

THE RHETORIC OF INNOVATION

SELF-CONSCIOUS LEGAL CHANGE IN RABBINIC LITERATURE

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AARON D. PANKEN

Rhetoric Of Innovation Self Conscious Legal Change In Rabbinic Literature

Jacob Neusner



Rhetoric Of Innovation Self Conscious Legal Change In Rabbinic Literature:

The Rhetoric of Innovation Aaron D. Panken, 2005-06-02 A profound tension exists between the opposing tendencies of preservation and innovation in rabbinic legal literature The rabbis made tremendous attempts to safeguard traditions handed down to them from prior generations in the face of significant new challenges At the same time these creative religious thinkers boldly invented new practices or altered old ones to fit shifting circumstances designing and utilizing a rich rhetorical vocabulary to allow such necessary innovation Through critical examination of more than 1 000 occurrences of terms depicting legal innovation this study maps the contours of legal change reported during the rabbinic period The Rhetoric of Innovation examines temporal clusters of statements and actions attributed to authority figures in the Tannaitic and Amoraic periods also reviewing the geographic distribution of these words and their divergent usages in documents edited in Roman Palestine and Babylonia It also provides significant insight into rabbinic philosophies of legal change through exploring the various rationales deemed acceptable within the rabbinic corpus In this respect the book carries a relevant message for modern Jewish life in its consideration of the history of appropriate boundaries and reasons for legal change questions that recur frequently in Jewish discourse today

Rabbis and Classical Rhetoric Richard Hidary, 2018 Shows the unique perspective of Talmudic rabbis as they navigate between platonic objective truth and the realm of rhetorical argumentation

Violence, Scripture, and Textual Practices in Early Judaism and Christianity Raanan Shaul Boustan, Alex P. Janssen, Calvin J. Roetzel, 2010 This volume analyzes the emergence of Jewish and Christian discourses of religious violence within their Roman imperial context with an emphasis on the shared textual practices through which authoritative scriptural traditions were redeployed to represent legitimate and indeed sacralize violence

Circumventing the Law Elana Stein Hain, 2024-01-20 Circumventing the Law probes the rabbinic logic behind the use of loopholes the legal phenomenon of finding and using gaps within law to achieve otherwise illegal outcomes The logic of ha aramah a subset of rabbinic legal circumventions mostly defined as a tool for private life underpins both well known circumventions such as selling leaven before Passover and lesser known mechanisms such as designating an animal intended for sacrifice blemished before birth to allow it to be slaughtered for food instead Elana Stein Hain traces the development of these loopholes over time revealing that rabbinic literature does not consistently accept or reject loopholes Instead rabbinic Judaism applies categories of evasion prohibited avoidance permitted and avoision contested to loopholes on a case by case basis The intended outcome of a given loophole determines its classification as does the legal integrity of the circumventive process in question Yet these understandings of loopholes are not static instead rabbinic attitudes toward loopholing change over time Early works display an objective performative understanding of the self and of intention but evolve over time to reflect more subjective and intimate understanding of the self and intention This evolution redefines what legal integrity means in Jewish legal philosophy Circumventing the Law brings readers through the Second Temple period to the modern era to see how

loopholing has evolved over millennia With a focus on late antiquity Stein Hain explores tannaitic literature the Palestinian Talmud and contemporaneous Greco Roman and Persian thought to show that when warranted Jewish rhetoric and philosophy around understandings of loopholes was a unique phenomenon that relied on changes in understanding the definition of integrity itself a key finding for scholars of Jewish Studies and of religious and of secular law writ large **The Cambridge Companion to Judaism and Law** Christine Hayes,2017-02-17 The Cambridge Companion to Judaism and Law explores the Jewish conception of law as an essential component of the divine human relationship from biblical to modern times as well as resistance to this conceptualization It also traces the political social intellectual and cultural circumstances that spawned competing Jewish approaches to its own divine law and the non divine law of others including that of the modern secular state of Israel Part I focuses on the emergence and development of law as an essential element of religious expression in biblical Israel and classical Judaism through the medieval period Part II considers the ramifications for the law arising from political emancipation and the invention of Judaism as a religion in the modern period Finally Part III traces the historical and ideological processes leading to the current configuration of religion and state in modern Israel analysing specific conflicts between religious law and state law *Transforming Boasting of Self into Boasting in the Lord* Marcin Kowalski,2013-07-12 This book uses rhetorical analysis to illuminate one of the most fascinating and complicated speeches by Saint Paul 2 Cor 10 13 The main problem of the speech regards Paul s claim to be a true servant of Christ and to have the right to boast about it Paul proves he is strong enough to be the leader of Corinth and paradoxically demonstrates that weakness should belong to the identity of an apostle Another issue regards the legitimacy of his boasting The egocentric boast based on the comparison with his opponents is the one that Paul calls foolish but he is forced nevertheless to undertake it The tool that ultimately enables him to transform self aggrandizing speech into speech that is focused on Christ is his paradoxical boasting of weakness The careful crafting of his discourse based on Christological principles ultimately speaks for qualifying it as a self praise speech periautologia with a pedagogical not defensive purpose *Writing the Wayward Wife* Lisa Grushcow,2019-01-28 Writing the Wayward Wife is a study of rabbinic interpretations of sotah the law concerning the woman suspected of adultery Numbers 5 11 31 The focus of the book is on interpretations of sotah in tannaitic and amoraic texts the Mishnah Tosefta Midrash Halakhah Midrash Aggadah and the Palestinian and Babylonian Talmuds The body of the work is in depth analysis of the legal and ritual proceedings Jewish Greek interpretations Josephus Philo and LXX also are addressed along with the Protevangelium of James and fragments from the Dead Sea Scrolls and Cairo Geniza Finally the disappearance of the ritual is discussed with implications for the development of rabbinic authority In previous secondary literature the law of sotah has been understood as either proto feminist or misogynist This book argues that neither of these are appropriate paradigms Rather this book identifies the emergence of two major interpretive themes the emphasis on legal procedures and the condemnation of adultery [The Jewish Law Annual Volume 19](#) Berachyahu Lifshitz,Hanina

Ben-Menahem, 2013-07-04 Volume 19 of The Jewish Law Annual is a festschrift in honor of Professor Neil S Hecht. It contains thirteen articles, ten in English and three in Hebrew. Several articles are jurisprudential in nature, focusing on analysis of halakhic institutions and concepts. Elisha Ancselovits discusses the concept of the *prosbol*, asking whether it is correct to construe it as a legal fiction, as several scholars have asserted. He takes issue with this characterization of the *prosbol* and with other scholarly readings of Tannaitic law in general. The concepts of dignity and shame are addressed in two very different articles: one by Nahum Rakover and the other by Hanina Ben Menahem. The former discusses halakhic sources pertaining to the dignity inherent in human existence and the importance of nurturing it. The latter presents a fascinating survey of actual legal practices that contravened this halakhic norm. Attestations of these practices are adduced not only from halakhic and semi-halakhic documents but also from literary, historical, and ethnographic sources. Three articles tackle topical issues of considerable contemporary interest. Bernard S Jackson comments on legal issues relating to the concept of conversion arising from the story of the biblical heroine Ruth and compares that concept to the notion of conversion invoked by a recent English court decision on eligibility for admission to denominational schools. An article by Dov I Frimer explores the much agonized-over question of halakhic remedies for the wife whose husband refuses to grant her a *get* bill of divorce, precluding her remarriage. Frimer's focus is the feasibility of inducing the husband to grant the *get* through monetary pressure, specifically by awarding the chained wife compensatory tort damages. Tort remedies are also discussed in the third topical article by Ronnie Warburg on negligent misrepresentation by investment advisors. Two papers focus on theory of law. Shai Wozner explores the decision rules/conduct rules dichotomy in the Jewish law context, clarifying how analysis of which category a given law falls under enhances our understanding of the law's intent. Daniel Sinclair explores the doctrine of normative transparency in the writings of Maimonides, the Hatam Sofer, and R Abraham Isaac Kook, demonstrating that although transparency was universally endorsed as an ideal, some rabbinical authorities were willing to forego transparency where maintenance of the halakhic system itself was imperiled. An article by Alfredo M Rabello reviews the primary and secondary literature on end-of-life issues and contextualizes the much-discussed talmudic passage *bAvoda Zara* 18a. And an article by Chaim Saiman offers a critical survey of the main approaches to conceptualizing and teaching Jewish law in American universities; it also makes suggestions for new and perhaps more illuminating pedagogic direction. In the Hebrew section, an intriguing article by Berachyahu Lifshitz presents a comparison of Persian and talmudic law on the status of promises and the role of the divine in their enforcement. Yuval Sinai discusses the halakhic law of evidence, particularly the well-known two-witnesses requirement and departures from it. The volume closes with a historical article by Elimelech Westreich on the official rabbinical court in nineteenth-century Jerusalem. It focuses on the rabbinical figures who served on the court, the communities for whom it adjudicated, and its role in the broader geopolitical and sociocultural context.

Fractured Tablets Mira Balberg, 2023-04-25 A free ebook version of this title is available through Luminos University of

California Press's Open Access publishing program Visit www.luminosoa.org to learn more This book examines the significant role that memory failures play in early rabbinic literature The rabbis who shaped Judaism in late antiquity envisioned the commitment to the Torah and its commandments as governing every aspect of a person's life Their vision of a Jewish subject who must keep constant mental track of multiple obligations and teachings led them to be preoccupied with forgetting forgetting tasks forgetting facts forgetting texts and most broadly forgetting the Torah altogether In *Fractured Tablets* Mira Balberg examines the ways in which the early rabbis approached and delineated the possibility of forgetfulness in practice and study and the solutions and responses they conjured for forgetfulness along with the ways in which they used human fallibility to bolster their vision of Jewish observance and their own roles as religious experts In the process Balberg shows that the rabbis' intense preoccupation with the prospect of forgetfulness was a meaningful ideological choice with profound implications for our understanding of Judaism in late antiquity

Narrative and Document in the Rabbinic Canon: From the Mishnah to the Talmuds Jacob Neusner, 2010 This study of the inclusion of biographical narratives examines sage stories anecdotes about the life and deeds of Rabbinic sages in components of the unfolding canon of Rabbinic Judaism during the formative age These documents from the first six centuries C E are exclusive of the two Talmuds

Ignite the flame of optimism with is motivational masterpiece, Find Positivity in **Rhetoric Of Innovation Self Conscious Legal Change In Rabbinic Literature** . In a downloadable PDF format (Download in PDF: *), this ebook is a beacon of encouragement. Download now and let the words propel you towards a brighter, more motivated tomorrow.

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