
The Pluralistic Halakhah: Legal Innovations in the Late Second Commonwealth and Rabbinic Periods

Paul Heger

Berlin, Walter de Gruyter, 2003. ix + 430 p.

This volume is so sweeping in its scope that most veteran scholars of Rabbinics or Talmudic history would be daunted to take on such a project. The breadth and passion of the endeavour are the source of its strengths, as well as its shortcomings and problematic aspects.

The book proposes a reconstruction of the development of rabbinic discourse, from approximately the 1st through the 7th centuries C.E. Heger (University of Toronto) argues that the earliest phase of this period, prior to the destruction of the Second Temple in 70, was characterized by a culture of exceptionally pluralistic halakhic discourse in which virtually all positions were considered worthy of respectful consideration and no pressure was exerted towards imposing uniformity among the diverse views. Over the course of the Talmudic era, there was a gradual erosion of the early pluralism, culminating in the authoritarian uniformity of the Ge'onic era. The major watersheds in the process were Rabban Gamaliel's attempt in the academy of Yabneh to sift earlier traditions and testimonies (with the tractate *Eduyyot* serving as the foundation for the Mishnah), and the publication of the Mishnah by Rabbi Judah the Patriarch.

In arguing his position, Heger cites an impressive number of primary sources and scholarly studies, and displays admirable intellectual flexibility in posing questions and weighing alternative possibilities. The reader will find many valuable insights in the author's presentations of the diverse Talmudic texts. Ultimately, however, the value of this study is limited by some methodological shortcomings that call into question the coherence of its thesis.

For one thing, the argument that rabbinic culture embraced pluralism (at least, with respect to theoretical discussions) seems so self-evident that one wonders why it had to be argued at such length. The fact that the Jewish sages strove to justify all possible opinions, no matter how farfetched, is immediately obvious to anyone who has ever studied a page of Talmud, and even after we have allowed for Heger's stronger statement of the case (as encompassing all decisions between opposing positions), the thesis seems too conventional to justify such an ambitious effort. As the author intimates in some places, his agenda appears to be prompted by theological considerations and he seems more concerned with debunking the claims of contemporary Orthodox apologists than with disinterested academic history. As such, the book invites comparison with several other studies that utilize historical data to argue for dynamic or pluralistic models of Jewish religious law, such as E. Berkowitz's *Not in Heaven*, J. Roth's *The Halakhic Process* or L. Jacob's *A Tree of Life*.

Heger's contemporary perspective might help explain, for example, why he attaches so much importance to the fact that the rabbis tolerated communities who permitted the eating of milk with fowl according to the minority view of Rabbi Yose ha-Gelili. This situation raises no eyebrows when approached according to the conventions of rabbinic law and only appears surprising by modern standards (though even current Orthodox practice accepts the coexistence of a broad range of diverse local customs, e.g., the differing Ashkenazic and Sepharadic positions on the eating of legumes on Passover).

In several cases, the author seems selective in his use of sources. A particularly noticeable instance is his frequent appeal to the legend about the heavenly voice that issued at Yabneh. Heger often quotes the first part of the declaration "Both [the opinions of the two Schools] are the words of the Living God," while omitting the crucial conclusion: "but the Halakhah follows the House of Hillel," which changes the entire point of the quote.

While it is natural to sympathize with Heger's frustrations with scholars whose excessive skepticism about the reliability of literary sources prevents them from committing to any meaningful historical generalizations, the sad fact is that many of those methodological reservations are well founded, and hence several of his categorical conclusions turn out, under closer scrutiny, to be based on questionable proof-texts. He is sufficiently thorough and astute to point out many of these weaknesses in his argument and to indicate when his interpretations cannot be corroborated objectively.

On several occasions, Heger allows himself to straddle the fence between critical academic scholarship and traditionalist readings (usually based on the "normative" interpretations of the Babylonian Talmud). Thus, when dealing with the traditions about how the Houses of Shammai and Hillel intermarried with each other in spite of their disagreements on certain issues of levirate marriage that should theoretically have led to their branding of their opponents' daughters as illegitimate, he justly calls into question the Talmud's explanation that all they did was warn each other of problematic cases. In other places, however, he is content to accept the traditional Talmudic interpretations. This occurs, for instance, in his treatment of the story about the deposing of Rabban Gamaliel at Yabneh, which occupies a central place in his reconstruction of the decline of halakhic pluralism. Heger's assessment of this event draws on Talmudic traditions that link it to the beginnings of Eduyyot and to all the other tannaitic traditions that are introduced by the formula "on that day." Current rabbinic scholarship (and not just the excessively skeptical) has legitimate reason to doubt the historical trustworthiness of the core story, let alone the various additional implications that the Talmud infers from it.

Similar problems arise with respect to Heger's assessment of the Mishnah's role in the restricting of halakhic pluralism. His description presupposes the Talmud's attitude that the Mishnah was intended as a definitive codification of the Jewish oral law, where the normative positions were indicated by anonymous formulations. This view can by no means be accepted as self-evident, and there is a longstanding scholarly debate about whether the Mishnah was intended as a normative codex or as a compendium of sources. Heger himself assembles an impressive body of evidence for the claim that the Mishnah was not treated as an authoritative law code by the early Amoraim.

Indeed, since he demonstrates that neither Rabban Gamaliel nor Rabbi Judah the Patriarch succeeded in their supposed attempts to impose uniformity on Jewish practice, one is led to wonder why he is so committed to stressing such "milestones" in the historical sequence, rather than a more evolutionary process in which each generation attempted to resolve the disputes inherited from the previous one.

The chief value of this erudite work lies in the specific topics and rabbinic texts that it analyzes. Although most of this material has been extensively discussed in previous scholarship, Heger's thorough treatment provides valuable and provocative new perspectives about the meanings and implications of the data.

However, the weaknesses of the work's central argument provide cautionary lessons, that the history of Talmudic Judaism is not yet on a solid enough footing to warrant categorical historical generalizations, and that academic scholarship is not easily subordinated to theological agendas.

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Lord Jesus Christ: Devotion to Jesus in Earliest Christianity

Larry W. Hurtado

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A scholar of early Christianity of international standing, Larry Hurtado taught at the University of Manitoba until 1996, when he became professor of New Testament Language, Literature and Theology and Director of the Centre for the Study of Christian Origins at the University of Edinburgh, Scotland. This latest book from Hurtado is also his most ambitious, an "historical analysis of the beliefs and religious practices that constituted devotion to Jesus as a divine figure in earliest Christianity" (xiii).

The topic of early Christian devotion is not new for Hurtado. He has authored numerous articles and two books on the same topic, including *At the Origins of Christian Worship: The Context and Character of Earliest Christian Devotion*, the 1999 Didsbury Lectures (Carlisle: Paternoster Press, 1999; reprinted by Grand Rapids: Eerdmans, 2000) and *One God, One Lord: Early Christian Devotion and Ancient Jewish Monotheism* (Philadelphia: Fortress Press, 1988; British edition by SCM Press. 2nd. ed., Edinburgh: T. & T. Clark, 1998). What makes this book different from his earlier works is its encyclopedic scope, as well as its self-conscious modeling on Wilhelm Bousset's magnum opus, *Kyrios Christos* (1913), of which *Lord Jesus Christ* is, in many ways, a deliberate, systematic and yet tender refutation.

Bousset's approach—to separate an earlier stage of Palestinian-based Jesus movement from a later, more Hellenistic stage of active syncretism during which "Jesus of History" was transformed into the "Christ of Faith"—has been foundational in 20th-century New Testament scholarship, accepted and furthered by a host of prominent scholars including Burton Mack, John Dominic Crossan and Martin Hengel. To dismantle this approach—as Hurtado does here—shakes the very core of the discipline. But Hurtado is not intimidated, and as a master of both the extant primary sources as well as a dizzying array of secondary sources, he marshals his evidence that there existed a remarkable coherence and clarity in Christ-devotion in the two few centuries C.E.

Hurtado contends that devotion to Jesus as Lord God characterized even the earliest Christian movements. He sees no progression in the first two centuries from a Palestinian-based "Jesus movement" espousing a relatively low christology and emphasizing the teachings of Jesus of Nazareth to the high christology evident in later theological compositions. "Devotion to Jesus was not a late development," he maintains (2). This devotion, furthermore, was expressed from an early period with "unparalleled intensity and diversity of expression" (2). Against those like Alan Segal who have explained Christianity's break from Judaism as deriving from a model of "two pow-