

## REVIEW ARTICLES

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# A Creative Exposition of Halakhah: Jacob Neusner's *Encyclopedia of the Law of Judaism*

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**The Halakhah: An Encyclopaedia of the Law of Judaism**, Jacob Neusner, Brill 2000 (90-04-11617-6), 5 volumes, \$476/DGL 855.04

This is a powerful tool carefully designed to study, investigate, and further research the Halakhah – the most important (and least known) area of Jewish studies. In common parlance 'Halakhah' came to designate the authoritative interpretation of Jewish law passing through the chain of tradition from antiquity to the present. In this work 'Halakhah' stands for the norms of Judaism as contained in the classical documents of the Rabbinic Oral Law, roughly dating from ca. 200 to 600 C. E. These are: (i) the Mishnah, (ii) the Tosefta, (iii) the Palestinian Talmud and (iv) the Babylonian Talmud. In consideration to the reader, citations are printed in four different type-faces, so that the source is immediately identifiable. The aim is not that of differentiating between these documents but rather of 'synthesizing the single, unitary message of the Halakhah'. With this purpose in mind each entry opens with 'An Outline of the Topic', describing the legal issues it comprises. The entry concludes with 'Analysis: The Problematics of the Topic', examining the problems peculiar to that particular law; ending with 'Interpretation: Religious Principles' probing into the religious significance of the law. The net result is a very precise and clearly argued account, meticulously articulated in all its aspects and diversity. This approach makes Halakhah – a fairly complex subject even for rabbinical students – fairly accessible and easy to handle.

Wisely, the entries are not organized alphabetically. (A complete set of indices of subjects and textual references at the end of each volume is a much more refined instrument in the hand of an intelligent reader, than alphabetically arranged entries). Rather they are structured

according to three major themes embracing the totality of Halakhah. These are: 'Between Israel and God' dealing with the laws expressing the particular relationship between God and Israel (Volumes I–II); 'Within Israel's Social Order' focusing on the principles of justice regulating the Israelite society (Volume III); and 'Inside the Walls of the Israelite Household' examining the norms governing the Jewish dwelling as the counterpart to God's dwelling at the Temple in Jerusalem (Volumes IV–V). One of the consequences of 19th century Germany's *Wissenschaft des Judentums*, has been the development of Jewish subjects according to Western categories, which are artificially imposed. Ideas rarely cohere. An important aspect of this work is the development of 'native category-formation', that is, the explanation and expansion of the Rabbinic categories underlying the religious logic and modes of emotion, giving intellectual and spiritual coherence to the Halakhah. Thus, fifty-eight category formations, each bearing the title of a Rabbinic Tractate, head the entries. Each of these categories is discussed with insight and authority, wit and scintillating energy.

This Encyclopaedia covers the entire corpus of Halakhah – an exceptional feat! A word about the two levels of rabbinical studies would help us gain a proper understanding of this accomplishment. Rabbinic tradition recognizes two classes of sage, one who is fluent only in the text (*gamir*) of the Law, and another who is fluent only in the theory (*sabir*) of the Law. To apply the Law authoritatively (*hora'a*), a sage must be fluent in both the text (*gamir*) and the theory (*sabir*) of the entire corpus of the Oral Law (*bekhol ha-tora khulla*). There is logic to this requirement. Since situations are in constant flux, it stands to reason that one who is not fluent in the theoretic apparatus underlying the text of the Oral Law should not be qualified to speak authoritatively about it. It is generally believed that the *Geonim* or heads of the ancient Talmudic Academies in Babylonia (in the 8th to the 12th centuries) were such scholars. These were national institutions. Therefore one may assume that members of the Academy would not have consented to have an unqualified scholar at the helm. In the post-*Geonic* period the situation changed. The legal material produced by Jewish legal scholars throughout the centuries proves that many were partially competent at the *gamir* and *sabir* levels. To ascertain that a sage has mastery of both these levels, he would need to have produced a work demonstrating not only total mastery at the *gamir* level, but also an original *sabir* apparatus cohering the theoretical bases of the Oral Law in its totality (rehearsing someone else's apparatus would not suffice). This feat was accomplished only once. In his famous *Mishne Tora* (1180), Maimonides (1135–1204) meticulously codified the entire corpus of the Oral Law, structuring its theoretic apparatus into fourteen major categories (distributed in exactly one thousand chapters). No other such work, in either scope or method, has been produced.

*The Halakhah: An Encyclopaedia of the Law of Judaism* is a creative exposition, argued with clarity and assurance (*sabir*), of the entire corpus (*gamir*) of the Oral Law. In the same fashion that Maimonides structured his work according to the values of his time and culture, Professor Neusner has developed the same topic along structures and categories congruent with the inner dynamics of Western thought and culture. Written in crystalline and precise style, this is an indispensable source of reference chock-full of new insights, constantly opening new windows into the intricacies of Jewish law. A truly inclusive work, it is designed for a wide audience, both Jewish and Christian scholars, for specialists as well as the lay person.

It is also an involving and highly provocative work. The author has the soul of a rebel. He passionately believes in the Torah, and I suspect that he occasionally has difficulty camouflaging these feelings within scholarly discourse. Worst, he dares question standard wisdom and biases. As with his other works, this, too, constitutes a challenge to the 'establishment'. His critics, in an exhilarating state of perennial disorientation, don't know what to do! As it were, every time Professor Neusner produces something new, he is saying to his critics: 'Rather than being nasty, why don't you show us what you can do!' He also has the soul of a poet (rebels usually do). Here is one of many such gems: 'The Halakhah then serves as the medium of sanctification of Israel in the here-and-now, in preparation for the salvation of Israel and its restoration to Eden' (Volume I, p. xix).

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