Article

"It Is Not in Heaven" (Deut 30:12): On the Vulnerability of Religious Knowledge as a Starting Point for Comparative Theology

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Abstract

This article argues that religious knowledge is by definition vulnerable knowledge and that an acknowledgment of this epistemic precondition is essential for comparative theology as an academic practice of interreligious dialogue. After introducing Yan Suarsana's poststructuralist account of religious truth as a theoretical framework, I provide a comparative theological approach to the vulnerability of religious knowledge through my analysis of the famous Talmudic story of the Oven of Akhnai. My analysis of this story reframes Suarsana's approach through the perspective of Jewish-Christian comparative theology. However, this close reading of the text in its literary and historical contexts also leads to a more nuanced understanding of epistemic vulnerability and its interdependence with social and communal vulnerability. Epistemic vulnerability thus needs to be taken seriously not only from a theological perspective, but also from an ethical one. Finally, I reassess to what extent, given the generally vulnerable nature of all forms of theologizing, comparative theology is characterized by a special kind and degree of vulnerability.

Keywords

vulnerability, epistemology, comparative theology, theology of religions, Talmud, Oven of Akhnai

Comparative Theology as Vulnerable Theology

Comparative theologian Marianne Moyaert describes comparative theology as "vulnerable" theology,[1] defining vulnerability as "the common human *capacity* to be affected and affect in turn," a capacity which "marks the human condition" and is "the basic condition of

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[1] See Marianne Moyaert, "On Vulnerability: Probing the Ethical Dimensions of Comparative Theology," *Religions* 3, no. 4 (2012), 1144–61.

reciprocity."[2] This definition of vulnerability goes back to the philosopher Erinn Gilson.[3] Gilson's approach is exemplary of contemporary philosophical concepts of vulnerability that are based on a critique of a purely negative connotation of vulnerability in juxtaposition to invulnerability as an ideal condition. The new approach, in contrast, reinterprets vulnerability as an essential characteristic of the human being as a fundamentally social being who finds their purpose in relationship with others.[4]

Vulnerability, thus understood, is the precondition of any authentic and productive encounter between members of different religious traditions.[5] In reference to Francis Clooney's work, Moyaert states that comparative theology, unlike other interreligious theologies—both liberal and postliberal—acknowledges this vulnerability, eschews *a priori* notions about the other tradition that serve to uphold the claim to an enclosed and "invulnerable" religious identity, and thus opens the possibility that the theologian engaged in the interreligious encounter is seriously affected by this encounter.[6] This allows comparative theologians to broaden their theological horizons in order to deepen their understanding of their own relationship with God.[7] Furthermore, the acknowledgment of vulnerability has far-reaching consequences with regard to the ethics of comparative theology as it leads to the question of how the other tradition can be encountered on equal terms, that is, without succumbing to the dangers of either domesticating it through homogenization or depicting it as so radically different that any attempt at dialogue is impossible.[8]

Moyaert's analysis of the comparative theologian's approach to the respective other religion as an approach that embraces a certain degree of vulnerability provides a useful grounding for comparative theology. In rejecting the view that an interreligious encounter can only be fertile when the individuals involved are equipped with firm, static, and invulnerable religious identities, Moyaert acknowledges postcolonial critiques of Western interreligious theologies in developing her comparative theological theory.[9] Building on Moyaert's analysis, this article shifts the focus from the vulnerability of religious identity to the epistemic vulnerability which is characteristic of the work of theologians in general and the work of comparative theologians in particular. While the first part of the article approaches this epistemic vulnerability from the perspective of poststructuralist theory, the second part demonstrates that an awareness of the distinction between discursively transmitted religious knowledge and the essence of the divine was already prevalent in the late antique rabbinic community, as testified by the rabbinic Torah-hermeneutics documented in the Talmud. In this, the article adapts a theory that was developed in response to the Christian theology of religions from a comparative theological

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[2] Moyaert, "On Vulnerability," 1146 (emphasis in the original). On the topic, see furthermore Moyaert, *In Response to the Religious Other: Ricoeur and the Fragility of Interreligious Encounters*, (Lanham, MD: Lexington Books, 2014), 161–91.

[3] See Moyaert, "On Vulnerability," 1145–46; Erinn Gilson, "Vulnerability, Ignorance, and Oppression," *Hypatia* 26, no. 2 (2011): 308–32.

[4] Many of those approaches, including Gilson's, are rooted in feminist theory. For an overview of the debate, see Catriona Mackenzie, Wendy A. Rogers, and Susan Dodds, "Introduction," in *Vulnerability: New Essays in Ethics and Feminist Philosophy*, ed. Catriona Mackenzie, Wendy A. Rogers, and Susan Dodds (New York, NY: Oxford University Press, 2014), 1–30.

[5] See Moyaert, "On Vulnerability," 1147–48.

[6] See Moyaert, "On Vulnerability," 1144–45; 1148–52; 1155–56.

[7] See Moyaert, "On Vulnerability," 1153–54.

[8] See Moyaert, "On Vulnerability," 1154–57.

[9] See Moyaert, "On Vulnerability," 1147; 1152.

perspective, addressing Jewish-Christian comparative theologians in particular. Furthermore, the article demonstrates that the study of rabbinic thought can not only enrich Christian theological concepts of epistemic vulnerability but also sharpen the attention to the interdependence of epistemic and social vulnerability. As shown in the conclusion, an awareness of this interdependence is crucial for comparative theologians, especially for those with a Western, Christian background.

Theoretical Background

In his 2015 essay, "Die Sagbarkeit Gottes: Poststrukturalistische Theorie, historisch-kritische Methode und die Theologie der Religionen" ("The Utterability of God: Poststructuralist Theory, Historical-Critical Method and Theology of Religions"), Yan Suarsana critically reevaluates certain concepts of religious truth which are based on the assumption that, at the center of religion, there is a striving after a timeless, universal truth and that this truth, in turn, manifests itself in history in single or multiple acts of revelation.[10] By "religious truth," he means the truth claims inherent in all religions. Drawing on poststructuralist theory, Suarsana identifies a central problem in such concepts of revealed truth: they presume that the outward reality can be adequately represented within a religious discourse. However, according to poststructuralist theory, what human beings perceive as an outward reality is not prior to discourse, but rather the product of a specific, historical discourse, and this discourse is in turn determined by specific rules of formation. In the case of religion, this means that claims to knowledge of a timeless, universal truth, often identified as "God," have to be conceived as attempts to authenticate a specific understanding of "God" within a given discourse.[11] According to poststructuralist epistemology, a discourse can neither provide access to the outward reality of its object beyond the discourse itself nor hold claims conceived as universally valid and "objective."[12]

In his account of poststructuralist epistemology, Suarsana builds on Judith Butler's work. As Butler has shown in their pivotal work *Bodies that Matter: On the Discursive Limits of Sex*, the incapacity of discourses to provide direct access to an outward reality applies even to objects that can be observed empirically, such as the female human body.[13] References to the female body in discourses about sex and gender do not simply occur because the material body is "already there" as a fixed reality which can be objectively described. Rather, within these discourses, material bodies *are signified* as the expressions of a fixed reality. "Materiality" thus serves as a placeholder for sedimented discourses about the female body and thus obscures historical and

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[10] Yan Suarsana, "Die Sagbarkeit Gottes: Poststrukturalistische Theorie, historisch-kritische Methode und die Theologie der Religionen," *Interkulturelle Theologie* 41, no. 2–3 (2015): 224–32; 245–59, at 225–26. Unless stated otherwise, all translations from German primary and secondary sources are my own.

[11] See Suarsana, "Sagbarkeit," 226–27. As evident from expressions such as "God" or "timeless, universal truth," Suarsana's critique specifically refers to the Christian project of a "theology of religions". While I am aware that there are also non-Christian theologians who use this term for their own work, my aim, like Suarsana's, is to enhance the inner-Christian debate on this topic. Whether my approach can also be useful for theologians from other traditions is not up to me to judge.

[12] This epistemology is not to be confused with an ontological claim that there is no such thing as an outward reality. The latter would be a caricature of poststructuralist thought.

[13] For the detailed references, see Suarsana, "Sagbarkeit," 227n13; 228n14.

ongoing debates about the nature of this body.[14] Following Butler, Suarsana points out that in theological discourses, religious "truth" often has the same function as "materiality" in discourses on sex and gender. In claiming that something is "true," a paradigm is introduced which cannot be seriously questioned or refuted in further discussion. However, this obscures the historical debates behind those sedimented paradigms that are now perceived as irrefutably true.[15] To illustrate his argument, Suarsana refers to the decisions of the Fourth Council of the Lateran (1215) that served to establish official church positions as religious truth despite centuries-old debates. Among these positions is the Trinitarian dogma, originally decreed in 325 (First Council of Nicaea) and again in 381 (First Council of Constantinople). In actual religious practice, however, the concept of the Trinity had been contested throughout the centuries and (re-)gained its authoritative status only through the papal (re-)signification of it as religious truth.[16]

The Trinitarian dogma is an illustrative example of a sedimented discourse within Christian theology. Although the majority of churches uphold the dogma, Trinitarian debates and anti-Trinitarian positions have consistently reappeared throughout the history of Christianity. Against this background, what is concretely referred to as "truth" in religious debates needs to be conceived as the result of historical debates.[17] It not only has been decreed to be "true" by those in power but has also been constantly challenged when suppressed voices reemerged. This discursive character of ascriptions of truth also applies to so-called revelatory texts. It is not because of their innate character that these texts are identified as universally true "revelation"; rather, through historical discourses, they have been signified as revelatory texts, and this signification has subsequently become sedimented.[18] Again, drawing on Butler, Suarsana concludes that "revelation" can be described as "the *materiality* of theological discourses of truth,"[19] that is, as a formal operation which establishes one's own theological claims. In this sense, "revelation" serves as an empty signifier, a placeholder for (sedimented) discourses about divine truth and reality.

Building on his poststructuralist understanding of religious truth as a product of historical discourses, Suarsana turns to a fundamental critique of pluralist theologies of religion, pointing out that, besides other theoretical problems, theologies of religions usually start from the assumption that a fixed religious truth which stands beyond theological discourses can serve as the foundation for doing theology intra- or inter-religiously.[20] As this assumption cannot be shared by theologians who start from a poststructuralist epistemology, Suarsana turns to suggest a new poststructuralist model for theology of religions.[21] This model is no longer based on the assumption that all religions refer to the same "God," "eternal transcendence," or the like. Rather, it takes discourses on religion and religious truth claims, in which ideas like "God" or "eternal transcendence" are negotiated, as a starting point.[22] Thus, for Suarsana, interreligious

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[14] See Suarsana, "Sagbarkeit," 227–28.
[15] See Suarsana, "Sagbarkeit," 228.
[16] See Suarsana, "Sagbarkeit," 228–29.
[17] See Suarsana, "Sagbarkeit," 229.
[18] See Suarsana, "Sagbarkeit," 230–31.
[19] Suarsana, "Sagbarkeit," 232 (emphasis mine).
[20] See Suarsana, "Sagbarkeit," 245–47.
[21] See Suarsana, "Sagbarkeit," 252–59.
[22] See Suarsana, "Sagbarkeit," 252–53.

dialogue as "the 'classical' playground of the theology of religions"[23] should be based on the acknowledgment, by all parties involved, that religious truth as an outward reality is not accessible in any discourse.[24] In other words, the common ground of the interlocutors is not God, the ultimate Other, but rather *the ultimate otherness of God as such*.[25]

In the practice of interreligious dialogue, this epistemological grounding could, for example, entail that an interreligious encounter is opened with a reminder that "we are all human and our knowledge of God is imperfect" instead of the statement that "we all believe in the same God." It could also entail that believers feel encouraged by the encounter with another tradition to reengage historical debates surrounding certain conceptions of God and transcendence. For instance, instead of perceiving Jewish critiques of the Trinity as a threat or as simply an error, Christians could start to be curious about the historical development of the Trinitarian doctrine. The Trinity would then no longer be understood simply as the "outward reality" of God, a concept rejected by Jews, but rather as the outcome of a late-antique theological debate on the mysterious nature of the relationship between God-Father and Jesus Christ.

The grounding of interreligious dialogue in the acknowledgment of the ultimate otherness of God, or however else this ultimate otherness is to be called, can be a helpful conceptional tool for comparative theology as an academic practice of interreligious dialogue. Some of the recurring dilemmas in the theory of comparative theology can be avoided by this grounding. For example, there have long been contentions regarding the relationship between comparative theology and theology of religions, specifically the inclusivist, pluralist, and particularist positions regarding the presence of elements of truth in another religious tradition. Such contentions become irrelevant, or at least less prevalent, when the general evasiveness of religious truth as an outward reality "behind" the sacred texts, rituals, and other traditions, is acknowledged.[26] A theology of religions which presupposes that those particular traditions—transmitted discourses on religious truth—are the main sources, rather than afterthoughts, of religious truth claims, would by definition show an interest in comparative theological questions. Furthermore, making the ultimate otherness of God the starting point for theology of religions could help to resolve the supposed dichotomy between theology of religions as an *a priori* discipline and comparative theology as an *a posteriori* discipline regarding the truth status of the other religion.

In addition, Suarsana's poststructuralist epistemology is helpful in deepening the understanding of the intrinsic vulnerability of comparative theology. Employing "vulnerability" as a hermeneutic lens, Suarsana's account of the foundations of interreligious engagement can be rephrased as follows: Human knowledge on matters of religious truth is vulnerable knowledge because, within the limits of human language, one can never directly refer to the ultimate "Other." Any claim by human agents that they have immediate access to God or the

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[23] Suarsana, "Sagbarkeit," 256.

[24] Suarsana, "Sagbarkeit," 257.

[25] Suarsana, "Sagbarkeit," writes about *prinzipielle Unverfügbarkeit* instead of the *Unverfügbare selbst*. However, the German *unverfügbar* is difficult to translate in this context as the verb *verfügen* contains both the notion of disposing of something and the notion of having someone at one's command. An approximate translation might be "exempt from human's command."

[26] See Catherine Cornille, *Meaning and Method in Comparative Theology* (Hoboken, NJ: Wiley-Blackwell, 2019), 43–78 for an overview of the different epistemological starting points in comparative theology.

transcendent, for example, in the form of a sacred text or a prophetic vision, denies this epistemic vulnerability which is inherent to all questions of religious truth.

The Vulnerability of Religious Knowledge in the Story of the Oven of Akhnai

Having established the epistemic vulnerability inherent to comparative theological engagement, I will now introduce the Talmudic story of the Oven of Akhnai. The Oven of Akhnai story is a more than apt starting point for adapting Suarsana's approach from the perspective of Jewish-Christian comparative theology, since it illustrates how claims to revelation are often employed in theological debates. In the opinion of the story's narrators, such claims are insufficient for legitimizing religious opinions or viewpoints. Thus, the Oven of Akhnai story can serve as a bridge between Suarsana's poststructuralist theory and Jewish-Christian comparative theology as part of, in Suarsana's words, the "playground" to which theology of religions can be applied.[27]

In revisiting Suarsana's poststructuralism through the lens of this story, I show that this approach resonates with ancient Jewish hermeneutical principles and thus is an apt starting point for a Jewish-Christian comparative theological approach to the epistemic vulnerability inherent to religious truth claims. At the same time, as will be demonstrated below, the story undergirds the interconnectedness between epistemic vulnerability and other forms of vulnerability, which enhances Suarsana's approach by adding an ethical dimension to it. Finally, from a Jewish perspective, the Oven of Akhnai story is one of the most popular and well-researched Talmudic narratives.[28] Thus, as the source for my comparative theological approach to epistemic vulnerability, I am choosing a text with which most people who have gone through any kind of Jewish religious or cultural education are familiar.

Part One: *"It is not in Heaven" (Deut 30:12)*[29]

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[27] See footnote 24. Since Suarsana's approach to the Christian theology of religions is distinct from the classical pluralist approaches to a theologies of religion with their tendency to reproduce Christian normative truth claims, it provides an opportunity to reconcile the Christian theology of religions with Christian comparative theology. On the necessity to regard the theology of religions and comparative theology as complementary rather than as competing models of an interreligious theology, see for instance Stephen J. Duffy, "A Theology of the Religions and/or a Comparative Theology?," *Horizons* 26, no. 1 (1999), https://doi.org/10.1017/S0360966900031558. Furthermore, I am not the first scholar to associate the Oven of Akhnai story with challenges addressed by poststructuralist or postmodern thought. See, for example, Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington, IN: Indiana University Press, 1990), 33–38, especially 37; David C. Jacobson, "Authority, Autonomy, and Interpersonal Relations: The Oven of Akhnai," in *The Charm of Wise Hesitancy: Talmudic Stories in Contemporary Israeli Culture* (Brighton, MA: Academic Studies Press, 2017), 20.

[28] See Michael Rosenberg, "What Problem? Medieval and Contemporary Responses to the "Oven of Akhnai" Story," in *Hiddushim: Celebrating Hebrew College's Centennial*, ed. Michael Fishbane, Arthur Green, and Jonathan D. Sarna (Boston: Academic Studies Press, 2022), 170.

[29] The four-part analysis of the story that I follow here is based on the outline of the story according to Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore, MD: Johns Hopkins University Press, 1999), 39.

In the Babylonian Talmud (BT), the story of the Oven of Akhnai is found in Bava Metzi'a 59a-b. It begins with a legal debate about the purity status of a special type of oven:[30]

> We learned there: If he cut it (an oven) into segments and placed sand between the segments, Rabbi Eliezer rules that it is pure and the sages rule that it is impure. And this is the oven of Akhnai (Mishnah Kelim 5:10). What is Akhnai (= snake)? Rav Yehuda said Shmuel said, "Since they surrounded him with words like this snake ['*akhna*] and ruled it impure."[31]

As we will see shortly, this reference to Mishnah Kelim 5:10 serves as a starting point for an intricate aggadic account. This account seems to be based on two earlier versions of the Oven of Akhnai story: Tosefta Eduyyot 2:1 and Palestinian Talmud (PT) Mo'ed Qatan 3:1, 81c–d.[32] The first part of the BT account goes as follows:

> It was taught: On that day Rabbi Eliezer responded with all the responses in the world, but they did not accept them from him. He said to them, "If the law is as I say, let the carob (tree) prove it." The carob uprooted itself from its place and went one hundred cubits—and some say four cubits. They said to him, "One does not bring proof from the carob." The carob returned to its place.
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> He said to them, "If the law is as I say, let the aqueduct prove it." The water turned backwards. They said to him, "One does not bring proof from water." The water returned to its place.
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> He said to them, "If it (the law) is as I say, let the walls of the academy prove it." The walls of the academy inclined to fall. Rabbi Yehoshua rebuked them. He said to them, "When sages defeat each other in law, what is it for you?" It was taught: They did not fall because of the honor of Rabbi Yehoshua, and they did not stand because of the honor of Rabbi Eliezer, and they are still inclining and standing.
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> He said to them, "If it is as I say, let it be proved from heaven." A heavenly voice went forth and said, "What is it for you with Rabbi Eliezer, since the law is like him in every place?" Rabbi Yehoshua stood up on his feet and said, "It is not in heaven (Deut 30:12)."

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[30] The English translation of the story here is based on Rubenstein's translation according to Ms Munich 95. See Rubenstein, *Talmudic Stories*, 36–37. The additions in parentheses are Rubenstein's, those in square brackets are mine.

[31] The question of purity goes back to Leviticus 11:29–35. The biblical text here states that a clay oven which has been in contact with the dead body of an impure animal is itself impure and renders all food prepared in it impure. Consequently, the oven must be broken in order not to be usable anymore. Since according to BT Betzah 32a, only completed clay vessels are susceptible to impurity, the halakhic debate between Eliezer and the other sages evolves around the question whether an oven that is reconstructed from shards is considered as complete.

[32] See Rubenstein, *Talmudic Stories*, 48 on the Tosefta version and Rubenstein, *Talmudic Stories*, 48–51 on the PT version. For a detailed comparison of the PT and the BT versions showing that the parallels between them cannot merely be coincidental, see Rubenstein, *Talmudic Stories*, 51–53. As Rubenstein mentions (*Talmudic Stories*, 48), the phrase "so that disagreements not multiply in Israel" indicates that the Babylonian Talmud is at the same time referring to the Tosefta version. See furthermore Moshe Simon-Shoshan, "The Oven of Hakhinai: The Yerushalmi's accounts of the banning of R. Eliezer," *Journal of Jewish Studies* 71, no. 1 (2020): 25–52, on the development of the story throughout its sources.

What is, "It is not in heaven"? Rabbi Yirmiah said, "We do not listen to a heavenly voice, since you already gave it [the law] to us on [from] Mt. Sinai and it is written there, 'Incline after the majority (Exod 23:2).'"

Rabbi Natan came upon Elijah. He said to him, "What was the Holy One doing at that time?" He said to him, "He laughed and smiled and said, 'My sons have defeated me, my sons have defeated me.'"[33]

This first part of the story of the Oven of Akhnai is probably one of the most frequently quoted texts from the Talmud. At first glance, it seems primarily to deal with the criteria of legal decision-making in the emerging rabbinic academy at Yavne.[34] The takeaway message, voiced by Rabbi Yehoshua and Rabbi Yirmiah and confirmed by God's benevolent view of the scene, seems to be that the reference to miracles, even in the form of a divine voice from heaven (*bat qol*), is not a valid argument in a dispute.[35] Rather, the majority opinion is to be followed in cases of quarrel. Modern and contemporary scholars have interpreted this part of the story from various points of view, stressing its different layers. While some scholars regard the story as a paradigm for Jewish scriptural hermeneutics,[36] others interpret it as a parable on rabbinic authority,[37] as an inspiration for contemporary legal theory,[38] and even as a source that provides insight into rabbinic constructions of gender.[39]

However, this part of the story can also be read as a parable on the epistemic premises of religious knowledge. The redactors of the Talmud make it very clear that Rabbi Eliezer's claim to have direct access to God's view on the matter is not at all helpful in the process of decision-making. Notably, the Talmud adds an episode that is not to be found in earlier versions of this story—God's benevolent laughing at the scene—which emphasizes that Rabbi Yehoshua is right

[33] See Rubenstein, *Talmudic Stories*, 37. The additions in round brackets are Rubenstein's; those in square brackets are mine.

[34] Although the story is fictional in its character (see Rubenstein, *Talmudic Stories*, 5–8), it can be concluded from the names of its protagonists that it is set in the late first or early second century CE.

[35] For a contextualization of this position within rabbinic accounts on the relationship between miracles and Halakha, see Albert I. Baumgarten, "Miracles and Halakah in Rabbinic Judaism," *The Jewish Quarterly Review* 73, no. 3 (1983), 238–53.

[36] See Boyarin, *Intertextuality*, 33–37; Shimon Gesundheit, *"Sie ist nicht im Himmel" (Dtn 30,12): Der menschliche Umgang mit der göttlichen Tora im jüdischen Schrifttum*, Julius-Wellhausen-Vorlesung (Berlin/Boston: De Gruyter, 2019), 16–19.

[37] See Jacobson, "Authority," 22–25; Tzvi Novick, "A Lot of Learning is a Dangerous Thing: On the Structure of Rabbinic Expertise in the Bavli," *Hebrew Union College Annual* 78 (2007): 91–107.

[38] See Suzanne Last Stone, "In Pursuit of the Counter-Text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," *Harvard Law Review* 106 (1992): 840–48; 854–65; 888; David Luban, "The Coiled Serpent of Argument: Reason, Authority, and Law in a Talmudic Tale," *Chicago-Kent Law Review* 79 (2004): 1253–71. As Stone's article demonstrates, within contemporary legal theory, the story is also popular beyond Jewish religious law. From a Jewish-Christian comparative theological perspective, it is particularly interesting that the Catholic theologian and legal historian Judith Hahn also explores the story from a comparatist perspective to reflect on the epistemological foundations of Canon Law. See Judith Hahn, "'Not in Heaven'. What the Talmudic Tale on the Oven of Akhnai May Contribute to the Recent Debates on the Development of Catholic Canon Law," *Oxford Journal of Law and Religion* 6, no. 2 (2017), https://doi.org/10.1093/ojlr/rwx001.

[39] See Charlotte E. Fonrobert, "When the Rabbi Weeps: On Reading Gender in Talmudic Aggadah," *Nashim: A Journal of Jewish Women's Studies & Gender Issues* 4, no. 1 (2001): 56–83; Francoise Mirguet, "Tracing Gender in the Story of the Oven of Akhnai: The Beit Midrash between the Divine and Female Realms," *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 22 (2011): 88–110.

in pointing out that the Torah is not in Heaven.[40] Theological argument is thus separated from the transcendent divine being without denying or even doubting that such a divine being exists. This is an epistemology that resonates with Suarsana's poststructuralist theory of religious knowledge. Although the Oral Torah and the Written Torah, where discussions about purity are rooted, are regarded as divinely inspired in the rabbinic culture, their divine inspiration is located not only behind the transmitted oral and written traditions themselves but also within the interpretations of these traditions.[41]

Like the Oven of Akhnai story, several other Talmudic narratives also illustrate the epistemological centrality of Torah hermeneutics. One such story, in BT Menahot 29b, depicts Moses reassured by God concerning the legitimacy of the halakhic conclusions drawn by Rabbi Akiba from interpretations over the "crowns" of the Hebrew texts of the Torah, even though Moses, who himself was the original and direct receiver of the Torah, could neither understand the meaning of the "crowns" nor follow the discussions about Torah inside Rabbi Akiba's study hall.[42] While these Talmudic stories obviously do not share the agnostic stance regarding the outward reality of God which is characteristic of poststructuralist thought, they nonetheless acknowledge that there is no access to God outside of the given discourse on the Torah. The time travel narrative about Moses's participation in Rabbi Akiba's Torah lesson furthermore undergirds that this discourse, especially in its evolving over generations, deepens human understanding of the Torah. In view of such an epistemology, a lively debate about theological questions becomes crucial for religious practice. "One does not bring proof from the carob." According to the sages in the Oven of Akhnai story, discussions should not be shut down simply by references to revelation, even if such a revelation appears in the glamorous form of a divine "voice from heaven."[43]

At first glance, it might seem that the discursive renegotiation in the Oven of Akhnai story is not actually discounting references to revelation in religious and legal decision-making, but simply weighing different acts of revelation against each other. After all, the sages in the story undergird their refutation of the divine voice evoked by Rabbi Eliezer with quotations from the Torah, namely Deut 30:12 and Ex 23:2, simply because the rabbis already treat the Written Torah in its entirety as a revelatory text that has been given to Israel through Moses.[44] However, upon close examination of Deut 30:12 and Ex 23:2 within their original literary contexts, it

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[40] Cf. PT Mo'ed Qatan 3:1, 81c-d. Furthermore, the passage on the encounter between Rabbi Nathan and Elijah shifts from Hebrew to Aramaic, which also indicates that it is a later addition.

[41] See Stone, "In Pursuit of the Counter-Text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," 863–65, on the rabbinical hermeneutics behind this conception.

[42] In contemporary Judaism, these ornaments or *tagin* (Aramaic for "crowns") are still used in Torah scrolls and other handwritten texts. See "Tagin," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference USA, 2007), 433.

[43] Further important intertexts of the Oven of Akhnai story are the two different versions of the story about a *bat qol* appearing in a legal dispute between Beit Hillel and Beit Shammai from BT Eruvin, 13b and BT Yevamot 14a. See Hahn, ""Not in Heaven"," 391–93, and Daniel J. H. Greenwood, "Akhnai," *Utah Law Review* 2 (1997), 353–54, for possible interpretations of the contradictory depictions of the authority of a *bat qol* in relation to a rabbinic majority in these three text passages and for possible interpretations of the contradictory depictions of the authority of a *bat qol* in relation to a rabbinic majority in these three text passages.

[44] See BT Gittin 60a. Rosenberg, "Problem," points out that the medieval commentary of the Tosafot already reflects on this. The Tosafot come to the solution that the words of Ex 23:2 ('incline after the majority') are more authoritative since they are derived from the Written Torah, which is generally regarded as more authoritative than oral traditions, including a *bat qol*.

becomes clear that the Oven of Akhnai story is not simply depicting a stalemate between two different kinds of revelation. Rather, the fact that Deut 30:12 and Ex 23:2 are read against the grain in this story actually mirrors the larger point of the story concerning the limit of human reference to and reliance on acts of revelation.[45]

First, regarding Deut 30:12, it is important to note again that, by employing the beginning phrase of the verse, "[The Torah] is not in heaven," Rabbi Yehoshua appears to offer a direct critique of reliance on divine interjections in interhuman halakhic debates. However, in its original context in Deut 30, the phrase has a different meaning:

> [11] Surely, this commandment that I am commanding you today is not too hard for you, nor is it too far away. [12] It is not in heaven, that you should say, "Who will go up to heaven for us, and get it for us so that we may hear it and observe it?" [13] Neither is it beyond the sea, that you should say, "Who will cross to the other side of the sea for us, and get it for us so that we may hear it and observe it?" [14] No, the word is very near to you; it is in your mouth and in your heart for you to observe.[46]

Within the narrative context of Deuteronomy, "it is not in heaven" points to the accessibility of the commandments of the Torah for human beings. There is no excuse for Israel not to follow the commandments of the Torah, as they are neither too difficult nor too far away. In Rabbi Yehoshua's interpretation, however, the meaning of the phrase is turned around. According to this interpretation, the core message of "it is not in heaven" is that "the Torah is beyond the reach, as it were, *of its divine author*"[47]. Through his interpretative move, Rabbi Yehoshua is at the same time stating performatively what he is claiming in his speech: God no longer has the authority to interpret God's own text, and it is up to the rabbinic community to interpret the Torah.[48]

The reinterpretation of the second quotation from the Torah, the last three words of Ex 23:2, in the context of the Oven of Akhnai story is more complicated and can only be understood by taking into regard the Hebrew text:

<div dir="rtl">

לֹא־תִהְיֶה אַחֲרֵי־רַבִּים לְרָעֹת וְלֹא־תַעֲנֶה עַל־רִב לִנְטֹת אַחֲרֵי רַבִּים לְהַטֹּת:

</div>

> Do not follow [lit.: be] after the majority [lit.: the many] to/in regard to evil; and do not testify [falsely] concerning a legal dispute to incline after the majority [lit.: the many] to incline.[49]

As becomes evident in my translation of Ex 23:2, at least according to the Masoretic Text, the verse does not contain an appeal to follow the majority. Rather, it warns against

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[45] See Boyarin, *Intertextuality*, 34–36.
[46] Deut 30:11-14, NRSV translation.
[47] Boyarin, *Intertextuality*, 35 (emphasis mine).
[48] Interestingly, Deuteronomy itself can be read as a revision of the Covenant Code. See Udo Rüterswörden, "The Place of Deuteronomy in the Formation of the Pentateuch," *The Oxford Handbook of the Pentateuch* (Oxford: Oxford University Press, 2021), 278–82. Thus, to a certain degree, the rabbinic move of reinterpretation builds on the Torah hermeneutics that are already inherent to the biblical text.
[49] The Masoretic Text, with my translation.

following a majority regarding evil in general and, more specifically, in the context of giving false testimony in a lawsuit. At the same time, my translation, in which I try to contain the structure of the original Hebrew text as precisely as possible, shows that there is a grammatical, or at least stylistic, difficulty in this verse. Why is the root **נטה** (*natah*, "to incline") repeated at the end of the verse? Rabbi Yirmiah's interpretation of the verse in the Oven of Akhnai story is based on precisely this difficulty. In this case, the solution is to read the verse as a tricolon:[50]

לֹא־תִהְיֶה אַחֲרֵי־רַבִּים לְרָעֹת וְלֹא־תַעֲנֶה עַל־רִב לִנְטֹת אַחֲרֵי רַבִּים לְהַטֹּת:

> Do not follow [lit.: be] after the majority [lit.: the many] to/in regard to evil; and do not answer to incline towards a dispute; incline after the majority.[51]

In this interpretation of the syntax of Ex 23:2, the meaning of its last phrase is turned into its opposite and, taken out of context, can serve as a "prooftext" from the Torah to undergird the point of view of the Talmudic sages.[52] "Once again," as in the case of the Talmudic story's use of Deut 30:12, the sages demonstrate that God no longer has the authority to interpret God's own text, as if "God the Author spoke and did not (as it were) know what He was saying."[53] And once again, the hermeneutic move employed in the "prooftexting" mirrors the point of the story itself. Halakhic decision-making cannot be based on an immediate divine interference, as even the words of the Torah do not provide an immediate access to God's will. As the Talmudic story's usage of Deut 30:12 and Ex 23:2 demonstrates, the words of Torah can be reinterpreted in quite creative ways, and God even sanctions this interpretative activity: "He laughed and smiled and said, 'My sons have defeated me, my sons have defeated me.'"[54]

This closer analysis of the use of scriptural quotations in the Oven of Akhnai story resonates well with poststructuralist theories. As Daniel Boyarin points out, the story presents "the majority of the community which holds cultural hegemony" as the ultimate authority that defines the limits of religious interpretation.[55] In the language of signifiers and signified, mentioned in the discussion of Suarsana above, the biblical quotations become re-signified in a new context, and the question of the "original" signified that stands "behind" the text (i.e., God's will) is regarded as pointless.

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[50] See Boyarin, *Intertextuality*, 36; Grohmann, *Aneignung*, 189–90.

[51] My translation. Note that the Hebrew text here contains one additional disjunctive accent, dividing the verse into three parts.

[52] See Boyarin, *Intertextuality*, 22–23, on how far biblical quotations in midrashic texts should actually be considered as prooftexts.

[53] Boyarin, *Intertextuality*, 36. As Grohmann points out in *Aneignung* (192), the idea of God giving up his authority over the meaning of the Torah is also hinted at in Rabbi Yirmiah's allusion to Mishnah Avot 1:1, "Moses received the Torah at Sinai" (משה קבל תורה מסיני). The Hebrew preposition מן (*min*) seems to be read quite literally here, evoking the idea of the Torah being *given away from* Sinai, from divine to human ownership.

[54] Hahn, "'Not in Heaven,'" 390, points out that the original meaning of Ex 23:2 is still reflected in the later three parts of the story, in which the majority of rabbis is depicted as making a problematic decision. Even apart from this, it has to be borne in mind that the intended audience of the BT are rabbinic readers who are deeply familiar with the text of the Torah and thus would be aware of the original context of the biblical verses quoted. Thus, there is a certain tension inherent due to any given interpretation of biblical verses in rabbinic texts the rabbis are conscious of the polyvalence of the biblical text.

[55] Boyarin, *Intertextuality*, 35.

Given this insight into the biblical hermeneutics of the Oven of Akhnai story, it becomes evident that the story is not simply about weighing different acts of revelation. Rather, the rabbinic assembly teaches Rabbi Eliezer the lesson that referring to an act of revelation is not a convincing argument on its own; for these rabbis, only *interpretations* of revelation that succeed in convincing the majority of the community are decisive for meaning-making and, consequently, halakhic decision-making.[56] Going back to Suarsana's and Butler's examples, it is the interpretations or significations of material bodies, not the bodies themselves, that inform our contemporary understanding of sex and gender and the related legal regulations. Interestingly, given that Rabbi Eliezer's point of view is probably also halakhically more conservative, this first part of the Oven of Akhnai story is in some sense modeling a religious debate that resists being shut down by reference to a sedimented truth.[57] However, like in the case of Bab. Menahot 29b, this does not imply that the story denies or doubts the ontological status of God as the giver of the Torah. The BT is the product of a highly pious rabbinic culture, which does not share poststructuralism's agnostic stance regarding the existence and nature of God. Nevertheless, the Oven of Akhnai story demonstrates that similar to poststructuralist thinkers, the late ancient Babylonian rabbis were highly skeptical of the human capacity to access God's will directly.

Thus, the first part of the story can be related to the concept of vulnerability, in the broad sense of the word. First, as demonstrated above, it bears testimony to an awareness of the vulnerability of transmitted religious knowledge among the sages in the story. This epistemological vulnerability, which is depicted narratively in the back and forth between divine miracles and rabbinic skepticism, is further intensified by the historical context in which the story is set. The Jewish community in first- and second-century Palestine was characterized by a high level of religious and political vulnerability due to the massive disruption caused by the destruction of the Second Temple in 70 CE. Thus, the community, now led by the rabbinic academy, was in need of adapting their religion to new circumstances, and an overly literal understanding of the inherited traditions could have inhibited this process of adaptation.[58]

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[56] See Jonathan Sacks, "Creativity and Innovation in Halakhah," in *Rabbinic Authority and Personal Autonomy*, ed. Moshe Z. Sokol (Bergen County, NJ: Jason Aronson Publishers, 2006), 142. Furthermore, cf. Hahn, ""Not in Heaven"," on the crucial role of interpretation in Catholic and Jewish religious law in general, and in the Oven of Akhnai story in particular.

[57] Throughout rabbinic literature, Eliezer's halakhic judgements tend to be "conservative" in quite a literal sense of the word, as Eliezer usually undergirds his arguments with traditions that had come down from earlier generations. See Judah Goldin, "On the Account of the Banning of R. Eliezer ben Hyrqanus: An Analysis and Proposal," *Journal of the Ancient Near Eastern Society* 16, no. 1 (1984): 90–91. In poststructuralist language, one could thus say that Eliezer has an affinity to refer to "sedimented truths." However, as pointed out in Rosenberg, "Problem," 179–80, some medieval commentaries argue for the opposite. According to Rav Nissim Gaon and the Ramban, Rabbi Eliezer does not only refute any majority opinion, but a majority that is supported by the received legal tradition on purity. This strand of the commentary tradition, which is at odds with the Talmudic depiction of Rabbi Eliezer as a halakhic traditionalist, mirrors the hermeneutics of the story itself. The medieval rabbis re-interpret the role of Rabbi Eliezer in a way that goes against the grain of the Talmudic tradition in order to rehabilitate the halakhic decision of the majority of the sages in the story.

[58] See Boyarin, *Intertextuality*, 36–38. Furthermore, Greenwood, "Akhnai,", examines the conundrum in which the rabbinic community in this story finds itself in the larger context of legal theory and provides a range of historical examples (mainly from the United States) that undergird the necessity for law to accommodate to changing circumstances. Greenwood, "Akhnai," 342–43, asks succinctly: "Should we follow Eliezer, teaching nothing that we were not taught by our teachers, as the best way to maintain a tradition? Or must the law adapt, as Joshua contends, because Eliezer's literalism can preserve the tradition only in the sense that amber preserves, killing the spark and keeping only the outer shell?"

Against this background, creative interpretation of the Torah became important to the rabbis because it served as a means of containing the vulnerability of their community and preventing vulnerability from turning into (self-)harm.

Second, when another rabbinic tradition on Rabbi Eliezer is regarded as intertext, the Oven of Akhnai story might allude to the vulnerability caused by the emergence and expansion of Christianity in the first five centuries CE. According to a narrative that is firstly documented in Tosefta Hullin 2:24 and retold in BT Avodah Zarah 16b-17a, Rabbi Eliezer was accused by a Roman ruler of being a follower of Jesus because he shared with Jesus a more lenient attitude toward a halakhic question regarding whether a latrine in the Jewish Temple may be built with funds that include payment to a prostitute.[59] While Jews certainly wanted to distance themselves from the community that would eventually be called "Christian" at a time when followers of Jesus were persecuted for not yet being a *religio licita*, it is clear from the story, especially the later BT version, that the rabbis saw Christianity itself as a fundamental threat to the emerging rabbinic Judaism. This is why Eliezer's position was depicted as heretical. Furthermore, the placement of the story in tractate Avodah Zarah ("idolatry") and the reference to prostitution in the halakhic discussion both serve to intensify this charge.[60] In contrast to the militant physical threat posed by the Roman ruler, the Jesus movement that eventually became Christianity was an intellectual threat to the existence of rabbinic Judaism due to its potential to seduce even a great sage through the appeal of some of its positions on religious matters.

Finally, as demonstrated above, this part of the story reflects the idea of a certain vulnerability of religious knowledge, a vulnerability that has consequences for religious practices. Although it became that the majority position is to be followed in halakhic decision-making, Rabbi Eliezer's opinion on the question of purity might be in accordance with the original divine intention.[61] Thus, the story can be read as acknowledging that the religious verdicts of a community are fallible and thus must stay open to revision. Another possible reading is that God's original intention in the halakhic question no longer applies to the historical situation of the Jewish community. Either way, the story undergirds that religious decision-making is vulnerable both in a negative and in a positive sense. On the one hand, it is vulnerable to misjudgment or corruption of the majority.[62] Religious verdicts are often imperfect and sometimes even misleading. On the other hand, religious decision-making is always open for correction and further development. Thus it holds the potential to be adapted to new situations and perhaps even to lead to greater wisdom over time.[63]

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[59] For a more expansive analysis of the possible connection between those stories about a sympathy for Christian or, more precisely, Jesuanic ideas on the side of Rabbi Eliezer and the Oven of Akhnai story, see Daniel Boyarin, "Martyrdom and the Making of Christianity and Judaism," *Journal of Early Christian Studies* 6, no. 4 (1998): 577–627.

[60] See Boyarin, "Martyrdom," 625: "[T]he seductiveness of the heretical interpretation matches formally what its content encodes as well, for there, also, the temptation is to make use for holy purposes of that which originates in impurity, the harlot's wage." Furthermore, the text obviously plays with a motivic connection between prostitution and religious deviance or idolatry that goes back to the Hebrew Bible. See for example Hos 1-11; Ezek 16.

[61] Both medieval and modern commentators have varying opinions on this issue. While some claim that Rabbi Eliezer's position is ontologically true, others come up with creative interpretations of the divine interventions on behalf of Eliezer. For instance, according to the Tosafot, the *bat qol* only emerged to save Rabbi Eliezer's honor. On this topic, see Rosenberg, "Problem," 178–83.

[62] See, for example, PT Shabbat 1:4.

[63] Here, I refer to the hermeneutics that are inherent to the story itself. The role of majority and minority decisions in contemporary halakhic practice is more complicated and varies between different Jewish denominations.

Part Two: The Banning of Rabbi Eliezer

Contemporary interpretations of the Oven of Akhnai story often end at the point of God's benevolent laughing at the scene. The narrative, however, continues, adding interesting perspectives on vulnerability. In the following paragraphs, I analyze the latter three parts of the story and show that the story, read as a whole, conveys an ethical lesson on the connection between epistemic, social, and communal vulnerability:

> At that time they brought all the objects which Rabbi Eliezer had ruled were pure and burned them and voted and banned him. They said, "Who will go and inform him?" Rabbi Akiba said to them, "I will go and inform him lest a man who is not fitting goes and informs him and destroys the whole world." What did he do? He dressed in black and covered himself with black and took off his shoes and went and sat before him at a distance of four cubits and his eyes streamed with tears. He (Rabbi Eliezer) said to him, "Akiba, why is this day different from other days?" He said to him, "It seems to me that your colleagues are keeping separate from you [euphemism for 'are banning you']." His eyes too streamed with tears, and he took off his shoes and removed (his seat) and sat on the ground.[64]

According to the BT version of the story, the sages decide to ban Rabbi Eliezer in consequence of their dispute over the question of purity. This is, on the one hand, a striking difference from the account in PT Mo'ed Qatan 3:1 81c-d. There, Eliezer's miracle-making happens *in reaction* to his banning, while the reason for the ban remains unknown. On the other hand, the ban seems to be a very radical reaction to Eliezer's disagreement with the majority opinion on a relatively minor halakhic question.[65] This is hinted at narratively with Rabbi Akiba's statement that only a "fitting" person should tell Eliezer about the ban.[66] In contrast to this, in the PT version, Akiba simply says: "I shall go and inform him."[67] Furthermore, unlike the PT version, both Akiba and Eliezer are in a state of grief over the banning of Eliezer as indicated by their sitting on the ground and weeping as well as by Akiba's clothing.[68]

The motif of weeping, or, more precisely, of tears (*demaot*), connects this part of the story with the surrounding *sugya* on the prohibition of verbal mistreatment of others (BT Bava Metzi'a 58b–59b).[69] In BT Bava Metzi'a 59a, it is taught: "[D]espite that the gates of prayer were locked

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[64] See Rubenstein, 37–38. The additions in parentheses are Rubensteis's; those in square brackets are mine.

[65] As pointed out in Greenwood, "Akhnai,", 326, at the time of the redaction of the BT, questions of purity were no longer of a huge practical importance for the rabbinic community, since the Temple had been destroyed for centuries.

[66] See Rubenstein, *Talmudic Stories*, 42.

[67] All English quotations of the PT version of the story are sourced from Rubenstein, *Talmudic Stories*, 48–49.

[68] See Rubenstein, *Talmudic Stories*, 42.

[69] For a summary of the *sugya*, i. e. the thematic unit in the BT relating to one Mishnaic excerpt, see Greenwood, "Akhnai," 311–12. The literary macro-context of the story in the Babylonian Talmud is the order of *Neziqin* ("damages", "injuries") in which matters of civil and criminal law are discussed. Tractate Bava Metzi'a focusses on questions related to property, sale, hiring, and borrowing.

(with the destruction of the Temple), the gates of tears [*demaot*] were not locked, as it is stated: *'Hear my prayer, Lord, and give ear to my pleading, keep not silence at my tears'* (Psalm 39:13).[70]

According to this principle, God is called into action by the grief of the two rabbis, and God indeed intervenes on Eliezer's behalf in the following part of the story. However, before proceeding with the story, I first want to draw attention to the new dimension of vulnerability that can be distilled from this second part. While in the first part of the BT account, Rabbi Eliezer is depicted as a self-confident sage who does not shy away from stating an independent opinion, in the second part, his social vulnerability becomes evident. Eliezer's emotional well-being is dependent on his interpersonal relations, specifically his being in community with the other sages. The rejection from this community leaves him deeply wounded, as shown in his weeping.[71]

At the same time, this part of the story still relates to epistemic vulnerability, since the rabbis' move to ban Rabbi Eliezer to some extent mirrors Eliezer's earlier move to refer to revelatory signs. Like Eliezer, they try to shut down the halakhic debate.[72] However, they go one step further, excluding Eliezer as the representative of the minority opinion from their community. This drastic step can be read as the rabbis' repression of their own epistemic vulnerability, since they cannot bear living with a constant reminder that their majority decision regarding the oven might not be the best decision from a halakhic perspective.

Part Three: God Changes Sides

In the next part of the story, God indeed reacts to Rabbi Eliezer's grief:

> The world was smitten in one third of the wheat, one third of the olives, and one half of the barley. And some say that even the dough in the hands of women swelled up. It was taught: It (the destruction) was so great on that day that every place where Rabbi Eliezer cast his eyes immediately was burned.

> Also, Rabban Gamaliel was on a ship. A wave of the sea stood to drown him. He said, "It seems to me that this is because of (Rabbi Eliezer) the Son of Hyrcanus." He stood up on his feet and said, "Master of the universe. I acted not for my honor, nor did I act for the honor of my father's house, but I acted for your honor, in order that disagreements do not multiply in Israel." The sea immediately rested from its anger.[73]

These two episodes add further insights on vulnerability. In the first scene, God's partiality for the most vulnerable becomes evident. In consequence of his grief, Rabbi Eliezer is endowed with miraculous powers of destruction that cause retribution for his suffering. Presumably, the extent of the destruction is already mitigated by Rabbi Akiba's compassionate manner of informing

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[70] Translation by Adin Even-Israel Steinsaltz. Additions in parentheses are Steinsaltz's; those in square brackets are mine. Emphasis is mine.

[71] Within the wider context of the BT, the story of the death and the posthumous rehabilitation of Rabbi Eliezer in BT Sanhedrin 68a indicates that his banning leaves an open wound both his life and in the rabbinic community.

[72] See Hahn, "'Not in Heaven'," 390–91.

[73] See Rubenstein, *Talmudic Stories*, 38. The additions in parentheses are Rubenstein's.

Eliezer of the ban.[74] In the second scene, which is a Babylonian supplement to earlier versions of the story,[75] a new character is introduced: Rabban Gamaliel, the leader of the rabbinic assembly. Although Rabbi Yehoshua's replacement with Gamaliel as the antagonist of Eliezer can be explained from a source-critical perspective,[76] it can also be interpreted on the literary level. With Rabban Gamaliel, the leader of the assembly is held responsible for the decision of the rabbis to ban Eliezer and burn his purities.[77] This adds a new perspective to the discussion of vulnerability. Rabban Gamaliel's involvement in the case implies that leadership figures are held responsible for protecting the most vulnerable and preventing an exclusion mechanism that may result in an increased vulnerability of certain members of the community. Gamaliel should have used his authority to prevent the societal marginalization and the personal hurt Eliezer suffered.

In summary, in these two episodes vulnerability is conceived not only on the level of interpersonal relations as in part two of the story, but also on a broader, societal level. This also becomes evident through the negative repercussions that the whole community faces through the destructive forces that are unleashed as a result of Rabbi Eliezer's suffering. The destruction of nourishments impacts everyone, not just the sages who were involved in the banning.

At the same time, this part of the story also relates to epistemic vulnerability, since it is now made clear that the rabbinic majority can indeed err in their decision making. While in part one, their majority decision regarding the question of purity was divinely sanctioned, the natural disasters in this part of the story demonstrate that God does not approve of their majority decision to ban Rabbi Eliezer ("they voted and banned him"). Thus, the original context of the earlier quotation of the last phrase of Ex 23:2 comes to the fore now: "do not follow after the many in regard to evil."[78]

Part Four: Eliezer's Vindication

In the final scene of the story, Rabbi Eliezer's destructive forces reach a climax:

> Ima Shalom, the wife of Rabbi Eliezer, was the sister of Rabban Gamaliel. After that event she never allowed him (Eliezer) to fall on his face [in prayer]. That day was the new month and a poor man came and stood at the door. While she was giving him bread she found that he (Eliezer) had fallen on his face. She said, "Stand up. You have killed my brother." Meanwhile the shofar (blast) went out from the House of Rabban Gamaliel (signaling that he had died). He said to her, "How did you know?" She said to him, "Thus I have received a tradition from my father's house: 'All the gates [of heaven] are locked except for the gates of (verbal) wronging.'"[79]

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[74] See Mirguet, "Tracing Gender," 102.

[75] See Rubenstein, *Talmudic Stories*, 52–53.

[76] See Rubenstein, *Talmudic Stories*, 55.

[77] This is already pointed out by Rashi: "He was the leader and according to his order, it was done" (my translation).

[78] See Hahn, ""Not in Heaven"," 389–91.

[79] See Rubenstein, *Talmudic Stories*, 38. The additions in parentheses are Rubenstein's; those in square brackets are mine.

This last part of the story is again a Babylonian addition, written in Aramaic.[80] It is perhaps the part in which the contrast between the BT and the PT versions is most striking. In the Palestinian Talmud, the story ends with the following anecdote:

> Once he (Eliezer) was passing through a market and he saw a woman cleaning her house, and she threw it out and it fell on his head. He said, "It seems that today my colleagues will bring me near (i.e., forgive me), as it is written, *He lifts up the needy from the refuse heap* (Ps 113:7)."[81]

This scene contains both humorous and optimistic notes. Rabbi Eliezer gets a heap of dung thrown on his head,[82] but, instead of falling into despair, he somehow gains the hope that he will soon be rehabilitated. By contrast, the BT version of the story ends with another tragedy. Ima Shalom,[83] Rabbi Eliezer's wife and Rabban Gamaliel's sister,[84] is worried that Eliezer's pain will finally cause her brother's death. Thus, she prevents her husband from prostrating in prayer and voicing his grief to God.[85] Her fear turns out to be justified, as Gamaliel dies at the first opportunity when she is distracted and fails to prevent Eliezer from falling down in prayer.

Most importantly, Ima Shalom declares that she has seen this coming because of a tradition she has received from her father's house: "All the gates [of heaven] are locked except for the gates of (verbal) wronging." This final sentence in the BT version again ties the story to the surrounding *sugya*, as it is literally quoting a statement of Rabbi Hisda from BT Bava Metzi'a (in Hebrew).[86] Considering this, the whole story of the Oven of Akhnai in the Babylonian Talmud serves as a narrative illustration of the very topic of the *sugya*, viz., verbal wronging. The latter three parts of the story are thus far more than an afterthought on the famous rabbinic dispute in the first part. The Babylonian redactors have a high moral interest in verbal wronging and its fatal consequences for interpersonal relations and communities. To illustrate this, they recompose the story whose earlier versions appear in very different literary contexts.[87] With the

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[80] See Rubenstein, *Talmudic Stories*, 52–53.

[81] See Rubenstein, *Talmudic Stories*, 49. The additions in parentheses and the emphasis are Rubenstein's.

[82] The Hebrew word אַשְׁפֹּת in Ps 113:7 can also mean "ashpit." Here, it is presumably read as referring to faeces

[83] It is very rare that women in the Talmud are mentioned by name. Ima Shalom literally means "mother of peace" and probably alludes to the mediating role she takes in the conflict between her husband and her brother. See Rubenstein, *Talmudic Stories*, 45. It is interesting that this role is attributed to a woman, as women rarely appear as actors in Talmudic stories. For possible interpretations, see Fonrobert, "When the Rabbi Weeps," 74–75; Mirguet, "Tracing Gender," 97–101; 103–05.

[84] Rubenstein, *Talmudic Stories*, 45, points out that the family relation on the one hand makes Gamaliel's offense against Eliezer more severe and on the other hand is interwoven with other motives of kinship in the story. On this point, see also Greenwood, "Akhnai," 346–47. Furthermore, Greenwood, "Akhnai," 321–22, discusses the relationship between Rabbi Eliezer and Rabbi Yehoshua, which, according to the overall Talmudic depiction, is at the same time intimate and complicated.

[85] The form of prayer alluded to here is probably a short interval of personal prayer that followed the Eighteen Benedictions. See Mirguet, "Tracing Gender," 103.

[86] As mentioned above, this last part of the story is written in Aramaic. The insertion of a Hebrew quotation from earlier in the *sugya* at the very end of the story demonstrates that the redactors aim at reinterpreting the whole Oven of Akhnai story through the lens of verbal wronging.

[87] In Tosefta Eduyyot 2:1, the short allusion to Rabbi Eliezer's ruling over the oven is part of a loosely connected collection of halakhic case studies; and in PT Mo'ed Qatan 3:1, 81c-d, the story is located in a passage on the laws of the ban. The topic of verbal wronging plays no role in either of those, and, with regard to the literary context, the

added last scene, they emphasize that divine justice will occur in cases of verbal wronging.[88] At the same time, this scene can also be read as alluding to the complex relationship between the personal, interpersonal, and societal dimensions of vulnerability. The poor man at the door can be read as a victim of the famine that is itself a result of the mistreatment of Eliezer in his banning.[89] Thus, the structures that permit the exclusion and marginalization of certain community members and cause them emotional pain are ultimately detrimental to the community as a whole, as demonstrated in the death of the leader that follows causally and narratively from the act of exclusion.[90]

As it has now become evident that parts two to four of the story are linked to each other through the topic of verbal wronging and its consequences, the question arises as to how the latter parts of the Oven of Akhnai story relate to the first part of the story. On the one hand, this could be answered from a source-critical perspective. The rabbinic dispute over the oven, the burning of Eliezer's purities, the ban, and Akiba's role in informing Eliezer are already connected in the PT version of the story,[91] and the BT redactors keep all those transmitted motives and scenes intact, although they change their order. On the other hand, interpreting the story through the lens of vulnerability illuminates a common thread that runs through the four parts.

There remains a key question regarding the relationship between part one and the following parts of the story: what leads to the extreme reaction of the sages to Rabbi Eliezer's demeanor in the academy? One explanation that appears in scholarship on the story is that Eliezer continued ruling according to his own decision and against the majority.[92] This theory probably goes back to the Rashi commentary on the scene of the burning of the purities.[93] The text of the Gemarah, however, says nothing about this. Rabbi Eliezer might have succumbed to the witty arguments of Rabbi Yehoshua and Rabbi Yirmiah, or he might have continued to disagree, but still have taught the majority rule to his students. However, reading the story through the lens of vulnerability, the sages' overreaction can be interpreted as a defense mechanism, triggered by their awareness of their own vulnerability. On the one hand, the discussion with Rabbi Eliezer might have made the other rabbis aware of the fact that the last word on the halakhic issue, the question of purity, is not yet spoken. They might have felt irritated by Rabbi Eliezer's insisting dissent, and perhaps even more so because they suspected that he is actually right. Being reminded of the vulnerability of their own knowledge of God, they might have become more willing to lash out against Eliezer. On the other hand, as discussed above, the story is set in the historical context of the vulnerability of the Jewish community in

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Palestinian redactors even transplant the story from the order of *Neziqin* ("damages", "injuries") to the order of *Mo'ed* ("festivals").

[88] See Rubenstein, *Talmudic Stories*, 46. The motive of divine punishment for perpetrators of verbal wronging already occurs earlier in the *sugya* (see BT Bava Metzi'a 59a).

[89] See Rubenstein, *Talmudic Stories*, 46.

[90] The emotional aspect of the harm done is still prevalent in the motive of the personal prayer and in the allusions to the earlier parts of the *sugya* that connect verbal wronging with tears. Thus, Rashi commentates on the final sentence: "since it [verbal wronging] is a pain of the heart and close [i. e. likely] to bringing down tears." (my translation).

[91] See again Rubenstein, *Talmudic Stories*, 52–53.

[92] See Stone, "In Pursuit of the Counter-Text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," 856.

[93] The Rashi commentary is mainly concerned about whether food baked on the outside (instead of the inside) of the oven is also impure, but it can also be read as a reference to Eliezer's continuing to rule the way that he did.

first- and second-century Palestine. Holding together this community proved to be an immense challenge, which is symbolically represented by the oven made of shards that are held together with sand.[94] This might explain why the sages' tolerance for dissidents is rather limited. Part three of the story alludes to this potential motive behind the ban, as Rabban Gamaliel here argues in his own defense that he has acted "for your [God's] honor, in order that disagreements do not multiply in Israel."[95] Thus, the four parts of the story can be read as a cohesive whole, when the sages' actions against Rabbi Eliezer are read as born out of their own vulnerability. The intricate ways in which vulnerability can be constantly reproduced within a community appear to be intimately interconnected with the religious (halakhic) discussion in the opening scene of the Oven of Akhnai.

Conclusion

In the first part of this article, I introduced the poststructuralist approach to theology of religions by Yan Suarsana as an appropriate epistemological grounding for conceptualizing comparative theology as a vulnerable theology. In the second part, I demonstrated that this epistemological grounding can itself be reframed in a comparative theological manner. For this purpose, I provided an in-depth analysis of the first part of the Talmudic story of the Oven of Akhnai. This story illustrates the intricacy of trying to gain access to God's will better than any other sacred text known to me. Thus, as a Christian theologian, I can gain valuable insight into the vulnerability of my own knowledge of and relationship with God from this Jewish source. Read as a whole and within its context, the story hints at an interweaving of the epistemic and the ethical dimensions of vulnerability. Epistemic and ethical questions are closely interlinked. Resistance against one type of vulnerability has consequences for the other, and vice versa. As shown in the banning of Rabbi Eliezer, human beings who are grappling with the vulnerability of their religious knowledge easily get carried away in the attempt to defend their own points of view, and this can have fatal consequences for interpersonal relations and communities. Hence, comparative theology, at least within the context of Christianity, is a vulnerable theology because it is vulnerable to resistance from other, more dominant strands of the Christian tradition. As Hans-Joachim Margull, one of the first critics of a traditional concept of mission and proponents of interreligious dialogue in the World Council of Churches, points out, interreligious dialogue in

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[94] See Nachman Levine, "The Oven Of Achnai Re-Deconstructed," *Hebrew Studies* 45 (2004): 36. Another interpretation of the oven made of shards is that it is a metaphor for rabbinic law itself, which is not a static object, but permanently needs to be reconstructed from fragments. See Greenwood, "Akhnai,", 348: "But just as Akhnai's oven has been created from the shards of destruction, so too the rabbis have recreated their legal world. Prayer, acts of loving-kindness and Torah study will replace sacrifice; kashrut will replace purity. The issue before Eliezer and the rest of the first post-Destruction generation is the status of this world made up of broken pieces cemented together over a core of sand, a world without the comforting absolutes of Temple sacrifice, divine revelation, and the certain knowledge that the Good and the True will prevail. In this context, Eliezer's position is the nihilism of the fundamentalist: all or nothing. A reconstructed oven of broken pieces is no oven at all, just broken, meaningless shards. It has no significance in the world of purity: it cannot convey meaning to us or impurity to its contents." Thus, Eliezer's declaration of the oven as pure implies that he does not consider this object, which is reconstructed of shards, as complete, and this attitude is symbolic for his understanding of post-Destruction rabbinic law. However, Greenwood's interpretation also relates to the precarity of the Jewish community in Palestine in the immediate aftermath of the Temple destruction.

[95] This phrase is derived from the earliest version of the Oven of Akhnai story in Tosefta Eduyyot 2:1. According to the Tosefta, the oven indeed increases disagreement among the people of Israel.

general is often perceived as causing harm to the home traditions by those who are not themselves engaged in the dialogue. This can lead to retaliatory aggressions that in turn leave those engaged in dialogue more vulnerable, in some cases even causing them actual injuries.[96] Thus, in interreligious dialogue, "everyone and everything is vulnerable, but it is crucial if and in how far vulnerability can be sustained and be rendered purposeful in this."[97]

Margull's essay, however, points to another dimension of vulnerability that also needs to be taken seriously in Christian comparative theology: the embeddedness of each attempt at interreligious theology in a cultural memory of injuries that resulted from past interactions of the respective traditions.[98] In the context of Christianity and its relations to non-Christian religions, many of those injuries are still open wounds, such as the complicity of Western Christian missions with European colonialism and the role of Christian antisemitism in paving the way to the Shoah. No less importantly, the contemporary relationship between any of the religions is always characterized by an imbalance of power. This imbalance is usually rooted in theological presuppositions as well as in continuing socio-political circumstances such as the majority-minority situation, diaspora status, and institutional establishment of the respective traditions. These factors can sometimes be more difficult and painful to acknowledge for the comparative theologian than atrocities of the past, from which one can distance oneself more easily. However, in order to achieve a conversation non-harmfully and on equal terms between the traditions involved, it is crucial to pay attention to those structurally embedded inequalities.

As a result of varieties of imbalances in power, it is likely that one religion becomes more vulnerable than the other in the comparative theological enterprise.[99] Nonetheless, by bringing different religious traditions into conversation and by decentering the perspectives of the religions in positions of power, comparative theology might ultimately help transform those power dynamics that benefit one religious tradition or community at the detriment of the other. But this transformation can only occur if theologians who enter interreligious encounters from historically privileged positions, specifically Western Christian theologians in most cases, are especially aware and accepting of the vulnerability of their own religious knowledge.[100] If, on the other hand, members of a minority or historically marginalized religion are more hesitant to acknowledge their own epistemic vulnerability, for example in being skeptical of engaging with interreligious approaches at all or towards the representation of their own religion in a comparative theological

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[96] See Hans-Joachim Margull, "Verwundbarkeit: Bemerkungen zum Dialog (1974)," in *Handbuch Theologie der Religionen*, ed. Ulrich Dehn, Ulrike Caspar-Seeger, and Freya Bernstorff (Freiburg im Breisgau: Herder, 2017), 120–21. It is interesting that Margull, writing in the 1970s, already uses the language of vulnerability (*Verwundbarkeit*) to reflect on this phenomenon. While he mentions his own experiences of injury through members of his home community without going into detail, there are numerous ways in which activists for interreligious dialogue can experience such injury. For instance, some receive hate mail in reaction to their public advocacy for openness towards other religious traditions, while others are denied positions in academia or in church.

[97] Margull, "Verwundbarkeit," 121.

[98] See Margull, "Verwundbarkeit," 123.

[99] This is equally valid for text-based comparative theology and for comparative theology that is based on personal collaboration between members of different traditions. For example, the history of Christian anti-Jewish polemics that are based on polemical passages in the Talmud shows how dangerous it often has been for Jews when Christians have engaged with their sacred texts. Jewish reservations against comparative theology thus must be read in this historical context and it is up to the Christian comparative theologian not to reproduce anti-Jewish stereotypes in their engagement with Jewish sacred texts.

[100] In a similar vein, Catherine Cornille, *The Im-Possibility of Interreligious Dialogue* (New York: Crossroad Publishing Company, 2008), 12–58, calls Christian comparative theologians in particular to spiritual and doctrinal humility.

approach, this should not be automatically read as a general striving for epistemic invulnerability on their side. Often, such resistance is rather to be seen as a strategic closure, which serves as "a protective mechanism [that] can create the conditions that allow for greater epistemic vulnerability within a community."[101]

To conclude, while, according to a poststructuralist understanding of religious truth, religious knowledge is by definition vulnerable, comparative theology can challenge one's own theological presuppositions more strongly and thus make one feel more vulnerable than many other forms of theology. The differences between the religious traditions involved can be huge, and the religious differences (be they theological, ritual, or on another level) often overlap with geographical distance and cultural and socio-political differences that go back to a complicated and violent history. Thus, the comparative theological encounter with another tradition has the potential to bring one's own epistemic vulnerability in religious matters more strongly into consciousness than intra-religious controversies. But if the acceptance of one's own vulnerability is taken as the starting point of the encounter, comparative theology does not necessarily lead to defense mechanisms or a complete loss of identity. Rather, comparative theology might serve as a means to cultivate the acceptance of one's own epistemic vulnerability in the face of the other tradition. This might eventually enhance the general acceptance of vulnerability as an integral part of the human condition and one's own life.

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[101] Gilson, "Vulnerability," 325.