

Response to Aryeh Cohen, "Notes Towards an Erotics of Martyrdom"
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I would like to thank Aryeh for his reading of b. Sanh. 74a-75a. The mark of a good reading, to my mind, is that it does not merely explain a text, but suggests further creative interaction with it; and Aryeh's reading has done this for me. I will focus my remarks on the chief line to which Aryeh drew our attention (his line #25, in my translation): "so also must (s)he be slain rather than he transgress." Just as the textual crux of *t/yehareg* provided Aryeh with the kind of uncertainty into which a wedge that opens the text for interpretation can be fit, lines 24 and 25 both share a grammatical indeterminacy that prompts further reflection. But bear with me a moment on my way to the Sanhedrin text; as a student primarily of the Tanakh, not the Talmud, I have a biblical errand to run before I can get there.

Shorn of its trendy language, the assertion that the "constructed meaning" of worshipping idols "is embedded in an economy of fidelity, rape and adultery" should occasion no surprise. This is, after all, not a rabbinic invention. The marital, and indeed sometimes sexual, metaphor for the relationship between God and Israel is well-grounded in biblical literature. This is not always deployed negatively. Even leaving aside the Song of Songs, Hosea 2:21 (so popular today on wedding invitations) comes immediately to mind: "I will betroth you to me forever." But there is a wide range of prophetic literature, Hosea 2 included, which portrays Israel's idolatry as adultery. Thus, the idea that "p'gam gavoha" of the Sanhedrin text could imply something equivalent to sexual shaming ought not to be surprising. In suggesting that Israel's idolatry makes God a cuckold, the rabbis were standing on the shoulders of giants.

Now to the text (in the translation provided by Aryeh):

24 The murderer is compared to a betrothed maiden: just as a betrothed maiden [the ravisher's soul] must be saved at the cost of his life, so in the case of a murderer, he [the victim] must be saved at the cost of his [the attacker's] life.

25 And a betrothed maiden is compared to a murderer: just as [in relation to] a murder one must rather be slain than transgress; so also must she [i. e. the betrothed maiden] rather be slain than allow her violation.

Aryeh points out that the claim of line 25 "that the maiden must allow herself to be slain, rather than to allow herself to be raped" is problematic. The "practical" problem of how she would engineer her death is not really the problem with this text, since rape is not the only sexual perversion at issue in the Talmudic discussion. From the sugyaetic

perspective, the “problem” with line 25 is the same as the problem with line 24. Let me explain.

Line 24 says, as a given (see line 26, “It is common sense”), that one may kill someone who is about to commit murder. Surprisingly, the proof-text that supports this, Lev 19:16b (*lo ta’amod al-dam re’ekha*), may not contextually mean this (see, e.g., Baruch Levine, “Leviticus,” JPS Torah Commentary). Still, there is a certain amount of common sense in the idea that one should save a potential murder victim even if this requires killing the one who is attempting murder. But this is not what line 24 says. Line 24 says that one saves the CRIMINAL (from committing a crime) by killing him, not that one saves the victim. In the murderer’s case, this is not clear, since everything is expressed with masculine pronominal suffixes, which could refer equally to the victim: *nitan l’hatzilo b’nafsho*. But the rapist’s case uses the same phrase: it is required to save HIM at the cost of his life. The Soncino translation, which Aryeh has given us with a few changes, makes the mistake of translating as if the text read *l’hatzilah*, “to save her,” and Aryeh properly corrected this; but by an oversight he retained the Soncino mistake in the clause about the murderer, leaving this as “he [the victim] must be saved.”

Once line 24 made the remarkable move of interpreting the killing as saving the criminal rather than his victim, the stage was set for a similar move in line 25. If one may kill someone to save him from committing a sin, certainly one may be required to die rather than commit a sin oneself. Just as *l’hatzilo* of line 24 forces us to read the masculine suffixes of the murderer clause to say that the murderer must be saved at the cost of his life, so in line 25 *tehareg* forces us to read *yehareg* of the murder clause to say that the man who is ordered to commit murder must die rather than do so. Similarly, it is the interpretive move in line 24, requiring that a potential criminal be saved from sin by death, that sets the stage for the move in line 25, requiring the completely innocent person to “sanctify God’s name” by dying rather than profane it. These two individually somewhat innocuous moves combine, then, to add a remarkable corollary to the biblical view of idolatry: not only does one deserve death for it, but—despite the biblical example of Na’aman—one must die rather than permit oneself to be forced to commit it. Lines 24-25 discuss only murder and perversion; but the missing member of the trio resonates in the discussion. In both Bible and Talmud, sex, idolatry and death go together. Aryeh called his piece “Notes Toward ...”, and indeed a number of interesting questions remain. I will mention just two. First, the phrase *karka olam* requires more inquiry. I (or rather my CD-ROM searcher) found it six other places in the Babylonian Talmud: Niddah 57b, where it is connected with a menstruating woman; Sanhedrin 47b (mentioned by Aryeh) and Avodah Zarah 54b, where it is connected with idolatry; and Baba Kamma 28b, 30a and 50b, where it is the subject of the ACTIVE verb “damage.” Hence it does not seem to me that this is an otherwise ordinary term (equivalent to our “real estate” or some such); more thought about the role of the phrase in our sugya is in order.

Second, I was struck by the phrase *lehem nistar* at the end of the sugya (of course this is “bread eaten in secret,” not “stolen waters” as mistakenly noted in Aryeh’s comments—a hazard of electronic publishing). The hint of Esther’s name in this phrase is quite lovely. But the assertion it attests to—that “Since the destruction of the Temple, sexual pleasure has been taken [from those who practise it lawfully] and given to transgressors,” is remarkable. One can see that with the destruction of the Temple “avodah” has been taken away and given only to transgressors; perhaps the right to kill justly has also been taken away (with the loss of sovereignty) and given only to transgressors. But how is this true of sexual pleasure? If these two questions take us in a somewhat different direction than Aryeh intended to lead us, that is only further proof of the usefulness of his reading. Once again, thanks.