

THE RHETORIC OF INNOVATION

SELF-CONSCIOUS LEGAL CHANGE IN RABBINIC LITERATURE

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המבוא נכתב על ידי הרב אהרן ד. פנקס, ראש תחום מחקרי המשפט והארגון במחלקת המשפטים, משרד המשפטים, תל אביב. המבוא נכתב על ידי הרב אהרן ד. פנקס, ראש תחום מחקרי המשפט והארגון במחלקת המשפטים, משרד המשפטים, תל אביב. המבוא נכתב על ידי הרב אהרן ד. פנקס, ראש תחום מחקרי המשפט והארגון במחלקת המשפטים, משרד המשפטים, תל אביב.



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AARON D. PANKEN

Rhetoric Of Innovation Self Conscious Legal Change In Rabbinic Literature

Richard Hidary



Rhetoric Of Innovation Self Conscious Legal Change In Rabbinic Literature:

The Rhetoric of Innovation Aaron D. Panken, 2005 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

The Rhetoric of Innovation Aaron D. Panken, 2005-06-02 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 auth

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 Boustán, 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 **Heresy, Forgery, Novelty** Jonathan Klawans,2019 It is commonly asserted that heresy is a Christian invention that emerged in late antiquity as Christianity distinguished itself from Judaism Heresy Forgery Novelty clearly defines these three important terms in the study of ancient Judaism and early Christianity and demonstrates that Christianity s heresiological impulse is in fact indebted to Jewish precedents **Lost Documents of Rabbinic Judaism** Jacob Neusner,2010 The canonical documents of Rabbinic Judaism impose upon most of their components fixed patterns of rhetoric recurrent logic of coherent discourse and a well defined topic or program for example a commentary on a biblical book or on a legal topic But some few compositions and composites of the Rabbinic canon of late antiquity diverge from the formal norms of the compilations in which they occur In these pages Neusner assembles anomalous compositions that occur in the Mishnah Tosefta four Tannaite Midrashim and Genesis Rabbah and he further tests the uniformity of the forms that govern in a familiar chapter of the Bavli Neusner s surveys show for the documents probed here that some small segment of the composites and compositions of the surveyed documents does not conform to the indicative rules of rhetoric topic and logic Consequently we face the challenge of constructing models of lost documents of the Rabbinic canon conforming to the models governing anomalous compositions These follow other topical and rhetorical norms and therefore belong in other different types of documents from those in which they now are located These anomalous writings in topic logic or rhetoric or all three in theory reveal indicative characteristics other than the ones defining the compositions and composites of the documents in which they are now located *The Oxford Handbook of Jewish Law* Oxford Handbooks,2025-10-29 Jewish law known as halakhah is a unique legal system that developed over two millennia across multiple continents and in innumerable different contexts With contributions from an interdisciplinary cast of authors *The Oxford Handbook of Jewish Law* offers readers an in depth understanding of this rich and enduring legal tradition **Rabbi Moses** Jacob Neusner,2013-03-01 This book is an exercise in the systematic recourse to anachronism as a theological exegetical mode of apologetics Specifically Neusner demonstrates the capacity of the Rabbinic sages to read ideas attested in their own day as authoritative testaments to to them ancient times Thus Scripture was read as integral testimony to the contemporary scene About a millennium 750 B

C E to 350 C E separates Scripture's prophets from the later sages of the Mishnah and the Talmud. It is quite natural to recognize evidence for differences over a long period of time. Yet Judaism sees itself as a continuum and overcomes difference. The latecomers portray the ancients like themselves. In our image after our likeness captures the current aspiration. The sages accommodated the later documents in their canon by finding the traits of their own time in the record of the remote past. They met the challenges to perfection that the sages brought about. Of what does the process of harmonization consist? To answer that question, the author surveys the presentation of the prophets by the rabbis beginning with Moses. To overcome the gap, Rabbinic sages turn Moses into a sage like themselves. The prophet performs wonders. The sage sets forth reasonable rulings. The conclusion expands on this account of matters to show the categorical solution that the sages adopted for themselves and that is the happy outcome of the study.

What Animals Teach Us About Families Beth A. Berkowitz, 2026-01-06. Reading the Bible and rabbinic literature to reimagine the bonds between animals. Moving beyond debates about the ethics of animal consumption to focus on animals' intimate lives. Beth A. Berkowitz examines the contribution of religious traditions and sacred texts to contemporary conversations about animals. Reading the four animal family laws of the Bible alongside their rabbinic interpretations from ancient times to today, she examines the bonds that animals form with each other and reimagines family to include new forms of life and alternative modes of kinship. Humanitarian politics and biblical law tend to take for granted that human interests supersede animal interests and that our moral obligation extends only to avoiding unnecessary suffering, but necessity is determined by humans. What Animals Teach Us About Families looks at animal emotions, animal agency, family diversity, and human response to reconsider the obligations and opportunities the animal family presents.

Narrative and Document in the Rabbinic Canon Jacob Neusner, 2010. The author states in his preface: For a thousand years from its earliest documents of the second century to the High Middle Ages, Rabbinic Judaism preferred to compose and collect anecdotes, not to construct of them sustained and connected biographies. This is a study of the inclusion of biographical narratives about sages in some of the components of the unfolding canon of Rabbinic Judaism in the formative age, the documents of the first six centuries C E, exclusive of the two Talmuds. A sage here is defined as a man who embodies the Rabbinic system. A sage story, then, is an anecdote about the life and deeds of a Rabbinic sage. A biographical narrative, in general, is the record of things done on a concrete and specific past tense occasion by named individuals. The stories are not told as part of a sustained biographical account of those individuals' lives, birth to death. I am able in this way to correlate the unfolding of the authorized biography in the counterpart Christian one. The documentary hypothesis yields the correlation between the advent of the Christian authorized biography and the advent of the sage story in the later documents of the Rabbinic canon. hypothesis yields the correlation between the advent of the Christian authorized biography and the advent of the sage story in the later documents of the Rabbinic canon.

What's Divine about Divine Law? Christine Hayes, 2017-05-09. How ancient thinkers grappled with competing conceptions of divine

law In the thousand years before the rise of Islam two radically diverse conceptions of what it means to say that a law is divine confronted one another with a force that reverberates to the present What's Divine about Divine Law untangles the classical and biblical roots of the Western idea of divine law and shows how early adherents to biblical tradition Hellenistic Jewish writers such as Philo the community at Qumran Paul and the talmudic rabbis struggled to make sense of this conflicting legacy Christine Hayes shows that for the ancient Greeks divine law was divine by virtue of its inherent qualities of intrinsic rationality truth universality and immutability while for the biblical authors divine law was divine because it was grounded in revelation with no presumption of rationality conformity to truth universality or immutability Hayes describes the collision of these opposing conceptions in the Hellenistic period and details competing attempts to resolve the resulting cognitive dissonance She shows how Second Temple and Hellenistic Jewish writers from the author of 1 Enoch to Philo of Alexandria were engaged in a common project of bridging the gulf between classical and biblical notions of divine law while Paul in his letters to the early Christian church sought to widen it Hayes then delves into the literature of classical rabbinic Judaism to reveal how the talmudic rabbis took a third and scandalous path insisting on a construction of divine law intentionally at odds with the Greco Roman and Pauline conceptions that would come to dominate the Christianized West A stunning achievement in intellectual history What's Divine about Divine Law sheds critical light on an ancient debate that would shape foundational Western thought and that continues to inform contemporary views about the nature and purpose of law and the nature and authority of Scripture

Rabbi David Jacob Neusner, 2012-04-05 Rabbinic documents of David progenitor of the Messiah carry forward the scriptural narrative of David the king But he also is turned by Rabbinic writings of late antiquity from the Mishnah through the Yerushalmi and the Bavli into a sage Consequently the Rabbis Messiah is a rabbi How did this transformation come about Of what kinds of writings does it consist What sequence of writings conveyed the transformation And most important what do we learn about the movement from one set of Israelite writings to take over or submit to the values of another set of writings These are the questions answered here for David king of Israel Rabbi David proves that the first exposition of the figure of Rabbi David in a program of elaboration and of protracted exposition of law and Scripture is found in the Bavli Prior to the closure of that document that is in the Rabbinic documents that came to closure before the Bavli we do not find an elaborate exposition of the figure of David as a rabbi By contrast in the Bavli ample canonical evidence attests to the sages transformation of David king of Israel into a rabbi So while bits and pieces of Rabbi David find their way into most of the canonical documents we find the elaborately spelled out Rabbi David to begin with in the Bavli now represented as a disciple of sages and a devotee of study of the Torah That usage attracts attention because when we encounter David in Rabbinic literature as in all other Judaic canons not only Rabbinic this signals we are meeting the embodiment of the Messiah The representation of the kings of Israel in the Davidic line as heirs of David forms a chapter in exposing the Messianic message of Rabbinic Judaism

Simon Peter's Denial and Jesus' Commissioning Him as His

Successor in John 21:15-19 Roger David Aus, 2013-02-07 This study uses early Jewish sources to analyze the significance of Day of Atonement and High Priest imagery in the narrative of Simon Peter's threefold denial of Jesus. It then describes the influence of other early Jewish sources on Jesus commissioning his main disciple Simon Peter as his own successor in John 21:15-19. Aus relates this event to Moses commissioning his main disciple Joshua as his successor.

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