Introduction

From the rain of the heavens, you will drink water –
a land that the Lord your God seeks out perpetually;
the eyes of the Lord your God are upon it
from the year's beginning to the year's end.

If you heed My commands with which I charge you today
to love the Lord your God
and to worship Him with all your heart and with all your being
I will give the rain of your land in its season, early rains and late,
and you shall gather in your grain and your wine and your oil.
And I will give grass in the field to your herds,
and you shall eat and be satisfied.

Deuteronomy 11:11b–15[1]

The idealized ecology of Deuteronomy lays out a vision of rain as relationship. When the Israelites come forth from the stark desert wilderness into the land they have been promised, their loyalty and fidelity to their God will ensure the abundance of the earth and the fluid generosity of the heavens. Deuteronomy figures rain as God's gift to the land and those who live upon it: a gift that blossoms into grain and grapes and seed, that nourishes the wild grasses of the field. The land, the herds, and humans alike drink from heaven's bounty. Their food, their satisfaction, their very survival rests on rain. These biblical words occupy a powerful place in rabbinic religiosity. Lifted into the liturgical recitation of the Sh'ma, the twice-daily affirmation of divine unity that was a central part of rabbinic prayer, Deuteronomy's vision of rain as moral signifier makes material and tangible the rabbinic belief that observance of the commandments is the path of life. Rain makes manifest the blessing and

[1] Translation follows Robert Alter, *The Five Books of Moses: A Translation with Commentary* (New York: W. W. Norton, 2004), 936–7.

bounty of living according to divine promise. Disobedience brings drought, and drought is death.[2]

This idyllic picture of humans and animals living abundantly in the promised land is predicated on one of the Hebrew Bible's biggest *if*s. In the Deuteronomist's vision, rain comes to the land when the people heed the divine commandments. If they turn away from God's desired path, God will deny them rain. "Watch yourselves," Deuteronomy 11:16–7 counsels, "lest your heart be seduced and you swerve and worship other Gods and bow to them. And the Lord's wrath flare against you and He hold back the heavens and there be no rain and the soil give not its yield and you perish swiftly from the good land that the Lord your God is about to give you."[3] This passage articulates the deadly inverse of covenantal loyalty. Should the people's hearts turn away from their God, should they swerve instead toward the worship of other powers, then God will hold back heaven's bounty. The consequences unfold in brutal succession: No rain and no yield from the soil spell a swift death, as the good land turns into a hardened killer and God's promise dries up into dust.

Drought was the preeminent climate crisis of the ancient Mediterranean world. Drought imperils the life of the land, and famine follows fast on its heels. Denied the revivifying power of rain, the earth turns barren: the land cracks open but yields no fruit; grasses wither in the fields, while hunger gnaws the bellies of humans and animals alike. Like other communities across the ancient Mediterranean, the agricultural society of Jewish Palestine was profoundly vulnerable to drought. Grain, the primary food crop, was quite susceptible to drought, and delayed rains could easily lead to famine and starvation. Rain crises might affect seed-sowing in the autumn months, destroy the harvest in spring, or ruin seed for next year's planting.[4] A passage

[2] While Deuteronomy offers perhaps the most influential formulation of this link, the motif of drought as moral crisis appears extensively in the Hebrew Bible. Gary Rendsburg emphasizes the moral significance of rain and drought in the second chapter of Hosea, which parallels the adulterous wife with the desiccated land: one is punished for adultery by being stripped naked, while the other is stripped, denuded of vegetation. Noting that the biblical verb *reḥem* is used in Hosea 1:6 to indicate *both* compassion and rain, Rendsburg argues that Hosea names his "child of whoredom" a name that simultaneously means, "not pitied" and "not rained upon." Hosea reads drought as a moral condemnation, a visible sign that manifests the harsh costs of disobedience. Gary Rendsburg, "Hebrew RḤM=Rain," *Vetus Testamentum* 33 (1983), 357–62 and Gary Rendsburg, "From the Desert to the Sown: Israel's Encounter with the Land of Canaan," in *The Mountains Shall Drip Wine: Jews and the Environment*, ed. Leonard J. Greenspoon (Studies in Jewish Civilization, Volume 20; Omaha: Creighton University Press, 2009), 105–28.

[3] Translation follows Alter, *The Five Books of Moses*, 937.

[4] For discussions of the significance of climate and drought in ancient Palestine, see Jack Pastor, *Land and Economy in Ancient Palestine* (New York: Routledge, 1997); Warren Robertson, *Drought, Famine, Plague and Pestilence: Ancient Israel's Understandings of and Responses*

in Genesis Rabbah gives powerful voice to the close connection between rain, earth, and human survival: "Without earth there would be no rain, and without rain there would be no earth, and without the two of them there would be no humans."[5] As Jonathan Schofer has demonstrated, that Palestinian rabbinic rain narratives serve as important sites for ethical instruction, emphasizing the cultivation of human virtue in response to a profound awareness of human vulnerability to drought.[6]

While contemporary readers are likely to imagine the absence of rain as a "natural" disaster, biblical and rabbinic traditions present drought as a moral crisis: a sign that the community has failed to live up to the covenant, that the community has broken faith with God. This book examines the intertwined ecological, theological, and ethical dimensions of rabbinic responses to drought and disaster through a literary and cultural analysis of Bavli Ta'anit, a tractate of the Babylonian Talmud that explicates the rabbinic ritual practice of communal fasting and prayer undertaken in response to drought and other crises. Bavli Ta'anit is a relatively short tractate of thirty-one folio pages in four chapters. Its first chapter links the seasonal rain cycles of Israel-Palestine with the Jewish calendar and rabbinic ritual practices of prayer and Torah study, while also outlining the proper timing and practice of the communal ritual fasts that are undertaken if seasonal rain is significantly delayed. Its second chapter details the liturgical and ritual practice of the communal rain fast. Rabbinic rain fasts forge a connection between the vulnerability of the body and the desiccated land, fashioning the fasting body into an instrument for crying out to God. But while the practice of fasting is central to the halakhic paradigm for breaking a drought, Bavli Ta'anit's narratives give powerful voice to alternative modes of religious response to crisis. In its third chapter, Bavli Ta'anit recounts tales of rabbis who strive to bring rain through the application of prayer or communal exhortation, charismatic holy men who summon rain through ritual gestures or profound piety, and ordinary Jews who bring rain to the world through dint of religious merit and simple kindness. In its concluding chapter, Bavli Ta'anit returns to the halakhic paradigms for fasting and prayer, linking the practice of communal fasts with the commemoration of particular disasters in Jewish history.

to Natural Catastrophes (Gorgias Biblical Studies, Volume 45; Piscataway: Gorgias Press, 2010); Daniel Sperber, "Drought, Famine and Pestilence in Amoraic Palestine." *Journal of the Economic and Social History of the Orient*, 17:3 (1974), 272–98; Dionysius Ch. Stathakopoulos, *Famine and Pestilence in the Late Roman and Early Byzantine Empire: A Systematic Survey of Subsistence Crises and Epidemics* (Burlington: Ashgate Publishing House, 2004), 36–9.

[5] Genesis Rabbah 13:3, ed. Theodor–Albeck, 115.

[6] Jonathan Wyn Schofer, *Confronting Vulnerability: The Body and the Divine in Rabbinic Ethics* (Chicago: University of Chicago Press, 2010), 109–39.

This book argues that Bavli Ta'anit's tales of drought and disaster reveal a potent nexus of meaning that links early Jewish conceptions of ecology, theology, and ethics. Like earlier biblical and Palestinian rabbinic traditions, Bavli Ta'anit frequently uses a covenantal frame to animate its understanding of drought and disaster. Because rain and drought are so thoroughly embedded within a covenantal framework, Bavli Ta'anit's rain tales become a significant site for reflection on rabbinic theology and ethics. Schofer highlights the pedagogical significance of Palestinian rainmaking narratives, the way these texts valorize rabbinic character virtues such as compassion, humility, charity, and forbearance.[7] Bavli Ta'anit's rain tales also acknowledge and affirm many of these same qualities. Yet in my analysis, the Bavli's discourse is marked by a particularly prominent tendency toward self-critical ethical reflection. Rather than lifting up its sages as moral exemplars, Bavli Ta'anit demonstrates a striking willingness to critique and challenge its own culture-heroes, to expose flaws and failings within rabbinic character and cultural practice.

How shall we understand this tendency? In recent decades, scholars have shown how rabbinic narratives actively construct and cultivate rabbinic religious and political authority. While the rabbis had only marginal social influence outside their own circles in the first centuries of the common era, rabbinic narratives frequently elevate the rabbis' power and prestige.[8] The Bavli is particularly invested in rabbinic status, and it consistently emphasizes the religious and political authority of the rabbis as a class.[9] Yet alongside this investment in bolstering rabbinic authority, I argue that Bavli Ta'anit evinces a striking propensity to recognize and critique rabbinic ethical failings, to reveal the moral pitfalls of rabbinic power. Rather than situating these two discourses in conflict, I assert that they operate in tandem. The self-critical dimensions of the Bavli's discourse likely reflect the successful growth of rabbinic authority in late antique Babylonia, a sign that rabbinic culture is sufficiently secure that the Bavli need not invest all its energies in advocating for rabbinic power. As I read these texts, the capacity for self-critique serves (perhaps paradoxically) as a marker of self-confidence. Rather than simply

[7] Jonathan Wyn Schofer, "Theology and Cosmology in Rabbinic Ethics: The Pedagogical Significance of Rainmaking Narratives." *Jewish Studies Quarterly* 12 (2005), 227–59.

[8] For influential assessments of rabbinic authority, see Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen: Mohr Siebeck, 1997); Seth Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E.* (Princeton: Princeton University Press, 2001); Hayim Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine, 100–400 CE* (New York: Oxford University Press, 2012).

[9] Adiel Schremer, "Stammaitic Historiography," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey L. Rubenstein (Tübingen: Mohr Siebeck, 2005).

recounting narratives that bolster rabbinic prestige, Bavli Taʿanit can afford to use aggadic dialectic to examine the ethical complexity of rabbinic power and its discontents.

Because rabbinic concerns regarding rain and drought are intimately intertwined with questions of ethics, Bavli Taʿanit's narratives commonly center on major questions about the role that human piety, merit, and charismatic power play in averting crisis or mitigating disaster. As we will see, Bavli Taʿanit often articulates a critical stance vis-à-vis earlier biblical and rabbinic theological claims about piety, merit, and meaning. Through its aggadic narratives, Bavli Taʿanit challenges a foundational premise of Deuteronomy's covenantal ecology: the claim that exemplary piety or ethical virtue will guarantee divine reward. Ethics still matter in Bavli Taʿanit. Many of the Bavli's tales emphasize that humility, generosity, and right action have a powerful effect in the world. But Bavli Taʿanit challenges Deuteronomy's confidence that piety and virtue can *assure* good fortune in this world. Bavli Taʿanit's complex narratives decouple human virtue from divine reward, asserting that even exceptional merit cannot guarantee miraculous rescue in times of distress. When rescue *does* come, Bavli Taʿanit's narratives suggest that it often comes from an unlikely or unconventional source. Bavli Taʿanit valorizes the holiness of ordinary men (and occasionally women) whose piety and connection to God trump that of the most illustrious sages. By highlighting the sharp disconnect between holiness and social hierarchy, Bavli Taʿanit takes a self-critical stance toward the prevailing Babylonian rabbinic obsession with social status.

Bavli Taʿanit's skepticism about the protective power of virtue and merit occasions a significant shift in emphasis. Though many narratives in Bavli Taʿanit still assume a link between misfortune and divine rebuke, its tales rarely center on the problem of human sin. Instead, Bavli Taʿanit's narratives repeatedly raise questions about human agency in times of distress. Through an analysis of ritual fasting, prayer, merit, and charismatic intervention, this book shows how Bavli Taʿanit accentuates human agency in the face of drought – while underscoring the theological and ethical dangers posed by more dramatic human interventions into the workings of the world. Bavli Taʿanit's self-critical stance extends also to its assessment of human charisma. While ancient rainmakers might have rescued their communities in times of trouble, the present generation's attempts to access charismatic power are more likely to reveal human arrogance and a dangerous inclination toward strict, measure-for-measure justice.

Yet while Bavli Taʿanit casts a critical eye toward these overt human attempts to wrest rain from an uncooperative sky, it suggests that the best of its sages practice an alternative form of religious and ethical agency. Bavli Taʿanit

showcases the power of what I call "performative perception," in which a sage's interpretation of events can have a powerful effect on his experience.[10] The Bavli's concept of performative perception couples a widespread late antique conception of performative speech with rabbinic culture's distinctive interest in interpretation – and its recognition of the power that interpreters have to bring forth latent, hidden meaning within text. In Bavli Ta'anit, the quintessential rabbinic practice of interpretation is not simply a matter of interpreting the divine *word*, but also a practice that can shape the meaning of the divine *world*. Seeing the good within an apparent disaster can, Bavli Ta'anit claims, actually manifest good in the world. Through performative perception and adroit interpretation, Bavli Ta'anit's sages have the potential to transform disaster – and from the midst of crisis, bring forth blessing.

TOWARD AN ECO-CRITICAL READING OF RABBINIC LITERATURE

This book builds on a recent "ecological" turn in biblical scholarship, which argues that we cannot fully understand the religious thought of the Bible without understanding its people's relationship with land and place.[11] In *Scripture, Culture, and Agriculture: An Agrarian Reading of the Bible,* Ellen Davis sets narratives from the Hebrew Bible into sustained conversation with contemporary agrarian writers to accentuate the biblical concern with the health of the land and its resistance to political and ecological domination.[12] In *The Natural History of the Bible: An Environmental Exploration of the Hebrew Scriptures,* Daniel Hillel brings an environmental scientist's perspective to the study of biblical literature, arguing that the ecology of the land of Israel shaped Israelite conceptions of creation and creator – and played a profound role in the development of their identity, ethics, and religious practice.[13] This book considers the role ecology plays in shaping rabbinic thought and practice.

[10] The term builds upon the linguist J. L. Austin's discussion of the performative utterance, which has been taken up by many scholars of verbal performance in late antique magic and ritual. See J. L. Austin, *How To Do Things with Words* (Cambridge: Harvard University Press, 1962).

[11] In their introduction to the relationship between religion and ecology, Whitney Bauman, Richard Bohannon II, and Kevin O'Brien emphasize the degree to which "religion is shaped by the natural world and how that natural world forms a context for religious beliefs and practices." Whitney Bauman, Richard Bohannon II, and Kevin O'Brien, eds. *Grounding Religion: A Field Guide to Religion and Ecology* (New York: Routledge, 2010), 48.

[12] Ellen Davis, *Scripture, Culture, and Agriculture: An Agrarian Reading of the Bible* (New York: Cambridge University Press, 2009).

[13] Daniel Hillel, *The Natural History of the Bible: An Environmental Exploration of the Hebrew Scriptures* (New York: Columbia University Press, 2005).

Let me clarify what I mean by rabbinic ecology. Ecology examines the system of relationships that comprise a living, multifaceted ecosystem: between people and place, between humans and other animals, trees and crops, soil and stones.[14] My interest in rabbinic ecology centers on the way the Bavli conceptualizes and relates to the created world – the way that rabbis' material, tangible relationship with land and place shaped their ethics, their theological ideas, and their textual commitments. When speaking of rabbinic conceptions of what moderns term the "natural" world, I commonly use the term "creation" or "created" world to underscore Bavli Ta'anit's perception of earth as *expressive* of God. I find that using the term "nature" can invite anachronistic conceptions of the subject: either the perception of nature as the neutral backdrop of human experience, the "scenery" in which human existence unfolds – or the conceptualization of nature as a force distinct from God, an untamed wildness that must be subdued by divine decree.[15] Bavli Ta'anit regards both earth and humanity as divine creations, intricately intertwined with each other and with God.

This book emerges out of a conviction that understanding rabbinic literature requires serious engagement with the material conditions of rabbinic experience. Climate and meteorology, food and famine, sowing and harvest exercised a profound effect upon rabbinic thought and practice. My work builds upon a literary approach known as "ecocriticism," a mode of literary criticism that analyzes the relationship between literature and the physical environment.[16] Ecocriticism seeks a deeper understanding of the cultural power of ecology. Reading Bavli Ta'anit through an ecocritical lens allows us to better understand the rabbis' connection with the land and their relationship with rain – both as a tangible reality and as a symbol. Drought was actually less

[14] For an introduction to different approaches to ecology within the sciences and the humanities, see David R. Keller and Frank B. Golley, eds. *The Philosophy of Ecology: From Science to Synthesis* (Athens: University of Georgia Press, 2000). The term ecology was coined in 1866 by the zoologist Ernst Haekel, based upon the Greek *oikos* and *logos,* to characterize "the scientific study of the earthly dwelling-place or home." Keller and Golley, *The Philosophy of Ecology,* 7–9. In an influential formulation, Walter Clyde Allee defined ecology as "the science of interrelationships between living organisms and their environment." W. C. Allee, Alfred E. Emerson, Orlando Park, Thomas Park, and Karl P. Schmidt. *Principles of Animal Ecology* (Philadelphia: W. B. Saunders Company, 1949), 1.

[15] On biblical perceptions of nature as divine creation rather than an external force to be subjugated, see Gene Tucker, "Rain on a Land Where No One Lives: The Hebrew Bible and the Environment." *Journal of Biblical Literature* 116:1 (1997), 3–17.

[16] Cheryll Glotfelty and Harold Fromm, eds. *The Ecocriticism Reader: Landmarks in Literary Ecology* (Atlanta: University of Georgia Press, 1996). See also Greg Garrard, *Ecocriticism* (New York: Routledge, 2004) and Axel Goodbody and Kate Rigby, eds. *Ecocritical Theory: New European Approaches* (Charlottesville: University of Virginia Press, 2011).

of a threat in rabbinic Babylonia than in the semi-arid ecology of Palestine.[17] Yet Babylonian rabbinic sources nonetheless invest rain and drought with intense religious significance. Drawing on biblical and Palestinian traditions, Bavli Ta'anit imagines rain as a profound expression of God's generosity and compassion. Rain's touch reveals God's generative presence, restoring vitality to a parched earth and allowing the land to bloom.

In the rabbinic imagination, rain gives potent expression to the life-giving, transformative qualities of Torah. The symbolic equation is rooted in the connection between Torah and rain that marks the evocative opening of Moses' final address to the Israelites in Deuteronomy 32:2, "May my discourse come down as the rain, my speech distill as the dew, like showers on young growth, like droplets on the grass." Through appeal to this and other biblical passages, Bavli Ta'anit likens God's life-giving word to the generative touch of the rain. Babylonian sources frequently forge a strong link between rain and Torah, a likely reflection of the tendency Jeffrey Rubenstein has noted within late rabbinic Babylonian culture to elevate the significance of Torah and its centrality in the rabbinic academy.[18]

But the Bavli's interest in the connection between Torah and rain extends beyond these biblical metaphors. Bavli Ta'anit frequently "scripturalizes" the rain, treating rain as a phenomenon that can best be understood not through meteorological observation or material experience, but through proper interpretation of Torah. Certain Bavli passages treat rain as a divine sign, regarding rainfall and clouds as a tangible manifestation of God's relationship with Israel. In this, the Babylonian rabbis echo a significant intellectual tendency of the late antique Mediterranean and Syrian world. Examining the theology of fourth century Syriac Christian thinker Ephrem of Nisibis, Sebastian Brock argues that Ephrem understands creation itself to be a site of divine revelation.[19] Michael D. Swartz argues that early Jewish sources likewise profess that "God embedded signs in the world," signs "that could be read by human beings with the proper knowledge and consciousness." In concert with its obvious interests in the interpretation of text, rabbinic culture also developed what Schwartz calls a "semiotics of the non-textual," a belief that the world itself conveys divine meaning and message.[20] In Bavli Ta'anit, the

[17] J. Newman, *The Agricultural Life of the Jews in Babylonia between the Years 200 CE and 500 CE* (London: Oxford University Press, 1932), 17.
[18] Jeffrey Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), 31–3.
[19] Sebastian Brock, *The Luminous Eye: The Spiritual World Vision of Saint Ephrem* (Kalamazoo: Cistercian Publications, 1992), 40–43.
[20] Michael D. Swartz, *The Signifying Creator: Nontextual Sources of Meaning in Ancient Judaism* (New York: New York University Press, 2012), 2.

idea of natural revelation operates not in contradistinction to scriptural revelation, but in parallel to it. Divine meaning can express itself not only through scripture, but also through the natural world.[21]

RABBINIC ETHICS AND AGGADIC NARRATIVE

In Bavli Ta'anit, ecology is deeply linked with ethics. But the ethical concerns that emerge most prominently in Bavli Ta'anit are hardly identical with modern assertions of environmental virtue. My project departs from the efforts of scholars who aim to construct a more sustainable environmental ethic on the basis of ancient scriptures.[22] Though some moderns use the term ecology as a shorthand for environmental concern, I do not claim that the classical rabbis anticipated contemporary concerns about environmental degradation.[23] In this, I follow the methodological cautions outlined by Beth Berkowitz in her analysis of how rabbinic death penalty discourse has been misrepresented by modern readers seeking to use rabbinic sources to support contemporary ethical concerns. Berkowitz critiques apologetic portrayals of the rabbis as "enlightened proabolitionists," arguing that "it is unreasonable to expect to find in second-century Hellenized Palestinian rabbinic Judaism a perspective that matches twenty-first century liberal abolitionism of the death penalty."[24]

[21] Michael Fishbane argues that perception of the world as reflection of truth that is also expressed in and through scripture emerges as a particularly significant dimension of medieval mystical Jewish thought. Michael Fishbane, *Biblical Myth and Rabbinic Mythmaking* (New York: Oxford University Press, 2003), 302.

[22] One prominent example is the Earth Bible Project, led by Norman Habel, which aims to counter a long history of anthropocentric interpretation that has devalued the Earth and instead reads biblical texts "from the perspective of Earth." The Earth Bible interpreters affirm the Earth as a moral subject – and develop techniques of biblical criticism that discern and retrieve the importance of the Earth in biblical literature. Norman C. Habel, ed. *Readings from the Perspective of Earth* (Sheffield, England: Sheffield Academic Press, 2000). Additional volumes in the series collect essays that offer eco-justice readings of specific biblical books. Emerging out of the Earth Bible Project, through consultations at the Society of Biblical Literature, the burgeoning field of ecological hermeneutics aims toward creative and critical interpretation of biblical literature in order to develop a constructive Christian ecological theology. See Norman C. Habel and Peter Trudinger, eds. *Exploring Ecological Hermeneutics* (Atlanta: Society of Biblical Literature, 2008) and David G. Horrell, Cherryl Hunt, Christopher Southgate, and Francesca Stavrakopoulou, eds. *Ecological Hermeneutics: Biblical, Historical and Theological Perspectives* (New York: T&T Clark International, 2010).

[23] In his discussion of Palestinian rabbinic responses to drought, Jonathan Schofer likewise emphasizes that "these narratives do not present an environmental ethic, or even a proto-environmental ethic. Rather, the stories portray humans as deeply grounded in their surroundings and the cycles of nature, and they set out ideals for day-to-day interpersonal relations given vulnerabilities to the environment." Schofer, *Confronting Vulnerability*, 109–10.

[24] Berkowitz notes that while ancient authors *did* critique corporeal punishment in the arena, they did not do so because they were opposed to the death penalty as such. Beth Berkowitz,

Environmentally minded readers of this book may likewise find themselves surprised or disappointed by how quickly Bavli Ta'anit's attention to drought gives way to *other* ethical questions: to concern over rabbinic sages' investment in hierarchy and social privilege or to critiques of the misuse of rabbinic power and charismatic authority. Though they may not dovetail neatly with contemporary environmental concerns, these ethical considerations – about personal virtue and the right practice of power – offer important insight into rabbinic religiosity. They also illuminate critical questions about power, authority, and agency in times of disaster or distress.

While Bavli Ta'anit engages these issues primarily through narrative, similar ethical concerns about rabbinic power and authority are also a significant part of rabbinic legal thought. Christine Hayes has argued, for example, that rabbinic legal theory does not always regard the theoretically correct answer as a highly prized or unmitigated good. She demonstrates that rabbinic texts frequently valorize Aaron's inclination to judge others favorably and his interest in peacemaking, in contrast to the strict, uncompromising justice of Moses. While the thrust of Hayes' argument is focused on issues of legal theory, her work has important implications for rabbinic ethics. Hayes shows that rabbinic texts frequently assert that claims of strict justice should be mitigated by commitment to other religious obligations such as charity, compassion, and mercy. Hayes argues that strict judgment according to the letter of the law is often *not* presented as the "best" judgment. Instead, rabbinic sources frequently valorize the practice of law in the service of virtue, generosity, and peace.[25]

Ethical concerns about the right exercise of power and authority frequently appear in rabbinic halakhic discourse. Such matters also animate the Bavli's aggadic narratives, which often critique rabbinic sages for ethical failings or lapses in judgment and voice a strikingly self-critical assessment of rabbinic institutions.[26] My approach to these dimensions of rabbinic narrative is particularly indebted to the works of Richard Kalmin and Daniel Boyarin. As Kalmin has demonstrated, one particular hallmark of the Bavli is its willingness

Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures (New York: Oxford University Press, 2006), 19.

[25] Christine Hayes, "Legal Truth, Right Answers, and Best Answers: Dworkin and the Rabbis." *Diné Israel: Studies in Halakhah and Jewish Law* 25 (2008), 73–121.

[26] Tova Hartman and Charlie Buckholtz discuss social critique in rabbinic narrative, focusing particularly on Beruriah as a social critic. Tova Hartman and Charlie Buckholtz, "'Beruriah Said Well': The Many Lives (and Deaths) of a Talmudic Social Critic." *Prooftexts: A Journal of Jewish Literary History* 31:3 (2012), 181–209. See also Tova Hartman and Charlie Buckholtz, *Are You Not a Man of God?: Devotion, Betrayal, and Social Criticism in Jewish Tradition* (New York: Oxford University Press, 2014).