

*Sergey Dolgopolski, SUNY at Buffalo,
sergey.berkeley@gmail.com*

REMEMBER THE PAST OR KNOW WHAT WAS? THE POLITICAL PHILOLOGY OF THE TALMUD

Abstract: This essay¹ puts contemporary political theory and the late ancient text of the Talmud in light of each other. It more specifically aims to bring the study of the Talmud back to the context of contemporary political theory in an effort of mutual fertilization of both areas of inquiry. I first outline theoretical stakes in contemporary political theory relevant to the reading of the Talmud. Against that background I consequently present an exposition of the relevant general features of discussion in the Babylonian Talmud. I then exemplify a political action in the Talmud through a case study and conclude with an indication of its importance for the current discussion in the political theory.

Key words: Talmud, philosophy, political ontology, the political, counterrefutation.

Сергей Долгопольский, Университет штата Нью-Йорк, Буффало

Резюме: в статье предложено взаимное прочтение современной политической теории и текстов Талмуда. Иными словами, автор переносит исследование Талмуда в контекст современной политической теории. Этот перенос рассматривается как попытка взаимного обогащения данных областей исследования.

¹ In this essay, I build on, and continue, a line of thinking from *What is Talmud? The Art of Disagreement* (2009) to *The Open Past: Subjectivity and Remembering in the Talmud* (2013) to draw the contours of a future exploration of the political in the Talmud in the broader context of contemporary political thought. David Bates, Daniel Boyarin, Edouard Nadochi, Noam Pines, Bruce Rosenstok, Ewa Ziarek, and Krzysztof Ziarek were among very important interlocutors who stimulated my thinking through this rather fragile but all important connection between studies on the Talmud and in contemporary political philosophy and political theory, for which I am deeply grateful. With gratitude, I would like to acknowledge the support of Gordon and Gretchen Gross Professorship funds at the University at Buffalo, SUNY, which helped in preparing this article for publication.

В первую очередь в статье рассматриваются теоретические затруднения в современной политической теории, существенные для данного прочтения Талмуда. Далее, в статье раскрываются релевантные особенности построения дискуссий в Вавилонском Талмуде. Затем в статье приводится конкретное исследование примера политического действия в Талмуде и указывается его значение для современных споров в политической теории.

Ключевые слова: Талмуд, философия, политическая онтология, феномен «политического», контропровержение.

This essay asks about the place of the Babylonian Talmud and of its academic study in the context of the current debate about “the political” as an elusive but all powerful dimension and condition of possibility that permeates all spheres of human life in society. By necessity that goal dictates, I depart from the confines of hitherto predominant empirical-philological way of academic study on the Talmud and enter the realm of political philology — a line of thinking developing from Friedrich Nietzsche and on². To be more specific, I borrow and reapply a term from an approach developed by Geoffrey Waite³, who, inspired by Antonio Gramsci, practices “political philology” as a mode of critical thinking in contradistinction from cultural studies, as well as from other directions of critical thought after Nietzsche and Walter Benjamin. Borrowing the term I can, at least initially, designate the direction I take as “political philology” of the Talmud. That means a critical engagement of, and loosening the links between, the political and ontology and the political and theology in, respectively “political theology” after Schmitt and “political ontology” after Heidegger. These are two different but closely interrelated ways of understanding the political in contradistinction from either state policy-making, including state ideology, or from traditional (post)Aristotelian view of the political as the discourse of “common good” and/or justice. Such a broad and demanding task is of course beyond the reach of a single essay. I therefore limit consideration here to a still very demanding question of how the politics of multiple truths in disagreement in the Talmud escapes, and thereby helps clarifying, both the scope and limits of approaching the political in political theology and political ontology.

Political ontology — an analysis of claims of being and existence as political claims, and of political discourse as based on constant opposing of what-truly-is to what-seems-to-be, and on claiming the authority in this matter — has been dominated by theology of agreement, an approach that sees reaching an

² Nietzsche’s philology includes empirical philology as its part; however other, currently dominant branches of empirical philology traditionally exclude /alienate Nietzschean understanding of philology.

³ Waite, Geoffrey “A Short Political Philology of Visceral Reason (A Red Mouse’s Long Tail).” *Parallax* 36 (July-September 2005): 8–27.

agreement on a given matter as the ultimate goal of any discourse. That also implied imposing the necessity of that agreement for all parties involved. At stake in this thinking is of course not disagreement understood in psychological terms of dissent. Nor is it about agreement in terms of conformity or concordance between two or more opinions. Rather, the matter concerns agreement as an ontological foundation of the possibility of the political, based as it has been, on the claims of knowing the one and only “truth” about each matter in question as opposed to always proliferating multiplicity of “false” opinions.

To turn political ontology into action, one must justify imposing an agreement by claiming knowing of what-is as opposed to what-seems-to-be, that is by making an ontological claim. That means justifying the necessity of agreement by ontology, thereby putting “those in the know” in a position of power over others, seen as either not having that knowledge or having a mistaken version of it. In that sense, *scientia potentia est* becomes an axiom of political ontology. Translated, it means that knowing of what-is gives, or justifies, one’s power over others, who therefore “must” agree. That way, ontology becomes axiology; and knowledge as *scientia* becomes *potentia* or in the sense of a potential — that is not merely a possibility, but also a force driving it into becoming not only possible but also actual, and in that sense even more real than anything already in presence.

Applications of the axiom of political ontology extend, of course, far beyond knowing nature and/or society. They reach such seemingly remote zones of knowing as relationships between people as individuals on either psychological or, even and again, ontological level; as well as zones of knowing of individual encounters one with another interpreted, in a Heideggerian perspective, in terms authenticity of these individuals’ being as opposed to their seeming to be.

The modern notion of a human as a human beings reveals the political power of ontology. It construes humans as “human *beings*”, thus transforming them into modern subjects of political power. The perspective of political ontology, in other words, implies a notion of a singular human being (an individual or a nation,) who is “true,” “authentic,” or “of integrity” (and in particular “false” or only “seemingly true,” “inauthentic,” or “lacking integrity”). That distinction further serves as the basis for a more general conception of ‘peoplehood’ or humanity of the humans.

However, the political interpellation of the authentic versus non-authentic being of the human beings stand in sharp but tacitly shadowed or even suppressed contrast to a different view of humanity of the humans. Despite the suppression, that view lurks in thinking and remembering created by the characters in the Talmud. That view reaches beyond those marked as “true human beings.” Instead of humans and society privileging “true” humans, or human beings who “truly are,” rather than “seem to be,” that society has different foundations, which this essay aims to discern and begin to approximate.

Advancing a juxtaposition of these competing models of humanity of the humans the following question arises. Is “human being” a notion referring to an

essence, envisioned in biological, physiological or any other terms of an object, or perhaps even to a “value” (e. g. authenticity of being in *Kultur*) as some neo-Kantian philosophers might insist? Does human being instead represent only a formal a priori principle, the one congruent in its form to the form of the judgment of taste “This is beautiful” — a judgment structurally inviting the others to agree, as opposed to the share statement of an affect “I like it,” which, again structurally, shows no care about the others in terms of their agreeing or disagreeing with what “I” “like.” The affective “I like it” translates into tolerance and diversity, which, in this contexts, are other names for indifference. In contrast, the “This is beautiful” creates a much more complex network of inter-subjectivity, with much more subtle way of imposing the agreement as its foundation. Both structures however invite agreement, either affective “like” or more discursive and thus more rational sense of beauty; and both thereby entail a certain model of society of humans, either based on affect or on a more rational sense (and imposition) of beauty.

Alternatively, in yet another version of political ontology, the foundation of society might require no common denominator at all, neither essentialist nor formal. Rather society can be grounded in a division between (1) those who live up to the authenticity (and thus finitude) of their being, that is to a possibility (not deliberately enforced one) of non-being, and (2) those who either miss or deliberately escape finitude. The missing mean either boredom or entertainment; and the deliberate escape implies that an individual or a group directly denies authenticity of being as finitude, opting instead for either technology or eternity. Advancing as understanding of these ways of grounding a society occupied thinkers of political ontology after Heidegger in the last century. It continues to animate contemporary debate about humans, including the questions of relationship between morality, religion, technology and alterity.

These models emphasized temporality of authentic being and implied finitude in the sense of a human being, who can authentically be only in time, that is to say always facing the possibility of non-being. For these thinkers, the possibility of non-being most commonly associated with future (rather than with the facticity of a human being having emerged (having *ek-sisted*, if you will, following Heidegger’s terminology), from the non-being as the possibility of one’s past. Time in that context came to mean futurity. As Martin Heidegger, following Hermann Cohen, has most famously put it, “time times from the future.” That required defining the past as at once always already fixed and therefore unchangeable, and as a necessary fiction of a beginning (or *arche*) in time, which, as a fiction, ultimately only mirrors the true beginning of being in time, which, in turn, consists in the imminence of the next moment, and thus in fundamental futurity of ones’ being.

Treating the past as fixed — and in that sense closed — applies not only to Heideggerian ontology of finitude of being (or living) in time, in which time and thus finitude come from the openness of the future, but also to a more

traditional neo-Kantian thinking. In that thinking, too, time associates with having future, and living and/or existing in a human society assumes having time. In neo-Kantian thinking, too, the past plays only a secondary role of the source, origin, *arche*, and/or *Quelle*.

These attitudes to the past imply that the past, however plastic and even revisable it might be, is always already closed, is always already “fixed” within each revision. To borrow Heidegger’s terminology, the past is always “ontic” and content-defined rather than formal and ontological. That therefore can allow for one and only one “true” interpretation of the content of the past. It also allows for many possible and false interpretations of it. Reduced to certain a content (with the power of form given out to time, to the future) the past, in this understanding, completely misses the element of form. The Talmud, in contrast, shows an engagement with the past of the tradition as a formal element remaining in force no matter how exactly these traditions are attacked and defended in an ongoing attempt the characters in the Talmud make in their effort to remember these traditions of the past better. That element, however, has nothing to do with time or with the future as the formal origin of time, because once taken as a part of the economy of time, the past misses the formal element that the Talmudic discussions exemplify. That formal element, indeed, the formal power of the past becomes suppressed if the past is included, as it traditionally has been, in the economy of time. A view on that formal element and that formal power of the past opens up if and only if the past gets recovered from the suppression the time and the future perform over it.

That view of the past, now freed from the suppression in the economy of futurist time, enables — and demands — a reconsideration of the scope of political ontology. Political ontology now emerges as a part of the suppression of the past. It does because it allows for one and only one true version of the past. One’s arrogation of power through claims of knowing what truly *is* and in particular what truly *was* as opposed to what only seems to be or have been, thereby insists on agreeing around one and only one truth of what is, and thus allows for one and only one past. The latter ties, as it therefore must, to the content of *what was*, rather than to the genuine power of the past, which belongs to its form, not its content. Such a view of the tension between futuristic ontology of the time and formality of the past warrants a search for another, less ontological way to think of the political.

An example of the formal power of the past in the Talmudic discussion thus becomes crucially important for discerning the possibility of a less ontological version of the political. The political in the Talmud might be tentatively reclaimed as not based on ontology. It further implies not a post-Kantian inter-subjectivity of humans as thinking subjects living up (and in particular failing to live up) towards their being in time. Instead of inter-subjectivity, the new vista of the past exemplified in the Talmud reveals an inter-personal space, that of shared remembering of, and acting upon, both the distant and the immediate past of the tradition.

In that unusual form of the past, remembering replaces being in time, thus allowing rethinking the foundations of the political to see them no longer exclusively in ontology, but rather also and alternatively in the memory of the past as a formal orientation in thinking with, and in engaging, the others as the condition of a political relationship beyond, before, and without necessarily (although still possibly) leading to inter-subjectivity.

That formal power of the past, to which the nameless characters in the Talmud respond through refuting, counter-refuting, and thereby both refining and reaffirming the traditions of both the Mishnah and of the dicta transmitted in the names of post-Mishnaic masters, turns on inter-personality rather than inter-subjectivity. That inter-personality is best introduced through a notion of disagreement.

In political ontology, disagreement is invariably non-welcome, even if, in some versions, still tolerated. If, as Jacques Rancière argues, in political philosophy, disagreement is a “scandalous” foundation of the political, then by heuristic contrast, in the political life of the characters in the Talmud, disagreement becomes a formal, and therefore welcomed, indeed life- and world-forming, goal, rather than an unfortunate “scandal.” Practiced by characters in the Talmud as the goal in their reading of the traditions of the past, rather than as a means of disputation, disagreement in this perspective is no longer a case of either plurality, or diversity. In other words, the nameless characters in the Talmud not only discover disagreements between otherwise merely divergent dicta of the (post-)Mishnaic authorities, but also purposely look for a disagreement behind any single statement in the Mishnah, as well. Instead of a means for reaching an agreement in a political space, disagreement thus features the *telos*, and in particular a formal requirement to be fulfilled by any satisfying remembering the past which therefore can only be achieved in an inter-personal setting. That translates into and entails a properly political action of the characters as well.

Approaching disagreement as a *telos*, in turn, helps rethinking the nature of political agreement. Recovering an understanding of the political in terms of agreement, and in particular in terms of disagreement serving the memory of the open formal past opens us a way to resist the reduction of the political not only to a certain “sphere” of life among other spheres, but also to ontology of authentic versus authentic being in society. In the remainder of this essay I highlight some implications of this suppressed understanding of the political.

“Who Are We?”

At stake, ultimately, is the notion of a human being as a foundation of the political dimension of social, economic, institutional, and all other spheres of a society. Perhaps, the strongest political interpellation one can face is not the question “Who are you? (answerable with one of the following — a human, an animal, a machine, a woman, a man, a white, a black, a citizen, a

refugee, a deviant, an anthropoid, the "other" etc.)" but rather the question "Who are we?" If one obediently accepts that question and answers again obediently with, for example, we are rational animals, or political animals, or *zoon logon exon*, then, in classical scenarios all well known, the others face either exclusion from or inclusion in the thus created political sphere. If instead, still accepting the question, one answers it in a "new" way, offered, for one, along the lines of Heidegger, — "we are authentic humans who are 'open to being' and thus to the possibility of non-being," — then beyond ordinary dialectics of inclusion and exclusion of the others, one arrives to the political possibility of extermination of those who "are" not but rather purportedly only "seem to be." If a person, along the same lines, authentically recognizes the finitude of her being here, along with the finitude of "our own" (read "national") being here, one is politically able to deny the status of human to anyone who denies, ignores, misses that finitude. That makes physical extermination of others politically possible, because these others would only seem to be, and therefore extermination would be only returning them to where they already belong, to non-being of that which only seems to be. (Needless to say such an extermination is far from coinciding with the politics of genocide, in which a group of people massacres another group, which however is still recognized as existing, thus rendering the massacre a murder. In contrast, a state operated machinery of extermination denies its targets any authentic existence in the first place, thus, according to its own criteria, assuming, as horrific as it sounds, no murder committed.) That extreme and extremist version of political ontology is as dangerous as it is mistaken for either simple immorality, or for mass murder, genocide or other known atrocities. It however is much more horrific than that. What is even more, it shows the lining of the more familiar forms of political ontology and thus the lining of the ethics of reaching agreement, if the latter is based on the claims of being. The "Who are we?" thereby reveals its political ontological grounds, the abyss of extermination lurking even more often after having once come into full view. This abyss equals to a possibility to deny someone authenticity of his, her or their being.

But does one have to accept the onto-political question of "Who are we" in the first place? Can one refuse answering that question and still remain in the realm of the political? In short, how to contemplate the political practically if one is to remain outside of its linkage to the ontological?

That practicality has everything to do with the theoretical view of the formality of the past. One such view of the political outside of the ontological arises from refutations, counterrefutations, and, in particular, self-refutations as a mode of engaging the others. That mode is evidenced in the late ancient texts of the Talmud. A particular discussion in the Babylonian Talmud, to which I will momentarily attend, will serve as illustration and/or an example. Appreciating that example however will first take a further theoretical analysis in order to

draw conceptual backgrounds against which to look into the example introduced thereafter. Before proceeding to the example, I thus must continue setting up and developing that theoretical background in some more detail.

“Truth Must Be Single”

Theorists of political ontology have objected reducing the political to a sphere among other spheres of life in society — the social, economic, legal, administrative, or even ethical. As already mentioned, the hitherto predominant way of understanding the political as permeating all spheres of social life has to do with grounding the political in the ontological; that is in the claim and therefore the power, of knowing what truly and singularly is as opposed to what seems to be. That renders the political as no longer a sphere, but rather as an — all permeating condition of possibility of all spheres and strata of life in society. Disentangling the political from ontology grants another way understanding the political as still permeating all spheres of life.

One way of articulating that new approach is an analysis of the role of disagreement in political life. Disagreement is both marginal and necessary problem for political ontology; but it comes to fore in the alternative of the political ontology which I retrieve by finding an illustration for it in the actions of the characters in the Talmud. The role of disagreement stands at of the issue.

The “scandalous necessity” of disagreement in the sphere of the political (Rancière) makes the political different from clearly isolated spheres of social life. In the register of the political, the ontological questions “who you are?” and “who are we” call for agreement, but still generate disagreements, thereby creating properly political relationships in all spheres. Even if these political relationships “scandalously” generate disagreements, the political remains rooted in the ontological claim of the single truth about each given matter as the basis for an agreement.

Under this model of political ontology, the politics of multiple truths in the Talmud represents at best an exception. However, in the Talmud, disagreements are not a “scandal” but rather a legitimate goal of discourse. Has that “exception” anything to do with the state of exception in Carl Schmitt and Walter Benjamin’s political thought? In a very preliminary sense, the answer is yes: the state of exception is proclaimed where the order of law, which is another name for attainability of truth-based agreement, can no longer help control the “emergency” (Schmitt), nor can it invoke perpetual failure of the order of law (Benjamin.) In both cases, “exception” happens wherever and whenever an agreement cannot be reached. Exception thus comes to tame the dangerous powers of disagreement, thereby rendering the latter relevant to, if not the most definitive case of, “exception.” But beyond the scope of Schmitt’s political theology, disagreement may mean an exception in an even more fundamental sense — an exception from the order of being, which Schmitt’s

political ontology keeps promoting. It is therefore essential to ask the question about disagreement and, by extension, about the political in the Talmud in terms of exception. To address that questions a theoretical portrayal of the intellectual profile of the Babylonian Talmud is due.

Is the Political in the Talmud an Exception? The Bavli's Political Form

The Babylonian Talmud (Bavli) can be approached as an archive of literarily composed discussions between anonymous characters — rabbis and their students — set in a rabbinic academy in Babylon. These discussions at least seem to show a pluralistic politics of truth claims. Even if the end result of discussion is predetermined — the authority of the earlier texts and traditions of the past will be defended, the ways in which the enterprise will succeed is never set in advance, and there is no guarantee against running into impasses and starting over. In the process, the characters in the Talmud invoke and invite mutually exclusive interpretations of a given record of a tradition, even if, and precisely when this text comes with a presumption of its authority. One of the main *modi operandi* of these characters is counterrefuting, which, as I will explain, helps satisfying the demand to remember the authoritative texts of the past better.

Technically, counterrefuting means responding to a refutation with another refutation. In the Talmud it often also means considering an authoritative text, for example a statement in the Mishnah, as already a refutation of another point of view, which the characters in the Talmud attempt reconstructing.

Counterrefuting paves path of memory. The characters first attempt to refute the ways a given text is remembered mechanically. Then, moving from initial refutation to counterrefutation, the characters show how that refutation can be undermined, producing, on the way, new meanings (or, more precisely, new understandings of the polemical agendas) in authoritative texts; which results in an effect of remembering them more reliably.

That entails a framework of potentially never ending but de facto conclusive circles of counterrefutations. Both because counterrefutations can be “weaker” than initial refutations, and because counterrefuting generates a surplus of meaning, which would not be possible without the initial refutations, the latter are not to, and do not, disappear from the record of discussion. Therefore, instead of arriving to one and only one truth-claim about a given authoritative text, the characters build on and capitalize the competing truth-claims, without necessarily making any of these claims ever erased. In short, in the Talmud, truth about a given authoritative text comes in plural, thereby advancing the memory of that text.

Contemporary scholars of the Talmud split on whether this is only an appearance of pluralism, or is it indeed the politics of multiple truths. If the latter

is the case, maintaining progressive disagreements, refutations, and plurality of interpretations of polemic agendas of a given authoritative text of the past is no longer a means to attain memory, but rather *is* memory in its full. Linked with the task of remembering better, disagreement thus becomes a goal rather than means of discussion. What is more, the task of remembering better orients all the thinking the characters do, even if, as other scholars suggest (Vidas) the characters develop no faithful allegiance to the traditions they attack and defend. If, in contrast, the plurality in disagreements and counterrefutations is only an illusion, much like it is in Plato's dialogues, then disagreements lead to a preconceived result (Boyarin). Yet even so, a disagreement oriented for and by the task of remembering still models what in terms of political ontology is an exception for otherwise ontologically coherent (or "authentic") political space. In that space, disagreement through counterrefuting is much more prominent than elsewhere.

Instead of taking a stand in that debate on the genuine versus perceived multiplicity of truths in Talmudic discussion, I concentrate on the mechanism of producing that multiplicity of truths in the Talmud in the first place; and on the implications of understanding that mechanism for the question of the political in disconnection from ontology. The balance of the essay thus focuses narrowly on that mechanism and, on the model of the political it implies through a practical illustration

The demand to remember the traditions of the past better animates the mechanism in question and unifies counterrefutations in the nameless characters in the Talmud with disagreements between named authorities of the past, which these nameless characters construct in the process. Satisfying the demand to remember better produces complementarity of multiple truths claims, thus exposing a particular space of political action irrelevant of ontology. I attempt to discern that space of political action.

The Demand to Remember Better

As explained, the demand to remember traditions of the past better unifies all counterrefutations in the Talmud, as all well as the disagreements between named authorities of the past, which the nameless characters construct in the process. Satisfying the demand "to remember better" produces complementarity of multiple truths claims, thus exposing a particular space of political action.

The truth claims in question do not necessarily follow the referential conception of truth, that of correspondence between the words and the matters. Neither do these claims cohere with the long standing tradition of critiquing the referential truth theory as naïve, which offers instead versions of truth as a function of expressing that which never comes as a representation. Instead such ontologies of representation, correlation, or expression, the truth criteria

in the works of the nameless characters in the Talmud consists in refutation: a statement is true if there is a viable other statement the first one refutes.

That refutation-based idea of truth leads to a certain mode of the political, and in particular, to grounding the political in an interpersonal action in contradistinction from inter-subjective one. It is no longer a network of either real or fictitious monads of the thinking subjects, but rather a dance of memory and remembering in which no one is ever alone, either in fiction or in reality of the action. To understand such an action is to see how memory is produced through refuting and counterrefuting, and what does that production reveal about the role of an individual in the process. The most important element in this action concerns refutation and the structure of authority it entails.

Grounding their authority in and by controlling the texts of the past that these nameless characters approach helps to explain these characters' demand to remember the past better. One important target of such remembering are the instructions for rabbinical courts codified in the Mishnah (circa 220 CE); others are "apocryphal" texts (*baraita*; pl. *baraitoth*) that the characters attribute to authorities mentioned in the Mishnah, even if the texts are not included in the Mishnah's final redaction. The characters invest these apocryphal texts with nearly the same level of authority as the Mishnah. In the same way, these characters approach *dicta* (*memroth*) they attribute to the names of earlier post-Mishnaic authorities, called *amoraim* (singular *amora*, lit: "teacher", contextually "transmitter")—by the function of those who recite their teachings aloud in a teaching session of a rabbinic academy).

The nameless characters in the Talmud invoke and discuss all these materials. These discussions typically begin from a mechanical recitation of a fragment from the Mishnah, *baraita*, or *dictum*, either by heart, or potentially, from another medium of recording. A character to recite a passage from the Mishnah would be called in the Talmud a *tanna*, or "reciter," a reciter of post-mishnaic authorities — an *amora*. Of course, mechanical recitation does not suffice when it comes to authority, at the very least because such recitation is always susceptible to an error.

Therefore, instead of relying on the mechanical memory of a reciter, *tanna*, the nameless characters employ a rational criterion for keeping the memory error-free. This is where counterrefuting helps memory. The rhetorical technique of refuting the remembered text, followed by counterrefuting, plays a role of rational criteria of truth in remembering. Circles, lines, and fractals of counterrefutations form a complicated dance of thinking, in which the nameless characters often "recall" or "recite" the statements of named authorities of the past. However, behind a merely mechanical component of reciting, — having a person (a *tanna* or an *amora*) recite — that "recollection" is nothing personal. Instead an interpersonal interaction turns on.

By attempts, often successful, to refute and counterrefute a wording or understanding of a remembered text, the nameless characters make the memory

of the authoritative texts more reliable. In such an interaction the work is done by refuting and counterrefuting, no matter how these moves are distributed between participating personae. One and the same character could both attack of a Mishnah and defend it; or the work can be divided between two or even more characters.

The resulting dance of remembering exceeds any particular names, positions, or individualities of the dancers. The dancing both embraces and exceeds names associated with these traditions, including even the names of those who “recall” them. That makes the recalling/reciting individuals fundamentally nameless, and their “recollections” impersonal., regardless of, and perhaps also explaining, the fact that their names are not mentioned in the Talmud at all.

What that means however is that in the dancing of refuting and counterrefuting, the authority of the remembered text is anchored not in a particular name of the teacher (who is recited by an *amora*, or *tanna*), — attributions of the remembered texts to such names can change as the dance is moving forward. Nor does that authority connect with the name of the characters, *tannaim*, who recal. Instead, the anchor of the authority is in demonstrating that the text comes from the distant past,; not from the imagination and/or “memory” of that reciter and/or ‘recaller.’ In short, it is the past which is of the authority, not the content a particular *tanna* recites as having come from that past. A particular the content can be dismissed as imagination of a particular *tanna*, yet the authority of the past, and thus the task of remembering the content better cannot be dismissed.

Needless to say, on the path of disentangling memory from imagination; the multifaceted dance of counterrefuting means an bearing mutually exclusive and diverse interpretations of the same text. That however only brings forth the ultimate, or in Kant’s language, “formal” truth that the text has the authority of, the past. In other words, however contravening, the interpretations of the text serve one and the same purpose — to ensure a better memory of the authoritative text of tradition. Thus and therefore the task of remembering better prevails over the task of attaining one and only one truth about any given aspect in understanding of the authoritative texts. It is of no matter how many different and even contravening understandings counterrefuting entails. What matters is that the formal demand “to remember better” is satisfied. In which particular ways?

Criteria of Multiple Truths

Satisfying the demand of remembering better makes multiple truth-claims about the same text of the past co-efficient rather than co-exclusive. It means that political-ontological insistence on one and only one truth on each matter does no longer apply; and different truth criteria come to fore.

To illustrate that crucial difference in truth criteria, let me use the simplest and most intuitive of philosophical theories of truth — the correspondence

theory, which was already briefly mentioned above. In a very general sense, that theory suggests that to be true a description must “correspond” to what it describes. For example, “This table is red” uttered by one speaker is true if the table in question is indeed “red” for the other speaker, as well as for the first one. Under that theory, no multiplicity of truths is possible (the table is either red or not; hence only one of the two utterances would be true: true is either “This table is red” or “This table is not red”). No betterment of memory is involved in this working of truth. The demand of “remembering better” must therefore lead to another truth theory.

Similarly, truth as expression of that which is never fully available through representation (let alone through correspondence) demands singularity of that which is being expressed. Which excludes multiplicity of what is being expressed.

Instead of ontology of either correspondence or expression, the medieval/early modern commentators highlighted the practice of refutation as a truth criterion. An utterance is true if it successfully refutes another utterance. One needs “to find” such utterance, or, as Isaac Canpanton⁴, a medieval/early modern commentator on the Talmud, would have said “contemplate it.” Thus, “This table is red” would be true if one finds or “contemplates” another utterance effectively refuted by it. For instance, such refuted utterance might be “This table is yellow.” A character, that is to say, knows the text in its truth, if and only if that character knows what other text the first one refutes.

Still, being able to “contemplate” the refuted utterance is not enough. One must also contemplate a condition or a circumstance, under which that refutation would be effective. For one, in the example above, that could be a furniture shop in which the sales person tells the potential buyer “This table is red.” The seller refutes buyer’s reservations about the shade of the color, thus helping the sale to go through. Importantly, there can be more than one way in which an utterance is an effective refutation of another utterance, which leads to a possibility of multiple ways in which “This table is red” can be true.

However, refutation helps accomplishing even more. As mentioned, in the mode of counterrefutation, it not only provides the criterion for truth of an utterance, but also a criterion for the accuracy of memory. To remember an utterance correctly, too, means to contemplate what does that utterance effectively refutes; and to be able to defend/develop that contemplation through counterrefuting. Refutation thus serves as a criterion of not only truth, but also of truth in remembering.

There is even more. Such memory and remembering extend far beyond “recollection” (bordering, as it often does, with imagination or fantasy, to

⁴ See: Canpanton 1980. For a critical exposition in English and bibliography see Dolgopolski, 2009

which “contemplation” may revert, too.) Recollection is always limited to either personal or collective experience of the one who either “recalls” or, at most, “recalls someone else’s recalling.” The Talmudic dance of “remembering better” differs from that model. Unlike the medieval/early modern model of a lonely “contemplation” (Canpanton, 1980) the dance of refuting and counterrefuting in the Talmud means neither claiming that the characters had a personal experience of the past (imagined or not) nor does it imply a recollection of having such an experience. Nor does the dance imply any evidence received from those who might have had such experience either. Rather, memory achieved in the dance of counterrefuting is not a recollection at all; neither personal nor collective. It can not be attributed to an individual/a collective exploring and/or recalling his/her/their past experiences. Much less can it be rendered as a “biographical” account of experiences of another individual, either in a very recent moment or long ago.

All together it means the dance exceeds the dancers. While the dancers are, of course, individuals, neither individual or collective dancer fully controls the unfolding dance of remembering. Furthermore, the moves in that dance in the Talmud are not specific to an individual who performs them. This is because a refutation can be done by one character, a defense by another, or, possibly, by the same; whereas no one can be wedded to any particular move in the dance.

Even more radically, the dance does not have to happen in the “real time”, that is, in uninterrupted time, either in the linear synchrony, or in diachronic lines of time. Defying the “logic” of either synchronic or diachronic lines of time, a character can already have, and in particular retrieve, an answer even before the question is offered. Fictive or “real,” the time of the unfolding composition of Talmudic discussion does not have to coincide with the timing or sequencing, in which any of the dancers perform. The answer can come before the question; counterrefutation, too, may have come up first, followed by the “initial” refutation, which in the resulting dance is nevertheless coming first.

In sum, dancers are not married to their moves. There is no marriage of an individual to a refutation, or counterrefutation, or to the series of them. As a dance, memory and remembering through counterrefuting can take one single nameless dancer on stage, with all named figures off the stage; or it can take many nameless dancers to perform on the stage. That makes no difference for the dance. For, ultimately, the dance is attributable to no character.

What then is the result? The result is a multiplicity of what is remembered about a recited authoritative text of the past, with a plurality of agents involved in the dance or remembering, of which none can claim exclusive ownership of the memory, let alone singularity of truth it invokes.

Distant past, Immediate past

In the multifaceted dance of memory, for which the academy of the rabbis in Babylon is the stage, refutation produces not only a new truth criterion of remembering, but also translates into a practical structure of political interaction between individuals on daily basis. On that practical level, the difference between distant past texts remembered and the immediate “personal” past of the individuals fades. Even the most recent past of an interpersonal experience comes to be treated in the same way, in which the distant past is.

A character in a Talmudic story may relate to words or other acts of both herself and the others in the exactly same way, in which she would relate to words or acts of others occurring in the distant past. The same sense of enigma and the same call for analysis through counterrefuting is applied in interpersonal interactions in which one unfolds the “now” as if it was an interaction assumed to have happened in distant past. A character in such interactions may even remember his or her actions “talmudically,” through counterrefuting, rather than remembering them “personally” through recalling.

As the example below will help illustrate, in that dance of memory and remembering, the difference between the personal and impersonal disappears, as well. To act either justly or politically effectively, a character may attempt to “remember” her past thoughts, words, and actions through refuting them, as if they were coming from the “outside”, from a distant past rather than merely from the “inside” of an “inner” personal recollection. Such memory belongs to no one in particular, while requiring an inter-personal setting. The result is a particular structure of political action in the Talmud.

To exemplify such a political action in the Talmud, instead of looking into a case of rabbis engaging each other in counterrefuting activities around the texts of traditions, I have chosen a seemingly much less obvious case. It has to do with a rabbi engaging in an inter-personal exchange with a woman in power, a noble Roman lady. If the political, of which this case is an example, the former must operate in the same way, regardless of social or other boundaries; that is both inside, outside, as well as on the margins of the familiar grounds of rabbinic academy. Moreover, since the political is always about engaging others beyond the confines of the “we” of the rabbis, going beyond intra-rabbinic discourse is necessary for understanding the political dimension of that discourse. Therefore an example of a rabbi acting politically against an outsider of a rabbinical academy, the noble Roman lady, is not as marginal as it may seem. As the example will illustrate, mutual counterrefuting allows both the rabbi and the lady to remain in the register of the political instead of reverting their interaction to the narrower terms of either social difference, or administrative control.

In this example, the role of counterrefutation in the resulting political action will be more readily evident through a particular case of counterrefutation — self-

refutation. Self-refutation is a strategy of showing that the argument of the other person turns against itself. I will use a fragment from a discussion in Talmudic tractate *Qiddushin* as a case study of how self-refuting creates a shared space of political action dominated by the requirement to remember both immediate and distant past better. This will help highlighting how applying the principle of multiple truths in the unity of memory escapes the political ontology, dominated, as it has been, by teleology of agreement.

The Political Power of Self-Refuting: A Rabbi and a Roman Lady

A noble Roman lady asks Rabbi Tzadock (a meaningful name suggesting righteousness) for a date in her house. The Rabbi cannot just say “no.” As the story unfolds, the rabbi and the lady show each other how their statements and actions prove self-refuting.

— My flesh is weak; and I did not find any food, Rabbi Tzadock said to her upon having entered her house.

— I have some ritually impure meat, she replied

— So what? One who does that also eats this, he answered.

She lit the oven and put the meat inside. He went and sat inside the oven. She asked,

— What is that?

— One who does this falls into that, answered the rabbi.

To which she exclaimed:

— If I knew all that, I would not cause you that trouble!

(b Qiddushin 39b-40a)

Self-refuting is the driving force of the story. First, having been forced to show up, the rabbi speaks to the lady in order to refute the very viability of the invitation: “My flesh is weak!” Yet, in the next part of the same utterance he gives himself in by saying “I did not find any food!” The lady responded sensitively and playfully “I have some ritually impure meat.” Her response has shown to the rabbi that his position was self-refuting. Indeed, if you look for an excuse to refuse the date, you do not ask for food! In his turn, he listened very carefully into the ambiguity in her response, “I have some ritually impure [meat].” He, in the language of the Psalms (see below) listened “into the voice” of her words, rather than in their referential meaning. He reckoned she already understood she was involving him into a transgression as far as he was concerned, even if, perhaps, in her eyes, it would be a minor one — eating “wrong” food. At this point, she, perhaps, just wanted to see his response. Yet, all he said and did afterwards, including

getting into (hopefully not yet so hot) oven was to help her understand what she have not understood yet — how serious that “minor” transgression was for him, even if he might have indicated otherwise in his exclamation “So What?” He, in other words, have shown to her that her position was self-refuting as well — what she assumed was a minor transgression was a big one. He achieved that because he listened and helped her listen to self-refuting powers of both his and her words. The power of self-refuting transformed both of them, again in the language of the Psalm, into the heroes of “fulfillment” through “listening into.” As playfully and poetically, rather than logically or philosophically, as these characters did, in the beginning of the story she exposed him self-refuting, and he exposed her self-refuting towards the end.

In the immediate context in the Babylonian Talmud (*Qiddushin* 39b-40a) an anonymous character cites this highly complex narrative as a simile on Psalm 103:20 “[Bless the LORD, ye angels of His] ye mighty in strength, that fulfill His word, hearkening unto the voice of His word.” In the context of the discussion there, the simile was to make this point: “Fulfilling the word by hearing” means one can “fulfill” the word of G-d, and even get rewarded for that by bare “listening in” — in the way of self-refuting — into the words and actions of oneself and of the other. Listening into the words and acts of oneself and of the other by showing these words and acts to be self-refuting helps one not only to refrain from transgressions, but also to better one’s life, to make loyal behavior rewarding (which is the main point in the larger context *ad locum*); and, let me highlight, to remain in the political space of relationships, rather than going underground. Claiming that the words and acts of the other and of oneself are self-refuting saved the rabbi from falling pray in the lady’s dominion, without making him resort in social refuge, economic collapse, or administrative persecution. In the broader context of this discussion in the Talmud, the characters accounted for this political act, approach the actions of other as self-refuting and letting the other do the same to you. That proves rewarding in political, and in this specific context, in theo-political terms.

Instead of submitting to the political interpellation of either accepting or denying the date, that is refusing to accept the question of “who we are,” which the lady must have implied, the rabbi and the lady engaged in short but intense dance of mutual self-refuting; and in the world of multiple truths, which kept the actions of them both political, even if this political was no longer based on either ontology or agreement.

This seemingly exceptional case of disagreement, self-refuting, and of multiplicity of complementary truth-claims only reveals the rule: the political does not depend on the ontological, even if it might have been conflated with the ontological stronger than it was with social, economic, legal, administrative, or moral.

Conclusion: Whither the Political in the Talmud?

The task of this essay was to begin to isolate the political in rabbinic literature, and to begin exploring the implications for contemporary discussion of the political. Continuing that inquiry means moving through what others have done analyzing the legal, ethical, economical, homiletic, and social in rabbinic literature to ask what that literature is in terms of the political. The political was initially understood here, as in the philosophy of the political in Jacques Rancière, as a dimension that is not reducible to the social, economic, administrative, legal, or ethical. Both despite of and due to Rancière's philosophical reliance on the *what-is* and on the *is* thereof leading to agreement around it, for him the political is featured by 'the scandalous necessity of disagreement.' The way, in which in the Talmudic disagreement is not "a scandal" but rather a goal needs to be explored further not only internally for studying rabbinic literature, but also externally for renegotiating the current debate in the philosophy of the political, in which "the political proper" is defined either along the lines of Rancière, or, in almost precisely opposite way, as putting an end to any disagreements by means of the sovereign "decision," which enacts, as the sovereign thereby does, the political proper, for Carl Schmitt. For the latter, the performative act of the sovereign maintains the order of the *what-is*, of the *is* thereof, and thus the order of being thus suspending all disagreements, which would otherwise threaten to revert everything into the chaos of nonbeing. A common denominator of these mutually exclusive philosophical views of the political is in connecting the political to ontology, which, as this essay began showing, the political in the Talmud resists, escapes, and helps to reveal.

The contrast with rabbinic literature is that both Schmitt and Rancière intrinsically connect the political with disagreement in negative terms, whereas in rabbinic literature disagreeing, or more specifically refuting and counterrefuting (that is, again, refuting an argument of the other, which, in turn, is often also assumed to be a refutation) creates a new inter-personal dimension of the political, this time in a positive way. This essay began to discern and describe that new way.

The political in the Talmud does no longer connect claims of power to claims of being, and in particular the claims of being of one and only one truth of each matter to claims of controlling the others, as subjects in both Schmitt and Rancière continue to do. Rather, in the Talmud, the political becomes an art of remembering the past better, both the remote past of the tradition and the most immediate interpersonal past. In such remembering, the art of counterrefuting translates into the art of action based on critical reevaluating of the past acts again, remote or immediate ones. Because, in this art, the demand to remember better stands at the center, the betterment of memory directly connects to the practical betterment of, or compensation for, possibly negative effects of one's past actions. As a result, practical enhancement of one's memory of the past takes precedence over the ontology of knowing of what truly is and/or was.

That contrast helps to differentiate the dimension of political not only from the spheres of the social, economic, legal, administrative, or ethical, as both Rancière and Schmitt would want to do, but also from the ontological, thereby shedding new light on the relationships between memory, meaning, and person in the political action within and beyond the confines of the rabbinic literature.

If the Talmud, then, displays a genuine (and suppressed) intellectual alternative to, and a strategy undermining, the valence of political ontology, then the next question is, “Does the Talmud also display a model for practically subverting and resisting the authority of political ontology on moral, theological, or other grounds?” Discerning what comes on display in light of that question is the next step I envision this project to take.

Bibliography:

Boyarin, D. (2009) *Socrates and the fat rabbis*. Chicago [u.a.]: University of Chicago Press.

Canpanton, Isaac ben Jacob, Isaak S. Lange, and Shemuel al Valensi. (1980) *Darkhe ha-Talmud*. Yerushalayim: Y. Sh. Langeh.

Heidegger, M. (1962) *Being and time*. New York: Harper.

Dolgopolski, S. *What is Talmud? The Art of Disagreement* (2009) New York: Fordham University Press. New York: Harper.

Rancière, J. (1999) *Disagreement: politics and philosophy*. Minneapolis: University of Minnesota Press.

Schmitt, C. (1976) *The concept of the political*. New Brunswick, N. J.: Rutgers University Press.

Vidas, M. (2014) *Tradition and the formation of the Talmud*. Princeton: Princeton University Press.