trump and was in violation to their principle of nonviolence. From Jex's perspective, this was a performance art piece, not an expression of violence or a physical threat but an expression of freedom of speech and the ongoing fight for justice, also core to the Satanic Temple's principles. It is clear that another development was also relevant to Jex's separation from the Church of Satan, which was its formalization and institutionalization in response to the organization's rapid growth but which nevertheless led, unfortunately, to a bigger emphasis on regulation and censorship of members. Recall the introduction to this dissertation wherein I introduced my theory that the institutionalization of rabbinic Judaism led to limitations to the acceptable applications of discursive resistance that was formerly asserted at the discretion of readers and contributors.

World Became." Queer people, too, have so often come into being through their own naming. Whether one changes their name to match their gender identity, adopts labels that carve out space for non-normative expressions of gender and sexuality, or simply comes to understand themselves through immersing themselves in the disruptive tradition of queer theory, queer people know that we do not have to take seemingly universally held categories and assumptions for granted. We can exist outside of dominant notions of gender and sex, and by doing so, we change the meaning of gender and sex and ultimately, if we are successful, we change many other oppressive paradigms as well. By reassigning the meanings and implications of existing structures, we expand the possibilities for the future more than we might be able to by simply introducing counter-proposals that take for granted the same language and same meaning-making paradigms as the oppressor. While the voice of the Talmud does not explicitly (nor spiritually, in my view) relate to the Torah as "the oppressor," the profoundly radical orientation to subverting its power remains and comes to influence later Jewish orientations to power. This is the rabbinic form of disidentification—of rejecting oppressive outcomes while queerly milking every last drop from what has been inherited from the mainstream for our own benefit, and in so doing, remaking those cultural artifacts our own.

The body of work on queer temporality has always spoken to me deeply as a queer scholar looking for my place, often resorting to abstraction, lost pasts, dreamed futures, and alternate presents, all despite my best efforts to remain in my queer body long enough to be the pervert I wish to see in the world. The queer tensions present in historical texts allow the queer reader to access a kind of vulnerability and intimacy that is impossible when engaging present cultural artifacts. When violence and oppression are articulated in the present, those targeted have little choice but to protect and defend themselves. From the safety that is offered by temporal distance, such as the distance we have from Talmudic culture as we study it, we are awarded the opportunity to struggle for as long as we need to with the complexity that arises from the archive, to allow ourselves to be both seen and hurt and to feel both proximity and distance between ourselves and our lineage. When we engage with our presences and absences in the archive across time, we are given a rare opportunity to learn more about our present fulfillments and lacks and to do so grounded in queer roots that both affirm and contradict us. This allows us to claim the present with more clarity, flexibility, and vulnerability than the present tends to permit marginalized people. Having learned about methods of subversive resistance from the place of safety awarded by historical and cultural distance, we are more equipped to apply what we have learned to help us relate more creatively and from a more empowered and resourced position to systemic power in our own lives.

Chapter 3

Affective Pedagogy and Discursive Prosthesis in the Bavli

As the reader may have gleaned, haunting all discussions of queer temporality is the attendant ever-present factor of queer affect. Queerness, in its insistence on undermining such historically taken-for-granted categories such as sex and gender, also engenders demands to interrogate the past, present, and future. All of the major paradigm-shifts brought about by queer theory function together to subvert, pervert, and otherwise destabilize normative uses of language and the perceived fixity of terminology. While performativity and speech-act theory formed a crucial basis for queer investigation in the 1990s, recent decades have seen shifts in the ways queer theory relates to language. Queer affect theory is one major way to address that aspect of experience which proceeds or emerges beside language. Affect speaks to the moment of experiencing when the realization of feeling or sensation occurs before its conscious recognition or definition. This chapter will offer a close read of one way in which the Bavli utilizes affective pedagogy and will explore the stakes of reading the Talmud not just as an intellectual resource but as a performative, affective text.

In this chapter I bring together two frameworks I've been developing that have helped me draw out some patterns in the Babylonian Talmud. I will return to and dive deeper into the notion of affective interruption, using Eve Sedgwick's book *Touching Feeling* as my theoretical source text. Then I will introduce my theory of discursive prosthesis in the Talmud, adapted from David Mitchell and Sharon Snyder's groundbreaking text *Narrative Prosthesis*. I believe these frameworks are useful for exploring potential avenues for queer engagement with the Bavli. I will introduce them in order to explore what emerges from their interaction as displayed in selected passages. I hope to demonstrate that, particularly in passages of the Talmud that are painful to read because they display oppressive attitudes, unjust disenfranchisement or otherwise violent rhetoric such as those engaging in discursive prosthesis, affective interruption offers opportunities for reparative readings which can place discursive power back in the hands of the disenfranchised. I have chosen to look predominantly at difficult passages that highlight the particular damage and harm caused by Talmudic discourse to women, gender non-conforming people and disabled people because I believe it is these moments that hold the greatest potential for healing—or at least for subversive intervention—through the mechanism of affective interruption. As a result, I offer a content note that I will be quoting passages that contain sexist and ableist rhetoric regarding incest, femicide, and a range of impairments as apprehended by the rabbinic male gaze.

This chapter also emerges from a deeply felt sense that one of the primary functions of the Babylonian Talmud is as a pedagogical text. As a Yiddishist, I am constantly aspiring to the next level of fluency in Yiddish. For the past several years, this has meant aiming to sound not like I am speaking English that has simply been translated into Yiddish, but to communicate from a more integrated Yiddish perspective. Talmudic study has been the most fruitful avenue I have identified in pursuing this goal, for learning Talmud teaches one how to think like a Jew in the ways I imagine many early modern Yiddish speakers did without ever having to study a single *sugya*. Talmudic logic was and is, to a certain extent, naturalized within the language. The obscurity sometimes assigned to Talmudic discourse by those less familiar with its study stems from a fundamental misconception of what the Talmud is meant to be doing. Rather than teaching its readers *what* to think, the Talmud is more concerned with teaching the reader *how* to think, and, I argue, how to *feel*. SVARA is doing important work in training budding Talmud scholars to approach the Talmud with the assumption that it is more a training resource than an encyclopedia, and my teacher Dr. Daniel Boyarin's concurrent work also addresses crucial and under-examined pedagogical functions of the Bavli. The primary pedagogical method I identify and discuss in the present study is the affective interrupter, which I have introduced in previous chapters. To reiterate: affective interruption is the term I am using for when a halakhic discussion is interrupted by an anecdote, question or statement which fundamentally shifts the assumptions underlying the discourse and which are likely to invoke an affective response in the reader. Often, these affective interruptions are not integrated into the discussion, but rather close out the *sugya* abruptly with a moment of surprise. The reader, then, is left trying to regain balance while wrestling with the interjection that ripped them from the established parameters of the discussion. I argue that, rather than glossing over these moments of incongruity, we as affected readers ought instead to experience them and allow them to guide us toward new meanings.[222]

Before going any further, I wish to lay bare why I am particularly drawn to this mechanism over and above the more common and perhaps characteristic pedagogical habits of the Bavli. The Bavli, for readily apparent reasons, has been popularly characterized as a hyper-intellectual text and cultural source. Likewise, pedagogy in modern educational systems is primarily conceived as a set of beliefs and methodologies for developing the student's intellectual capacities. The necessary physical, emotional, and spiritual development of learners is often assumed to be in the domain of extra-curricular and family activities. For this reason, I have often struggled in educational spaces which, at best, are not designed for—and, at worst, are actively discouraging of—holistic engagement by students and teachers on physical, emotional, and spiritual registers in addition to intellectual participation. My discomfort with the isolation and prioritization of intellectual capacities over and above all other ways that we humans engage with the world around us moved me throughout my life to pursue alternative educational paths. While growing up, I was often lauded by teachers for my intellectual capacities; rather than experiencing this trend as affirming, I often felt that the pieces of myself which I held most dear were left unacknowledged. Meanwhile, I saw peers and family members overlooked in an educational system that only appeared to value students who succeeded in very particular areas and devalued other gifts that students had to offer. I was insistent on attending an arts high school as a young person before ultimately leaving after 10th grade to enroll at Bard College at Simon's Rock, where I was more drawn to the pedagogical norms. There, I majored in theater, which I internalized as the best way to access the education I had been missing in school: I desperately wanted to benefit from the physical and emotional pedagogy that shaped my school's theater department. For the same reasons, I am drawn to take seriously what stands out to me as the Talmud's methods for affective pedagogy.

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[222] This method for discursive subversion is echoed in modernity in the context of Yiddish literature. In analyzing Moshe Leyb Halpern's politically-inflected anticapitalist and anarchist poetry, Harshav has highlighted Halpern's use of surprising shifts to "analygous situations" "almost casually embedded in subordinate phrases, and only indirectly connected as a negative counterpoint" to the unfolding descriptions. "These are analygous situations, connected through the reader's consciousness" and, I add, they are a crucial ingredient in the affective resonance of Halpern's poetry. See Harshav, *The Meaning of Yiddish,* 107–111. I argue that many of the discursive strategies utilized in Yiddish speech, literature, and political movements to confront unjust power structures evolved subconsciously from Talmudic techniques and orientations.

In *Touching Feeling*, Eve Kosofsky Sedgwick expands the reader's notions of pedagogy.[223] Not merely a study of how students best learn and assimilate new information in the classroom, pedagogy encompasses a range of orientations and sites of the development of both an individual and the community. Crucially, Sedgwick advocates for non-dualism in queer theory and pedagogy, where thinkers are encouraged to grip less tightly to ideas. In her analysis of foundational texts such as Michel Foucault's *History of Sexuality*,[224] Judith Butler's *Gender Trouble*,[225] J. L. Austin's *How to do Things with Words*,[226] and even Sedgwick's own earlier *Epistemology of the Closet*,[227] Sedgwick outlines in a fluid, nonlinear matrix of reflections on the ways in which queer theory have hardened around certain core concepts and thereby inhibited its full potential. Sedgwick demonstrates an in-process drive toward alternative approaches which center the concepts comprising the book's subtitle: affect, pedagogy, performativity. Sedgwick brings pedagogy into the realm of the spiritual with her discussion of Buddhism's approaches to mortality, care for the dying, and the development of the Buddhist practitioner. In so doing, Sedgwick intervenes to identify the difference between learning as either *understanding,* defined as *recognizing* that which one already *knows* on one hand, and *realizing* on the other.[228] As I discuss in more detail below, Sedgwick also treats pedagogy as it shapes other domains, including performativity, speech-act theory, affect, theater, and activism.

When I discovered Talmudic study as an adult participant at SVARA's Queer Talmud Camp, another pedagogical gap was filled. I had a profound experience of the possibilities of spiritual and affective education. It was there that I learned to read the Talmud not as a bank of knowledge to absorb through teachers' lectures and testing, but as a pedagogical text that required me to read with vulnerability and to trust what I already knew. The emphasis in more restricted formulations of pedagogy, such as those which tend to dominate public primary education, on ushering the classroom student toward the goal of mental recognition of school-taught information already assumes a starting point of student ignorance upon which obedience can be inscribed. Students who are educated in this setting learn to take for granted their low status on the hierarchy of knowledge relative to the always higher status of their educators. Frequently, this perceived and internalized ignorance follows students even through later high achievements, such as obtaining advanced degrees, and contributing to an epidemic of imposter syndrome in the academy. Of course, this learned sense of ignorance disproportionally impacts those who are multiply marginalized based on race, gender, ability, and other axes of identity. Against this backdrop, my initial experience at SVARA was personally groundbreaking as I learned to trust my own knowing rather than compulsively overemphasizing my lack of knowledge or expertise, as I normally would when taking my first steps into a rigorous, vast, and complex field of study. I was taught to develop confidence in my readings of Talmudic texts, to trust my intuition, and to pursue my own questions.

This orientation made it impossible to ignore when, in my first foray into Talmud study at camp, I came across Rabbi Yonatan's statement in the earlier-discussed sugya *Ben Sorer*

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[223] Sedgwick, *Touching Feeling.*

[224] Michel Foucault, *The History of Sexuality,* trans. Robert Hurley, First American edition., 4 vols. (New York: Pantheon Books, 1978–2021).

[225] Judith Butler, *Gender Trouble*.

[226] John Langshaw Austin, *How to Do Things with Words*, The William James Lectures 1955 (Cambridge: Harvard University Press, 1962).

[227] Sedgwick, *Epistemology of the Closet*.

[228] Sedgwick, *Touching Feeling*, 153–81.

u'Moreh, proclaiming, "I was there, and I sat on his grave." This affective interruption in the text demanded being met with my queer vulnerability and curiosity. I was called upon to be shocked into grief alongside Rabbi Yonatan. The Talmud demanded that I be suddenly extracted from the intellectual playground that the earlier parts of the *sugya* had built up, wherein the historically impossible and imaginary *Ben Sorer u'Moreh* was drinking fine Italian wine and eating shmaltzy meats and avoiding the biblical wrath that stood to threaten him.

I understand these affective interrupters as crucial to the holistic development of the Talmud student who can so easily get lost in a metaphysical line of critical thinking, forgetting about the very real human consequences of the discourse. In *Touching Feeling*, Sedgwick proposes a shift away from the trend of what she terms "paranoid reading" which seeks to unearth what is *behind* or *beneath* the surface of the text, often lurking to enact or reenact violence.[229] The critic's role with this approach is to dissect the text to uncover hidden agendas, leaving behind a mess of discarded fragments, precluding the possibility of a holistic relationship between reader and text marked by vulnerability and growth. Instead, Sedgwick calls for "reparative reading" which strives to move beyond duality toward the reader's relational and affective presence to text. The key to enacting this form of "reparative reading" is to embrace *beside*, which is where the world of affect exists.[230] I add to Sedgwick's model of reparative reading by underscoring the centrality of emotional vulnerability as a reading posture.

Affective interrupters are a mechanism by which the Talmud reminds the reader, *beside* rigorous intellectual training and critical thought, not to divorce the mind from the heart, and crucially, not to neglect the interdependence, vulnerability, intimacy, and cooperation between people that Talmudic study requires. I view affective interruption as a pedagogical method geared towards empowerment of the reader to account for what lies beyond the scope of strictly logical Talmudic discourse, because, despite ChaZaL's effectiveness at *textual* world-building, we find the rabbis remain haunted by their lived realities that often do not comply with their aspirations.

In the signature "CRASH Talk" that Rosh Yeshiva of SVARA Benay Lappe gives to all first-time SVARA learners before they jump into the text, Lappe delineates the Talmudic prerequisites for a rabbi to become a true agential "player" in the tradition, empowered to innovate and rule in matters of Jewish law and ritual.[231] Yes, these actors must possess a baseline amount of background knowledge (the Mishna, to be precise) but they must also possess and constantly attune to their sensitivity to the whole of human experience—their *svara*, in Lappe's formulation. Just as the individual is not meant to be isolated into an intellectual actor at the expense of their affective realities, emotions, and physical bodies, so too is the community not meant to be isolated into independent thinkers and actors without developing relationships across differences in experience. At its best, the Talmud reminds its readers that we are meant to consider, on an emotional and vulnerable level, the potential impact of legalistic lines of thinking. Despite the omnipresence of intellectual competition in Talmudic discourse, intellectual excellence is not to be lauded above all other values.

This is not to say that we should eschew the intellectual focus of the Talmud when we disagree with the logical deductions made. It may instead be argued that the dualistic division between intellect and the embodied senses is itself incongruent with the tradition. Whereas an apologetic reading may move us towards systematic restoration in response to the unsightly parts of the tradition, reparative reading does not require that we fix the text so that it hurts less. The goal is not to reject the prized place of the rational in Talmudic culture either out of contempt for the trauma it has caused or out of a redemptive impulse where the text can be rescued simply by de-emphasizing the halakhic register of the discourse in favor of emphasizing its more liberatory functions such as pedagogical and affective. Rather, it is precisely and only by experiencing the hurt of the discourse, rather than always pre-empting it through paranoid readings, that we as readers become present enough to the text to even become aware of the other ways that the Talmud makes meaning: namely for our purposes, by engaging the reader's affect. Reparative readings allow the reader to be present to both the violence in the text and the hope made possible through reading.

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[229] Sedgwick, *Touching Feeling*, 8.
[230] Sedgwick, *Touching Feeling*, 8–9.
[231] See "CRASH Theory," *SVARA: A Traditionally Radical Yeshiva* (blog), accessed March 13, 2024, https://svara.org/crash-theory/.

One anecdote from Bava Metz'ia 59a–b attests to the limiting forces placed on intellectual superiority in rabbinic culture on a meta level. In the case of this little *sugya*, referred to as *Tanur shel Akhnai* ("an oven of a wound snake"), the demotion of intellectual mastery occurs in order to elevate the value of collectivity.

תְּנַן הָתָם: חֲתָכוֹ חוּלְיוֹת, וְנָתַן חוֹל בֵּין חוּלְיָא לְחוּלְיָא – רַבִּי אֱלִיעֶזֶר מְטַהֵר, וַחֲכָמִים מְטַמְּאִין. וְזֶה הוּא תַּנּוּר שֶׁל עַכְנַאי.
מַאי עַכְנַאי? אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל: שֶׁהִקִּיפוּ[הוּ] דְּבָרִים כְּעַכְנָא זוֹ, וְטִמְּאוּהוּ. תָּנָא: בְּאוֹתוֹ הַיּוֹם הֵשִׁיב רַבִּי אֱלִיעֶזֶר
כָּל תְּשׁוּבוֹת שֶׁבָּעוֹלָם, וְלֹא קִיבְּלוּ הֵימֶנּוּ .אָמַר לָהֶם: אִם הֲלָכָה כְּמוֹתִי – חָרוּב זֶה יוֹכִיחַ. נֶעֱקַר חָרוּב מִמְּקוֹמוֹ מֵאָה אַמָּה,
וְאָמְרִי לַהּ: אַרְבַּע מֵאוֹת אַמָּה. אָמְרוּ לוֹ: אֵין מְבִיאִין רְאָיָה מִן הֶחָרוּב. חָזַר וְאָמַר לָהֶם: אִם הֲלָכָה כְּמוֹתִי – אַמַּת הַמַּיִם
יוֹכִיחוּ. חָזְרוּ אַמַּת הַמַּיִם לַאֲחוֹרֵיהֶם. אָמְרוּ לוֹ: אֵין מְבִיאִין רְאָיָה מֵאַמַּת הַמַּיִם .חָזַר וְאָמַר לָהֶם: אִם הֲלָכָה כְּמוֹתִי – כּוֹתְלֵי
בֵּית הַמִּדְרָשׁ יוֹכִיחוּ. הִטּוּ כּוֹתְלֵי בֵּית הַמִּדְרָשׁ לִיפּוֹל. גָּעַר בָּהֶם רַבִּי יְהוֹשֻׁעַ, אָמַר לָהֶם: אִם תַּלְמִידֵי חֲכָמִים מְנַצְּחִים זֶה אֶת
זֶה בַּהֲלָכָה, אַתֶּם מָה טִיבְכֶם? לֹא נָפְלוּ מִפְּנֵי כְבוֹדוֹ שֶׁל רַבִּי יְהוֹשֻׁעַ, וְלֹא זָקְפוּ מִפְּנֵי כְבוֹדוֹ שֶׁל רַבִּי אֱלִיעֶזֶר, וַעֲדַיִן מַטִּין
וְעוֹמְדִין. חָזַר וְאָמַר לָהֶם: אִם הֲלָכָה כְּמוֹתִי – מִן הַשָּׁמַיִם יוֹכִיחוּ. יָצָאתָה בַּת קוֹל וְאָמְרָה: מָה לָכֶם אֵצֶל רַבִּי אֱלִיעֶזֶר,
שֶׁהֲלָכָה כְּמוֹתוֹ בְּכָל מָקוֹם עָמַד רַבִּי יְהוֹשֻׁעַ עַל רַגְלָיו וְאָמַר: ״לֹא בַשָּׁמַיִם הִיא!״ מַאי ״לֹא בַשָּׁמַיִם הִיא״? אָמַר רַבִּי יִרְמְיָה:
שֶׁכְּבָר נִתְּנָה תּוֹרָה מֵהַר סִינַי, אֵין אָנוּ מַשְׁגִּיחִין בְּבַת קוֹל, שֶׁכְּבָר כָּתַבְתָּ בְּהַר סִינַי בַּתּוֹרָה ״אַחֲרֵי רַבִּים לְהַטֹּת״. אַשְׁכְּחֵיהּ
רַבִּי נָתָן לְאֵלִיָּהוּ, אֲמַר לֵיהּ: מַאי עָבֵיד קוּדְשָׁא בְּרִיךְ הוּא בְּהַהִיא שַׁעְתָּא? אֲמַר לֵיהּ: קָא חָיֵיךְ וְאָמַר, ״נִצְּחוּנִי בָּנַי! נִצְּחוּנִי
בָּנַי!״

> We learned in a Mishna: [in the case of] one who cut it [that is, an earthenware oven] into segments and placed sand between each and every segment [such that it again becomes a functional oven], Rabbi Eliezer deems it pure [acceptable to be used for cooking], and the sages designate it impure. And this is the oven of the wound snake [*tanur shel akhnai*]. What is this "*akhnai*" [i.e., what is the relevance of this coiled snake]? Rav Yehuda said that Shmuel said, "that they surrounded [Rabbi Eliezer's arguments with] words like a coiled snake and deemed it [the oven] impure." It was taught in a *Baraita* that on that day Rabbi Eliezer offered every answer in the whole world [to argue his opinion] but they [the sages] did not accept [these answers] from him. He said to them: "If the *Halakha* is according to me, this carob tree will prove it." And the carob tree was uprooted from its place one hundred cubits, but some say it was four hundred cubits. They said to him, "we don't bring proofs from a carob tree." He came back and said to them, "If the *Halakha* is according to me, the canal water will prove it." The canal waters turned backwards. They said to him, "We do not bring proofs from canal waters." He returned and said to them, "If the *Halakha* is according to me, the walls of the house of study will prove it." The walls of the study house bent over as though falling. Rabbi Yehoshua shouted at them and said, "if wise sages are prevailing one over another in *Halakha*, what right do you have

> [to intervene]?" [The walls] did not fall because of the honor of Rabbi Yehoshua, but neither did they restore to their upright positions because of the honor of Rabbi Eliezer. And still they [the walls] are bent over but [remain] standing. He [Rabbi Eliezer] came back and said to them, "if the *Halakha* is according to me, the heavens will prove it." A divine voice emerged and said, "what do you have against Rabbi Eliezer, for the *Halakha* is according to him in every case?" Rabbi Yehoshua rose to his feet and said, "It is not in heaven!" (Deuteronomy 30:12) What did he mean, "it is not in heaven?" Rabbi Yirmiya said, "as soon as the Torah was given at Mount Sinai, we no longer consider Divine voices, for You already wrote at Mount Sinai in the Torah, 'to incline after the masses' (Exodus 23:2). Rabbi Natan found Elijah and said to him, "What did the Holy Blessed One do at that time?" He [Elijah] said, "Indeed, He [God] smiled and said, 'my children have defeated me, my children have defeated me.'"

The picture painted in this *sugya* is meant to leave no doubt: it was Rabbi Eliezer's reasoning that earned repeated divine sanction. At the same time, even before the sages prevail over Rabbi Eliezer, the reader is already being led to doubt his proclaimed "correctness." The transmutation of the story from a typical account of disagreement into the realm of the fantastical already begins to undermine Rabbi Eliezer's superiority on the basis of his intellectual infallibility as established when the *Baraita* recounts that he "offered every answer in the whole world." Rabbi Eliezer's resorting to divine signs and heavenly voices, even when he successfully elicits the affirmations he seeks, plants the seed that even perfect intellectual lines of thought are insufficient when it comes to establishing legal norms. Interestingly, in this case, Rabbi Eliezer's ruling is also the more lenient one as it sanctions the use of repaired shattered earthenware vessels, which the sages, in turn, prohibit. The rabbis tend to display a preference for leniency and often deploy their intellectual agility toward establishing leniency where a stringency may be a more logical conclusion. That the opposite dynamic is at play in this dispute may suggest that the text intends to raise the stakes of the story's outcome. Even where one might least expect it, and as we shall see in the following passage, even when it threatens to undermine a core sense of justice, collectivity is valued over and above the accurate demonstration of God's intent.

Indeed the climax of the story is Rabbi Yehoshua's outburst in response to the miracles invoked by Rabbi Eliezer. By this point, God's divine will, in line with Rabbi Eliezer's flawless logic, has been made apparent: God has displaced Rabbi Eliezer as the counterpoint to the sages. As such, Rabbi Yehoshua goes straight to the source on behalf of the sages, proclaiming that since the Torah was given to the Jewish people at Mount Sinai, the power to shape Jews' lived reality based on that Torah's reception was also given to the Jewish masses and accordingly revoked from God. In other words, the Torah was God's last chance to communicate directly with the Jewish people; since Sinai, it has been the prerogative of the rabbis to read or misread the Torah's intended meaning. The prophet Elijah underscores this argument by attesting to God's acquiescence that the children of Israel have prevailed over the divine. The stakes are raised even further when, next, the story returns to Rabbi Eliezer, of whom an example has unfortunately been made.

> אָמְרוּ: אוֹתוֹ הַיּוֹם הֵבִיאוּ כָּל טְהָרוֹת שֶׁטִּיהֵר רַבִּי אֱלִיעֶזֶר וּשְׂרָפוּם בָּאֵשׁ. וְנִמְנוּ עָלָיו וּבֵרְכוּהוּ, וְאָמְרוּ: מִי יֵלֵךְ וְיוֹדִיעוֹ? אָמַר לָהֶם רַבִּי עֲקִיבָא: אֲנִי אֵלֵךְ, שֶׁמָּא יֵלֵךְ אָדָם שֶׁאֵינוֹ הָגוּן וְיוֹדִיעוֹ, וְנִמְצָא מַחְרִיב אֶת כָּל הָעוֹלָם כּוּלּוֹ .מָה עָשָׂה רַבִּי עֲקִיבָא? לָבַשׁ שְׁחוֹרִים וְנִתְעַטֵּף שְׁחוֹרִים, וְיָשַׁב לְפָנָיו בְּרִיחוּק אַרְבַּע אַמּוֹת. אָמַר לוֹ רַבִּי אֱלִיעֶזֶר: עֲקִיבָא, מָה יוֹם מִיָּמִים? אָמַר לוֹ: רַבִּי, כִּמְדוּמֶּה לִי שֶׁחֲבֵירִים בְּדֵילִים מִמֶּךָּ. אַף הוּא קָרַע בְּגָדָיו וְחָלַץ מִנְעָלָיו, וְנִשְׁמַט וְיָשַׁב עַל גַּבֵּי קַרְקַע. זָלְגוּ

עֵינָיו דְּמָעוֹת, לָקָה הָעוֹלָם: שְׁלִישׁ בְּזֵיתִים, וּשְׁלִישׁ בְּחִטִּים, וּשְׁלִישׁ בִּשְׂעוֹרִים. וְיֵשׁ אוֹמְרִים: אַף בָּצֵק שֶׁבִּידֵי אִשָּׁה טָפַח. תָּנָא: אַף גָּדוֹל הָיָה בְּאוֹתוֹ הַיּוֹם, שֶׁבְּכָל מָקוֹם שֶׁנָּתַן בּוֹ עֵינָיו רַבִּי אֱלִיעֶזֶר – נִשְׂרַף. וְאַף רַבָּן גַּמְלִיאֵל הָיָה בָּא בִּסְפִינָה. עָמַד עָלָיו נַחְשׁוֹל לְטַבְּעוֹ. אָמַר: כִּמְדוּמֶּה לִי שֶׁאֵין זֶה אֶלָּא בִּשְׁבִיל רַבִּי אֱלִיעֶזֶר בֶּן הוֹרְקְנוֹס. עָמַד עַל רַגְלָיו וְאָמַר: רִבּוֹנוֹ שֶׁל עוֹלָם, גָּלוּי וְיָדוּעַ לְפָנֶיךָ שֶׁלֹּא לִכְבוֹדִי עָשִׂיתִי, וְלֹא לִכְבוֹד בֵּית אַבָּא עָשִׂיתִי, אֶלָּא לִכְבוֹדְךָ, שֶׁלֹּא יִרְבּוּ מַחְלוֹקוֹת בְּיִשְׂרָאֵל. נָח הַיָּם מִזַּעְפּוֹ. אִימָּא שָׁלוֹם, דְּבֵיתְהוּ דְּרַבִּי אֱלִיעֶזֶר, אֲחָתֵיהּ דְּרַבָּן גַּמְלִיאֵל הֲוַאי. מֵהָהוּא מַעֲשֶׂה וְאֵילָךְ, לָא הֲוָה שָׁבְקָה לֵיהּ לְרַבִּי אֱלִיעֶזֶר לְמִיפַּל עַל אַפֵּיהּ. הָהוּא יוֹמָא רֵישׁ יַרְחָא הֲוָה, וְאִיחַלַּף לַהּ בֵּין מָלֵא לְחָסֵר. אִיכָּא דְּאָמְרִי: אֲתָא עַנְיָא וְקָאֵי אַבָּבָא, אַפִּיקָא לֵיהּ רִיפְתָּא. אַשְׁכַּחְתֵּיהּ דְּנָפֵל עַל אַנְפֵּיהּ. אֲמַרָה לֵיהּ: קוּם, (קטלית לאחי) [קְטַלְיתֵּהּ לְאָח]. אַדְּהָכִי נְפַק שִׁיפּוּרָא מִבֵּית רַבָּן גַּמְלִיאֵל דִּשְׁכֵיב. אֲמַר לַהּ: מְנָא יָדַעַתְּ? אֲמַרָה לֵיהּ: כָּךְ מְקוּבְּלַנִי מִבֵּית אֲבִי אַבָּא: כָּל הַשְּׁעָרִים נִנְעָלִים חוּץ מִשַּׁעֲרֵי אוֹנָאָה.

[The sages] said: "On that day, they brought all of the ritually pure items that Rabbi Eliezer had ruled pure [through his ruling about the shattered oven repaired with sand] and burned them in fire. Their votes were counted regarding him and they set him apart.[232] They said, "who will go to let him know?" Rabbi Akiva said, "I will go lest an unworthy person go and as a result he would destroy the whole world." What did Rabbi Akiva do? He wore black and wrapped himself in black and sat before him at a distance of four cubits and Rabbi Eliezer said to him, "What [is different about] today of all days?" He said to him, "My teacher, it appears to me that your fellows are distancing from you." Even he [Rabbi Eliezer] tore his clothes and removed his shoes and dropped and sat upon the ground [that is, Rabbi Eliezer entered a period of mourning]. His eyes flowed with tears and the world suffered a third of its olives, a third of its wheat and a third of its barley. And some say that even dough that was in the hands of a woman decayed. It is taught that there was great wrong on that day for every spot that Rabbi Eliezer's eyes met burned. And even Rabban Gamliel was coming on a ship and a gale rose and threatened to drown him. He said, "It seems to me that this can only be on account of Rabbi Eliezer ben Hurkinus." He stood on his feet and said, "Master of the Universe, it is clear and known to you that it was not for the sake of my own honor that I did this, nor was it for the honor of my father's house that I did this, but in Your honor, so that disputes will not proliferate in Israel." The sea calmed from its storming.

Imma Shalom from the house of Rabbi Eliezer [i.e. his wife] was the sister of Rabban Gamliel. From that event and afterwards, she would not leave him to lower his head [to recite the *tahanun,* "supplications" prayer. In other words, because Rabbi Eliezer had God's favor, Rabbi Eliezer's prayers were known to be dangerously powerful, and Imma Shalom feared for her brother Rabban Gamliel]. One day it was a new moon, and she [accidentally] exchanged a full month [30 days] for a deficient month [29 days]. [She incorrectly calculated when the new moon was. Because *tahanun* is not recited on the new moon, she thought she could leave Rabbi Eliezer unattended and not risk his praying.] There are those who say that a poor person came and stood at the gate and she took out bread to him. She found that [while she had stepped away to tend to the poor person] he had lowered his head [praying supplications]. She said, "Rise, you have killed my brother." In the meanwhile, a shofar went out from the house of Rabban Gamliel [to announce] that he had died. He said to her, "How did you know?" She said to him, "Thus I learned from the house of my father's father: all the gates are closed except for the gates of harm (אונאה)" [In other words, because she understood that Rabban Gamliel's shaming

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[232] וברכוהו. This root usually means to bless, but in this case is likely used euphemistically to mean that the rabbis chose to exile Rabbi Eliezer.

> and ostracization of Rabbi Eliezer was a hurtful wrong, she knew that Rabbi Eliezer's prayers would be answered.]

Rabban Gamliel, the *nasi* (head) of the Sanhedrin, must plead with God to submit to the sages' choice to exile Rabbi Eliezer, reasoning that this outcome is in God's best interest. Clearly, Rabbi Eliezer has both God's ear and favor, and that his treatment is unjust is known well by his wife, the sister of Rabban Gamliel. Yet, even when Rabbi Eliezer's prayer inadvertently results in the death of Rabban Gamliel, his exile stands, despite his being correct according to both God and reason. Immediately following this moment and as the closing point of the *sugya*, we learn a *Baraita* from Rabbi Eliezer in which he is referred to with his honorific, Rabbi Eliezer the Great, which is absent from his many mentions in the preceding story. The *stamma* seeks not to cast doubt upon Rabbi Eliezer as an esteemed scholar. Rather, Rabbi Eliezer's willingness, even with sound reason, to go against the sages who have reached a consensus contrary to his opinion that is perceived as a threat to the unity and ultimately the survival of the Rabbinic Jewish collective.

This *sugya* teaches that the authority afforded to rabbis to interpret Torah is comprehensive; interpretations can be influenced by a number of competing rabbinic values wherein accuracy is not necessarily paramount. Moreover, it is up to the rabbis to argue for the accuracy of their position which can be accepted or rejected by their peers; in any case, divine intervention is not a legitimate part of the equation.

The previously examined *sugya, Ben Sorer u'Moreh* also indicates the cruciality of rabbinic interpretation over and above the imagined divine intent of a given Torah verse. Recall that after the rabbis have limited the cases in which the laws regarding a *Ben Sorer u'Moreh* would apply (and result in the public stoning of the child), they feel confident declaring that there never was nor never will be a *Ben Sorer u'Moreh*. The Gemara responds to the obvious question, "So, then why is it written?" with the declaration, to "interpret and receive reward."[233] This refrain is then immediately repeated with regard to other biblical scenarios that the rabbis have rendered irrelevant and non-existent using the same techniques, such as the "idolatrous city"[234] and the "house afflicted with leprosy,"[235] both biblically designated for destruction. "Interpret and receive reward" is a refrain that names a foundational component of rabbinic doctrine, as it underwrites absolute rabbinic authority to shape the received tradition as they see fit, as demonstrated in the *sugya Tanur shel Akhnai*. In fact, if we look for other places in the Babylonian Talmud in which we see this refrain repeated, we come across additional potent examples which cut to the heart of the matter: what is the significance of interpreting the Torah if it does not directly bear on our lived experiences? I will now treat the instances of the refrain "interpret and receive reward" in the Bavli apart from the already discussed context of *Ben Sorer u'Mo*reh systematically.

Within the same tractate, before *Ben Sorer u'Moreh*, there is another appearance of "interpret and receive reward," in Sanhedrin 51a–b. Here, the rabbis are discussing the following *Baraita*: "Rabbi Eliezer says, [if the daughter of a priest commits adultery,] with her father, she is burned, with her father-in-law, she is stoned."[236] The *stamma* follows the citation with an inquiry: what is the meaning of "with her father" and "with her father-in-law?" Is the *Baraita* referring to incest? Or, is it referring to a non-incestuous case of adultery in which the priest's daughter is either betrothed (and thus still under the authority of her father) or already married (and under the authority of her father-in-law)? The *stamma* then answers its own question, disqualifying a literal reading of the *Baraita* which does seem to suggest incest, asserting that the *Baraita* must instead be referring to the case of being under the *authority* of either the father or father-in-law. The reason given by the stamma is that Rabbi Eliezer cannot be referring to incest because in that case, the punishments are equally severe whether one is the daughter of a priest or not, and this *Baraita* must be specifically teaching about a priest's daughter.[237] The *amora'im* then go on to debate whose opinion is serving as the basis for Rabbi Eliezer's statement. There is quite a bit of discourse regarding the relative severity of different kinds of death penalties and how they might apply in each permutation of the transgression. Finally, amid this systematic discussion of all potential iterations of this transgression and the suitable method of execution for each, the discourse is interrupted by Rav Yosef who asks, "[Do we set] *Halakha* for the messianic period?"[238]

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[233] BT Sanhedrin 71a

[234] Deuteronomy 13:13–17.

[235] Leviticus 14:33-57.

[236] רבי אליעזר אומר את אביה בשריפה ואת חמיה בסקילה מאי את אביה ואת חמיה.

Rav Yosef's question can be read as an example of what I am referring to as an affective interrupter, because it rejects the established rules of the discourse, highlighting the existential and emotional resonances at stake in the discussion, in order to point toward a deeper truth. Rav Yosef is asking a question with broad implications. He is acutely aware of the limitation that since the destruction of the Temple, the Sanhedrin no longer has the authority to administer the death penalty in any form. As such, he asks, why would we be devoting such energy to settling the matter of the manner of capital punishment in these cases, when they will only become relevant again in the messianic era? Abaye responds to Rav Yosef saying that if we were not supposed to engage *Halakha* on matters pertaining to the messianic era, all of the many discussions about the *Halakha* related to the slaughter of sacrificial animals would also be obsolete. Rather, Abaye asserts, the purpose of engaging these discussions is to "interpret and receive reward." In other words, it is not necessary to be able to apply the interpretations they come to; rather, the act of interpretation itself is sufficient—and crucial—for garnering divine favor. Rav Yosef retorts: "What I meant to say is why do I need the *Halakha*? [As opposed to a mere discussion of these messianic matters, what is the purpose of drawing practical legal conclusions?] Is Rabbi Eliezer establishing a practical halakhic conclusion in this matter?"[239] Rav Yosef challenges the norms of the discourse on this matter. Refusing the terms of the ongoing debate, he seems to be caught instead in his affective experience of disgust, or perhaps empathy with the woman on display for rabbinic self-indulgence. Alienated from the rules of process, Rav Yosef makes a bid to divest from the mechanical treatment of an offensive hypothetical, knowing the discussion has no lived impact. As Rashi somewhat sarcastically clarifies in the attendant commentary, "When the messiah comes and revives the dead, then we can ask Rabbi Eliezer what he really meant."[240]

The *stamma* stages Rav Yosef's interjection here and then leaves the question unanswered, charging ahead to the next topic. The *stamma* does not bring Abaye or another voice back to acquiesce or reason with Rav Yosef at this point, which would run the risk of replacing one futile discourse with another and intellectualizing an emotive objection. Rather, the *stamma* sanctions Rav Yosef's concern by assenting in form, that is, by denying the reader a satisfying conclusion. As a result, the reader's body, heart, and mind echo with Rabbi Yosef's outburst. This too, is a crucial interjection meant to destabilize the reader's cerebral engagement, instead demanding activation of the emotional and sensitive affected body. Just as we begin to grasp and follow the threads of the dispute, Rav Yosef interrupts it abruptly, and the *stamma* inserts a textual break to ensure the discourse never resumes.

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[237] אילימא את אביה מאביה ואת חמיה מחמיה מאי איריא בת כהן אפילו בת ישראל נמי בתו בשריפה וכלתו בסקילה
אלא את אביה ברשות אביה ואת חמיה ברשות חמיה

[238] אמר רב יוסף הלכתא למשיחא?

[239] הכי קאמרי הלכתא למה לי סוגיא דשמעתא הלכה קאמר

[240] רש"י: כשיבא המשיח ויחיה המתים נשאל את רבי אליעזר באיזה לשון אמרה:

Interestingly, this moment also provides a window into a tension that pervades the Talmud regarding the teleology of language as at times performative and at other times periperformative. Sedgwick introduces the concept of periperformativity as an affective complement to performativity, which emphasizes the ways in which language enacts. While Austin focused primarily on declarative statements in introducing speech-act theory (think, "I do," "I declare," "I condemn") in which the utterance enacts the event, Derrida and Butler expanded the notion of performativity to include all language, taking seriously the potency of discourse to shape queer worlds.[241] Sedgwick however remains sensitive to the relative difference in effectuation between different kinds of speech (and, not to mention, gesture), thinking instead of performativity on a matrix. Periperformative utterances, then, operate in the affective *beside* performativity, clustering around performativity but not quite effectuating it to the same extent.[242] The Bavli establishes the discursive nature of *Halakha* as a process and not just a set of outcomes. Jewish history witnessed a major circumscription of the once expansive and dynamic process of *Halakha* with the advent of halakhic codes in the Middle Ages, the most famous being Maimonides's Mishneh Torah in the 12th century and ultimately Joseph Karo's defining Shulchan Aruch in 1492. These works collapse many of the layers of dispute and complexity present in the Talmudic discussions of law to produce a set of systematic rulings which could more easily be applied by common folk. Still, even these codes came to be immediately surrounded by commentaries and discussion. Rav Yosef's interjection suggests that the impulses and anxiety around setting *Halakha* were present centuries earlier. Rav Yosef is weary of the dangers of performative halakhic enactments that reasonably emerge from a culture that places language on the highest of pedestals as the creative force of nature. Even without a conclusive halakhic decision, the periperformative nature of the discourse which shapes real cultural attitudes, whether towards women, on the question of capital punishment, or whatever the case may be, is deeply concerning to Rav Yosef here (or to the *stamma* who situated Rav Yosef in this part of the text), to the point where the discourse itself must be interrupted.

Almost this exact exchange is cited in a parallel text as well, Zevachim 44b–45a, but this time, we hear the objection in the voice of Rava, not Rav Yosef. This interaction is interjected precisely at the moment in which the laws of sacrificial animal slaughter are being discussed, as a reminder that not all discussion is meant to enact. These are discussions from which no halakhic conclusions are to be drawn, despite how it may appear. Again, the objection interrupts the discourse which does not resume. [243]

The next appearance of "interpret and receive reward" comes in Sotah 44a, in a rabbinic attempt to understand the verse, "Prepare your work outside, and make it fit for yourself in the field; and afterward build your house" (Proverbs 24:27). The fourth interpretation suggested of this series is as follows:

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[241] Sedgwick, *Touching Feeling*, 3–6.

[242] Sedgwick, *Touching Feeling*, 67–91.

[243] אלא מקיש פר כהן משיח לשור זבח השלמים מה שור זבח השלמים עד שיהו מעשיו ומחשבותיו על מזבח החיצון אף פר כהן משיח עד שיהו מחשבותיו ומעשיו על המזבח החיצון אמר רב נחמן אמר רבה בר אבוה אמר רב הלכה כרבי אלעזר שאמר משום רבי יוסי אמר רבא הלכתא למשיחא א"ל אביי אלא מעתה כל שחיטת קדשים לא לתני הלכתא למשיחא הוא אלא דרוש וקבל שכר ה"נ דרוש וקבל שכר הכי קאמינא לך הלכתא למה לי לישנא אחרינא א"ל הלכה קאמינא: (BT Zevachim 44b–45a)

רַבִּי אֱלִיעֶזֶר בְּנוֹ שֶׁל רַבִּי יוֹסֵי הַגְּלִילִי אוֹמֵר: ״הָכֵן בַּחוּץ מְלַאכְתֶּךָ״ — זֶה מִקְרָא וּמִשְׁנָה וּגְמָרָא, ״וְעַתְּדָהּ בַּשָּׂדֶה לָךְ״ — אֵלּוּ מַעֲשִׂים טוֹבִים, ״אַחַר וּבָנִיתָ בֵיתֶךָ״ — דְּרוֹשׁ וְקַבֵּל שָׂכָר.

> Rabbi Eliezer son of Rabbi Yosi HaGlili says, "Prepare your work outside:" this is the study of Bible, Mishna, and Gemara. "And make it fit for yourself in the field:" these are good deeds. "Afterward you shall build your house:" interpret and receive reward.

This passage speaks to the important prerequisites for rabbinic innovation or, as Rabbi Benay Lappe would say, "to become a player." One must be prepared both by having done sufficient learning as well as by already have had a positive impact on the world through one's actions, before being eligible to "interpret and receive reward."

The last citation of this refrain I will discuss is from Pesachim 22b and is also very potent.

כִּדְתַנְיָא: שִׁמְעוֹן הָעַמְסוֹנִי, וְאָמְרִי לַהּ נְחֶמְיָה הָעַמְסוֹנִי, הָיָה דּוֹרֵשׁ כָּל ׳אֶתִּים׳ שֶׁבַּתּוֹרָה, כֵּיוָן שֶׁהִגִּיעַ לְ״אֶת ה׳ אֱלֹהֶיךָ תִּירָא״ פֵּירַשׁ. אָמְרוּ לוֹ תַּלְמִידָיו: רַבִּי, כָּל ׳אֶתִּים׳ שֶׁדָּרַשְׁתָּ מָה תְּהֵא עֲלֵיהֶן? אָמַר לָהֶם: כְּשֵׁם שֶׁקִּבַּלְתִּי שָׂכָר עַל הַדְּרִישָׁה, כָּךְ אֲנִי מְקַבֵּל שָׂכָר עַל הַפְּרִישָׁה. עַד שֶׁבָּא רַבִּי עֲקִיבָא וְדָרַשׁ: ״אֶת ה׳ אֱלֹהֶיךָ תִּירָא״ — לְרַבּוֹת תַּלְמִידֵי חֲכָמִים.

> As it was taught [in a *Baraita*]: Shimon HaAmmassoni, and some say that it was Nehemiya HaAmmassoni, he would expound upon every "*et*" that appears in Torah [The word *et* in Hebrew has no English equivalent. It has only a grammatical function which is to precede a direct object.] until he reached, "and you shall fear *et* Hashem your God" (Deuteronomy 10:20) at which point he withdrew [from his practice of expounding upon every instance of *et* owing to the possibility that it might be interpreted as implying two gods]. His students said to him: "Teacher, what will become of all of the *et*s that you have already expounded upon?" He said to them: "Just as I received a reward on account of my interpretations, so too am I receiving a reward for my withdrawal." Until Rabbi Akiva came and expounded on "you shall fear *et* Hashem your God" that the *et* comes to include the sages. [In other words, the verse according to Rabbi Akiva states: you must fear the rabbis (and God).]

All of these instances achieve multiple objectives at once. First, they comprehensively normalize the interpretive authority of the rabbis over and above any indication of the Torah's original intent. Second, and in some tension with the first point, these assertions of "interpret and receive reward" also undermine the de facto influence of rabbinic interpretation. It is the process, and not the outcome that carries true weight. In the above passage, Shimon (or Nehemiya) HaAmmassoni pushes back against the notion that interpretations are fixed. He asserts that the process of expounding the appearances of *et* in the Torah, as well as from retracting his interpretations are all part of the holy rabbinic process of engaging Torah. Then Rabbi Akiva enters the scene to underscore the rabbinic process even more by returning to the verse that Shimon shied away from and boldly proclaiming rabbinic authority to detract from God's singular supremacy.

Perhaps it is this contradiction between at once uplifting the rabbinic project to a Godly status, and undermining rabbinic interpretive outcomes that is so frustrating to Rabbi Yonatan when he proclaims, "I was there and I sat on his grave." The rabbis claim complete authority to denote the meaning of Torah, and yet, they choose to relegate it to abstraction. Meanwhile, there are real problems on the ground that need intervention. Rabbi Yonatan has experienced the suffering that the rabbis seek to write out of history, doubling Rabbi Yonatan's affective experience of invisibility and aloneness. Rav Yosef cannot tolerate the abstract discussion of femicide knowing that capital punishment can only ever be administered by God the True Judge in messianic times. The sad truth for these agents of affective interruption is that while the rabbis may have given themselves absolute authority to interpret the Torah, they have little power to influence the interpersonal violence that continues, whether or not it uses the Torah as its justification.

Sedgwick's discussions around affect are useful for apprehending the tenor of what occurs in these moments of affective interruption in the Talmud. Sedgwick draws upon Buddhist pedagogies in *Touching Feeling* to discuss a theory of knowledge that differentiates *understanding* from *realizing*, recounting the limitless expanse she traversed from *understanding* her own mortality to *realizing* it while living with cancer. Realization occurs in moments of affective confrontation. One has an emotional, sensory, or somatic realization, and, by definition, this affect precedes any verbal reference. It is only by establishing discursive norms so thoroughly that the *stamma* is able to invoke a strong affective response in the reader when those norms are undercut or disrupted. Then, brilliantly, the *stamma* always follows these powerful moments with silence, marked by the natural breaking point that comes with a change in topic. The disruptive function of affect in the Talmud has been overlooked in Talmud scholarship. However, this is neither unique to the field nor surprising. The very notion of scholarly knowledge production assumes a model of learning that hinges upon *knowing* and repeated *recognition* of what one already knows, rather than the affective experience of *realizing*, which may very well be impossible to teach.[244]

As a Jewish text subject not only to scholarly readings but to centuries of predominantly spiritual-observant readings, the Talmud complicates models of paranoid and reparative reading.[245] The Talmud's meaning has evolved according to the reading practices of thousands of different readers in varying contexts over centuries. Each had their own concerns, perspectives, and interests which found resonance in the Talmud. Indeed, as the Talmudic sages saw in the Torah a set of raw materials from which to build their halakhic society, so too have Jews used the Talmud to accomplish their goals, from a distinct position of Jewish intellectual piety. Perhaps these can be qualified as relentless reparative readings. It seems clear that a posture of reverence has marked both paranoid and reparative Talmud readings. To the extent that I am intervening in a culture of paranoid readings of Talmud, I would emphasize that aspect of paranoid reading that assumes that the Talmud's meaning is *knowable* exclusively through intellectual mastery, exploring what happens when we make space through reading for affective ways of knowing. The core feature of reparative reading as an intervention in the Talmud, then, is what I am calling the hermeneutics of vulnerability.

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[244] Sedgwick, *Touching Feeling*, 167, 173-4.

[245] I thank Prof. Roni Masel for starting me thinking concretely about how these reading models may have been practiced historically with regard to Talmud in their role as my faculty respondent when I presented a version of this paper at the Center for Jewish Studies Graduate Student Colloquium at UC Berkeley on April 2, 2024.

In her introduction, Sedgwick makes several references to her own stupidity. I recognize in the uplifting of stupidity a subversive response to the scholarly clinging to paranoia for its ability to render the scholar's smarts unassailable. By rejecting the paranoia and the overdetermined knowing that comes with it in favor of a reparative method, we are made vulnerable to all that we fear both within and beside the text, including and especially the potential for failure, shame, and the relinquishing of our grip on the irrefutability of our scholarly production. Sedgwick cites a personal communication with Joseph Litvak that further articulates the significance of her intervention.

> It seems to me that the importance of "mistakes" in queer reading and writing . . . has a lot to do with loosening the traumatic, inevitable-seeming connection between mistakes and humiliation. What I mean is that, if a lot of queer energy, say around adolescence, goes into what Barthes called "le vouloir-être-intelligent" (as in "If I have to be miserable, at least let me be brainier than everybody else"), accounting in large part for paranoia's enormous prestige as the very signature of smartness (a smartness that smarts), a lot of queer energy, later on, goes into…practices aimed at taking the terror out of error, at making the making of mistakes sexy, creative, even cognitively powerful. Doesn't reading queer mean learning, among other things, that mistakes can be good rather than bad surprises?[246]

These moments of reclaiming stupidity and, as a result, harnessing the creative potential of shame as queer affect occur to me as a resounding refusal to abandon political hope, which indeed is "stupid" in comparison to the pessimism that characterizes scholarly critique (and for some, queer affect), because it holds within it the ever-present possibility of failure, disappointment, and heartbreak. If paranoia can protect us from repeatedly experiencing these traumas, it makes sense for it to be privileged as "the very signature of smartness." Yet, it is precisely the precarity of hope that enables one to be present in time, open to possibilities from past, present, and future in ways that are dulled by paranoia. Sedgwick's discussion of the distinction between paranoid reading and reparative reading underlines the inextricability of queer temporality and affect.

> To recognize in paranoia a distinctively rigid relation to temporality, at once anticipatory and retroactive, averse above all to surprise, is also to glimpse the lineaments of other possibilities…to read from a reparative position is to surrender the knowing, anxious paranoid determination that no horror, however apparently unthinkable, shall ever come to the reader as new; to a reparatively positioned reader, it can seem realistic and necessary to experience surprise. Because there can be terrible surprises, however, there can also be good ones. Hope, often a fracturing, even a traumatic thing to experience, is among the energies by which the reparatively positioned reader tries to organize the fragments and part-objects she encounters or creates. Because the reader has room to realize that the future may be different from the present, it is also possible for her to entertain such profoundly painful, profoundly relieving, ethically crucial possibilities as that the past, in turn, could have happened differently from the way it actually did.[247]

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[246] Sedgwick, *Touching Feeling*, 147.
[247] Sedgwick, *Touching Feeling*, 146.

The scholarly norm, of course, per a paranoid stance "averse above all to surprise" is to ignore outright the sometimes fantastical and affectively demanding moments of the text. The Babylonian Talmud, emblematic in some ways of the Jewish culture as a whole, to borrow Barry Wimpfheimer's framework, is susceptible to another expression of paranoia stemming from the cultural danger associated with the text falling into the wrong hands, so to speak: whether those of antisemites who may—indeed, who have—read Jewish backwardness between the lines, or those of queer radicals who may threaten Jewish survival by perverting the traditions that have kept the Jewish people. Yet, I argue that the pedagogical role of affect is crucial to apprehending how the Talmud makes meaning and how it instructs the reader to make meaning as well. Through a hermeneutics of vulnerability, the oft-neglected affective dimension of the text is attended to. This is a crucial step in the practice of reparative reading and has the greatest potential to ensure continued relevance of the tradition. Those who have been marginalized by the established norms of rabbinic discourse, such as queer readers, are well-positioned to receive these long-neglected lessons in emotional vulnerability and empathic legal responsibility due to the greater sensitivity to suffering brought by the queer reader. Yet, Sedgwick articulates, it is not queerness figured as a sexual or gender-based identity that determines one's reading posture, but an experience of identity as being constituted in part by the affect of shame that predisposes one to adopt the particular flavors of cultural responses Sedgwick terms "performative identity vernaculars."

> [T]he shame-delineated place of identity doesn't determine the consistency or meaning of that identity, and race, gender, class, sexuality, appearance, and ableness are only a few of the defining social constructions that will crystallize there, developing from this originary affect their particular structures of expression, creativity, pleasure, and struggle…To name only a few: butch abjection, femmitude, leather, pride, sm, drag, musicality, fisting, attitude, zines, histrionicism, asceticism, Snap! culture, diva worship, florid religiosity; in a word, flaming. And activism.[248]

In other words, it is the constitutive intimacy with the affect of shame, as socially mandated by the profound experiences of marginalization, that give way to the creative and subversive reparative practices enumerated above and termed by Sedgwick "performative identity vernaculars."

I now return to one of the aforementioned Talmudic examples of affective interruptions through the lens of queer affect and in light of Sedgwick's call toward a posture of reparative reading. Rabbi Yitzhak's intervention cited at the conclusion of the previous chapter comes precisely at a moment in which shame is of paramount concern to the rabbis with regard to the man whose life depends on the nonconsensual objectification of the woman he desires. Rabbi Yitzhak harnesses the shame affect and dresses it in a campy exclamation: "from the day that the Temple was destroyed, the taste for [marital] sex was taken away and given to transgressors of sin, as it is said: 'Stolen waters are sweet and secret bread is pleasant.'"[249] At this moment, the reparative reader embraces the element of surprise and is ushered as a stunned audience member from the discourse, still with its taste lingering in their mouth, to the surprising finale of the Talmudic chapter which proclaims, the place of shame is where pleasure thrives. By situating this seductive statement in the context of the most monumental loss in Jewish history—the destruction of the Temple—the reader is fully left to wrestle with the paradox and the abandoned context from which it emerged so emphatically. I bring in the metaphor of a theater play intentionally; following the affective interrupter, the pedagogical potency and potential for the *stamma* here is similar to the moment of a finale. Just as the curtain falls, the audience is still experiencing the work whose impact has not yet been fully recognized. Before the moment of applause, both actors (*stamma*) and audience (queer reader) sit amidst the impression and anticipation of each other.

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[248] Sedgwick, *Touching Feeling*, 63–64.

[249] BT Sanhedrin 75a.

It is of course particularly telling to look at examples of affective pedagogy that pertain to marginalization, as these invoke a stronger affective response in marginalized readers. Because disability is a major site of marginalization in the Talmud, the next section pays special attention to disability in the Talmud using the theoretical framework of discursive prosthesis. After introducing the concept, I will read an example of affective interruption that bears directly on the dehumanizing Talmudic practice of discursive prosthesis. In so doing, I suggest that the Talmud's own undermining of its problematic discourses is a textual counter-trend that subverts the locus of power and offers opportunities for queer, reparative reading practices marked by affective vulnerability.

In *Narrative Prosthesis*,[250] Mitchell and Snyder demonstrate the ubiquitous presence of disability in narrative art, outlining disability's prosthetic function to narrative while critiquing the resulting narrative representations of disability and the social role they play in the further stigmatization, domination, and marginalization of actual disabled people. Mitchell and Snyder argue that disability itself is an occasion for narrative, a problem inspiring a drive toward artistic solutions. Disability thereby serves as the central force driving plot. As a metaphor, disability is a potent instrument of characterization. While disability symbolizes and marks a character's uniqueness or difference, the trope does not result in the literary development of a "complex disability subjectivity."[251]

Literature, for Mitchell and Snyder, can be read as a commentary on contemporaneous sites of discourse surrounding disability, including medicine and philosophy.[252] In these spheres, the dominant culture's discomfort with physical and intellectual difference gives way to the tendency to keep disability hidden out of sight or to use prosthetics to force disabled bodies to comply with a perceived normalcy. Narrative prosthesis seeks instead to exert control over disability's unruliness through exposure, discursively subjugating disability by situating it for interpretation and meaning-making by high culture. Yet, while the deviance exhibited by the writer's or artist's bold representations of corporeal difference is lauded, the perceived deviance of disabled people, often as a direct result of their ubiquitous representation in literature and art, is hardly awarded similar discursive or cultural power. Instead, disabled people remain marginalized, violated, locked up, dehumanized, and exploited on the basis of their recalcitrant embodiment.

A second understanding of prosthesis is brought by David Wills who argues that all bodies are in a prosthetic relationship with language. The materiality of the body is inherently variable and ungraspable by the immaterial language that seeks to define, control, and represent it. The elusiveness of the body vis-a-vis language, in the body's refusal to establish a norm, let alone conform to an artificial notion of normality, marks the body—all bodies—as always already deficient.[253]

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[250] David T. Mitchell and Sharon L. Snyder, *Narrative Prosthesis: Disability and the Dependencies of Discourse* (Ann Arbor: University of Michigan Press, 2001).
[251] Mitchell and Snyder, *Narrative Prosthesis*, 10.
[252] Mitchell and Snyder, *Narrative Prosthesis*, 1.

The deficiency of the body is a matter that preoccupies ChaZaL as we shall explore below. In applying Mitchell and Snyder's theories to the Talmud, I amend their concept somewhat to reflect key differences between the Talmud as a literary form and the Western literatures that Mitchell and Snyder take as the objects of their study.

Julia Watts Belser has been at the forefront of the effort to bring the Talmud into conversation with disability studies and crip theory. Belser identifies two major functions of disability in the Bavli. The first is the narrative function, where the text tells stories about characters with disabilities, inquires into potential causes of certain disabilities,[254] or puts disability to work as a metaphor for some other trait. The more characteristic function of disability in the Bavli is as a legal category, and this is where my framing of discursive prosthesis will be most useful.

While Mitchell and Snyder highlight the distance between disability narratives, their creators, and the lived experience of disabled people, the sages of the Talmud are oriented quite differently. Whether or not they had social power to govern Jewish observance in their lifetimes, the sages certainly saw their project as a prescriptive one. In other words, the rabbis wanted their discourse regarding the application of Jewish law to be put into practice by the community, and they made a point to tend to how law must apply differentially across the community based on many factors including financial means, profession, sex, and ability, to name a few. While the rabbis do often employ disability as a metaphor, many of the Bavli's writings on disability suffer from a dizzying overemphasis on practical application. If Western narrative prosthesis has often been a commentary on other loci of disability discourse, such as the medical field, the Talmud is often producing those very medicalized discourses. For example, with regard to the sexually disabled (those with ambiguous sex and gender traits), the Talmud has several surgical interventions it outlines.[255] That is to say, if narrative abstraction of disability contributes to the subjugation of disabled bodies by distancing disabled subjectivity from its highly valued potential as metaphor, the Talmud's hyper-literal and meticulous legal discourse around disability also dehumanizes, coming full circle to a disembodied vocabulary that again fails to represent the human experience even as it seeks—here quite explicitly—to dictate behavior and adherence to *Halakha*. Affective interruption in this context is more potent because it has the potential to return the reader to an embodied experience of affect in the very moments when the discourse seeks at the surface to mitigate the threat of recalcitrant embodiment.

Discursive prosthesis is the rhetorical use of disability by the Talmudic sages to push the limits of their argumentation and logic. The disabled figure comes into a halakhic conversation as a way of ensuring that the rabbis have considered and addressed the far bounds of possible scenarios in which their discussion can be practically applied. Various disabled positionalities, then, function as stand-ins, or prosthetics, around which to create norms for how legal categories and rulings can be satisfactorily applied in unanticipated contexts. Often, disability itself comes to delineate the borders of the community for the purposes of fulfilling mitzvot, where disability status is no more than a rhetorical prosthetic marking exclusion. That is, the way disability is defined in any given *sugya*—or whether or not disability includes social in addition to physical or mental impairments—determines membership in the community.

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[253] David Wills. *Prosthesis*. Stanford: Stanford University Press, 1995. Cited in Mitchell and Snyder, *Narrative Prosthesis*, 7.

[254] See, for example, BT Ketubot 60b-61a which explains that mothers who exhibit particular transgressive behaviors may cause certain disabilities in their children, offering an ableist series of cautionary tales. BT Pesachim 112b and Nedarim 20a repeat a similar set of superstitious etiological speculations by locating transgressive sex as a potential cause for disability, either for the transgressors themselves or for their children. Cited in Lennart Lehmhaus and Julia Watts Belser, "Disability in Rabbinic Judaism," in *Disability in Antiquity*, ed. Christian Laes, 1st Edition, Rewriting Antiquity (London: Routledge, Taylor & Francis Group, 2017), 441–442.

[255] BT Yevamot 83b

Situationally, the rabbis are known to be rather flexible, and disability often inspires leniency in *Halakha* insofar as people with various impairments, whether physical, intellectual or social, are often exempted from the performance of certain mitzvot, or commandments. Yet, as Judith Hauptman and others have argued, while exemption may have begun as a benevolent, albeit paternalistic, impulse, it quickly became a marker of exclusion.[256] This is underscored by the relatively low value (in some cases, even prohibition)[257] placed on fulfilling obligations voluntarily for which one is rabbinically exempt in contrast to the spiritual value of fulfilling obligations for which one has been deemed liable.[258]

Exemption is a persistent response to many marginalized positionalities in the Talmud, including women, the differently sexed or gendered individuals, and slaves. The inclusion of slaves and women in categories of exemption (read: exclusion) assumes that the capacity for taking on spiritual obligations is less for those who have more social obligations, such as to a husband or a master.[259] By looking more closely at the categories of people whom the rabbis often exempt from performance of certain mitzvot, we can learn quite a bit about how the rabbis thought about disability. While all of the implicated groups can be said to have been socially disabled, Belser asserts that it is important to maintain a distinction between the socially disabled and those who have another physical, emotional, or intellectual impairment so as to sufficiently account for cases in which multiple axes of marginalized identity intersect.[260] Mitchell and Snyder discuss the ways that disability has always been figured and refigured as a mechanism of control and dehumanization of marginalized others on the bases of race, sex, gender, or ability. This fact demands that disability be understood as an intersectional axis of identity. Yet, social recognition and mobility for marginalized groups has thereby relied on the ability of these groups to successfully distance themselves from disability. As a result, disability itself is reified as the marker of inferiority.[261] In the Talmud, we see this tension at play consistently, where the social inclusion or exclusion of women, for example, is signified by whether or not they appear on the list of disabled exemptions.

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[256] See Judith Hauptman, *Rereading the Rabbis: A Woman's Voice* (Boulder, CO: Routledge, 1998); Elizabeth Shanks Alexander, *Gender and Timebound Commandments in Judaism* (New York: Cambridge University Press, 2013). Cited Lehmhaus and Belser, "Disability in Rabbinic Judaism," 434–52.

[257] Lehmhaus and Belser, "Disability in Rabbinic Judaism," 437; Julia Watts Belser, "Reading Talmudic Bodies: Disability, Narrative, and the Gaze in Rabbinic Judaism," in *Disability in Judaism, Christianity, and Islam: Sacred Texts, Historical Traditions, and Social Analysis*, eds. Darla Schumm and Michael Stoltzfus (New York: Palgrave Macmillan US, 2011), 15.

[258] BT Bava Kamma 87a.

[259] Judith Hauptman, *Development of the Talmudic Sugya: Relationship between Tannaitic and Amoraic Sources*, Studies in Judaism (Lanham: University Press of America, 1988). Cited in Lehmhaus and Belser, "Disability in Rabbinic Judaism," 437.

[260] Lehmhaus and Belser, "Disability in Rabbinic Judaism," 438.

[261] Mitchell and Snyder, *Narrative Prosthesis*, 3.

Comparing biblical treatments of disability with Talmudic discussions can foster a finer attunement to Talmudic values vis-a-vis disability; in particular, as Belser has shown, there is some evidence to support the claim that the sages, at least in part, subscribed to a social model of disability.[262] The rabbis also may have become more tolerant of physical difference, and less tolerant of intellectual difference, relative to their priestly predecessors. The best example of this is Megilla 24b, for which Belser has offered a skilled analysis.[263] In this *sugya*, the rabbis discuss the prohibition that priests with certain impairments may not come before the congregation to recite the priestly blessing. The reason they give for this prohibition, however, is that the community will stare, and thus be distracted, and this will inhibit their ability to receive the blessing. The rabbis then exempt priests with certain impairments from this prohibition on the basis that if a priest is already known within the community, his blemish will not be a cause for distraction, and thus he may bless the community. Or, if the condition is an occupational disease that is common or familiar within the community in which others have similar professions, this fact should also not exclude the priest from reciting the blessing before the congregation, as it would similarly not draw attention away from the holy task.[264] Belser compellingly argues that this *sugya* serves to illuminate and critique the gaze, or stare, as theorized by Rosemarie Garland-Thomson among others, rather than to situate the problem within the body of the disabled priest.[265] Still other times, the gaze remains uninterrogated, and the power of the so-called "normal" bestower of the gaze is reified over the disabled object of observation, even when the intention is to deploy the gaze benevolently.[266]

Let us now turn to several Talmudic passages, which I believe to be unexceptional, that exhibit what I refer to as discursive prosthesis. The following passage from Shabbat 23a is an excerpt from a rabbinic discussion about what specifically constitutes the mitzvah of lighting the Hanukkah menorah—the lighting or the placing of the menorah in a place visible to the public.

וְהַשְׁתָּא דְּאָמְרִינַן הַדְלָקָה עוֹשָׂה מִצְוָה, הִדְלִיקָהּ חֵרֵשׁ שׁוֹטֶה וְקָטָן לֹא עָשָׂה וְלֹא כְלוּם. אִשָּׁה וַדַּאי מַדְלִיקָה, דְּאָמַר רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי: נָשִׁים חַיָּיבוֹת בְּנֵר חֲנוּכָּה שֶׁאַף הֵן הָיוּ בְּאוֹתוֹ הַנֵּס.

> Now that we are saying that the lighting is what accomplishes the mitzvah, [we know] if a *cheresh* [a deaf-mute person], *shoteh*,[267] or *katan* [minor] lights [the menorah], he did not do anything [to accomplish the mitzvah, for the mitzvah must be performed by someone who is obligated, and the sages do not obligate the *cheresh*, *shoteh*, or *katan* whom they deem to be incompetent]. A woman can certainly light, as Rabbi Yehoshua

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[262] Belser, "Reading Talmudic Bodies," 11–13.

[263] Belser, "Reading Talmudic Bodies," 12–14.

[264] See also Judith Z. Abrams, *Judaism and Disability: Portrayals in Ancient Texts from the Tanach through the Bavli* (Washington, D.C: Gallaudet University Press, 1998), 31–36.

[265] Rosemarie Garland-Thomson, "Staring Back: Self-Representations of Disabled Performance Artists," *American Quarterly* 52, no. 2 (2000): 334–38. Cited in Belser, "Reading Talmudic Bodies."

[266] See BT Berakhot 58b, discussed in Lehmhaus and Belser, "Disability in Rabbinic Judaism," 447.

[267] This word is often translated as "imbecile" or "fool" (and indeed later takes on usage as an insult that can be directed at anyone, disabled or not), but according to Belser, *shoteh* denotes a range of mental or emotional disabilities which are often associated with destructive behaviors. It is also possible that the *shoteh* could be a temporary designation in some cases. See Lehmhaus and Belser, "Disability in Rabbinic Judaism," 435, 444–446.

> ben Levi says, "women are obligated to light Hanukkah lights, for they too were present in the miracle of Hanukkah."

The introductory phrasing to this passage is misleading. Whether the mitzvah of Hanukkah lights is fulfilled either by lighting the menorah or by placing it in public view does not seem to have any bearing on whether or not a *cheresh*, *shoteh*, or *katan* is obligated, exempted, or prohibited from fulfilling said mitzvah. Rather, the introduction of these characters and their offhand exclusion from the Hanukkah ritual serves only as a rhetorical device by which to establish a standard of exclusion from which the unusual inclusion of women in the obligation can be distinguished. The reason provided by Rabbi Yehoshua ben Levi for the inclusion of women is even more puzzling, as one would certainly assume that the disabled members of the Jewish community were also included in the miracle of Hanukkah. Yet, their implicit erasure from the historical record dehumanizes them, renders them unworthy of direct consideration, and marks them as somehow separate from the community genealogy in contrast to the women who are afforded the unusual right to participation.

In many other cases, these categories of human impairments are discussed much more directly than in the previous example which appears only to set the stage for the inclusion of women while reifying oppressive assumptions about the incompetence of disabled people, thereby effectively pitting these marginalized groups against each other. In the following example, we see another trend in the Talmudic treatment of disability which is the tendency to adhere to a highly literal (sometimes to the point of absurdity) interpretation of both text and the impairments themselves. This example emerges from our familiar chapter *Ben Sorer u'Moreh*. This Mishna comes part of the long sequence of rabbinic constrictions on the applicability of the *Ben Sorer u'Moreh* designation (and the consequent liability for public stoning).

מתני' היה אחד מהם גידם או חיגר או אלם או סומא או חרש אינו נעשה בן סורר ומורה שנאמר (דברים כא, יט) ותפשו בו אביו ואמו ולא גדמין והוציאו אותו ולא חגרין ואמרו ולא אלמין בננו זה ולא סומין איננו שומע בקולנו ולא חרשין.

> Mishna: Suppose one of [the parents of the child in question] was someone whose hand(s) or finger(s) was truncated, or lame, or mute, or blind, or deaf, he wouldn't be made a *Ben Sorer u'Moreh*, for it is written (in Deuteronomy 21:19–20): "his father and mother shall take hold of him" but not those without hands [who cannot "take hold"] "and they will bring him out" but not those who are lame [who cannot walk to "bring him"], "and they shall say" but not those who are mute [who cannot "say"], "this son of ours" but not those who are blind [who cannot see and point to "this" son] "who did not heed our voices" but not those who are deaf [and who cannot hear whether the son obeyed their voices or not].[268]

The hyperliteral interpretation of this verse that the rabbis require in order to exempt the child of a parent with any of the cited disabilities is striking. While it is important not to lose sight of the intention of the *sugya* as a whole, which is to ensure that no child is subject to stoning on the basis of being designated a *Ben Sorer u'Moreh*, this particular addition is disturbing in its dehumanization of the hypothetical disabled parent. The oversimplicity of the reasoning for their exemption underlines the extent to which these disabled characters are being put to use as mere rhetorical devices, or discursive prostheses, rather than for the sake of an intentional consideration of how the Torah might apply across actual embodied difference. The rabbis, known for their creative interpretive impulses, here succumb to debased stereotypes of people with disabilities as completely lacking any capacity. The *stamma* in fact picks up on the overdetermined nature of this Mishnaic interpretation, asking, “Would you learn from this Mishna that we need the verse [to be followed] exactly as written [according to the most literal interpretation]?” Yet, the *stamma* quickly resolves this difficulty by appealing to the principle of *kra yeteira,* “[No, rather] here it is different, as the whole verse is superfluous,”[269] arguing that because the verse itself is overdetermined, providing seemingly extraneous information, we are meant to see each clause as its own teaching, further limiting the applicability of the *Ben Sorer u’Moreh* according to the Mishna’s interpretation.

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[268] BT Sanhedrin 71a.

Returning to the definition of prosthesis discussed above, this hyperliteralization of disability can be understood as an expression of the anxiety stemming from the slipperiness of disability, the inability of the rabbis to capture in words a disabled experience, or to manage the porousness of its borders. The body is already a conspicuous prosthesis, not quite able to conform perfectly to any of its verbal referents. As discussed above, categories of disability are in flux throughout the Bavli—often including individuals who are socially or sexually disabled, for example. Talmudic culture understands language as the matter that shapes reality in the same way that God *spoke* the world into being, and rabbinic discourse has absolute authority to determine the application of the divine word that constitutes Torah. Yet, because the rabbis know they have a limited conception of how impairments shape the lives of the less privileged, or even of what a named impairment truly means, they respond with an uncharacteristic limiting of their typical creativity that precludes any form of accommodation whatsoever. The above example illustrates a rabbinic impulse to cope with the insufficiency of language vis-a-vis the body by transparently attempting to tether the disabled body to language; to fix disability to words that can afford the rabbis the discursive power they are always fighting for.

The use of disability as a discursive prosthesis serves to reinforce cultural stereotypes that harm disabled people, to erase the lived experiences of disabled people as whole persons with their own complex and intersectional subjectivities, to normalize a hermeneutics of suspicion while demoting other affective states, and further to propagate the rabbis’ authority as intellectually superior, with an omniscient gaze. Yet, the rabbis’ deployment of disability as a prosthetic that allows them to perform ever-more agile mental acrobatics also gets periodically exposed as they wrestle with the limitations of their definitions and face affective interruption.

In Mishna Chagigah (BT Chagigah 2a), we find another example of exemption of certain bodies based upon physical and social attributes. However, unlike in *Ben Sorer u’Moreh*, this time, the rabbis interrogate the limits of their hyperliteralization:

> הַכֹּל חַיָּבִין בִּרְאִיָּה, חוּץ מֵחֵרֵשׁ שׁוֹטֶה וְקָטָן, וְטוּמְטוּם וְאַנְדְּרוֹגִינוֹס, וְנָשִׁים, וַעֲבָדִים שֶׁאֵינָם מְשׁוּחְרָרִים, הַחִיגֵּר
> וְהַסּוּמָא, וְהַחוֹלֶה וְהַזָּקֵן, וּמִי שֶׁאֵינוֹ יָכוֹל לַעֲלוֹת בְּרַגְלָיו.

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[269] BT Sanhedrin 71a–71b.

גמ' שמעת מינה בעינן קרא כדכתיב שאני הכא דכוליה קרא יתירא הוא:

> Mishna: everyone is obligated in [the mitzvah of] appearance [at the Temple for sacrifices during the three annual festivals which require pilgrimage], except for the *cheresh, shoteh, katan,* the *tumtum* and *androgynos,* women, slaves who are not emancipated, the lame, the blind, the sick, the elderly, and whoever is not able to go up [to the Temple] on his own legs.

The Gemara[270] on this Mishna is long and rich,[271] so I will highlight particular moments which I believe to be most relevant to the discussion at hand. The *stamma* begins by asking who the Mishna is meant to include by beginning with the word, "everyone." Many possible answers to the question are raised, mostly interrogating the bounds of each of the named categories for exemption. In the discussion pattern that ensues, the *stamma* probes whether "everyone" is intended to include someone in any liminal category: a person who is half-slave, half-freeman, who is limping on the first day of the festival but thereafter straightens out, someone blind in one eye, or deaf but not mute, or mute but not deaf, or deaf in one ear, or someone who is lame in one leg. The possibility for inclusion is put forth in all of these cases, but ultimately, they are all rejected.

The relegation of these liminal figures to their respective disenfranchised categories as stated in the Mishna is an attempt to reinforce the boundaries of those legal categories to enable them to contain as many iterations of human difference as possible. The rabbis even discuss the case of someone who has one biological leg and one prosthetic leg and who is able to walk, yet they continue to exclude this person, asserting the inadequacy of prosthesis by interpreting the literal meaning of the word "*regalim*," the term used to refer to the three pilgrimage festivals, as the plural of "regel," "leg," although the anatomical dual form is "*raglayim*." The rabbis characteristically seek to address their anxiety about the deficiency of the body vis-a-vis language by subjecting these bodies to their obsessive categorization. At the same time, the Gemara uses this discussion as an occasion to offer evidence for defining exactly what each impairment entails. For example, the rabbis discuss the particular unusual behaviors that would indicate whether someone is a *shoteh*.

There are several interesting moments of rupture in this *sugya*. The following passage from Chagigah 3b concludes a story that is brought in the midst of the discussion of whether to include or exclude these liminal figures.

הַלָּלוּ מְטַמְּאִין וְהַלָּלוּ מְטַהֲרִין, הַלָּלוּ אוֹסְרִין וְהַלָּלוּ מַתִּירִין, הַלָּלוּ פּוֹסְלִין וְהַלָּלוּ מַכְשִׁירִין, שֶׁמָּא יֹאמַר אָדָם: הֵיאַךְ אֲנִי לָמֵד תּוֹרָה מֵעַתָּה — תַּלְמוּד לוֹמַר: ״כּוּלָּם נִתְּנוּ מֵרוֹעֶה אֶחָד״. אֵל אֶחָד נְתָנָן, פַּרְנָס אֶחָד אֲמָרָן, מִפִּי אֲדוֹן כָּל הַמַּעֲשִׂים בָּרוּךְ הוּא, דִּכְתִיב: ״וַיְדַבֵּר אֱלֹהִים אֶת כָּל הַדְּבָרִים הָאֵלֶּה״. אַף אַתָּה, עֲשֵׂה אָזְנֶיךָ כַּאֲפַרְכֶּסֶת, וּקְנֵה לְךָ לֵב מֵבִין לִשְׁמוֹעַ אֶת דִּבְרֵי מְטַמְּאִים וְאֶת דִּבְרֵי מְטַהֲרִים, אֶת דִּבְרֵי אוֹסְרִין וְאֶת דִּבְרֵי מַתִּירִין, אֶת דִּבְרֵי פּוֹסְלִין וְאֶת דִּבְרֵי מַכְשִׁירִין.

> These [Torah scholars] render [a person or object] impure, these render it pure, these forbid [an action], and these permit. These designate [something] as invalid [*poslin*] for ritual use, these as valid [*machshirin]*. Perhaps a person will say: How will I learn Torah now [when there are so many different, contradictory opinions]? The [biblical] teaching says: "all of them are given from one shepherd" (Ecclesiastes 12:11). One God gave

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[270] BT Chagigah 2a-6a

[271] I point interested readers to the works of others who have offered more thorough analyses of this sugya. See Belser, "Reading Talmudic Bodies." Hauptman, *Rereading the Rabbis*. Abrams, *Judaism and Disability,* 50–56.

> them, one leader said them, from the mouth of the Master of all things, Blessed is He [*sic*], as it is written: "God spoke all of these words" (Exodus 20:1). And even you [student], make your ears like a funnel and get yourself an understanding heart to hear the words that render impure, and the words that render pure, the words that prohibit and the words that permit, the words that render invalid and the words that render valid.

This anecdote, which the *stamma* introduces as a lecture by Rabbi Elazar ben Azariah, is not directly tied back to the discussion at hand about who is obligated or exempted from the festival pilgrimage. Nevertheless, its location in the *sugya*, amongst a long list of propositions and subsequent refutations for inclusion in the mitzvah, is a clear pedagogical intervention. The interaction between teacher and student, and the wide scope of the question itself (that is, how to cope with the proliferations of rabbinic opinion for application of Torah law) places an expectation upon the reader to read first with an open heart, and then, crucially, to *discern*. The *stamma* interrupts the *sugya* in which the sages have full authority to render a person as fit or unfit for inclusion in the community based on a set of physical or social characteristics, in order to implicate the reader and extend interpretive authority to the student, but not before explicitly naming the imperative of maintaining an open heart, that is, affective vulnerability.

There are some contexts in which this appeal has been answered. For example, as Belser has pointed out, despite the Talmudic rabbis' generally accepted belief that deaf people are incapable of communication, learning, or teaching, most modern rabbinic authorities, aware of the intellectual capacities of deaf people, have ruled that deaf people are fully obligated under *Halakha*.[272] Yet, these modern innovations have rarely been extended by traditional arbiters of *Halakha* to others who are marginalized in the Talmud, such as those who fall outside of the gender binary.[273] With that said, another moment of rupture in this *sugya* is when the Gemara interrogates the very assumptions around deafness and muteness as representative of intellectual incompetence, even as the *sugya* ultimately upholds the exclusion of these people based on those assumptions. The Gemara relates another aggadic anecdote in which two mute students who were permitted to learn the Torah were ultimately able to demonstrate the mastery they had acquired. While the rabbis are reluctant to categorically include someone with liminal positionality (and we should assume, operating under such overly simplistic discursive prosthesis, many would be occupying a liminal position), such as a deaf person who is able to communicate, on a case-by-case basis, they are more lenient.[274]

The final moment of rupture I wish to point out here is another anecdote which undermines the discourse. When discussing whether someone who is blind in one eye can be included in the mitzvah of appearance, Rabbi Yehuda grounds his argument that they be excluded in an interpretation of Exodus 23:17. The verse states that "three times a year, every one of your males shall appear before God." The verb, *yera'eh,* "he shall be seen," has the same spelling as *yir'eh*, "he shall see." Thus, Rabbi Yehuda asserts that in order to fully be seen by the divine at the festival pilgrimage, one must also be able to fully see with both eyes. Belser puts a finer point on Rabbi Yehuda's interpretation: "The midrash asserts an interplay of holy and human sight, so that the two eyes of the human party evoke the gaze of God."[275] This interplay between seeing and being seen recurs throughout the *sugya* until we reach this final anecdote (Chagigah 5b):[276]

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[272] Moshe Taub, "Deafness in Halacha: A Reappraisal," *The Journal of Halacha and Contemporary Society* 14/1 (2012): 5–30. Cited in Lehmhaus and Belser, "Disability in Rabbinic Judaism," 439.
[273] I am speaking very much of contemporary orthodoxy here. Historically speaking, there is evidence to suggest that there was in some contexts greater rabbinic leniency and flexibility towards individuals who fall outside of the binary gender system. See, for example, Noam Sienna, *A Rainbow Thread: An Anthology of Queer Jewish Texts from the First Century to 1969* (Philadelphia, PA: Print-O-Craft, 2019), 290–91.
[274] Lehmhaus and Belser, "Disability in Rabbinic Judaism," 438–439.

רַבִּי וְרַבִּי חִיָּיא הֲווֹ שָׁקְלִי וְאָזְלִי בְּאוֹרְחָא, כִּי מְטוֹ לְהָהוּא מָתָא, אָמְרִי: אִיכָּא צוּרְבָּא מֵרַבָּנַן הָכָא? נֵיזִיל וְנִיקְבֵּיל אַפֵּיהּ. אָמְרִי: אִיכָּא צוּרְבָּא מֵרַבָּנַן הָכָא, וּמְאוֹר עֵינַיִם הוּא. אֲמַר לֵיהּ רַבִּי חִיָּיא לְרַבִּי: תִּיב אַתְּ, לָא תְּזַלְזֵל בִּנְשִׂיאוּתָךְ. אֵיזִיל אֲנָא וְאַקְבֵּיל אַפֵּיהּ. תַּקְפֵיהּ וַאֲזַל בַּהֲדֵיהּ. כִּי הֲווֹ מִיפַּטְרִי מִינֵּיהּ, אֲמַר לְהוּ: אַתֶּם הִקְבַּלְתֶּם פָּנִים הַנִּרְאִים וְאֵינָן רוֹאִין — תִּזְכּוּ לְהַקְבִּיל פָּנִים הָרוֹאִים וְאֵינָן נִרְאִין. אֲמַר לֵיהּ: אִיכּוּ הַשְׁתָּא מְנַעְתַּן מֵהַאי בִּרְכְּתָא.

> Rabbi [Yehuda HaNasi] and Rabbi Chiya were talking on the road, and when they reached a certain place, they said, "is there a rabbinic scholar here? Let us go and greet him." They said, "There is a rabbinic scholar here, but he is of luminary eyes [blind]." Rabbi Chiya said to Rabbi: "You sit here, lest you treat your presidency [I.e. esteemed position as *Nasi* of the Sanhedrin] lightly [that is, you should not disgrace yourself by sitting before a blind scholar]. I will go and greet him." He drew him near and went with him [anyway]. When they were taking leave of him, he said to them, "You greeted the face of one who is seen and does not see, may you have the privilege of greeting the One who sees but is not seen." He said to him, "Now, oh that I would have been denied this blessing [had I listened to you]."

Rabbi Chiya's initial instruction to Rabbi Yehuda HaNasi to stay behind so that this encounter does not harm his exalted status is best summed up by Belser as suggesting, "something perversely powerful about the blind man. His very being has the capacity to 'degrade' Rabbi's exalted position."[277] Yet, the story flips Rabbi Chiya's assumption on its head, as the true power of this sage is much more benevolent. See Belser's analysis:

> The blind rabbi's blessing sketches a correspondence between his own being and God…Just as he stands before them, so the rabbis stand as blind men before God: seen, but unable to see. Yet by situating the metaphor within the mouth of the blind man, the Talmud rhetorically affirms the agency of the blind man—the one who blesses on behalf of the ultimate unseen Seer. It crafts a kinship between the blind man and God, situating holiness in the tension between the visible and the invisible, the effective and the averted gaze.[278]

The very interpretation that was used previously by Rabbi Yehuda to disqualify the one who is blind in one eye from the mitzvah of appearing before God is now used to assert the kinship between the blind rabbi and the Divine and to bestow the blind rabbi with the authority to influence the fate of the gazing rabbis in kind! Rabbi Yehuda HaNasi, who originally disagreed with Rabbi Chiya's apprehension, is now vindicated. His righteous affect can be felt from his final assertion to Rabbi Chiya in which he gloats about the blessing acquired by his being right and Rabbi Chiya being wrong. This affective interruption disrupts the discursive prosthesis that has been shaping the discourse on various disabilities until this point. The language used by the blind rabbi, established as a mechanism of exclusion but here reclaimed as a symbol of the power of the blind rabbi, stands in stark contrast to the hyper-literal debased discourse we have previously seen attempting to capture and control the disabled experience. Rather, the repetition of this midrash about the verbal entanglement of seeing and being seen serves here to uplift this rabbi's blindness as a powerful spiritual asset, rather than a mundane impairment. This anecdote comes to interrupt a marathon display of rabbinic power in which the rabbis' gaze is the basis for exerting control over the marginalized, flipping the script. Instead, the two rabbis' inability to see the divine is underscored, and the blind rabbi's intimacy with the complementary experience of being seen but not seeing awards him greater insight as well as the power to bestow God's blessing. This polarity is designed to bring the reader into an affective experience of surprise that will ideally lead them to question the negative assumptions about disability heretofore normalized in the *sugya*.

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[275] Belser, "Reading Talmudic Bodies," 17.

[276] Notably, this comes after long homilies about the weeping of many rabbis due to worries about mortality and injustice and their inability to control their fate or the fate of others.

[277] Belser, "Reading Talmudic Bodies," 18–19.

[278] Belser, "Reading Talmudic Bodies," 19.

The final example of affective interruption I wish to discuss comes from another of our previously discussed *sugya ha-Chovel*. Rabbi Yehuda (who seems to have a preoccupation with exclusion of the blind) asserts in a *Baraita* (Bava Kamma 87a):

תַּנְיָא אִידַּךְ, רַבִּי יְהוּדָה אוֹמֵר: סוּמָא אֵין לוֹ בּוֹשֶׁת. וְכֵן הָיָה רַבִּי יְהוּדָה פּוֹטְרוֹ מִכׇּל מִצְוֹת הָאֲמוּרוֹת בַּתּוֹרָה. אָמַר רַב שֵׁישָׁא בְּרֵיהּ דְּרַב אִידִי: מַאי טַעְמָא דְּרַבִּי יְהוּדָה? אָמַר קְרָא: "וְאֵלֶּה הַמִּצְוֹת הַחֻקִּים וְהַמִּשְׁפָּטִים" – כֹּל שֶׁיֶּשְׁנוֹ בְּמִשְׁפָּטִים, יֶשְׁנוֹ בְּמִצְוֹת וְחֻקִּים; וְכֹל שֶׁאֵינוֹ בְּמִשְׁפָּטִים, אֵינוֹ בְּמִצְוֹת וְחֻקִּים.

> A blind person does not have humiliation [that is, a blind person who has been injured is not entitled to recompense on the basis of humiliation, because, according to Rabbi Yehuda, the blind cannot experience embarrassment]. And thus, Rabbi Yehuda exempted him from all of the mitzvot that are stated in the Torah. Rav Sheisha, son of Rav Idi said, "What is Rabbi Yehuda's reason?" The verse states, "and these are the commandments [*mitzvot*], statutes [*khukim*], and laws [*mishpatim*]" (Deuteronomy 6:1). Anyone who is subject to civil laws is also subject to commandments and statutes, and anyone who is not subject to the civil laws is not subject to the commandments and statutes.

Embodied difference poses a legal problem that requires rabbinic solutions. It is the emotional disability of the blind—the inability to feel embarrassment—that serves a prosthetic function here for addressing the broader discursive issue of establishing the bounds of *Halakha*. The abstract, disembodied assertion that blind people cannot experience shame is indeed dehumanizing, but it is also an incredibly weak justification for Rabbi Yehuda's overreaching assertion that blind people are exempt from *all* the mitzvot in the Torah. Again, the self-conscious and anxiety-inducing inability of the rabbis to adequately grasp disabled subjectivity gives way to overdetermined conclusions that point out the conspicuous limits of rabbinic creativity. Yet, this example of discursive prosthesis is subject to affective interruption in the voice of Rav Yosef, who is himself blind.

אָמַר רַב יוֹסֵף, מֵרֵישׁ הֲוָה אָמֵינָא: מַאן דְּאָמַר הֲלָכָה כְּרַבִּי יְהוּדָה – דְּאָמַר: סוּמָא פָּטוּר מִן הַמִּצְוֹת, קָא עָבֵדְינָא יוֹמָא טָבָא לְרַבָּנַן, מַאי טַעְמָא? דְּלָא מְפַקְּדְנָא, וְקָא עָבֵדְינָא מִצְוֹת .וְהַשְׁתָּא דִּשְׁמַעִית לְהָא דְּרַבִּי חֲנִינָא, דְּאָמַר רַבִּי חֲנִינָא: גָּדוֹל

הַמְצֻוֶּה וְעוֹשֶׂה – מִמִּי שֶׁאֵינוֹ מְצֻוֶּה וְעוֹשֶׂה; מַאן דְּאָמַר לִי: אֵין הֲלָכָה כְּרַבִּי יְהוּדָה, עָבֵידְנָא יוֹמָא טָבָא לְרַבָּנַן. מַאי
טַעְמָא? דְּכִי מְפַקְּדִינָא – אִית לִי אַגְרָא טְפֵי.

> Rav Yosef said: “At first, I would have said, to anyone who says that the *Halakha* is according to Rabbi Yehuda, that a blind person is exempt from the mitzvot, I will make a festive day for the sages. Why? Because I was not obligated but nevertheless, I perform the mitzvot. But now that I have heard this statement of Rabbi Hanina, for Rabbi Hanina said, ‘Greater is the one who is commanded and performs them from one who is not commanded and does them,’ whoever says to me that the *Halakha* is not in accordance with Rabbi Yehuda, then I will make a festive day for the sages. Why? Because I am commanded, and thus I have greater reward.

This statement by Rav Yosef appears in one more parallel text in the Bavli which is in direct response to Rabbi Hanina’s statement that it is more valuable for one who has been commanded to fulfill their obligations than for someone who is exempt to do so voluntarily.[279] This ruling is crucial, for it facilitates the previously discussed slippage from exemption to exclusion. Rav Yosef, a 3rd generation Babylonian *amora,* lived generations after both *tanna’im* Rabbi Yehuda and Rabbi Hanina. The *stamma*’s choice to situate Rav Yosef’s interjection following *both* Rabbi Yehuda and Rabbi Hanina’s statements in two different tractates may demonstrates a commitment to uplifting Rav Yosef’s subversive refutation—not of either rabbi’s position per se, but of the very notion of calling into question the legitimacy or merit of someone like Rav Yosef’s halakhic observance. In both sugyas, Rav Yosef’s statement closes the discussion of the matter at hand. In other words, the stealth *stamma* gives Rav Yosef the last word.

Ironically, Rabbi Yehuda’s initial ableist statement (i.e., that blind people do not experience humiliation) is apt to invoke the very humiliation he says is impossible. Yet, the festive tone of Rav Yosef’s affective interruption surprises the reader by resisting this expectation. Rabbi Yehuda’s assertion that blind people are exempt from *all* the mitzvot in the Torah stands out as overreaching. Again, the inability of the rabbis to adequately grasp disabled subjectivity gives way to overdetermined conclusions that point out the conspicuous limits of rabbinic creativity. Rav Yosef’s interjection here is a beautiful expression of what Sedgwick might refer to as a “performative identity vernacular.” Rav Yosef refrains from offering an opinion directly regarding either Rabbi Yehuda’s or Rabbi Hanina’s statements. Rav Yosef uses this playful but pointed interjection to reclaim discursive power, responding from an affective state of joy and celebration. In a subversive move characteristic of queer disabled interventions, Rav Yosef intentionally invites the ableist gaze, revealing its failures, and making a show of his superiority and social status despite it. In the face of rabbinic ableism through discursive prosthesis, Rav Yosef maintains his membership in the rabbinic community and his obligation to *Halakha*, partying with the sages all the while.

The queer cultural production which Sedgwick describes as “performative identity vernaculars” represents a fundamentally reparative impulse insofar as it reclaims cultural power by repurposing phenomena from sources with histories and practices of oppression. In the passage above, Rav Yosef takes an oppressive discourse and uses it both to demonstrate his intellectual aptitude in the face of a framework that insists on his inferiority, as well as to assert his status as socially influential. This queer aptitude for subverting cultural artifacts to benefit the very communities they were designed to subjugate recalls Muñoz's study of the queer of color practice of disidentification. In an essay exploring the implications of Sedgwick's model of reparative reading for the religious studies classroom, Sîan Melvill Hawthorne highlights the particular applicability of this model to queer identification with religious sources, paradigms, and practices which can be mobilized reparatively.[280] Queer paranoia is particularly operative around religious artifacts, and Sedgwick offers a meaningful intervention which demands that scholarship recognize that *both* oppressive *and* liberatory extractions from our sources, not to mention everything in between and beside, are legitimate, real, and necessary. Hawthorne takes seriously the imperative of expanding this call to disrupt the monopolizing force of paranoia in the academy to the pedagogical realm of the classroom:

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[279] BT Kiddushin 31a

> It is not enough to simply equip our students with the tools to identify inadequate, poorly constructed or grounded arguments (inasmuch as theology and religious studies may not have accounted fully and properly for queer perspectives) or to develop the skills of critique and resistance to oppressive modes of knowledge such that they are dismantled, however important these are…; rather, in parallel, we need to cultivate and nourish an ethos that binds together thinking with feeling, connects us and our students to bodies, desires, and lives that may be unknowable without (ourselves) being affected, and staying the course even when confronted with "bad surprises," choosing instead the risk of hope. In a moment when teaching and learning are subjected to metrics, regulation, and market drivers, hope is not a bad thing to give our students and indeed to embrace ourselves.[281]

Sedgwick acknowledges that existing theoretical language has not caught up to the imperative of the reparative impulse and that such attempts are often written off as "sappy, aestheticizing, defensive, anti-intellectual, or reactionary."[282] Yet, Sedgwick insists, nevertheless, on the legitimacy of reparative reading:

> No less acute than a paranoid position, no less realistic, no less attached to a project of survival, and neither less nor more delusional or fantasmatic, the reparative reading position undertakes a different range of affects, ambitions, and risks. What we can best learn from such practices are, perhaps, the many ways selves and communities succeed in extracting sustenance from the objects of a culture— even of a culture whose avowed desire has often been not to sustain them.[283]

I believe that the instances of affective interruption in the Talmud are fertile ground for the kind of reparative reading Sedgwick takes pains to legitimate, and that those marginalized by the rabbinic tradition—othered on the basis of sexual, gender, racial or disability difference—can find healing by moving beyond a "hermeneutics of suspicion" toward moments when the text itself undermines its own discourse with a hermeneutics of vulnerability.

I have attempted to show that cases of affective interruption in Talmudic discourse are a pedagogical opportunity for the student-reader to experience what can be realized from the experience of being affected. Affective interruption is especially potent when it interferes with the Talmud's norm of discursive prosthesis. In addition, affective interrupters resonate most clearly with readers who are sensitive due to their own experiences of marginalization. Though the affective register of Talmudic discourse remains underexamined and disregarded in favor of more strictly intellectual engagements, examples of affective interruption brought in by the *stamma* highlight the inadequacy of reason alone to account for the lived implications of halakhic discourse, demanding affective presence and ultimately calling the reader to action. The affective interrupter is a discursive tradition in the Talmud with great reparative potential for the queer reader because it raises questions regarding the overall pedagogical orientation of the Bavli The pedagogical import of the affective interrupter periodically forces the reader into an affected state in which their normal intellectual engagement is temporarily incapacitated. In this space, the interpretive power of the queer reader as a collaborator with the text—the text's *chavruta*, so to speak—is unlocked. Affective interrupters have the potential to place discursive power back in the hands of those who have experienced the impacts of rabbinic exclusion, making way for reparative and maybe even transformative reading.

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[280] Sîan Melvill Hawthorne, "'Reparative Reading' as Queer Pedagogy," *Journal of Feminist Studies in Religion* 34, no. 1 (2018): 155–60, https://doi.org/10.2979/jfemistudreli.34.1.24.

[281] Hawthorne, "'Reparative Reading' as Queer Pedagogy," 160.

[282] Sedgwick, *Touching Feeling*, 150.

[283] Sedgwick, *Touching Feeling*, 150–151.

Epilogue

The Talmud has been highly influential in fostering a Jewish culture that remains highly linguistically and discursively inclined. Despite its easy characterization as a highly obscure and esoteric text, I read the Talmud as a profound instance of cultural world-building. As a world-building project, I read it as a treasury of radically creative tools for recasting meanings that shape our lives. The anonymous *stamma* is the most prominent actor in this endeavor, as the latest contributor to the text we inherit, but is also very conspicuously the heir to a discursive tradition that began with the *tanna'im* and *amora'im*. By inserting some of the most far-reaching innovations using unmarked, stealthy techniques, by refiguring time in order to speak across generations from Moses to the reader/rabbi in every generation, and by utilizing affective strategies that disrupt and undermine its own discourse, the Talmud explodes possibilities for discursive, interpretive revolution. However, the Talmud's meanings are often cryptic, ambiguous, or incongruous, capable of being read according to multiple, often contradictory interpretations. For this reason, the Talmud cannot be animated when relegated to an elitist, exclusive, and patriarchal sphere. The Talmud needs to be read queerly in order to live, and it is my conviction based on my observations that the Talmud can be similarly life-giving to queer people.

Queer politics rely heavily on language and discourse to destabilize societal assumptions that fuel oppression. So much violence in our world can be framed as the result of systematic dehumanization based on perceived difference. While we desperately need to continue utilizing political strategies that assert the value of difference, and which are situated in the lived experiences of particular positionalities which have been marginalized, in my positioning as a queer Jew, I am most inspired by those political strategies which undermine the very terms of oppression. Studying Talmud helps me to envision a world not only wherein sex, race, and gender are not taken for granted, but where we can collapse time to talk to our ancestors and descendants, where people are not understood as separate from the living earth, or from the dead, for that matter. Where reason is not positioned as enemy to feeling.

Initially, I planned to use this space to explore Yiddish as a test case for the Talmud's lasting impact on Jewish culture. The Yiddish language evolved with an enormous amount of elasticity, capable of playing with meanings on many levels through what Weinreich termed "component consciousness" (*komponentn-visikayt*), the awareness of the various language components of Yiddish and the resulting ability to play with the openness of the language, using both "fused" and "unfused" elements to manipulate meanings beyond the literal for semantic, satiric, stylistic, secretive and even political purposes. Naturally, Jewish political movements in modernity had highly ideological attachments to language. Yiddish political movements, which were often also literary movements, all had sophisticated theories for why Yiddish must be the lingua franca for their political projects.

It would come as no surprise then, that Hebrew ultimately crystalized as the language suitable for the project of Zionism. While Hebrew had continued to be a central textual language of the Jews in liturgical, halakhic, and literary contexts, it ceased to exist as a spoken language for everyday life and conversation around the end of the tannaitic period. As a result, the revival of Hebrew in modernity for comprehensive spoken use for the first time in nearly two millennia entailed significant linguistic innovation. The holy status of Hebrew and Aramaic[284] was necessarily undercut when Hebrew came to be used for everyday mundane purposes. One oft-cited example is the word *chashmal* (חשמל). In Biblical Hebrew, *chashmal* appears three times in the book of Ezekiel and describes some kind of radiant visual effect of God. The Brown-Driver-Briggs dictionary entry for the word reads "etym. and exact meaning dub. ; evidently some *shining* substance." In Modern Hebrew, however, *chashmal* came to mean "electricity." While Modern Hebrew has much overlap with previous stages of the language, one happens upon certain expressions which cast doubt on whether we can accurately understand Modern and Biblical or Rabbinic Hebrew as iterations of the same language when they signify such radically different meanings and cultural associations. Whereas this type of shift would be typical of other languages over the course of many centuries of continuous usage, in the case of Hebrew, the change was uniquely conscious and abrupt.

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[284] In Yiddish, for example, Hebrew and Aramaic are referred to as *Loshn-koydesh,* the holy tongue.

I raise this to introduce a parallel example of this phenomenon that has been particularly troubling to me recently: the word *bitachon* (בטחון). Unlike *chashmal*, whose meaning was virtually inseparable from its usage in Ezekiel until it was excavated and repurposed toward its modern usage, *bitachon* remained a living concept in Jewish thought throughout the centuries. *Bitachon* appears several times in the Hebrew Bible, more frequently in Rabbinic Literature and becomes a fused word in Yiddish (*bitokhn*). In other words, it appears to have never gone out of use. In all of these contexts, its meaning denotes the experience of inner confidence derived from faith (usually in God, but also in the promises held by the future, i.e. a deep-seated sense of hope). In Modern Hebrew, this internal sense of faith-based confidence and security signified by the term *bitachon* was replaced with the meaning "security" in the external and militarized sense of the word, as in, national security (*bitachon le'umi*).

As is so often the case, the current catastrophic genocide being perpetrated against the Palestinian people by Israel is accompanied and underwritten by a global war of discourse that seeks to neutralize any dissent through the rapid reframing of meanings. Six months into this current iteration of *nakba,*[285] many pro-Israel Jewish communities couch their continued support for U.S.-funded, IDF-perpetrated genocide in Gaza in abstract prayers for Israel's "safety and security." What repulses me about this language is that it disguises prayers for ongoing support of genocide as prayers for peace. Unlike safety, however, "security" is not something that can be won by shaping the external environment. This is the insight and the blessing we inherit—the fruits of millennia of cultural creativity that until the 20th century was unburdened and thus uncorrupted by military and state power: *Bitachon* comes from within. It requires spiritual and emotional work both communally and individually. For pro-Israel, Zionist Jews, there is no addressing the stale fear that has become the tired alibi for what is not defense but run-of-the-mill colonialist, capitalist, fanatical, and fascist violence that could not be less concerned with the safety of the Jews.[286]

Meanwhile, those who protest the ongoing violence in Gaza, advocating for steps toward the implementation of basic values such as "peace" and "ceasefire," are attacked as "pro-Hamas"

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[285] "Catastrophe" in Arabic. Refers to the ongoing mass displacement, dispossession, and ethnic cleansing of Palestinians especially from 1948 in the land known as Israel/Palestine.

[286] My argument does not deny that some Zionists individually have concern for Jewish safety, but to assert that, when it comes to Israeli political and military policy, Jewish safety is not a strategic priority over the desire for revenge, collective punishment, land acquisition, and ethnic control. In line with long-standing polices of occupation and military drafting that have bred Palestinian resistance movements from BDS to Hamas, Israel's response to October 7th has only further threatened the safety of Jews in Israel and around the world, all the while replicating the very horrors historically perpetrated against Jews in its treatment of the Palestinian people.

"antisemites."[287] Organizations such as the Anti-Defamation League tell the world that Jews who support ceasefire are not real Jews but antisemites.[288] In Germany, "antisemitism" has been so perverted that the irony is apparently lost on them when Jews who dare to show support for the Palestinian cause are denied bank accounts and jobs by Christian German institutions acting in the name of fighting "antisemitism."[289] Here, too, in the United States, many White Nationalist-aligned Christian Zionist politicians (that is, actual antisemites) are for the first time expressing grave concern about "antisemitism," but only when it means imploring university administration to evict, suspend, and expel their students for exercising their right to peaceful protest and deploying a militarized police force to arrest and brutalize pro-Palestine student encampments, all the while standing idly by while Zionist mobs attack peaceful protesters.[290] So-called "progressive" democrats are using nearly identical rhetoric; clearly, all democratic values are considered fair-game for abandonment when it comes to protecting Israel's U.S.-granted rights to commit genocide without repercussion, sanction, or scrutiny.

Refaat Alareer was a writer and a professor of English literature at Gaza's Islamic University. Alareer was one of the founders of We Are Not Numbers, a Palestinian nonprofit established in 2015 which paired writers from around the world with young Palestinians to share their stories.[291] He helped to publish writing by his teenage students so that their experiences living under Israeli military occupation in Gaza with regular bouts of indiscriminate bombing could reach the world in their own words.[292] In the words of one of Alareer's students, Jehad Abusalim,

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[287] Burgess Owens, "A Resolution Condemning the Support of Hamas, Hezbollah, and Other Terrorist Organizations at Institutions of Higher Education, Which May Lead to the Creation of a Hostile Environment for Jewish Students, Faculty, and Staff, Condemning Antisemitism on College Campuses, and Supporting the Right of Jewish Students to Exercise Their First Amendment Rights.," Pub. L. No. H. Res. 798 (2023), https://docs.house.gov/billsthisweek/20231030/H.%20Res.%20798.pdf. Josh Sen. Hawley et al., "A Resolution Condemning Hamas and Antisemitic Student Activities on College Campuses in the United States.," Pub. L. No. S. Res. 418 (2023), https://www.congress.gov/bill/118th-congress/senate-resolution/418/text/ats.

[288] ADL Washington DC [@ADL_WashDC], "Protestors Have Unlawfully Occupied the Rotunda of the Capitol Today. Our Regional Director @mermirmanweisel Clearly Stated That These Far-Left Radical Organizations Do Not Represent the Overwhelming Majority of the Jewish Community. Read Our Statement: Https://T.Co/aRgakL1kbQ," Tweet, *Twitter*, October 18, 2023, https://twitter.com/ADL_WashDC/status/1714758860462800990.

[289] Kate Connolly, "German University Rescinds Jewish American's Job Offer over pro-Palestinian Letter," *The Guardian*, April 10, 2024, sec. Education, https://www.theguardian.com/education/2024/apr/10/nancy-fraser-cologne-university-germany-job-offer-palestine. Wester Van Gaal, "German Bank Freezes Account of Jewish Peace Group," *EU Observer*, March 28, 2024, sec. EU & the World; Health and Society, https://euobserver.com/eu-and-the-world/ar03794aa4.

[290] "The New McCarthyism: Free Speech Under Attack at Columbia U. & Capitol Hill," *Democracy Now!*, April 18, 2024, https://www.democracynow.org/2024/4/18/columbia_university_israel_palestine. "'People Could Have Died': Police Raid UCLA Gaza Camp, Waited as Pro-Israel Mob Attacked Students." *Democracy Now!*, May 2, 2024. https://www.democracynow.org/2024/5/2/ucla_pro_israel_counterprotesters_attack_campus. "300+ Arrested in Police Raids on Columbia & CCNY to Clear Gaza Encampments," *Democracy Now!*, May 1, 2024, https://www.democracynow.org/2024/5/1/columbia_university_israel_gaza_police_raid.

[291] "About," We Are Not Numbers, accessed April 25, 2024, https://wearenotnumbers.org/about/.

> For Refaat, English was a tool of liberation, a way to break free from Gaza's prolonged siege, a teleportation device that defied Israel's fences and the intellectual, academic, and cultural blockade of Gaza…When Refaat taught English to me and my friends, he ensured we read Malcolm X, or el-Hajj Malik el-Shabazz, as he often reminded us to call him. He emphasized that learning a language requires understanding its culture and being critical and mindful that language is not free from questions of power and representation.[293]

Indeed, in the current, seemingly never-ending moment of catastrophe, language and power are precisely what is at stake, and those educators, artists, writers and activists who are sensitive to the political stakes of language and discourse are on the front lines. It is useful, then, to consider traditions of discursive resistance such as those which appear within Talmudic culture or which characterize queer performative identity vernaculars, as a resource both for understanding and remaining critically aware of the manipulations of meaning that are occurring on a massive scale by the major forces of global power, as well as for strategically and fearlessly reclaiming that discursive power towards justice and liberation.

Shortly after Hamas's October 7, 2023 attack in Israel, Alareer gave an interview with the BBC comparing Hamas's attack in Israel to the Warsaw Ghetto Uprising. He received widespread backlash for this comment. On October 10th, 2023, Democracy Now! interviewed Alareer and asked him about his comment. He then explained,

> If you have seen the pictures from Gaza, we speak about complete devastation and destruction to universities, to schools, to mosques, to businesses, to clinics, to roads, infrastructure, to water lines. I googled this morning Warsaw Ghetto pictures, and I got pictures I couldn't differentiate. Somebody tweeted four pictures and asked to tell which one is from Gaza and which one is from the Warsaw Ghetto. They are remarkably the same, because the perpetrator is almost using the same strategies against a minority, against the oppressed people, the battered people, the besieged people, whether it was in the Warsaw Ghetto, the Jews in Warsaw Ghetto in the past or the Palestinian Muslims and Christians in the Gaza Strip. So, the similarity is uncanny…The similarities between Gaza and the Warsaw Ghetto should be a waking-up call to all free people around the world.[294]

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[292] Refaat Alareer, *Gaza Writes Back: Short Stories from Young Writers in Gaza, Palestine* (Charlottesville, Virginia: Just World Books, 2014).

[293] "Jehad Abusalim جهاد أبو سليم on X: 'I've Known Refaat Alareer (@itranslate123) since I Was 17. He Taught Me My First English Writing Course. More than a Teacher, He Was a Mentor, a Friend, and He Truly Cared about His Students beyond the Classroom. His Passion Was the English Language, but He Didn't Teach It as A… Https://T.Co/bseUxnCBNo' / X," X (formerly Twitter), December 7, 2023, https://twitter.com/JehadAbusalim/status/1732893423269490811.

[294] "Alareer: Israel's 'Barbaric' Bombardment Is Part of Ethnic Cleansing Campaign," *Democracy Now!*, October 10, 2023, https://www.democracynow.org/2023/10/10/refaat_alareer_gaza_israel_bombing.

Growing up, I learned to idolize Jewish partisan fighters who resisted the Nazis during World War II. I grew up singing partisan songs. When I was 15, I participated in a Zionist educational program for American high school students wherein I lived on a Kibbutz and studied for four months. Prior to that experience, I had received little Zionist education; I was simply unhappy in high school and looking for alternative experiences to pursue. When applying to the program, I was asked to write an essay about a Jewish hero of mine. I wrote a tribute to Hirsh Glik, a partisan who wrote some of the most famous partisan songs. In the legend I learned growing up at Camp Kinderland, Glik's songs were a source of hope and inspiration for Jews who were fighting to survive during the Nazi Holocaust. I later found out, to no one's surprise, that the program had never had a student write about Hirsh Glick before. Glik's most famous song, "*Zog nisht keyn mol*" has a verse that reads,

This song was written with blood and not lead,	דאָס ליד געשריבן איז מיט בלוט און ניט מיט בלײַ
It's not a song sung by birds flying freely overhead.	ס'איז ניט א לידל פֿון אַ פויגל אויף דער פרײַ
It was a people caught between tumbling walls	דאָס האָט אַ פֿאָלק צווישן פֿאַלנדיקע ווענט
That sang this song with grenades in their hands	דאָס ליד געזונגען מיט נאַגאַנעס אין די הענט[295]

I have always been struck by the recurring motif in Yiddish songs and poetry of World War II of "writing in blood," or, the intertwining of literature and violence. In fact, as a graduate student at Brandeis, I wrote and performed a play for my thesis which I titled *Written in Blood*. Poet Shmerke Kaczerginsky wrote another famous partisan song with a line that reads: "the word vengeance has real meaning, when it's written in blood."[296] One of the most famous poets and partisan fighters, Avrom Sutzkever, wrote a poem that presents another take on this theme. It describes the melting down of the plates from the printing press of the Romm Publishing House (cited above as the publisher of the Vilna ShaS) in the Vilna Ghetto to use as bullets fighting the Nazis.

The Leaden Platen from Romm's Publishing[297]	די בלײַענע פּלאַטן פֿון ראָמס דרוקערײַ[298]
Like fingers, we stretched through grates	מיר האָבן ווי פֿינגער געשטרעקטע דורך גראַטן
To capture the bright air of freedom	צו פֿאַנגען די ליכטיקע לופֿט פֿון דער פֿרײַ
Lasting through the night, to take the plates	דורך נאַכט זיך געצויגן, צו נעמען די פּלאַטן
The leaden plates from Romm's printing house	די בלײַענע פּלאַטן פֿון ראָמס דרוקערײַ
We, dreamers, need to now become soldiers	מיר, טרוימער, באַדאַרפֿן איצט ווערן סאָלדאַטן
And melt into bullets the spirit of the lead	און שמעלצן אויף קוילן דעם גײַסט פֿונעם בלײַ
Once more, we opened the stamp	און מיר האָבן ווידער געעפֿנט דעם שטעמפּל
To a kind of familiar, eternal cavern	צו עפּעס אַ היימישער אייביקער הייל
Armored with shadows, by the shine of a lamp	מיט שאָטנס באַפּאַנצערט, בײַ שײַן פֿון אַ לעמפּל

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[295] Hirsh Glik, "Zog nisht keynmol, az du geyst dem letztn veg," in *Lider un poemes* (Nyu-York: Yidisher Kultur Farband, 1953), 62.

[296] ס'וואָרט נקמה האָט אַ זין, ווען מיט בלוט פֿאַרשרײַבסט אים.

[297] For these songs, I opted for literal, rather than literary translations. The original Yiddish of this song follows an ABABAB rhyme structure.

[298] Avrom Sutzkever, "Di Blayene Platn fun Rom's drukeray," in *Di festung: lider un poemes geshribn in vilner geto un in vald 1941–1944* (New York: Yidisher Kultur Farband, 1945), 62.

We poured the letters, line by line	געגאָסן די אותיות – אַ צייל נאָך אַ צייל
Just as our ancestors in the Temple	אַזוי ווי די זיידעס אַ מאָל אינעם טעמפּל
Filled the gold menorahs with oil	אין גילדענע יום־טובֿ מנורות – דעם אייל
The lead glowed when casting the bullets	דאָס בלײַ האָט געלויכטן בײַם אויסגיסן קוילן
Thoughts dissolved, letter by letter	מחשבֿות צעגאַנגען – אַן אות נאָך אַן אות
A line from Babylonia, a line from Poland	אַ שורה פֿון בבֿל , אַ שורה פֿון פּוילן
Boiling and melting in equal parts	געזאָטן געפֿלייצט אין דער זעלביקער מאָס
Jewish heroism, hidden in words	די ייִדישע גבֿורה , אין ווערטער פֿאַרהוילן
Must now tear up the world with a shot	מוז אויפֿרײַסן איצטער די וועלט מיט אַ שאָס
And whoever saw the weapons in the Ghetto	און ווער ס’האָט אין געטאָ געזען דאָס כּלי־זיין
Clasped in heroic Jewish hands	פֿאַרקלאַמערט אין העלדישע ייִדישע הענט
Saw Jerusalem in struggle	געזען האָט ער ראַנגלען זיך ירושלים
Against the falling of those granite walls	דאָס פֿאַלן פֿון יענע גראַניטענע ווענט
The words used up, melted in lead	פֿאַרנומען די ווערטער, פֿאַרשמאָלצן אין בלײַען
Their voices recognized as they pierce the heart	און זייערע שטימען אין האַרצן דערקענט.

On October 7th, 2023, I was in New York City at a centennial celebration—100 years since the founding of Camp Kinderland. As a child, Camp Kinderland was where I was introduced in my summers to Yiddish, to partisan history, and to most of the songs referenced above. The two camp song-leaders, Ira Coleman-Palansky, Program Director and music leader for over four decades,[299] and Maddie Simon Yiddish song leader and camp staffer for over 60 years,[300] have been emblematic of the Kinderland experience for thousands of community members through their teaching of political musical traditions of Jews and others who have resisted oppression with song throughout the world. I loved singing with them that day, feeling grounded in the joyous and creative political tradition I was blessed to inherit, all of us attendees oblivious to what was transpiring at that very moment in Israel and Gaza and what would continue to unfold over the coming months. Both Ira and Maddie have passed away in the months since I sang with them last on October 7th.

Hirsh Glik wrote another famous partisan song, “*Shtil di Nakht*.” Maddie played piano and led us in singing this song, and I haven’t once gotten it out of my head since October 7th. For all the rhetoric about the monstrous violence of Hamas, I keep returning to the irony that children have been praising some forms of violent resistance through song at places like camp, which for me always epitomized the ideals of peace, pacifism, and justice. Somehow, at camp it felt completely in alignment to sing these partisan songs while also learning about and honoring pacifist groups in history such as the “Conscientious Objectors,” and the “Israeli Refuseniks,” both of which had teams named after them during the annual Camp Kinderland “Peace Olympics” my very first summer at camp. I wonder why Camp was the only place in my Jewish upbringing that chose to hold this complexity.

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[299] “A Profound Loss: Ira Coleman-Palansky,” Camp Kinderland, February 15, 2024, https://www.campkinderland.org/announcements/video-post-mapfd.

[300] “Madeline Horowitz Simon March 22, 1931 – April 20, 2024,” Dwyer & Michael’s Funeral Home, accessed April 25, 2024, https://www.dwyermichaelsfh.com/obituaries/Madeline-Simon/.

Still the Night	שטיל די נאַכט[301]
Still, the night is full of stars	שטיל די נאַכט איז אויסגעשטערנט
The frost burns bitter cold	און דער פֿראָסט — ער האָט געברענט.
Do you remember how I once taught you	צי געדענקסטו ווי איך האָב דיך געלערנט
To hold a revolver in your hand?	האַלטן אַ שפּייַער אין די הענט?
A girl, a fur coat and a beret	אַ מויד, אַ פּעלצל און אַ בערעט
Holds a pistol tight in hand.	האַלט אין האַנט פֿעסט אַ נאַגאַן.
A girl with a velvet-soft face	אַ מויד מיט אַ סאַמעטענעם פּנים
Guards the enemy’s convoy.	היט אָפּ דעם שׂונאס קאַראַוואַן.
It aimed, shot, and hit	געצילט, געשאָסן און געטראָפֿן
Her little pistol	האָט איר קליינינקער פּיסטויל.
A vehicle full of ammunition	אַן אויטאָ אַ פֿולינקן מיט וואָפֿן
She halted with one bullet.	פֿאַרהאַלטן האָט זי מיט איין קויל.
At dawn, she crawled out of the wood	פֿאַר טאָג פֿון וואַלד אַרויסגעקראָכן
With snow garlands in her hair	מיט שניי־גירלאַנדן אויף די האָר,
Fortified by her little triumph	געמוטיקט פֿון קליינינקן נצחון
For our new, free, generation!	פֿאַר אונדזער נייַעם פֿרייַען דור!

The very night Alareer gave the above quoted interview with Democracy Now!, Israel bombed Gaza’s Islamic University, where Refaat Alareer taught, to the ground. Then, on December 6, 2023, Alareer was murdered by an Israeli bomb on his sister’s home in Northern Gaza, along with his brother, sister, and her four children. According to Euro-Med Human Rights Monitor, his death was the result of a deliberate Israeli attack that targeted him. In fact, this was at least the second time Alareer had been targeted by Israeli strikes; the first was in 2014, when Alareer’s home was bombed, killing thirty members of his and his wife’s families.[302] On November 1, before he died, he posted a poem.[303]

Refaat Alareer’s poem reminds me of the lineage of Jewish creativity and literary resistance to injustice that I inherited. Alareer and his family, like the 34,000 and counting others in Gaza, deserved to live. I have translated his poem into Yiddish as a symbol of the kinship I feel with him and that I hope will one day come to bond all those who have been oppressed.

If I must die,	אויב איך מוז שטאַרבן
you must live	דאַן מוזסטו לעבן
to tell my story	צו דערציילן מייַן מעשׂה
to sell my things	צו פֿאַרקויפֿן מייַנע זאַכן

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[301] Hirsh Glik, “Shtil di nakht iz oysgeshternt,” in *Lider un poemes* (Nyu-York: Yidisher Kultur Farband, 1953), 59.

[302] “Israeli Strike on Refaat Al-Areer Apparently Deliberate,” Euro-Mediterranean Human Rights Monitor, December 8, 2023, https://euromedmonitor.org/en/article/6014/Israeli-Strike-on-Refaat-al-Areer-Apparently-Deliberate.

[303] Refaat in Gaza 🇵🇸 [@itranslate123], “If I Must Die, Let It Be a Tale. #FreePalestine #Gaza Https://T.Co/ODPx3TiH1a,” Tweet, *Twitter*, November 1, 2023, https://twitter.com/itranslate123/status/1719701312990830934.

to buy a piece of cloth	צו קויפֿן אַ טיכל
and some strings,	און עטלעכע שטריקן,
(make it white with a long tail)	(עס זאָל זייַן ווייַס מיט אַ לאַנגן עק)
so that a child, somewhere in Gaza	כדי אַ קינד, ערגעץ ווּו אין עזה
while looking heaven in the eye	ארויפֿקוקנדיק אין הימלס אַן אויג
awaiting his dad who left in a blaze–	וואַרטנדיק אויף זייַן טאַטע, וואָס איז אַוועק אויף אַ שׂרפֿה–
and bid no one farewell	מיט קיינעם נישט געזעגענט זיך
not even to his flesh	אפילו נישט מיט זייַן גוף
not even to himself–	אפילו נישט מיט זיך אַליין–
sees the kite, my kite you made, flying up	זאָל זען די פֿלישלאַנג מייַנע, די וואָס דו האָסט געמאַכט,
above	פֿליענדיק אין דער הייך
and thinks for a moment an angel is there	און ער זאָל מיינען אויף א רגע, ס׳איז פֿאַראַן אַ מלאך
bringing back love	וואָס ברענגט צוריק ליבע
If I must die	אויב איך מוז שטאַרבן
let it bring hope	זאָל עס ברענגען האָפענונג
let it be a tale	זאָל עס זייַן אַ מעשׂה

The last of Alareer’s family—his daughter Shaima Refaat Alareer, her husband Muhammad Abd al-Aziz Siyam, and their two-month old child, Abd al-Rahman, Refaat Alareer’s grandson whom he never got the chance to meet—were killed by an Israeli airstrike in Gaza City on April 26th, 2024.

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Glossary of Hebrew, Aramaic, Yiddish terms

Aggadah: In contrast to *Halakha*, discussions and/or statements in the Talmud which are more narrative storytelling than legal discourse, though the genres are constantly in conversation and cooperative. While some observant Jewish settings continue to uphold the distinction between *Halakha* and *Aggadah*, many modern scholars have retired it.

Amoraic period - the period in which the *amora'im* were active, approx. 200 CE - 500 CE.

Amora(im): The generations of rabbis who were active from the end of the tannaitic period until roughly 500 CE.

Androgynos - a particular intersex designation in the Talmud applied to a person with both typically male and typically female sex characteristics.

Baraita - Tannaitic legal material that was left out of the codified Mishna.

Bavli - The Babylonian Talmud

Beit Din - A Jewish rabbinic court, made up of three rabbis. Responsible for overseeing certain rites such as conversion or divorce as well as for making rabbinic legal rulings in actual cases.

Chavruta - the tradition of studying in pairs, established in the Talmud and sustained as standard practice for Jewish learning until the present.

ChaZaL - Refers to the Talmudic sages of all generations. An acronym that stands for "Chakhamim Zikhronam Livrakha," literally "the wise ones, may their memories be for a blessing."

Cheresh - A person who is deaf-mute.

d'Rabbanan - literally "of the rabbis," a law established rabbinically, in contrast to derived from the Torah (d'raita). It is somewhat of a contrived distinction, as rabbis also do the expansive work of "interpreting" and explicating what is understood as Torah law, but each legal category has a different status. Officially, *d'rabbanan* laws can be innovated while *d'Oraita* ones cannot.

d'Oraita - "of the Torah." Laws established in the Tanakh as interpreted by the rabbis, in contrast to rabbinic legal innovations.

Gemara: Later amoraic commentary on the Mishna. Gemara can also be shorthand for the Talmud as a whole. In the Talmud, Gemara usually refers to received or learned tradition.

Geonic period - The period of Talmudic scholarship that followed the final redaction of the Babylonian Talmud. Approximately 750 CE - 1000 CE

Gezeira shava - a rabbinic hermeneutical principle that applies a rule from one case to another based on a shared word or phrase in both cases.

Halakha: Often translated as "Jewish Law," *Halakha* is in fact much more expansive. The things Jews do, how they do it, and the discourse that surrounds it. Legalistic discussions in the Talmud.

Hekkesh - the interpretive principle of "juxtaposition." Teaches that when two cases appear next to each other in scripture, a legal principle that applies to one can be expanded to apply to the other.

Ilui - a genius (esp. in study of Talmud)

Karaite - a sect of Judaism that rejected the Rabbinic "Oral Torah" as authoritative. Karaites hold that the written Torah is the only authoritative source of *Halakha* and that Jews must interpret it as written to determine its observance.

Katan - a minor (a boy before he is Bar Mitzvah)

Kra - a Tanakh verse

Kra yeteira - “an extra verse.” Refers to the principle that nothing in Tanakh can be redundant. Therefore, if two verses appear to be teaching the same thing, the rabbis assume one of them must be teaching another, more oblique law.

Lishma - “Torah *lishma*,” literally “Torah for its own sake.” The preferred way to learn Torah, in contrast to learning Torah for some other benefit, such as to increase one’s social capital.

Ma’aseh - a story or a legal precedent.

Mamzer/mamzeirim - A child or children borne of a forbidden affair such as through adultery or incest. *Mamzeirim* are legally forbidden from marrying other Jews except for other *mamzeirim*. Their descendants will also be classified as *mamzeirim*.

Meimra - an amoraic statement.

Midrash - “Midrash *Aggadah*” refers to rabbinic legends surrounding biblical episodes. Midrash *halakha* refers to legal explications on Torah. Comes from “דרש,” to interpret, expound, inquire, seek meaning.

Minhag - custom (often local). Can be a legal basis for an argument in the Talmud.

Mishna - Tannaitic legal material codified around 200 CE by Rabbi Yehuda haNasi. The Gemara is organized as commentary on individual Mishnas.

Mitzvah - a commandment

Nasi - literally “prince,” refers to the head of the Sanhedrin.

Nezikin - Literally “damages.” An order of tractates dealing with criminal and civil law.

Onah - The mitzvah that requires a man to be attentive emotionally and physically to his wife.

Ones - The legal principle that if a stipulation has not been fulfilled due to circumstances beyond one’s control, it counts as though the stipulation was fulfilled.

Pasuk - a Torah/Tanakh verse. (Hebrew for Aramaic “*kra*”)

Sanhedrin - a legislative assembly in the Land of Israel of either 23 (for regional Sanhedrin) or 71 (in Great Sanhedrin) members. Active in the Second Temple period. Lost legal standing after the destruction of the Temple.

Savoraitic-stammaitic period - The period of the Babylonian Talmud’s redaction, approximately 500 CE - 750 CE.

ShaS - an acronym standing for “שישה סדרי משנה,” “the six orders of the Mishna.” It has become a shorthand for the Talmud.

Sheretz - “creeping” animal or insect. They convey ritual impurity when dead to anyone who touches them.

Shoteh - often translated as “fool” or “imbecile.” Someone assumed to be not entirely lucid or in their right mind.

Stamma: The *stamma* is the anonymous voice of the Talmud which weaves together the voices of the generations of *tanna’im* and *amora’im* it cites. The *stamma* refers to the redactor or group of redactors that constitute the final layer of the Talmud, who shaped the text as we now have it.

Sugya: a section of Talmud isolated for study, usually based on thematic divisions of material.

Svara: “moral intuition” according to Rabbi Benay Lappe. Logical or intuitive deduction based on personal evaluation rather than received tradition.

Takanah - a legal amendment made by a rabbi.

Tanakh - The Hebrew bible, including Torah (i.e. the five books), prophets and writings.

Tannaitic period - The period in which the *Tanna’im* were active, approx. 70 CE - 200 CE

Tanna(im): The generations of rabbis who were active from the first through third centuries. They are responsible for the writing of the Mishna, early Midrash, and rabbinic material referred to in the Talmud as Baraitot.

Tarteimar - a weight measurement equal to 50 silver *zuz* coins.

Tiyuvta - a conclusive refutation

Torah - Technically, the five books: Genesis, Exodus, Leviticus, Numbers, Deuteronomy. Can also refer colloquially to the whole Tanakh or, especially when paired with “learning,” or “study,” to all of the Jewish textual corpus, especially the Babylonian Talmud.

Toraitic - from the Torah

Tosafot - Tosafists, active in the period of the “Rishonim,” approx. 1100 - 1328 in France and Germany. The *Tosafot* commentary has been printed alongside the Gemara on all standard editions since the Soncino edition in the 15th Century.

Tsene-rene - Highly popular Yiddish text colloquially referred to as the “women’s bible.” Weaves together Tanakh content in translation and adaptation, Torah commentaries and other rabbinic material.

Tsuras haDaf - The “form” of the Talmud page. Took on a sanctified status as it became standardized and widespread with the invention of the printing press.

Tumtum - a rabbinic legal intersex designation applied to someone whose external sex characteristics are “hidden,” underdeveloped, or not easily distinguishable by the rabbis as male or female.

Yeridat ha-dorot - “the decline of the generations”

Yerushalmi - The Palestinian Talmud

Yeshiva-bokher: a stereotypical orthodox Ashkenazi yeshiva student.