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"DO THE DEAD KNOW?" THE REPRESENTATION OF DEATH IN THE BAVLI*

by

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> What happens when a great thinker becomes silent, one whom we knew living, whom we read and reread, and also heard, one from whom we were still awaiting a response, as if such a response would help us not only to think otherwise but also to read what we thought we had already read under his signature, a response that held everything in reserve, and so much more than what we thought we had already recognized in that signature?[1]

Death, the space of death, the moment when one as mourner or passerby comes into the orbit of the dead, engaging the face of the dead, is one of the defining moments of the human experience. Understanding the cultural construction of that space promises to shed light on some of the central questions of the culture.

In this paper I interrogate the representation of death in rabbinic (textual) culture through one sugya in the Bavli, Berachot 17b–19a. I will argue that the narrative of the sugya leads to an understanding of the space of death as a somewhat fluid space in which the dead and the living can interact and affect one other. The space of death is also permeable in that gender constructions move smoothly through it.

* This essay is dedicated to the memory of מורי ורבי Prof. Marvin Fox, ז"ל.

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1. Jacques Derrida, "Adieu," *Critical Inquiry* 23, no. 1 (August 1996): 1.

My approach to this sugya is by way of a sugyaetic analysis, that is, an analysis of the poetics of the sugya. This entails, first, reading the sugya against its grain, asking what the various rhetorical moves do, rather than acquiescing to their own claims as questions and answers. Second, a structural analysis of the sugya to identify its recurrent forms, tropes, and images. Third, an intertextual analysis that situates the sugya within its literary and cultural universe. These analytical frames are all governed by an understanding of sugya as narrative. Not only (though also) in the sense that it claims to be narrative by seemingly having a beginning, middle, and end to its dialogic structure; but more so in identifying the narrative that is grounded in its recurrent forms, tropes, and images.[2]

The Sugya

Bavli Berakhot 17b–18b

Mishnah (3:1)

One whose dead lies [unburied] before him is exempt from reciting the Shema, and from [wearing] phylacteries.

Gemara

1. [If the dead actually] lies before him, then this is the case. When it does not [actually] lie before him, this is not the case.
2. But there is an incongruity [with another tannaitic source]:
3. One whose dead lies before him eats in another house. If he has no other house, he eats in his fellow's house.
4. If he has no fellow to whose house he can go, he makes a partition and eats. If he has nothing with which to make a partition, he turns his face away and eats.
5. He does not recline while eating, nor does he eat meat, nor does he drink wine, nor does he say a blessing [over food], nor does he say the blessings after meals,

2. Aryeh Cohen, *Rereading Talmud: Gender, Law and the Poetics of Sugyot* (Atlanta: Scholars Press, 1998), chap. 5.

6. nor do others say a blessing for him, nor is he invited to join in the grace; and he is exempt from [the obligations of reciting] the Shema, [saying the] Tefillah, [wearing] phylacteries, and from all the commandments stated in the Torah.
7. On the Sabbath, he reclines and eats meat and drinks wine, and he says a blessing over food, and he says the blessings after meals, and others may say the blessing for him, and invite him to join in the blessings after meals, And he is obligated to recite the Shema, and the Tefillah, and all the commandments stated in the Torah.
8. Rabban Gamaliel says, since he is subject to these, he is subject to all of them.
9. Said R. Yoḥanan, they differ in regard to [whether he is subject to the obligation of] marital intercourse.
10. R. Papa explained this [tannaitic source as applying only] to one who turns his face away and eats.
11. R. Ashi says, as long as it is [incumbent] upon him to bury him, it is as if [the corpse] were lying before him.
12. As it says, "That I may bury my dead out of my sight" (Gen. 23:4).
13. At that time was [Sarah's dead body] lying before him?
14. But since [the obligation is] upon him to bury him, it is as if [the corpse] were lying before him.
15. [If it is actually] his dead, yes [this is the case], but if he is [just] watching [the dead], no.
16. But is it not taught [in a tannaitic source], One who guards the dead, even if it is not his dead—he is relieved of the obligation of reciting the Shema, and from [saying] the Tefillah, and from [wearing] phylacteries, and from all the commandments stated in the Torah.
17. "His dead," even if he is not the guard; "the guard of [the dead]," even if it is not his dead; "his dead and he is the guard"—[in all these cases] yes [he is exempt].
18. But one who is [merely] walking through the cemetery is not.
19. But is it not taught [in a tannaitic source], A man should not walk in the cemetery with phylacteries on his head, and a Torah scroll in his arms, reading from it.
20. And if he does so he abrogates [the implied injunction] "One who mocks the poor blasphemes his Maker" (Prov. 17:5).

21. They [might] say, There it is within four cubits that it is forbidden, outside of four cubits he is obligated [to recite the Shema etc.].
22. For a Master said, A dead [body] seizes four cubits [in regard to] the recitation of the Shema.
23. Here, beyond four cubits he is also relieved [of his obligation].
24. [About this statement] itself,
25. One who guards the dead, even if it is not his dead—
26. he is relieved of the obligation of reciting the Shema, and from [saying] the Tefillah, and from [wearing] phylacteries, and from all the commandments stated in the Torah.
27. [If] there were two—this one guards and this one recites, and [then] this one guards and this one recites.
28. Ben 'Azzai says, If they were coming in a boat, they rest him in this corner and they both pray in another corner.
29. What is [the difference] between them?
30. Said Rabina, [Whether or not] we take mice into consideration is [the difference] between them.
31. One Master holds that we take [mice] into consideration, and one Master holds that we do not take [mice] into consideration.
32. Our rabbis taught,
33. One who transports bones from place to place, behold, he should not put them in a saddle bag,
34. and lay them on the donkey and ride on them, for he is treating them in an insulting manner.
35. And if he was fearful of the gentiles or of bandits—it is permitted,
36. As they said about bones, so too they said about a Torah scroll.
37. About which [case is this last statement referring]? If we say it is about the first part [of the source text], that which it teaches:
38. he should not put them in a saddle bag, and lay them on the donkey and ride on them.
39. This is obvious! Is a Torah scroll worse than a bone?
40. But, rather, [the statement is referring to] the end [of the source text], that which it teaches: And if he was fearful, etc.
41. Raḥaba said in the name of R. Judah in the name of Rab, whoever sees a corpse [on the way to burial], and does not accompany it for four cubits, transgresses, since "One who mocks the poor blasphemes his Maker" (Prov. 27:5).

42. And if he accompanies it, what is his reward?
43. About [one like] him Scripture says, "One who is gracious unto the poor lends unto the Lord, and He will repay him for his deed" (Prov. 19:31).
44. R. Ḥiyya and R. Yonathan were once walking in a cemetery,
45. the blue fringe of R. Yonathan was trailing on the graves.
46. Said R. Ḥiyya to him, Lift it up, so that they [the dead] should not say, "Tomorrow they are coming to join us, and now they are insulting us!"
47. He said to him, And do they know? Is it not written "For the living know that they shall die, but the dead know nothing" (Eccles. 9:5)?
48. He said to him, If you have read once, you have not repeated; if you have repeated, you have not gone over it a third time; if you have gone over it a third time, sages have not explained it to you.
49. "For the living know that they shall die," these are the righteous who even in their death are called living,
50. as it says, "And Benaiah the son of Jehoiada, son of a valiant man." But it is written, "the son of a living man" (2 Sam. 23:20).
51. [Is it only] Benaiah the son of Jehoiada who is "the son of a living man"? Are all other people, then, the sons of dead men? Rather "the son of a living man" [means] that even in his death he was called living.
52. "from Kabzeel, who had done mighty deeds" (ibid.), one who gathered [*kibbeṣ*] numerous workers for the Torah.
53. "he smote the two altar-hearths [*ariel*][3] of Moab" (ibid.), this indicates that he did not leave his like either in the First Temple or in the Second Temple.
54. "he went down and also slew a lion in the midst of a pit in the time of snow," some say [that this indicates] that he broke blocks of ice and went down and [ritually] bathed;
55. others say that he went through the Sifra of the School of Rav[4] on a short winter's day.
56. "but the dead know nothing," these are the wicked who even in their lifetimes are called dead,
57. as it says, "And you, O wicked one, that are slain, the prince of Israel" (Ezek. 21:30)—and was he dead? He was indeed alive!
58. Or if you prefer I will derive it from here, "At the mouth of two witnesses shall the dead be put to death" (Deut. 17:6).

3. *Ariel* ("lion of God") is a rabbinic name for the Temple. Mishnah Middot 4:7.
4. The halakhic, or legal, midrash on Leviticus.

59. Is he dead? He is still alive! Rather "the dead" [means] he is [counted as] dead from the start.
60. The sons of R. Ḥiyya went to the town
61. and their learning was lost to them.
62. and they were sitting and grieving.
63. One said to the other, Does our father know of our pain?
64. The other said to him, Can he know? Behold, it is written, "His sons come to honor, and he does not know it; they are brought low, and he perceives it not" (Job 14:21).
65. The other said to him, Does he not know? Behold, it is written, "He feels only the pain of his own body, and he mourns only for himself (ibid. 22).
66. And said R. Yitzḥak, A worm is [as] hard for the dead as a needle in living flesh.
67. He said to him, He knows of his own pain; of the pain of others he knows not.
68. But is it not taught [in a tannaitic text]:
69. A *ma'aseh* of a certain righteous person [*ḥasid*] who gave a dinar to a poor person on the eve of the New Year in a year of drought.
70. His wife provoked him to anger [about this incident].
71. He went and slept in the graveyard.
72. He heard two spirits talking with each other.
73. One said to her friend, My friend, come and let us float in the world, and we will hear from behind the curtain what troubles will befall the world.
74. Her friend said to her, I am unable, because I am buried in a mat of reeds. But you go and listen, and whatever you hear, come and tell me.
75. She went and heard and came back.
76. She said to her, My friend, what have you heard from behind the curtain?
77. She said to her, I heard them saying that all who plant in the first quarter will be damaged by hail.
78. That righteous person heard, he went and planted in the second quarter.
79. The whole world's [crop] was damaged, his was not.
80. The next year he went and slept in the graveyard.
81. He heard the same spirits talking to each other.
82. She said to her, My friend, come and let us float in the world, and we will hear from behind the curtain what troubles will befall the world.
83. Her friend said to her, I am unable, because I am buried in a mat of reeds. But you go, and whatever you hear, come and tell me.

84. She went and heard and came back.
85. She said to her, My friend, what have you heard from behind the curtain?
86. She said to her, [I heard] them saying that all who plant in the second quarter, a blight will damage it.
87. That righteous person heard, he went and planted in the first quarter.
88. The whole world's [crop] was blighted, his was not blighted.
89. His wife said to him, Why is it that last year the whole world's [crop] was damaged, and yours was not damaged, and now the whole world's [crop] was blighted, and yours was not blighted.
90. He told her whole event.
91. In a few days a fight broke out between the wife of that righteous person and the mother of that young girl.
92. She said to her, I will see you like your daughter who is buried in a mat of reeds.
93. The next year he went and slept in the graveyard, and he heard the same spirits talking to each other.
94. She said to her, My friend, come and let us float in the world, and we will hear from behind the curtain what troubles will befall the world.
95. She said to her, Leave me [alone], for things that [were discussed] between us have been heard by living.
96. Therefore, they know! Perhaps a man died there and went and told them.
97. Come and hear,
98. That Ze'iri deposited money with the daughter of his innkeeper.
99. Before he returned from the academy, she died.
100. He went after her to the courtyard of death.
101. He said to her, Where is the money?
102. She said to him, Go take it from under the door pivot in the gateway.
103. And tell mother to send me my tube of eye paint and my combs with so-and-so daughter of so-and-so who is coming tomorrow.
104. Wherefore [it seems that] they know! They said, Perhaps it was Dume [one of the minions of the afterlife] who announced [her coming] previously.
105. Come and hear:
106. That the father of Samuel [*Avuha DiShmuel*]
107. had money belonging to orphans deposited with him.
108. By the time Samuel returned from the academy, his father had died.
109. They called him "One who consumes the money of orphans."
110. He went after him [his father] to the courtyard of death.

111. He said to them: Where is Abba [father]?
112. They said to him: There are many fathers [*abba tuva*] here.
113. He said to them: I want Abba bar Abba.
114. They said to him: There are many Abba bar Abbas.
115. He said to them: I want Abba bar Abba the father of Samuel.
116. They said to him: He has gone up to the Academy of Heaven.
117. Meanwhile he saw Levi sitting outside.
118. He said to him: Why are you sitting outside?
119. Why have you not gone up [to the Academy of Heaven]?
120. He said to him: Since all those years you did not go up to the Academy of R. Efes
121. and you pained him, now we will not let you go up to the Academy of Heaven.
122. Meanwhile his father came.
123. [Samuel] observed that he was both weeping and laughing.
124. He said to him: Why are you weeping?
125. Because you are coming here soon, for the day of your death is close.
126. What is the reason you are laughing?
127. Because you are highly esteemed in this world.
128. He said to him: If I am so esteemed, let them take up Levi.
129. They led Levi and took him up.
130. He said to him: Where is the money of the orphans?
131. He said to him: I put it in the case of the millstones.
132. [The money on the] top and the bottom is yours, that in the middle is the orphans'.
133. So that if thieves steal, they will steal yours; if the earth damages [the money], it will damage yours.
133. Therefore [it seems that] they know!
134. Samuel is different. Since he is an important person, they precede him and announce: "Make way!"
135. And even R. Yonathan reversed himself.
136. For R. Samuel b. Naḥmani said in the name of R. Yonathan, How do we know that the dead talk to one other?
137. For it is said, "This is the land of which I swore to Abraham, to Isaac, and to Jacob, saying . . ." (Deut. 34:4).
138. What is [the meaning of] "saying"?
139. The Holy One of Blessing said to Moses,

140. Go and say to Abraham, to Isaac, and to Jacob: The oath that I swore to you I have already fulfilled for your children.
141. And if you should think that they [the dead] do not know, this that he [Moses] told them, what [use] is it?
142. Rather, what [is the case]? That they know.
143. Why does he [need to] tell them?
144. So they will be grateful to Moses.

The Moment of Death/The Space of Death

The sugya is generated by the first clause of M Berachot 3:1. This is the first clause of a mishnah that details exemptions from the recitation of Shema and the wearing of phylacteries for various participants in the funeral party. It follows on a similar exemption in the preceding chapter for grooms on their wedding night (2:5). The mishnah does not detail the reason for the exemption. The gemara, too, is seemingly not interested in this question. The sugya starts with an answer to a different question: what exactly is meant by "before him"? This choice of focus sets the stage for the whole sugya.

The stammaitic move in line 1 is of the greatest rhetorical importance for the purposes of the sugya. There are two possibilities for defining "one whose dead lies [unburied] before him." The first is in terms of time. That is, for the period beginning at death and ending at burial. The second possibility—and the one pursued in the sugya—is spatial proximity. If the body of the dead person is there in front of him, then the relative/mourner is exempt. This first part of the sugya reinforces the idea that the moment of death is defined spatially.

First, a beraita, a tannaitic source, is quoted (lines 3–8) that deals with the same situation in much greater detail. The beraita is introduced by the stam as incongruous with this reading of our mishnah (i.e., the moment of death defined spatially), since the exemptions listed in lines 6 and 7 seem to apply not only to the one whose dead lies before him, but even to the one who eats in another house. Note that the exemptions listed in this beraita are far more numerous than the two listed in our mishnah. This fact is not insignificant; the printed editions of the Bavli, probably influenced by this beraita, add "prayer" and "all the commandments stated in the Torah" to the two in the mishnah as above (and in the MSS). I will have more to say about this shortly.

R. Pappa "translates" (*tirgemah*) the beraita so that the exemptions listed only apply to the one who turns his face to the wall, since he does not have anywhere else to go. R. Pappa's interpretive rationale, seemingly, is that this is the clause immediately prior to the listing in lines 6 and 7. While this answers the objection of line 2, it also does much more. The rhetorical move serves to narrow the focus of "before him" to the actual intimate space shared by the dead person and the living person sitting before him. The intimacy of the moment is reinforced by the recurrence of the word *panim* in the opening question ("before him" = *lefanav*) and in R. Papa's answer ("he turns his face" = *panim*).

Once this strict spatial definition is established, the sugya moves to widen the space within which one is considered "before" the dead person. However, the widening serves to reinforce both the spatial and the relational or intimate character of the "before."[5] R. Ashi (line 11) translates the duration into the relational and intimate character of "before" by way of a midrashic reading of Genesis 33:4, part of Abraham's bargaining for a grave for Sarah:

> 11. R. Ashi says, as long as it is [incumbent] upon him to bury him, it is as if [the corpse] were lying before him.
> 12. As it says, "That I may bury my dead from my presence (*alt.* from before my face)" (Gen. 23:4).
> 13. At that time was [Sarah's dead body] lying before him?
> 14. But since [the obligation is] upon him to bury him, it is as if the corpse were lying before him.

The emphasis again is on the physical proximity—"as if the corpse were lying before him."

This spatial reference and the intimacy of facing the dead suggested by the physical proximity to death recurs throughout the sugya. In this same unit in line 21, the prohibition of walking in a cemetery while wearing phylacteries or carrying a Torah scroll is quantified spatially. "There, it is within four cubits that it is forbidden." And again, "a dead body occupies four cubits in

5. By way of illustrating the other possible way that "before" could have been understood. Tosafot ad loc., s.v. *ve'eino,* understands "before" in terms of the halakhic category of *onen,* which is the *time* until the burial and has nothing to do with physical distance. Tosafot illustrates this with a story about Rabbenu Tam, who was in another city when his sister died. Since she had a husband to bury her, he ate meat and drank wine. Tosafot stresses that it was only because she had a husband, not because he was in a different city.

regard to the reciting of the Shema" (l. 22). R. Ḥiyya and R. Yonathan walk in the cemetery and drag their tzitzit along the top of a grave (ll. 44–45). R. Ḥiyya's sons go to the town (l. 60). The *ḥasid* spends a night with the dead in the cemetery (ll. 69–95). Ze'iri (l. 100) and Samuel (l. 110) go to the "courtyard of death." A significant part of the sugya is about defining what happens in the space of death.

This brings us back to a point I noted before. The beraita that is brought as a challenge to our mishnah has a far longer list of things from which the one facing the dead person is exempt. If we compare the components of this list with the list as it appears in the two parallels of this beraita in Semāhot 10:3[6] and y Ber. 3:1, we note that our beraita has more exemptions. Specifically, the clause in the beraita in b Ber. that is missing in the other two is:

> 6. . . . and he is exempt from [the obligations of reciting] the Shema, [saying the] Tefillah, [wearing] phylacteries, and from all the commandments stated in the Torah.

This phrase effectively "empties out" the space of death from any and all *miṣvot.* This, of course, raises some serious questions. First, why empty the space of death of *miṣvot,* especially those *miṣvot* that are "the complete acceptance of the kingdom of heaven"?[7] Second, if the space of death does not contain ritual obligation, if it is not defined by halakhah (except perhaps in its absence), what does it contain?

There is an important intertext that illuminates this part of the sugya: the issue of whether death is the endpoint of halakhic obligation or obligation under the Torah. This vexing question served, of course, as one of the major cornerstones for the construction of death in another cultural formation of Late Antiquity, Pauline Christianity. In a discussion in b Nidah 60b concerning what may or may not be done with a garment that has a thread of *kil'ayim*[8] in it, the following is found:

> 1. . . . but one is permitted to make it into a sheath for the dead.

6. Ed. Higger, 180.

7. Reciting the Shema, wearing phylacteries, and saying the Tefillah, according to R. Yoḥanan. b Ber. 14b.

8. The prohibited mixing of plants in the same field or of wool and linen in the same web (*sha'atnez*).

2. Said R. Yosef, This is to say that the commandments are void in the coming time.
3. Abbayye (and some say R. Dimi) said to him, But did not R. Mani say in the name of Yannai, they only taught thus [to cover the corpse while] they eulogized him, but to bury him it was forbidden?
4. He said, No.
5. It is said on this [topic]: R. Yoḥanan said even to bury him [in it].
6. R. Yoḥanan is following his own thinking.
7. For R. Yoḥanan said, What [does it mean] that it says: "Among the dead I am free"[9] (Ps. 88:6)? When a person dies he becomes free of the *miṣvot*.

R. Yosef concludes, from the ruling in line 1, that a dead person is allowed to be buried in a garment that a living person is forbidden to wear, and thus that death serves as a boundary for obligation. R. Yoḥanan is quoted as stating this very law, according to a general principle attributed to him that "when a person dies he becomes free of the *miṣvot*."[10] This means that the moment of death is a moment of being freed from the obligation of the commandments.

This formulation of the death-as-boundary principle does not, however, affect the living person. In a sugya in b Shabbat (151b) there is a more suggestive and, perhaps, more significant statement. The unit is interpreting a beraita attributed to R. Simeon ben Gamliel.

1. "One violates the Sabbath for a day-old infant [whose life is in danger]"—Torah said, "Violate one Sabbath for him in order that he might preserve many Sabbaths."
2. "One does not violate [the Sabbath] for David, King of Israel, who is dead"—since a man is dead, he is voided from the *miṣvot* (*keyvan shemet adam batel min hamiṣvot*).
3. And this is what R. Yoḥanan said, "Among the dead I am free." When a person dies he becomes free of the *miṣvot*.

"Since a man is dead, he is voided from the *miṣvot*." This phrase is ambiguous in that it is not the dead man, but rather the living person, who is not

9. See Brown-Driver-Briggs, *Hebrew and English Lexicon,* 344, s.v. חפשי: "forsaken among the dead." Septuagint, "thrown in a sleeping state in the grave" (*errimmenoi katheudontes en taphōi*)

10. It should be understood that "R. Yoḥanan" means R. Yoḥanan as the literary representation in this exchange without any necessary implications for any historical R. Yoḥanan.

obligated—to violate the Sabbath for the dead King David.[11] Voided from the *miṣvot* can, of course, be understood to mean that he is not within the realm of those who might obligate others (as a sick child might). If one were to take this route, though, the phrase in line 2 is not parallel to "free of the *miṣvot*" in line 3, where it definitely involves the obligation or lack thereof to act.[12] There is room here to see that the dead man's freedom from *miṣvot* affects the obligations of the living in the space of death.

Both of the terms of this discussion, death as a boundary for obligation and being freed from the *miṣvot,* are powerful within the cultural context of Late Antiquity. In Gal. 2 Paul says:

> (19) For through [the] Law I died to [the] Law, in order that I might live for God. I have been crucified with Christ; (20) and it is no longer I who live, but Christ lives in me . . .

11. An argument can be made, based on the Toseftan version of this beraita, that there is an "intentional ambiguifying." The Toseftan version is as follows:

> And R. Simeon b. Lazar would also say:
>
> Even a living one-day-old baby—one violates.
>
> And even a dead David, King of Israel—one may not violate the Sabbath for him (in case of danger to life).
>
> For as long as a person is alive, he engages in the performance of *miṣvot,* therefore one violates the Sabbath for him. When he dies he is idle (*batel*) from [performing the] *miṣvot,* therefore one does not violate the Sabbath for him.

The Bavli's version of this beraita is far more ambiguous, because it uses the phrase "since a man is dead, he is voided from the *miṣvot* (*keyvan shemet adam batel min hamiṣvot*)" as a reason for not violating the Sabbath to save the dead King David. The rationale ("since a man . . .") in this syntactic context focuses upon the "one [who] does not violate the Sabbath," just as in the preceding line it focused on the "one [who] violated the Sabbath."

12. A different reading of R. Yoḥanan's statement and the whole discussion is found in b Shabbat 30a:

> This that David said, "The dead will not praise God" (Ps. 115:17), this is what he said:
>
> A man should always engage in Torah and [the performance of] the commandments before he dies,
>
> for once he dies he is idle (*batel*) from Torah and from [the performance of] the commandments, and God receives no praised from him.
>
> And this is [that] which R. Yoḥanan said, What is it that is written "Among the dead I am free"?
>
> When a person dies he becomes free of the *miṣvot.*

The death on the cross is the boundary of obligation. Participating in that death, Paul (and all others who would also participate) is no longer obligated by Torah. He makes this clear in Gal. 3:23–25.

> Before [the] faith came, we were kept in custody under the Law, confined until the coming faith was to be revealed. Therefore the Law has been our guardian[13] until Christ, in order that we might be justified by faith; But since the faith has come, we are no longer under a guardian.

"No longer under the *paidagōgòs,*" for Paul, means no more obligation under the Law. I do not want, or, in the present context, need to get involved in the controversy surrounding the exegesis of these difficult passages in Galatians.[14] I merely want to use it to demonstrate the structure of a construction of death in which the space of death is a space of freedom from the Law for the living. That is, the crossing of the space of death (i.e., as or "with" Christ[15]) affects the living.

It is obvious that the rabbis' construction of death does not conform *in toto* with this construction of death. However, in the narrative of our sugya, I would argue that those who pass through the space of death are relieved of obligation to the *miṣvot*. What is valorized (for men, or at least for sages) beyond death is study of the Torah and not practice of *miṣvot*. For the rabbis, then, death frees them from the yoke of *miṣvot*. Further, it is at this very point where rabbinic and early Christian constructions of death seem to approximate each other so closely that we will see their greatest differences.

13. Flusser points out that the term Paul uses here, *paidagōgòs,* is used in Bereishit Rabbah 1:1 to refer to Torah. See David Flusser, *Jewish Sources in Ancient Christianity* (Hebrew), 4th ed. (Jerusalem: Sifriyat Poalim, 1979), p. 376.

14. See the discussion in Hans Dieter Betz, *Galatians* (Philadelphia: Fortress Press, 1979), pp. 121–126, 161–180. The issue of Paul's relation to halakhah is also very much in contention. See Flusser, *Jewish Sources in Early Christianity,*, pp. 359–380; Peter J. Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* (Minneapolis: Fortress Press, 1990), pp. 222–230, 259–281; and the more recent discussion in Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity* (Berkeley: University of California Press, 1994), pp. 130–143. Boyarin also reviews the earlier scholarship.

15. Cf. Gal. 3:20.

Dead and/or Alive

The second part of the sugya starts with line 41. Raḥba's statement adds a new texture to the intimacy of facing the dead. Seeing a dead person creates an obligation of honoring that person by escorting him for four cubits. Not escorting the dead is seen as mocking through a midrashic reading of Proverbs 27:5. As Rashi comments: "Who is poorer than the dead?"[16]

Escorting the dead, on the other hand, is rewarded by God. The phrase in Proverbs 19:31 "lends (*malveh*) unto God," is reread as "escorts (*melaveh*) God" by a simple change in the pointing (l. 41). This renders the whole pericope as: "One who is gracious [= escorts] unto the poor [= dead, as above], escorts God, and God will repay him for his deed."[17]

These lines continue the embodiment of the dead that started as a faint notion with the reason for forbidding walking in a cemetery while wearing phylacteries and carrying and reading from a Torah scroll (ll. 19–20). There, too, the reason given is: "One who mocks the poor blasphemes his Maker." Mocking is dependent upon a mocked subject. This is what I intend with the term "embodiment" in its usage here: the process of recognizing the dead as a dead person, with some amount of interest or impact in the present and not only in the past.

Raḥba's statements in lines 41–43 continue the embodiment and adds the further notion of the identification of the dead person with God. There is no one more embodied than the one who is the image of God. These statements blur the boundaries between the dead and the living. The dead is not merely inert matter. This frames the coming section of this part (ll. 44–67).

During their sojourn in the cemetery,[18] R. Ḥiyya challenges R. Yonathan about his behavior toward the dead. Significantly, R. Ḥiyya gives voice to

16. Rashi's comment is actually on the verse from Kohelet in line 43, but the midrashic move is the same in both cases.

17. The identification of the poor with God occurs also in b B.B. 10a through a midrashic reading of the same verse. There it is read that one who gives money to the poor will be paid back by God, who incurs the debt.

18. The way that strolling in a cemetery is represented as unproblematic or at least by itself unexceptionable supports Phillipe Aries's claim that a new attitude toward death "appears clearly around the fifth century A.D., which was very different from the centuries that preceded it. . . . It begins with the rapprochement between the living and the dead, the invasion of the towns and villages by cemeteries, which were henceforth surrounded by the habitations of men." Aries, *The Hour of Our Death,* trans. Helen Weaver (New York: Vintage Books, 1982), p. 29.

the dead. In the statement of the dead (l. 46) it becomes clear that there is a relationship between the living and the dead which can include hurt and jealousy. R. Yonathan objects to the supposition that the dead can know (or care) what is happening to them. R. Yonathan's objection is based on a literal (and contextual) reading of Kohelet 9:5: it is only the living who can know. The dead know nothing. Further, the verse continues, the dead "have no more reward" since death is the boundary of obligation. This objection is met with an admonition and a midrash by R. Ḥiyya (ll. 48–59).

R. Ḥiyya objects both to R. Yonathan's "theology" and to his reading practice. R. Ḥiyya then demonstrates how the two are linked. He midrashically rereads the verse from Kohelet that R. Yonathan quoted, "For the living know that they shall die (*sheyamutu*)," reading the prefix *she* to mean "when" (*keshe* or *ka'asher*). This transposes the meaning of the verse to: "For (even) when they die the living will know." This reading of the first half of the verse informs the reading of the parallel second half of the verse: "but the dead know nothing [even when they are alive]." This must mean, as the midrashist says (l. 56), that the wicked, even in their lifetimes, are called dead.[19]

R. Ḥiyya brings as a prooftext an extended midrash to 2 Samuel 23:20. For the argument that the righteous are (considered) alive even when they are dead, only the first part of the midrash (ll. 50–51) would have been necessary. The rest of the midrash (ll. 52–55) *performs* the idea that the righteous live even after death by *reading* Benaiah the son of Jehoiada alive—creating a life through interpretation. It will prove worthwhile to read through the midrash briefly.

> And Benaiah the son of Jehoiada, the son of a valiant man from Kabzeel, who had done mighty deeds, he smote the two Ariels[20] of Moab; he went down and also slew a lion in the midst of a pit in the time of snow.
> (2 Samuel 23:20)

19. Jonah Fraenkel has a somewhat different reading of the midrashic move here. See *Darkhei Ha'agadah VeHamidrash* ([Israel]: Yad Latalmud, 1991), pp. 150–151, and *'Iyyunim Be'olamo Haruḥani Shel Sippur Ha'agadah* (Tel Aviv: Hakibbutz Hameuchad, 1981), pp. 44–45. On Fraenkel's methodology and my critique of it, see my *Rereading Talmud: Gender, Law and the Poetics of Sugyot* (Atlanta: Scholars Press, 1998), chap. 4:1.

20. It is unclear what the phrase *ariel moav* means. The Septuagint has *duos 'uois ariel,* following which the Revised Standard Version has "the two sons of Moab." "Sons" is not in the Masoretic Text, though it has been suggested that this is a scribal error caused by its orthographic similarity to the word "two." Cf. Brown-Driver-Briggs 72, s.v. אריאל.

The verse is from the list of David's heroes at the end of the book of Samuel. It is the first part of a description of the heroic exploits of one Benaiah the son of Jehoiada. This (and the parallel in I Chronicles 11:22) is the only mention of this exploit in the Bible.

The first midrashic move is to read with the *ktiv* (*ḥay*) against the *qri* (*ḥayil*), which renders the phrase as: "the son of a living man." This opens the way for R. Ḥiyya's rhetorical question: "Was he the only living man? Was everybody else a son of a dead man?" That is, why write such an obvious phrase? The midrashic answer to the rhetorical question is R. Ḥiyya's proof that "even in his death he was called living."

> 52. "from Kabzeel, who had done mighty deeds," this indicates that he gathered [*kibbeṣ*] numerous workers for the Torah.

The midrash, by repointing the hometown of Benaiah, reads *mekabeṣ el,* "one who gathers for God," rather than *mikabṣe'el,* "from Kabzeel." The midrash then repoints *rav pe'alim,* "who had done mighty deeds," as *rov po'alim,* "numerous workers," thereby rereading the whole phrase as "he gathered numerous workers for the Torah."

> 53. "he smote the two Ariels of Moab" (ibid.), this indicates that he did not leave his like either in the First Temple or in the Second Temple.

It seems that the midrash here is taking off from the usage of *'Ariel* as a name for the Temple,[21] and is then rereading the phrase as something like "he bested all in both Temples."[22]

> 54. "he went down and slew a lion in the midst of a pit on a day of snow," some say [that this indicates] that he broke blocks of ice and went down and [ritually] bathed;
> 55. others say that he went through the Sifra of the School of Rav[23] on a short winter's day.

21. Cf. M Middot 4:7. Rashi ad loc. suggests that Ariel refers to the Temple based on Isaiah 29:1, in which the word Ariel appears twice and is identified as the place where David camped.

22. If the midrash was reading the phrase as in the Septuagint, "two sons of Ariel, it holds together somewhat better. Though the word *moab* is still "unmidrashable."

23. The halakhic, or legal, midrash on Leviticus.

Once the rest of the verse has been read in such a manner as to transform Benaiah from a warrior into a sage,[24] the last phrase, describing act of physical bravery, is read as "obviously" referring to an act of bravery in the service of Torah. One suggestion is physical prowess in braving the elements to ritually bathe. This is suggested by the combination of the verb "went down" (*yarad*), which is often used together with "and ritually bathed" (*yarad vetaval*),[25] and the fact that he went down to a pit on a snowy day, suggesting a snow-filled pit. The other suggestion is intellectual prowess in studying the complete book of the Sifra on a short day. Benaiah *was* righteous, and this reinforces the fact that the righteous are considered living even when they are dead.

R. Ḥiyya's midrash does something else, too. It forcefully introduces the idea of the dead knowing. The rest of the sugya expands this notion from the narrow focus of knowing what is being done to them to the much wider knowledge of the affairs of the world, the knowledge of the academy (Torah study), and the ability to teach the living.

On the Road

The next story (ll. 60–67) introduces a trope that is woven through the rest of this sugya in interesting ways. Its near-opposite is found in the second-to-the-last story (ll. 106–132). The trope is the living (not) learning from the dead.

The first line of this *ma'aseh* sets up an expectation that is immediately frustrated in the next line. The phrase "went to the town" (*naphuk/nephak lekiryyata*) appears six times in the Bavli.[26] Three of these times it refers to the sons of R. Ḥiyya.[27] In all the occurrences of the phrase, the sage(s) come to town and immediately are asked a question involving Torah study (either practical or abstract). When the sons of R. Ḥiyya come to town it is their father who engages them. The expectation here, then, is that the sons of R. Ḥiyya, upon coming to town, would be engaging in the study of Torah. Instead, the opposite is stated on the next line (61): "their learning was lost

24. This move is found earlier in b Ber 3b–4b, where King David is transposed midrashically from a warrior king to a humble sage.

25. Cf. esp. M Yoma 3:4, 6; 7:3.

26. Here, Pes. 3b, Bezah 9b, Yeb. 105, B.B. 88b, Nidah 24a.

27. Here, Bezah 9b, Nidah 24a.

to them." Their learning or study (*talmudayhu*), which was acquired in part through their interactions with their father, is being uprooted (*it'aqer*[28]).

We do not know from the story when R. Ḥiyya died. The story does not say that he has just died; our expectation in the first line is that he would have been there. Perhaps, though, this was the first experience of his death as what Derrida, in his eulogy for Emmanuel Levinas, called the "experience" of the "without-response."[29] It was, perhaps, only upon returning to their city and not having R. Ḥiyya greet them with a question about their studies that they knew his death. Their immediate reaction (l. 62) is to sit and grieve. Their grief is all the more poignant because their father is unaware of it.

There is, of course, an irony in the fact that this story is about R. Ḥiyya, who in the previous story argues strongly for the fact that the righteous dead do know. That, for all intents and purposes, they are alive. Ultimately, at the end of the sugya, R. Yonathan even agrees with him (l. 135). However, the conclusion of the story of R. Ḥiyya's sons is that the dead only know that which narrowly affects their persons (ll. 66–67).

I mentioned that there is a near-opposite employment of this trope in the second-to-the-last story in the sugya—the story of the father of Samuel and Samuel. While in the story of R. Ḥiyya ("our" story) it is the father who is named and the sons are only named in relation to the father, in the "father of Samuel" story, it is the father who is named only in relation to the son. While in our story the sons learn from the father during his lifetime, and this learning relationship ends at (perhaps defines) the father's death, in the "father of Samuel" story, the son only learns from his father after the father's death. These two stories, however, frame two others to which we now turn our attention.

The rest of the stories in the sugya are rhetorically tagged as proofs for the proposition that the dead "know." The introductory terms used (*vehatanya', ta' shma'*) are the staple technical terms of halakhic sugyot. Moreover, after each *ma'aseh* the stam attempts to close the discussion with the phrase "wherefore/therefore they know" (*'alma deyad'i*),[30] thus answering the question "do the dead know?" The "*conclusio*" is only rhetorical and is immediately refuted in a way that advances the sugya before the next proofstory is brought. The refutations themselves serve as much to reiterate

28. So in the better manuscripts; ed princeps: *ityaqer,* and cf. Rashi ad loc.
29. Derrida, "Adieu," p. 5.
30. Lines 96, 104, 134.

that the space of death is permeable as to enable the introduction of another proofstory.

In the Graveyard

The next story (ll. 68–96), introduced as a beraita (*vehatanya*), continues one motif from the previous stories and introduces a new and important setting and theme. Travel or movement is woven into almost every part of this sugya, beginning with walking in the cemetery (l. 18) and continuing with travelling on a ship (l. 28), riding on a donkey (l. 34), escorting the dead (l. 41), strolling through a cemetery (l. 44), going to the town (l. 60), and in this *ma'aseh,* walking to the cemetery. Throughout the narrative of this sugya there is a distance to be covered and a place to get to. The place to get to is suggested by the dead through the voice of R. Ḥiyya: "Tomorrow they are coming to join us" (l. 46).

The story begins with a *ḥasid,* a righteous person, who is spurned by his wife. The opening line of the story (l. 69) is comfortably predictable. In the Bavli, a *ḥasid* is one who is very strict about his own fulfillment of *miṣvot.*[31] A *ḥasid,* therefore, is someone whom one would expect to help out a poor person in hard times. The setting of the story "in a year of drought" reinforces the righteousness of the *ḥasid.* The phrase "in a year of drought" (*shnat baṣoret*) only appears once in Tanakh. The context is praise for the one who has faith in God.

> He shall be like a tree planted by waters, sending forth its roots by a stream:
> It does not sense the coming of heat, its leaves are ever fresh;
> It has no care in a year of drought, it does not cease to yield fruit.
> (Jeremiah 17:8)

The *ḥasid* in our story fits this image. Even though it is a year of drought, he supports the poor anyway, trusting that God will provide.

The second line, though, is surprising. His wife, perhaps upset about the fact that it is a year of drought, and perhaps just following the stereotype of

31. See, e.g., b Ber. 3b–4b, where King David is described as a *ḥasid* because of his strict fulfillment of *miṣvot.*

the argumentative wife,[32] picks a fight with him.[33] Rather than being rewarded, the *ḥasid* finds himself in an uncomfortable position that only gets worse. His next action is almost shocking. He goes to sleep in the graveyard.

Sleeping in the graveyard is an activity that is known in the Bavli. However, it is not an activity that is associated with a *ḥasid*. In b Nidah 17a we find the following:

> Said R. Simeon ben Yoḥai, There are five things that the one who does them is accountable for with his life, and his blood is upon his head.
> . . . and one who sleeps in a graveyard.

The gemara then proceeds to explain why these activities are censured so strongly.

> And one who sleeps in a graveyard.
> In order that an impure spirit rest upon him—at times it might endanger him.[34]

Although "accountable for with his life" is not the same as a death sentence, and part of the statement's concern seems to be the safety of one who goes to the graveyard, it still does not seem to be an activity that a *ḥasid* would participate in. In other passages, sleeping in a graveyard is considered one of the five signs of a fool.[35] Again, not an activity that a *ḥasid* would indulge in.

The result of sleeping in the graveyard is exactly what the beraita in b Nidah admonishes one not to do: he contacts spirits. (l. 72) More to the point, he falls asleep in the middle of an intimate conversation between two spirits who are unaware of his presence. (ll. 73–79) The word "talking" (*mesaprot*)

32. On the stereotype, see b Temurah 16a: "Just as this donkey, when he has no food in his trough he immediately screams, so too a woman, when she has no wheat in her house, she immediately screams." Cf. b Yeb. 63b.

33. The latter reading is supported by the fact that in line 91 she also picks a fight with the mother of the young girl.

34. S. Lowy refers to this as "cemetery sorcery" in "The Motivation of Fasting in Talmudic Literature," *Journal of Jewish Studies* 9 (1958): 33–34. Moshe Idel understands cemetery visits as anomian mystical techniques (i.e., forms of mystical activity that did not involve halakhic practice) either alone or with weeping. According to Idel's notion that the medium informs the mode of the vision, it is unclear why the *ḥasid* in our story *hears* everything. *Kabbalah: New Perspectives* (New Haven: Yale University Press, 1988), p. 77.

35. E.g., Ḥagigah 3b. R. Yehoshua in M Sotah 3:4 rants against a foolish *ḥasid*.

occurs as a euphemism for "sex."[36] At the least it connotes an intimate setting. I stress this because above I noted that it is the intimacy of the engagement with the dead that creates the space of death (which obligates . . .).

Here, in this surprising setting, the *ḥasid* inadvertently gets his reward. The spirit who is free to fly eavesdrops on a conversation that occurs in the innermost chambers—behind the curtain.[37] When she returns to tell the news to her friend, the *ḥasid* overhears the conversation and profits from it mightily. This happens the next year also (ll. 80–87). Ultimately, the wife of the *ḥasid* becomes suspicious of his newfound agricultural skill (l. 89) and confronts him, and he relates the story to her.

She gets into a fight with the mother of the young girl whose spirit was trapped in the graveyard, and blurts out what she knows in the heat of anger. It gets back to the spirits, and they cease their forays (ll. 91–95).

What characterizes this *ma'aseh* is that it is told as a chain of "chance" hearings, with little intended communication: the spirit overhears a conversation behind the curtain; the *ḥasid* overhears their conversation; after the wife confronts him, he relates the whole event; she blurts the story out in the heat of an argument. If the stammaitic refutation (l. 96) is added, the news gets back to the dead through the death of another unrelated person who heard about these events. There is indirect communication through the space of death, from the dead to the living.

The second striking characteristic of this *ma'aseh* is the construction of gender. The one active male character is surrounded by four female characters who move the action of the story along. The male is given a positive valence even before he acts, while the female characters are all neutral to bad. His actions are first an act of righteousness, and then positive action in the world; theirs are acts of idle gossip. Common to both the communication and the gender construction is that death does not make a difference. That is, on both sides of death, communication is by chance and female action is "idle."

From the Academy to the Courtyard of Death to the Academy

In the next story (ll. 97–104) we are once again on the move, or rather Ze'iri is. Arriving at his inn from the academy, he finds that the innkeeper's

36. E.g., b Ned. 20a, b Ber. 3a.

37. One of the angel-like characteristics of *shedim* is that they can hear the future "from behind the curtain" (b Hag. 15a).

daughter, with whom he has deposited his money, has died. Without a second thought he follows her to the courtyard of death (*ḥaṣar hamavet*) to get the money back. She tells him where it is, and asks for a favor. She asks him to take a message to her mother, asking her to send some personal grooming items with someone who is conveniently dying the next day.

The most striking thing about this story is the ease with which the characters navigate back and forth over the space of death. There is a direct and mundane conversation between a dead woman and a living man. There is even the possibility of passing material goods over the boundary of death. And finally, the space of death is named: the courtyard of death. This is one of only two occurrences of the term in the Bavli.[38] (The other occurrence is in the next story.) It is a strikingly appropriate term for the space that the sugya as a whole is discussing.

A courtyard of death is the space of death, not the space of the dead, like a graveyard or *bet haqevarot*. There is a detailed description of an ossuary with a courtyard in b B.B. 101b. The courtyard is the entrance to the caves. If this is the model on which the courtyard of death was imagined, then it is a space that must be passed through by the dead. It is a space that is occupied at times by both living and dead.[39] In the Ze'iri story, as in the story of the *ḥasid,* gender constructions also cross over the space of death. The daughter of the innkeeper, though dead, still wants her beauty items. Ze'iri is being troubled on his way home from the academy.

The Father, the Son and the Courtyard of Death

As I mentioned above, the next story (ll. 105–134) is a near-opposite of the story of R. Ḥiyya's sons. Samuel's father acts as a guardian for the money of orphans. Samuel, however, knows nothing of this. It does not seem as if the communication between Samuel and his father is very good at all. While Samuel is away studying, his father dies. His return, however, is not caused

38. In this sense it occurs also in Midrash Psalms 11:6, where the structure of a "courtyard of death" is described.

39. In the description of the *ḥaṣar hamavet* in Midrash Psalms 11:6, it is just such a place: "A courtyard of the spirits of dead people, and it is a place like a house and a yard surrounded by a fence, and in front of the fence is a river, and in front of the river a field, and every day Dume takes the spirits out, and they eat [the grass of the] field and drink the [water from the] river."

by his father's death or funeral. The orphans (and perhaps concerned others) figure that he must know where his father kept their money. They call him names and sully his reputation. It is this which precipitates Samuel's return.

We must note at this point that while Samuel did not seem to have much of an interest in his father's doings, his father's whole identity is tied up with him. His father is known simply as Avuah deShmuel, "Samuel's father." When Samuel gets to the courtyard of death he engages in a tragicomic *pas de deux* through which he is forced to name his father as his father (l. 115). It is only after traversing the physical distance (from the academy to the courtyard of death), and the psychic distance (from the generic Abba to the naming of his father as his own father in line 115) that he is allowed to see his father. When he finally admits that he wants to see his father (and not just a father), he is told by whatever gatekeeper stands at the courtyard of death that his father has gone up to the Academy of Heaven. This too, for Samuel, is structured as a revelation.

At this point the narrative is so constructed that Samuel comes from the earthly academy to meet his father coming from the Heavenly Academy in the courtyard of death. The meeting of father and son is (finally) a meeting of equals.

Samuel, at this moment, takes note of Levi sitting outside the Academy, presumably still in the courtyard of death (l. 117). It is perhaps only now that Samuel can notice someone else's pain. Levi explains his plight (ll. 119–121). Promptly at the end of Levi's explanation (*adehakhi vehakhi*) Samuel's father appears weeping and laughing (ll. 122–123).

Samuel now learns from his father. First he learns that his father is sad about his imminent demise (ll. 124–125). Second, he learns that his father rejoices at his renown in the afterworld (ll 126–27). His next statement is transformative. He uses his own renown to procure for Levi a place in the Academy of Heaven (ll. 128–129). That is, he does what his father has always done—good deeds for others. Once Samuel is transformed, his father is free to let him take his place as the guardian of the money of the orphans (ll. 130–134). He teaches him the way to care for others first.

This story shares with those before it the thematization of the space of death as a somewhat fluid meeting place between living and dead. The gender construction here too is as it has been through the sugya. Sages remain sages after they die. The movement by Samuel from study house to courtyard of death is mirrored by Samuel's father's movement from the Academy of

Heaven to the courtyard of death. The innkeeper's daughter in the last story, by way of contrast, is embedded in a world of beauty and cosmetics. Here a quest for money becomes a transformative experience in which real learning happens, as it would in the study house. In the story about the daughter of the innkeeper, a quest for money remains on the level of the mundane.

This story expands the power of the space of death. The space of death is now represented as a potentially transformative space with great potential for the living to learn from the dead.

Coda

The sugya finishes somewhere near the place it starts (ll. 135–144). Abraham, whose burial of Sarah in a courtyard of death[40] expanded the representation of the space of death (ll. 11–12), is told in death of the fulfillment of the promise made to him at the beginning of his journey (l. 140). R. Yonathan, a participant in an initial phase of the sugya, arrives with us at the end of the narrative at a greatly expanded view of the space of death (l. 135).

This coda adds one more aspect to the relationship between dead and living—the possibility of the living also teaching the dead. While the dead whose graves R. Yonathan's tzitzit swept were jealous, these dead are grateful (l. 144).

Conclusion: Death and Body

This construction of the space of death, and of death itself, stands in stark opposition to that of early Christianity. The comparison is interesting because, as I noted above, there is some powerful common ground. The Syriac Father Aphrahat wrote the following in the fourth century:

> ¶11. Do thou also remember death, O wise scribe, that thy heart be not lifted up, so that thou shouldest forget the sentence of judgement. Death leaves not aside the wise, nor respects the persons of the subtle. Death leads away to

40. Cf. Gen. 23:17, "the field and the cave that is in it"; b B.B. 101b, the description of the courtyard of a grave.

himself the wise scribes, so that they forget that which they have learned, until the time comes in which all the righteous shall rise again.

¶12. . . . They shall not be bound there in the desire of covetousness nor shall they go astray there concerning remembrance. There a man shall not love his neighbor with especial reverence, but abundantly shall they all love one another after one fashion. They shall not marry wives there, nor shall they beget children; nor shall there the male be distinguished from the female; but all shall be sons of their Father who is in heaven; as the Prophet said:—*Is there not one Father of us all; is there not one God Who created us?* (Mal 2:10).[41]

There is almost a point-by-point opposition between these paragraphs and our sugya.[42] Death in our sugya is not a solid boundary that separates two radically different modes of existence. Whereas Aphrahat warns the scribes: "Death leads away to himself the wise scribes, so that they forget that which they have learned," in the Bavli the wise do take their wisdom beyond death. It is what they do after death. They are sages, and they spend their time in the Academy of Heaven.[43] Further, there is desire, jealousy, and gratitude. Finally, male is very definitely distinguished from female, and all are not equal.

It would appear that the construction of death goes to the very heart of one of the foundational issues dividing Judaism and Christianity in Late Antiquity. The relatively negative valence attached to the body in Aphrahat and Pauline Christianity—in relation to marriage, celibacy, circumcision—leads to an obliterated body in death. There is nothing that passes over the space of death. There are no gender distinctions on the other side of death.

41. "Select Demonstrations, Demonstration XXII: Of Death and the Latter Time," in *Nicene and Post-Nicene Fathers,* vol. 13 (reprint ed., Peabody, Mass.: Hendrickson, 1995), pp. 405–406.

42. I am not arguing that our sugya was written as a polemical text, but rather that the "logical" ramifications of the construction of the body in the Rabbinic Judaism represented in the Bavli and in early Christianity as represented in Aphrahat's writings are here in evidence. The question of whether there was an actual polemic between the Babylonian (i.e., Sassanian Persian) Jewish community and Aphrahat's community is still open. For a recent review of the literature, see Naomi Koltun-Fromm, "A Jewish-Christian Conversation in Fourth-Century Persian Mesopotamia," *Journal of Jewish Studies* 47, no. 1 (Spring 1996): 45–63. Koltun-Fromm's own conclusion is that "one can sense from Aphrahat's concerned answers that some people in his community had experienced encounters with Jews that had included informal religious discussions or debates" (p. 62).

43. See the wonderful story of the "summoning" of Rabbah bar Naḥmani to the Academy of Heaven (*Rabbah bar Naḥmani nitbakesh leyeshivah shel ma'alah*).

The relative valorization of the body in Rabbinic Judaism—at least to the extent of the positive attitude toward marriage, sex, and procreation in permitted unions—leads away from the dualism that solidly identifies good with soul and bad with body.[44] It is this dualism that underlies the notion that the soul yearns to free itself of the body and return to the state of "nor shall there the male be distinguished from the female."[45] In Rabbinic Judaism the individual continues as a unique, bodily, gendered identity after death. This allows imagining the meeting and interaction of the living and dead on intermediate ground—the courtyard of death. The gendered identities of the dead follow the same patterns as those of the living. The male sage is freed from *miṣvot* and is therefore free to devote himself to study, the woman is freed from *miṣvot* but is still not found in the (Heavenly) Academy.

In the end, the continued existence of embodied dead persons allows the existence of the space of death as a powerful and potentially transformative space, a space where the dead can teach the living, a space where the dead know.

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44. Cf. Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993).

45. I say returns because Galatians 3:28, "there is neither male nor female" (*ouk eni arsen kai thelu*) is alluding to Genesis 1:27, "male and female he created them" (Septuagint: *arsen kai thelu epoieisen autous*). This present eschatology of Paul, which is the undoing of the separation and materiality of creation, is transferred by Aphrahat to the description of the existence after death. Cf. Krister Stendahl, *The Bible and the Role of Women: A Case Study in Hermeneutics* (Philadelphia: Fortress Press, 1966): 32.