

*Halakhah: The Rabbinic Idea of Law*, by Chaim N. Saiman. Princeton: Princeton University Press, 2018. 320 pp., Hb., \$29.95 US/ £25.00. ISBN 978 0691152110

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Chaim Saiman is an orthodox Jewish halakhist (master of Jewish law) and law professor at a Roman Catholic university where he teaches both American and Jewish law. He has written a refreshing and arresting book asking what the Jewish legal system is and does.

Before emancipation and modernity penetrated Judaism, a university-trained halakhist was unthinkable. Saiman is a product of that branch of the Soloveitchik rabbinic dynasty that commended both university study and Talmud study. Rabbi Joseph B. Soloveitchik produced a large and productive school of orthodox scholars seeking constructive conversation between rabbinic Judaism and modern thought.

Saiman takes that interest one step further by breaking with the Jewish avoidance of Christian thought and facing the charge of “legalism” against Phariseism beginning with Jesus and Paul. He knows that Judaism can become a matter of following rules for the sake of following them. “By emphasizing the legal particular, halakhah inevitably blinds itself to the more relevant ethical, philosophical, and theological dimensions of God’s revelation” (24). He cites 2 Corinthians 3.6: “for while the letter [of the law] kills, the Spirit gives life.” Simply writing such sentences to a Jewish audience crashes through centuries of avoidance, neglect, and fear of Christianity. Soloveitchik broke down Jewish isolation by entering the secular world. Saiman takes that one step further by crushing the anti-Christian taboo. Both are spectacular steps. Saiman has begun a self-critical conversation with Christianity that many believe was both dangerous and impossible.

Saiman also faces into the problem of deciphering what rabbinic literature is and does. He candidly admits the strangeness of the rabbinic corpus that inchoately mingles rules to be followed with rules that are unfollowable. Stories and anecdotes about various rabbis and folkloric tidbits interlace with endless pedantic rules. What holds it all together? Saiman’s pointed question is: What is rabbinic Judaism? What is it doing?

Saiman steps away from polemic and shifts the conversation in a constructive direction by proposing that what rescues Judaism from the charge of legalism requires shifting attention from performing the rules to the practice of studying them. Studying together creates a community organized

around the loving God's word. Here, it is not only the practice of the law but also studying and discussing it in all its fantastical profusion that constitute a godly community. Saiman's book is an apologetic but taking the legalism charge seriously invites his own community to self-examination alongside him. His apologetic is that *talmud torah* (studying the Talmud) rather than observance itself forms individual and the community in godliness as Judaism understands it. He knows that this is only a partial reply to Jesus, but it is an inroad for the sake of Jewish self-understanding.

In facing his own community, *Halakhah* treats the internal question of what rabbinic Judaism is and does. His assertion is that "Torah" functions for Judaism as "philosophy, political theory, theology, and ethics, and even ... art, drama and literature" (p. 8) do for the secular world. The idea requires considerable treatment that it does not receive here. He seems to be equating *talmud torah* with a liberal arts education. Bundling all these civilizing arts into one and rolling them into the benefits of studying a chunk of *g'mara* (*blot g'mara*) does not yet succeed. The source of Saiman's proposal that Talmud study accomplishes what the arts and humanities try to do comes from the opening *sugya* of the Peah tractate of the Mishnah that was inserted into daily morning prayer.

These are the things that have no definite quantity: The corners [of the field]. First-fruits; [The offerings brought] on appearing [at the Temple on the three pilgrimage festivals]. The performance of righteous deeds; And the study of the torah. The following are the things for which a man enjoys the fruits in this world while the principal remains for him in the world to come: Honoring one's father and mother; The performance of righteous deeds; And the making of peace between a person and his friend; And the study of the torah is equal to them all.

In addition to internalizing the external charge of legalism, Saiman also addresses the question of whether in its stark bizarreness the Talmud means anything at all. This might be seen as rolling back R. Soloveitchik's reason for studying philosophy at the University of Berlin and Talmud at home. Peah 1:1 can be read as suggesting that university education is not needed because studying rabbinic law itself civilizes and uplifts just as the humanities (*die Geisteswissenschaften*) do. In that sense, study of the Talmud re-ghettoizes orthodox Jews.

His answer to the question about the bizarreness of Talmudic literature is that, regardless of what it might mean and what practicing it might do, studying it lifts those who do so into the sublime realm of thought that is intended to connect men (i.e., males) to God. Women do not traditionally engage in Talmud study.

*Halakhah's* weakness is that Saiman's apologetic for Talmud study argues that as community building it is analogous to a liberal arts education but that does not integrate the two as Soloveitchik intended. Rather it interprets classical Orthodox Judaism in terms that moderns can grasp. Not only does it place classical rabbinic Judaism on a foundation beyond rote performance, it also proposes that, as a system of law that is studied, it gives meaning to an impenetrable corpus of texts composed and edited over centuries. Talmud study is what Christians would call spiritual, theological, and/or religious formation. Study as a lifepractive is the point of the Jewish legal system. It imparts godly identity through imitating God in heaven studying with the angels.

After the two disastrous wars with Rome in the first and second centuries CE, the Jews had nothing – nothing! Land, political independence and leadership, biblically prescribed worship, religious institutions and their leadership, and an international community organized around common worship vanished overnight. And this in addition to having no common language as noted in Acts 2 in the Christian Bible. In 70 CE, and even more in 135 CE, the Romans crushed the Jews. Thousands were killed, exiled, enslaved, and the economy was decimated.

The scholars who authored the canons of sacred Jewish literature over a period of five centuries crafted a conceptual world that they could inhabit regardless of historical circumstance. Creating that world enabled a bereft and grieving people to reinvent itself. The study of that literature is a completely liquid asset. It could travel anywhere at any time. It is designed to be impervious to external assault. Although the Church restricted Jewish life, it never prohibited the practice of Judaism. It did try to destroy it by burning copies of the Talmud that they could round up in 1236 in Paris, just as the University of Paris was being formally recognized by the Church seven years after the establishment of the Holy Inquisition to combat heresy. But burning the books also failed. In Judaism's constructed invisible world, Jews held onto God's love for them and their love of God.

Vivifying this invisible world enabled Judaism to persevere through everything, even Hitler in the end. Saiman has given us a brilliant construal not only of how rabbinic Judaism works but insight into why studying it became the foundation of Jewish survival. Indeed, even when severed from Torah, land, and even God, Jews experienced the dignifying and uplifting power of study. It enabled them to scramble up the mobility ladder wherever they were. Though regularly shot down for overachieving, study – no matter the subject matter – became the antidote to being reviled and held in contempt. That Saiman is able to step back from it enough to address its weaknesses while rendering it intelligible is a great gift to the Jewish

community and perhaps an invitation to others to step back from their survival mechanisms and have a look at their own traditions.