BELOVED DAVID—
ADVISOR, MAN OF
UNDERSTANDING, 
AND WRITER

A FESTSCHRIFT IN HONOR 
OF DAVID STERN

Edited by 
Naftali S. Cohn and Katrin Kogman-Appel

Brown Judaic Studies 
Providence, Rhode Island
For David

דוֹד דוֹד יועץ איש מבין וסופר

“Beloved David—advisor, man of understanding, and writer”

(1 Chronicles 27:32, translated midrashically)
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Abbreviations

AB Anchor Bible
AJEC Ancient Judaism and Early Christianity
AJS Review Association for Jewish Studies Review
ANRW Aufstieg und Niedergang der römischen Welt: Geschichte und Kultur Roms im Spiegel der neueren Forschung
BETL Bibliotheca ephemeridum theologicarum lovaniensium
BibInt Biblical Interpretation
BJS Brown Judaic Studies
BTB Biblical Theology Bulletin
BZAW Beihefte zur Zeitschrift für die altestamentliche Wissenschaft
CBQ Catholic Biblical Quarterly
CBQMS Catholic Biblical Quarterly Monograph Series
CEJL Commentaries on Early Jewish Literature
CRINT Compendia Rerum Iudaicarum ad Novum Testamentum
DJD Discoveries in the Judaean Desert
DSD Dead Sea Discoveries
EJL Early Judaism and Its Literature
FRLANT Forschungen zur Religion und Literatur des Alten und Neuen Testaments
HTR Harvard Theological Review
HUCA Hebrew Union College Annual
ISBL Indiana Studies in Biblical Literature
JAAR Journal of the American Academy of Religion
JAJSup Journal of Ancient Judaism Supplements
JANER Journal of Ancient Near Eastern Religions
JAOS Journal of the Ancient Oriental Society
JBL Journal of Biblical Literature
JJS Journal of Jewish Studies
JQR Jewish Quarterly Review
JR Journal of Religion
JSJ Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Period
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<th>Abbreviation</th>
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<tr>
<td>JSJSup</td>
<td>Journal for the Study of Judaism Supplements</td>
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<tr>
<td>JSOT</td>
<td>Journal for the Study of the Old Testament</td>
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<tr>
<td>JSOTSup</td>
<td>Journal for the Study of the Old Testament: Supplement Series</td>
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<tr>
<td>JSQ</td>
<td>Jewish Studies Quarterly</td>
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<tr>
<td>JTS</td>
<td>Journal of Theological Studies</td>
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<td>MTSR</td>
<td>Method and Theory in the Study of Religion</td>
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<tr>
<td>OTL</td>
<td>Old Testament Library</td>
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<td>OTM</td>
<td>Oxford Theological Monographs</td>
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<td>RB</td>
<td>Revue biblique</td>
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<td>REJ</td>
<td>Revue des études juives</td>
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<td>RevQ</td>
<td>Revue de Qumran</td>
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<tr>
<td>ScrHier</td>
<td>Scripta hierosolymitana</td>
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<tr>
<td>SJLA</td>
<td>Studies in Judaism in Late Antiquity</td>
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<td>SJOT</td>
<td>Scandinavian Journal of the Old Testament</td>
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<tr>
<td>StPB</td>
<td>Studia Post-biblica</td>
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<tr>
<td>STDJ</td>
<td>Studies on the Texts of the Desert of Judah</td>
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<tr>
<td>STVP</td>
<td>Studia in Veteris Testamenti Pseudepigraphica</td>
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<tr>
<td>SymS</td>
<td>Symposium Series</td>
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<tr>
<td>TSAJ</td>
<td>Texte und Studien zum antiken Judentum</td>
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<td>VT</td>
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<td>VTSup</td>
<td>Vetus Testamentum Supplements</td>
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<tr>
<td>YJS</td>
<td>Yale Judaica Series</td>
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<tr>
<td>ZDMG</td>
<td>Zeitschrift der deutschen morgenländischen Gesellschaft</td>
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Introduction

“You have reached the office of David Stern. I’m not available to take your call. At the sound of the beep, please leave all pertinent ... and impertinent messages.”

It was difficult not to be entertained by David Stern’s answering machine message in his office at Penn, by the joyous impishness and cleverness that one could hear in his tone of voice and that one could feel, even when he was not actually there.

With his infectious personality—but also his deeply erudite and wide-ranging scholarship, his broad generosity, his appreciation for others, and his collegiality and abundant encouragement—David has impacted and created lasting connections with so many. This volume is a tribute to a beloved friend, mentor, and colleague. It is evidence of a person with an extraordinary scholarly range and an ability to create a wide network of admirers.

The breadth of topics and time periods covered in this festschrift stems, in many ways, from the broad scope of David’s own research. In his publications, David has written about the Bible, Qumran, Second Temple literature, Midrash and other rabbinic texts and books, medieval writings and inscribed objects, and modern Jewish literature. He has also written plays and fiction. According to David, what ties together his scholarly production is the question of Jewish literary creativity, which he applies not only to the textual but also to the material dimension of Jewish literature. In the first half of his scholarly career, David’s work centered on two primary areas: midrash and other types of ancient biblical interpretation, as well as narrative in rabbinic and medieval Hebrew literature. In the second half of his career, he shifted to the material aspects of the most important genres of inscribed Jewish texts—talmuds, prayer books, haggadahs, and bibles. In his view, the materiality of a book involves the same kind of creativity as does crafting its stories, but, even more important, a
book’s material shape has a direct impact on the way the text in the book is read and interpreted.

In addition to thinking about texts and objects, David has always looked at historical context, including questions of cultural exchange and appropriation. Jews have always been part of a larger surrounding culture, and the literary and material dimensions of their books reflect the ways in which Jews have interacted with the worlds in which they’ve lived. Jews have appropriated texts, genres, and cultural practices from those worlds, but they have also transformed and Judaized them. David’s work is known for its sophisticated engagement with theory, but he has always stressed that theory is never an end in itself; rather, it provides a critical language and vocabulary to talk about problems that can open up our understanding and knowledge of texts and the objects on which they are inscribed.

**Capsule History of David’s Career**

David Stern’s academic career has been a journey filled with serendipitous twists and turns, shaped by many encounters, and by his creative talent and explorative spirit. David was born in Chicago, grew up in an Orthodox Jewish home, and was sent by his parents to Jewish day schools where he received—sometimes, willingly; sometimes not so cooperatively—the basic Jewish education that has served as the indispensable foundation for his subsequent career (which he is infinitely grateful to his parents for giving him). He is an identical twin, and his brother Josef is an even more distinguished academic than David (at least according to Josef). During high school, David became very involved in community theater in Chicago; he acted in the children’s troupe of the Second City and in Paul Sills’s Game Theater, and began to write plays, achieving success as something of a wunderkind with plays being performed in theaters in Chicago and off-off-Broadway.

Following high school and before beginning college, David wanted to take a break from school. Because a yeshiva in Israel was the only option his parents would fund him to attend, he went to Yeshivat Kerem B’Yavneh in Israel, while actually intending to get involved in the Israeli theater scene. The yeshiva staff, however, did not view David’s extracurricular activities so favorably; as soon as the Rosh Yeshiva heard about his links to theater, he forbade David to continue, or gave him the alternative to leave the yeshiva. But this did not deter David. Eventually, he had a play produced and performed at the Khan Theater in Jerusalem, which he did under a pseudonym so as to avoid being found out. Despite having his attention elsewhere, the year in the yeshiva was a transformative experi-
ence for David. He found the intensive atmosphere of the yeshiva virtually theatrical, and he came to appreciate a dimension of studying Jewish texts he had never understood before. He began to see himself as a Jewish writer. He sought out the great writer Agnon as a model and actually managed to meet him, an encounter that later served as the basis of one of his first published stories.

After spending two years in Kerem B’Yavneh, David returned to America to attend Columbia College in New York City, where he majored in English, learned Greek and Latin, and studied classical literature. At Columbia, David’s literary writing also shifted from plays to stories and a novel. Encouraged by professors at Columbia, he also began to write literary reviews (and later essays) for journals like Commentary and The New Republic (a type of writing that he would continue to do for much of his career). He also kept up his traditional Jewish learning by attending the Talmud shiurim at Yeshiva University given by the Rav (Rabbi Joseph B. Soloveitchik) and Rabbi Aaron Lichtenstein. While he felt obliged to continue “learning,” David acknowledges that, at this point in his life, Talmud did not speak to him. It was, as he puts it, “over my head.”

After graduating from college and not being able to decide what to do with the rest of his life, David applied to graduate programs in comparative literature and was accepted at Harvard, but he deferred his admission to accept a year-long writing/traveling fellowship from Columbia. That year was transformative for David. Shortly before graduating, David had met Arthur A. Cohen, a novelist and critic, a publisher, a Jewish theologian, and a rare book dealer—a New York Jewish intellectual who lived outside any Jewish or academic institutional framework. He was, in David’s words, “incredibly cultured and deeply sophisticated, extremely smart and educated, unconventional, and somewhat transgressive in his lifestyle.” He took David under his wing, and decided to mentor him. He introduced David to Gershom Scholem by giving him a copy of Major Trends in Jewish Mysticism. This was the first book David had ever read that showed him that Judaism could be truly intellectually exciting. Cohen followed by giving David works by other authors—Yitzhak Baer, Harry Wolfson, Franz Rosenzweig. Under Cohen’s tutelage, David read voraciously. Until then David’s intellectual world had been almost completely secular, and his Jewish learning (and life) almost entirely separate from it. Now the two began to connect. This moment of convergence was the beginning of the process that eventually led David to a career in Jewish Studies.

When David matriculated in the Department of Comparative Literature at Harvard, he was supposed to study Greek, Latin, and English. Edward Said, with whom David had become friendly toward the end of David’s time as an undergraduate at Columbia, came to Harvard as a visiting professor in David’s first year in Cambridge, and during that year,
the two bonded, partly out of a feeling of mutual discomfort with Harvard’s hierarchical insularity. Like Cohen, Said had a major impact upon David’s intellectual formation even though he was never formally his teacher in any of the fields in which David eventually specialized or taught. Nonetheless, he showed David the necessity of being personally, emotionally, not just cerebrally, engaged with one’s intellectual and scholarly work. While doing coursework at Harvard, David also began to take a course every semester in Jewish Studies, almost always a Hebrew text course with Professor Isadore Twersky, the eminent Littauer Professor of Hebrew Literature. These courses invariably dealt with a more or less obscure text of relevance to medieval Jewish intellectual history, not a subject of intrinsic interest to David, though he always managed to find some odd or peculiar literary feature to pique his curiosity to the extent that he could write a paper about it for the course (some of which Twersky liked, some he didn’t). More important for Stern’s later career, during those years at Harvard, Alan Mintz, a friend of David who was then living in Cambridge, invited him to study midrash together. The two worked their way through Mekilta, Massekhet Shisha, using Judah Goldin’s *Song at the Sea* as an accompanying commentary. This was the first time David had ever studied midrash, and he was immediately captivated—one might say entranced—by its inspired combination of commentary and poetry-like, almost fictive invention. Shortly later, after David completed his general exams, Edward Said nominated David for a prestigious Junior Fellowship in Harvard’s Society of Fellows, and to everyone’s astonishment (and especially David’s), he received the award, which effectively gave him three years of freedom to write a doctoral dissertation. David was supposed to write on the topic of Medieval Religious Tragedy, but the experience of reading midrash had so enthused him that he decided to use his newfound free time to switch fields and write a dissertation on a literary approach to midrash, the specific topic to be decided.

As David recalls it, and as he has described the moment in several different essays, at the time midrash was an especially fresh and exciting field to be in. World-famous scholars and intellectuals, figures like Geoffrey Hartman, Jacques Derrida, and Frank Kermode, had suddenly become interested in midrash. As David has shown, midrash was not exactly what these scholars projected onto it, nor was their interest always long-lasting. Nevertheless, this moment of interdisciplinary excitement created a valuable opening for young Jewish scholars like David who became important interlocutors and sources of information for these famous senior scholars who were hungry for more acquaintance with classical Jewish literature. Ironically—or paradoxically—these senior scholars outside Jewish Studies (including Edward Said) were more supportive of David’s interest in studying midrash from a literary perspective than were scholars within Jewish Studies. Isadore Twersky, David’s offi-
cial doctoral supervisor at Harvard, originally pushed him to write about Maimonides’s attitude to midrash, but that was not at all what interested David. After several false starts, he finally completed a dissertation on parables (meshalim) in Eikhah (Lamentations) Rabbah, a genuine literary study that focused on the intersection of narrative and interpretation. This thesis eventually became the basis of his first book, *Parables in Midrash: Narrative and Exegesis in Rabbinic Literature* (1991).

David’s first job was at the University of Judaism in Los Angeles, where he taught for three years. He then spent a year teaching at Hebrew University, hoping to build a career there, but he ended up in a position at the University of Pennsylvania, where Judah Goldin had previously taught midrash. It was in these early years that David also published several influential essays on midrash, which he later revised and published in *Midrash and Theory* (1996). These essays, his book on *Parables*, and an infamous book review established him as a prominent figure in the growing field of midrash. During the same period, he also married Kathryn Hellerstein, a scholar and translator of Yiddish literature (today a professor of Yiddish at Penn), and had two children, Rebecca and Jonah.

At Penn, David also entered the second phase of his scholarly career, the study of book culture. This turn was, again, inspired by a personal connection with another scholar. In his telling, David had begun attending a faculty workshop on the history of the material text that was organized by Peter Stallybrass, a professor in Penn’s English Department, and a friend of David’s. David had begun attending the workshop simply because he found the talks fascinating; he had no background in the field and wasn’t working in it. He thought of himself as a “lurker” at the seminars. After about a year and a half of David sitting there and lurking, however, one of the seminar’s scheduled presenters canceled on Peter, leaving him with an empty week. Somewhat desperately searching for a replacement, Peter approached David and asked if he’d consider giving a paper. David didn’t know how to respond. On the one hand, he felt that it would be impolitic to refuse, since after all he’d been attending the workshop for so long. Moreover, he felt honored to be invited, and he felt it would be valuable for someone from Jewish Studies to present a seminar in this emerging new field. On the other hand, David had no idea what topic he could give a seminar on. So he said to Peter, “I’d love to accept, but I don’t have anything I can give it on.” Peter responded, “Well, what about that book of yours? What do you call it, the Talmud?” “Yes.” “It has that funny page format. Where does that format come from?” David replied, “I have no idea,” and he agreed to give a paper on this very topic. The topic quickly became an obsession (much as the mashal had once been), and soon turned into a larger project of understanding texts in relation to the material objects on which they are inscribed.

Not long after giving the seminar at Penn, David was invited to give
the Stroum Lectures at the University of Washington in 1997, and he decided, somewhat rashly, to deliver three lectures on the histories of three books as material texts—the Talmud, the Prayerbook (the Siddur and Machzor), and the Passover Haggadah. This was the true beginning of David’s education in the history of the Jewish book as a material object. It led him eventually to devoting fifteen years of research to writing a history of the Jewish Bible as a book, which was finally published in 2017 as *The Jewish Bible: A Material History*. He has still to complete the book based on the three original Stroum Lectures!

The eureka moment for David in this new field was the realization that we don’t read texts. What we read are texts inscribed on a writing medium in a very particular way. A text itself is just an abstraction, a purely verbal construction of the mind; until it is inscribed a text does not materially exist. Moreover, the specific way in which the text is inscribed on the material object has a profound impact on how we understand the text—its words, the object, the meaning that both hold for the book’s audience. Further, the book as object has a meaning in its own right, one that may go far beyond the words in the text alone. At first, David didn’t see much connection between this new project on Jewish books and his earlier work on midrash and other types of classical Jewish interpretation that he had been studying for twenty-five years. But when he understood the impact of materiality upon textuality, he suddenly realized that they were profoundly linked. The two met in the practice and history of reading, which changed as the material book also changed in its physical shape and form. Stern’s new project did not in any way contravene or supersede his earlier work. It simply added a new layer of richness and complexity to the literary object and its analysis, which further enhanced our understanding of its meaning.

In 2015, after teaching at the University of Pennsylvania for thirty-one years, David accepted a joint appointment as Harry Starr Professor of Classical and Modern Hebrew and Jewish Literature and as Professor of Comparative Literature at Harvard University, where he continues to teach Jewish Studies and the History of the Book.

**The People**

David’s important contributions to scholarship are legion. His connections to scholars are equally manifold. The capsule history of his career highlights some of the well-known scholars who had a profound impact on him, and there are even more who have adored David and contributed to his development. At the same time, David himself affected and influenced so many people in so many different ways. The contributors to this
volume include former students who worked directly under his supervision; students whom he did not directly supervise but nonetheless mentored; colleagues; collaborators; a family member; and many scholars with whom his work was contiguous and with whom David formed a bond over their shared interests. Those who have published a chapter in this volume dedicate their contributions to scholarship in David’s honor. They do so in friendship and love and true admiration. Thank you, David! This volume is a testament to your impact.

The editors would like to express an additional thank you to David Stern for providing an extensive interview for the biographical sketch and Kathryn Hellerstein for additional input. We would also like to thank Ezra Chwat for the idea to use a portion of the verse in 1 Chronicles 27:32—which we have interpreted midrashically—for the title.

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In recent years, a number of scholars have convincingly demonstrated that the Mishnah—usually they focus on a particular tractate, as shall I—cannot be presumed to provide a one-way window to either the society that produced it or the society for which the Mishnah would appear to legislate. That is to say, the Mishnah is not simply representational of Jewish (and one could say rabbinic in particular) history, society, or culture of its own time and place, that being Roman Palestine of the first three centuries CE. In short, the Mishnah is a highly rhetorical composition, seeking through its words not so much to represent what is, as to imagine what might be (or might have been). In speech-act parlance, its words are crafted less to convey information than to performatively transform its readers or, better yet, auditors, so as to rhetorically construct an idealized society of learners. Of course, one could extend that to other early rabbinic texts, but that is not my self-imposed assignment in this essay.

Thus, when the mishnaic constructions appear to be anachronistic for the Mishnah’s own times and circumstances (e.g., rules governing a king, high court, temple and its sacrifices), they cannot easily be explained away as either nostalgic and romanticized portrayals of the (Second Temple)
past, or as idealized blueprints for the (messianic) future. Rather, their rhetoric needs to be understood with respect to the Mishnah’s own more narrowly limited here and now, especially in the rabbinic “house of study,” as they seek rhetorically and imaginatively to shape their noho-narrative worlds as much as, if not more than, they seek to objectively represent them. In short: What is the Mishnah doing with its words? As I half-jokingly tell my students, if Martians came to earth and were handed a copy of the Mishnah to read, they would understandably assume that it represents a society in which there is presently (due to the pervasive use of participial verbal forms, beginning with the first sentence of the tractate) a dominant priesthood performing animal sacrifices in a centralized temple, ruled over by a hereditary monarch and high priest, whose laws are adjudicated by a stratified judicial system overseen by a supreme high court of referral, with the power and facilities to execute judgment against capital criminals, including, not just murderers, but adulterers and adulteresses, and so on.

Does the presence, if not dominance, of this imaginative rhetoric mean that the Mishnah is of little use in discerning aspects of its historically rooted social world? We will see that notwithstanding its legal (not to mention narrative) flights of fancy, the Mishnah is attentive to the social needs of its socially grounded audience, however construed, and idealized.


Before turning to the text of Tractate Ta‘anit, it should be understood that it is not a “typical” tractate (but which tractate is?) and, therefore, is of limited value (but, then again, which tractate is not?) in addressing the topic of this essay, “The Mishnah and Its Society,” taking the latter term broadly. I shall proffer four interconnected ways that it is different, if not unique among the mishnaic tractates, and therefore a “border-line” text or test for our topic:

1. There is relatively much narrative (and even more so in the two Talmuds’ commentaries to chapter 3 of the Mishnah), most notably the famous story of Ḥoni the Circle Drawer (m. Ta‘an. 3:8), possibly the most commented upon story of the Mishnah.6

2. Although the existence and functioning of the Jerusalem temple is assumed throughout, there is relatively little of this tractate that could not have been practiced (how widely, we cannot tell) in the years during which the Mishnah was being composed, that is, in post-temple and post-Sanhedrin times.7


7. E.g., the ma'amadot of m. Ta‘an. 4:1–4. Thus, in m. Ta‘an. 3:7, when the elders return to their communities to decree a public fast out of empathy with towns on the land’s periphery, Epstein comments that these were the members of the Sanhedrin in Jerusalem.
3. Fasting, along with prayer and other forms of self-denial, is very well attested in the Hebrew Bible and Second Temple literature, in part as a response to calamity in general and drought in particular, as well as to famine, plague, wild animals, marauding insects, foreign armies, and so on. In view of these forms of suffering as divine punishments for human sin, fasting and its accompaniments are understood as expressions of individual or collective contrition and petition for divine compassion, forgiveness, and favor. However, the extended, staged ritual order of fasting and other forms of self-denial, by elites and commoners alike, that we find in this tractate has no clear antecedent, or even a hint, in the Hebrew Bible or in Second Temple literature (including the Dead Sea Scrolls), notwithstanding the frequently attested activities of fasting and related forms of self-denial. While these ways of understanding and responding to drought and other shared calamities are every bit as much attested prior to the destruction of the temple as after, the specifics are distinctly rabbinic (post-destruction), unless we assume, as many scholars have, that the mishnaic account reflects Second Temple practices, for which, again, we have no hard evidence (save, perhaps Luke 18:12, as noted below).

4. The central theme of Mishnah Ta’anit is universal across all societies in all ages (albeit to differing degrees), to an extent unequaled in this regard by any other mishnaic tractate: communal responses to life-threatening calamity.

Here I wish to begin with the last. The concern with proper rainfall, and the calamitous consequences of both flooding and drought, is not unique to the land of Israel. Rather, it is common, if not universal (but to differing degrees), to all societies that receive their sustenance from the soil, and especially in climates that experience irregular rainfall. James G.

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Frazer comments, “Of the things which the public magician sets himself to do for the good of the tribe, one of the chief is the control of rain.”9 Similarly, E. O. James observes, “In primitive society, where the food supply is governed directly by the rainfall, the attitude of man towards the weather is one of grave anxiety calculated to produce states of emotional intensity.”10

Our mishnaic tractate shares the widespread biblical, Second Temple, and near universal beliefs that drought and other calamitous events of nature (and military conquest) are reflections of human behavior and divine displeasure therewith. Differences surface, however, when we ask how and by whom and by what means such disasters can be averted, terminated, or justified. Such questions are related to that of who bears responsibility, a society or region as a whole, or just parts thereof, or even certain individuals. What is unique (and uniquely mishnaic) about this tractate, in comparison to its many biblical and Second Temple antecedents, and surrounding cultures,11 is the extent to which it provides a legal framework and practice, that is, an order (order being a dominant preoccupation of the Mishnah), for communal fasts in response to drought and other collective catastrophes, again, for which we have no biblical or Second Temple antecedents. That is, there is plenty of anecdotal or ad hoc fasting, but no legally ordered fasting (except, perhaps, the biblical Yom Kippur, but there the emphasis is neither on fasting per se, nor on fasting as a response to drought or other societal calamities).

The Mishnah, in effect, is saying, just as there is a proper order and measure to the seasonal rainfall, so too there is a proper order and measure to the people’s supplications in the event of drought. Since society’s welfare depends on it, these are not matters for experimentation or innovation. Beseeching God’s compassion requires humility and submission to both liturgical and ritual order, and to those communal officiants who ordain it. From its outset, Mishnah Ta’anit seeks a graduated response to the lack of rainfall at its expected time and season through a series of intensifying and broadening responses intended, it would appear, not to overreact and thereby cause panic, both socially and economically, making a bad situation worse.

In the land of Israel, the mainly lunar calendar (354 days, except when intercalated) of the rabbis makes it somewhat unclear when rain can be expected and how late it is in coming in any given year, since the festivals will “drift” from year to year with respect to the solar cycle (365 days), upon which the weather and agriculture depend, rather than on a purely

11. For which see n. 9 above.
(non-intercalated) lunar calendar. Since the rainy season runs, approximately, from the end of Sukkot in Tishre (the fall) to the beginning of Passover in Nisan (the spring), that is, depending on the relation to the solar calendar, from mid-October to mid-March, it is preceded by the fall fruit harvest at the time of Sukkot and concluded with the spring grain harvest at the time of Passover. Both were major pilgrimage festivals, requiring long and arduous journeys for Jews living at a distance from Jerusalem with its temple, the center of such seasonal festival worship and celebration. Rain too soon or too late in that transitional period would cause considerable inconvenience and disruption to the festival rituals and to the agricultural and economic well-being of the agrarian society.

Thus, our tractate begins not immediately with its subject of fasting for rain, but with the question of when, liturgically speaking, to *proclaim* God’s power to cause the rain to fall, and when, subsequently to actually *petition* for rain to fall in due time and measure. As m. Ta’an. 1:2 states, “They ask [pray] for rain only near to [the time for] rain”—in other words, “be careful what you wish for.” The intent here, as we shall see more explicitly below, is clearly practical and societal: a concern that too much rain or rain at the wrong time in the agricultural cycle will not only be calamitous by interfering with the most advantageous agricultural times for seeding, cultivating, and harvest, but also with societal activities such as travel and assembly.

Similarly, in the next mishnah (1:3), we are witnesses to a debate between sages as to the correct date to begin petition for rain in the liturgy: “On the third of Marheshwan they ask [pray] for rain. Rabban Gamaliel says, ‘On the seventh, fifteen days after the Feast (of Sukkot), in order to give time for the last of the Israelites to reach the Euphrates River.’” According to Rabban Gamaliel, sufficient time needs to be allowed after the festival of Sukkot for the pilgrims to safely return home before petitioning for rain and (if the prayers are successful) its muddying of the roads and drenching of their clothes and provisions. He provides an additional four days of travel before Jews actually pray for rain. According to later sources, the halakhah agrees with Rabban Gamaliel. The Euphrates marks the eastern-most boundary to cross before arriving in Babylonia from Syria (think of Dura Europos, with its third-century synagogue) as a stopping place along the route). Alternatively, the pilgrims might feel pressured to embark on their return trip before the end of the festival, affecting, among other things, Jerusalem’s “hospitality” economy, so as not to be caught in the rain. The timing of the prayers is as much determined by societal need as by meteorological calculations.

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12. The opening question, “From what time … ?” would seem to echo (or vice versa) the opening question of tractate Berakhot (1:1), both relating to the proper timing of prayers, but there it is with respect to the time of day, and not the time of year, as here.
Before continuing with the Mishnah, one additional piece of background information is necessary. In ancient Israel, as in the eastern Mediterranean more broadly, market days were Mondays and Thursdays. Those were days when villagers would come to the nearest towns and cities to trade, go to court (see m. Ketub. 1:1), and, in the case of Jews, to gather in larger numbers than they could at home for prayer and the public reading of Scriptures. See, in this regard, Mishnah Tractate Megillah (1:1–2), for the reading of the Scroll of Esther on such a market day (יום הכניסה, “day of gathering/entering”). The practice of reading the beginning of the weekly Torah lection on Mondays and Thursdays (and Saturday afternoons), continues to be normative for synagogues worldwide (regardless of the local market days). For a Pharisee fasting on two days of the week, generally understood to be Mondays and Thursdays, based on our Mishnah, see Luke 18:12.

Mishnah Ta’anit 1:4–7 spells out, stage by stage, the human response to drought (and by extension, other types of calamity). With each successive delay of the first rainfall into the fall and winter, beginning on the third/seventh of Marheshwan, the response is increasingly required to be broader and deeper.

To begin with, on the seventeenth of Marheshwan (the month following Tishre) certain pietistic individuals (יחידים), about whom we know next to nothing, begin a moderate fast on three days of the week: the market days of Monday, Thursday, and Monday, abstaining from food and drink only during the daylight hours, and undertaking no further self-denials. In a sense, they might be thought to fast on behalf of the community as a whole, being their ritual vanguard, but also minimizing the disruption of social and economic life for the larger “public” (REFERRED TO AS הצבור).

On the first of Kislev, the next month, if there is still no rain (that is, no divine compassion) a similarly mild fast is undertaken by the community as a whole (הצבור), at the direction of the/a “court” (byss בית; but which court and where?), further broadening the response and making it more official, but leaving it still relatively mild. Except for daytime fasting, activities usually prohibited of mourners and on fixed fast days are still allowed.

If these relatively mild fasts are to no avail, the court enjoins the whole community to undertake another set of three fast days (Monday, Thursday, and Monday). These fast days are now from sunset to sunset (approximately twenty-four hours each), and are accompanied by other forms of individual and communal physical self-denial in addition to not eating or drinking. Among these is not only a prohibition of bathing, but the closing of the bath houses, perhaps not just as a self-denial of pleasure, but a way to conserve sparse water.

If once again the people’s “prayers are not answered,” as the Mishnah puts it, the court ordains a cycle of seven more fast days (successive Mondays, Thursdays, and Mondays), bringing the total to thirteen fast days
for the community as a whole, or sixteen for the elect individuals (יחידים). During these fast days the ante is significantly raised: they blow the shofar, which signifies “sounding the alarm,” both for war and for repentance, and they close the shops (reducing if not banning commerce), a societal and economic partial lockdown.

Next (m. Ta’an. 1:7), if these efforts are of no avail, businesses are further constricted; building and planning, betrothals and marriages are prohibited, and people are enjoined from greeting one another—all outward expressions of societal rejection by God and human acts of contrition, rather than attempts to slow the spread of a contagion.

From here on, until the end of Nisan, following Passover, the elect individuals (יחידים) alone resume their fasting three days a week (Monday, Thursday, and Monday), presumably since it would be unrealistic for the community as a whole to fast any longer or further constrict their societal activities. Finally, it is said that if the first rains arrive only at the end of Nisan after the end of the usual rainy season, it is viewed as a סימן קלהה (“sign of [divine] curse”), as scripturally illustrated by 1 Sam 12:17, as quoted at the end of m. Ta’an. 1:7). Such late rain can do more harm than good. It is as if God, in his displeasure, were to say, “You want rain; I’ll give you rain!”

Interestingly, this schedule allows for some modification in direct response to societal needs: During the seven days of fasting, on Mondays in the late afternoon, the shops may be partially opened for business, presumably to ease household shortages and alleviate damage to the local economy. Similarly, on Thursdays, it is permitted to open the shops, but it is unclear whether this is for the whole day or just in the late afternoon, for the sake of כבוד השבת (“honor of the Sabbath”; m. Ta’an. 1:6). The lack of rainfall notwithstanding, preparations to honor the Sabbath, which would begin Thursday and continue into Friday, would be impeded without the necessary provisions. See also m. Ta’an. 2:7, which allows the priests to wash themselves and their clothes, and to cut their hair on Thursday, as well as 4:3 [2x], 7, all specifying for the “honor of the Sabbath.” A similar exception to the overall progression of collective self-denial, can be found in m. Ta’an. 2:9, where it is said that the three-day cycle of public fasting cannot begin on a Thursday (beginning on Monday instead), lest people, in panic, overshop in anticipation of the approaching Sabbath and “burst the market” (השערים להפקיע), that is, causing inflation of the prices in response to limited supply and expanded demand, a very normal human response in times of scarcity. The combination of drought or disease and Sabbath shopping would create extremely severe market pressures. There is a disagreement as to whether subsequent cycles can begin on a Thursday, once the markets would have settled somewhat and have been less likely to be unprepared for the economic repercussions of communal fasting and other cessations or reductions of social and economic activity.
Having outlined the step-by-step orderly approach to societal calamity, mainly drought, gradually expanding to include more of the population and more intense forms of prayer and societal lockdown, the Mishnah, as is its want, turns to a number of ambivalent and exceptional, that is, liminal situations, for which the Mishnah, as it were, demands clarification, often with deep and broad social implications.

Jumping ahead to chapter 3 of the Mishnah, we find several scenarios, all with social implications, that are not covered by the aforementioned schedule of fasting, which therefore require that the schedule be modified or abandoned. First (m. Ta’an. 3:1–2), the above schedule applies to the circumstances of the “first rain” being withheld. But if the “first rain” comes on time, causing the grain seeds to germinate, but is not soon followed by additional rain, the sprouted seeds will stop growing and the sprouts will die, or if there were forty days between rainfalls, then in such cases there is no time for a gradated approach. This is termed הצורת המכת, the “plague of dearth” (m. Ta’an. 3:1). Rather, they blow the shofar immediately, since without immediate rain, the whole crop would fail. In economic terms this is worse than simple drought since the farmer would be left with neither seed nor crop.

This leads to mention of similar emergencies that require an immediate communal response, for example, sufficient rain for the grain crops but not for the trees, or for the trees but not for the crops, that is, rain in insufficient amounts to satisfy the full agricultural needs of the society. Similarly, there might be enough for the crops and the trees, but not for long-term storage to last through the long arid parts of the year to serve societal needs for water besides those of agriculture, for example, bathing.

For another anomalous, liminal situation, reflecting social (and meteorological) reality, see m. Ta’an. 3:3: What if the rain fell at the correct time and measure in one city (or region), but not in another, causing the crop of one to grow and of the other to wither (citing Amos 4:7 for scriptural illustration)? Do the people of both cities fast and blow the shofar, one out of suffering and the other out of empathy for its suffering neighbors? In typical mishnaic manner, a middle ground is found, but not without disagreement: the directly affected city fasts and blows the shofar, but the surrounding areas that are not directly affected fast, presumably out of

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13. Time and space do not allow us to examine the important roles, in chapters 2 and 4, of the mishmarot and ma’amadot in facilitating lay inclusion in the temple rituals and their hometown accompaniments. See m. Ta’an 2:6, 7; 4:1, 2, 3, 4, 5. Note b. Ta’an. 27b: “Were it not for the ma’amadot heaven and earth could not endure.” Much has been written on these terms and their inclusive social implications. Most recently, see David Henshke, “Ma’amadot: A First Stage in the History of Rabbinic Prayer” [Hebrew], Tarbiz 87 (2020): 509–51. See esp. m. Ta’an. 4:2 with respect to Num 28:2: “How can a (lay) person’s sacrifice be offered [on the altar] if he does not stand by it?” On the inclusion of laypersons during the mourning rites of contrition, see m. Ta’an. 2:1: everyone puts ash on their heads, not just the leaders.
empathy, but do not blow the shofar since it is not an emergency for them, and, presumably, sounding a “false alarm” could be socially detrimental, both then and in the future (like the “boy who cried ‘wolf’”). Rabbi Akiva resolves the anomaly in reverse fashion: the surrounding, unaffected areas blow the shofar (identifying with the affected area), but do not fast, since they are not suffering as are their neighbors, and therefore do not need to disrupt their society and economy unnecessarily or prematurely. The same opinions apply to pestilence (m. Ta’an. 3:4). We are given a list of other calamities that are so severe that they require the immediate blowing of the shofar, “in every place” and not in gradual due course, because these misfortunes are likely to spread rapidly and not be readily contained geographically (3:5), with pointed narrative antecedent examples (3:6). It would appear that an effective network of communication existed (or was imagined) so that no community would be cut off from the others in a time of disaster.14

Some threats are so dire that they require the shofar to be blown even on the Sabbath, regardless of one’s proximity to the calamity: a city surrounded by non-Jews (presumably poised for attack), or by a flood, or a ship storm-tossed at sea (3:7). Once again, the precise function of the blowing of the shofar (aside from its symbolism) is variously understood: in order to summon human help, or to cry to God, or both.

Aside from some of these opinions being ascribed to named sages, it is not clear who leads the communities and utters decrees (presumably a court of some sort, but whose members are unspecified). One human figure who appears twice as a leader of prayers of beseechment to God, and admonition to the congregation, is the “elder” (זקן) (m. Ta’an. 2:1; 2:2). While some later texts view him as a “sage” (רבו), that is, a rabbi, others differentiate between the two, with some giving higher priority, for present purposes, to the זקן (see b. Ta’an. 16a). It is not clear whether the term זקן (like the previously encountered ייחודי/“[select] individuals”) denotes an office or a title, or simply, by virtue of age and experience, an honorary “elder” of the community, whether for his learning (not mentioned here) or his piety (mentioned, especially for his fluency with the prayers). In m. Ta’an. 2:2 we are given his credentials, at least for present purposes: “one that had children and whose house was empty (of food and provisions), so that he would be wholehearted in prayer.”15 Since the זקן prays on behalf of the community, he must share their burden if he is to have credibility in his intermediary role between God and the people. Learning, as important as it is to the rabbis, is absent here, since learning alone cannot

15. For other expressions of his liturgical fluency, piety, and hardship, see t. Ta’an. 1:8; y. Ta’an. 2:2, 65b–c; b. Ta’an. 15a (bottom). In the last, the qualifications are so many that there is doubt whether anyone can satisfy them all (only one does).
induce either divine sympathy or communal contrition. For the rabbinization of this ע”י, however, see the Babylonian Talmud Ta’anit 16a.

Another marginal, liminal figure with respect to drought and fasting is the well-known Honi the Circle Drawer, who may make an earlier appearance in Josephus, *Ant.* 14.22–24, and whose story as told in the Mishnah, and expanded upon greatly in the two Talmuds (chapter 3 of each), has been explained in many profound ways. The story of Honi (m. Ta’an. 3:8) is initially cited in the Mishnah in support of a rule that, for any communal distress, the shofar should be blown, save to stave off an excess of rain (flooding). Having focused prayers and acts of self-denial in order to induce God to “open the heavens,” one cannot use the same methods to avert “too much of a good thing” or an “embarrassment of riches.”

Yet the story is about much more. Like the ע”י, Honi stands outside the circles (pun intended) of human authority, that is, the sages (as they imagine it). For example, the usual prayers (as outlined previously in the Mishnah) are of no avail. His drawing a circle and importuning of God to produce rain would appear to be an act of either (white) magic or coercion of God (a sort of civil disobedience), but in any case it circumvents (so to speak) the orderly communal processes outlined previously in the Mishnah. Honi, bears no recognizable title other than בית בן, and intimate of God, assuming that “Circle Drawer” is not a title per se but a descriptor. He follows no order or ritual practice other than his own, upending the orderly approach previously ordained by the Mishnah. He is an anti-hero (and his story is a countertext) from the (rabbinic) establishment perspective of Simeon ben Shetah.

Honi may or may not be charismatic, but he positions himself as a singular intermediary between the people and God, with no need for anyone or anything to stand as an interposing bridge and buffer between him and God, speaking directly to God on behalf of the people: “Master of the Universe, your children have placed their faces on me, for I am like an intimate member of your household.” That is, Honi has, or is said to have had, a close, intimate relationship with the human “children” of God, on the one hand, and with the “Master of the Universe” (including of the rain), on the other. God is a father figure with respect to Honi, as the people are children with respect to God. It’s a “family affair.” Unlike the ע”י, he is not said to have had any qualities, whether of learning or piety or

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16. See n. 7 above for extensive and diverse treatments of this story. I will assume that its basic outline is known to my readers and focus only on those aspects of the story that relate to our theme.

17. That is, placed their trust in me.

hardship, for him to be privileged to hold this intermediary, intercessory position. He seems to assume a prophetlike role on behalf of the people and before God.

After a few tries, Ḥoni not only causes it to rain but does so, eventually, in Goldilocks-like proper measure—not too little and not too much, but just right—upending the mishnaic rule not to protest (or blow the shofar) in response to too much of a good thing. Ḥoni may behave like an arrogant, spoiled child (according to Simeon ben Shetah, who is a stand-in for rabbinic rules and authority), but he gets from God what he seeks for the people. Contrary to the orderly, *gradated* process that the Mishnah earlier laid out, Ḥoni relies on the force of his impetuous, *enfant terrible*-like personality, his favored-child relationship with God, and, perhaps as importantly, his seeming popularity with the people. Whether the last is a function of his success (he gets the job done!) or the brusque qualities of his personality, is left hanging at the end of the story. Simeon ben Shetah would appear to have the last word, a scriptural quotation (Prov 23:25), which he utters exasperatedly and begrudgingly: Ḥoni is a source of joy to his “father and mother,” that is, to God and, presumably, to God’s long-suffering people.

Finally (for this penultimate chapter of the Mishnah), another seemingly anomalous, but not unreasonable, situation (a gray area of the law, a typical focus of the Mishnah) is discussed: having begun a fast, according to the previously outlined schedule, what happens if it begins to rain during the fast? Do they terminate it or complete it? It depends on when in the course of the fast (assumed here to be a twenty-four hour fast) the rain begins. If the rain commenced before sunrise, then they terminate the fast immediately; if after sunrise, they continue to fast until the end of the day (presumably sunset). A minority opinion states that it depends not on sunrise but on midday, that is, if the rain begins before midday, the fast is terminated, and so on. Presumably there would have been people happy to end their fasting (and attendant abstentions) earlier rather than later, with the assumption that, even if incomplete, the fasting would have done its job.

In conclusion, while many tractates seem divorced from the social reality of the times of their composition and reception, others, especially those whose laws, or some of whose laws, could continue to function in mishnaic times, appear to take into greater account the degree to which the Mishnah considers the societal and economic needs of its audience (or hoped-for audience). As we have seen, this sometimes appears as an

19. Two other tractates of the order Mo’ed, which I recently taught in graduate seminars, would also fit the bill: Rosh Hashanah and Megillah. The former goes out of its way to be as inclusive as it can of lay witnesses to the new moon, while the latter (and its Tosefta) goes out of its way to cater to the poor in the community.
interrupting (usually narrative) countervoice to the dominant (usually legal) tone and rhetoric of normalcy and continuity of the Mishnah. Hence, we experience a dialectic between the Mishnah as the construction of an alternative nomo-narrative world order, and its sporadic yet ongoing punctuation with this-worldly social and economic realities. Perhaps it is both aspects, in dialectic and dialogue with one another, and, one would hope, the refusal by scholars to pose a dichotomous choice between them, that has sustained and nourished the Mishnah’s longevity.20

Let me end with four quotations, from very different contexts, that bear (unknowingly) on our subject, expressing, each in its distinct way, the essence of my argument:

אין גוזרין גזירה (על ההצב), אלא אם כן רוב ההצב עולמי ל Ramirez המowała.

They do not ordain an ordinance (on the community) unless the majority of the community can withstand it.21

If you have built castles in the air, your work need not be lost; that is where they should be. Now put the foundations under them (Henry David Thoreau, Walden)

Law is a bridge in normative space. It connects the world we have to a world we can imagine. But there are many possible worlds and many ways to connect them” (Robert Cover).22

הthora חסה על ממונם של ישראל.

The Torah is considerate of the material needs of Israel.23

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