Foucault Studies

REVIEW

Sergey Dolgopolski, *What Is Talmud? The Art of Disagreement* (New York: Fordham University Press, 2009), ISBN: 978-0823229345

The vast and multifaceted tradition of Hebrew thought may provide readers of Foucault with the possibility of expanding upon his work, especially with respect to the kind of action [*ergon*] focused on reading and writing that was such a pre-occupation of his ethical turn. While Foucault's interest in Ancient, Medieval, and early modern Christianity in the shaping of a self is well known, as is his interest in Iranian Shi'ism and its links to self practices (though this latter has been over-shadowed by the political storm provoked by his writings on the Iranian revolution and Khomeinism), there seems to be virtually nothing specifically about Jewish thought in Foucault, apart from his comments on Spinoza and the role of the ima-gination in Hebrew thinking in the introduction to his translation of Binswanger on dreams and existence (1954). In recent issues, *Foucault Studies*, with two book re-views by David A. Kaden, has sought to bring to its readers' attention the possible links between the final Foucault's interest in ethics, modes of being-in-the-world, care of self, and Jewish religious thinking. With Sergey Dolgopolski's volume, here under review, that effort shifts its focus to the complex of issues raised by the reading of a text and its aims, as it emerged in the *art* of Talmud. Here, indeed, are *Foucauldian* questions. The Hebraic Talmudic tradition, as Dolgopolski explores it, contains a vision of reading as a spiritual exercise, a conception of paired learning, both of which are concerns of Foucault, and—perhaps the most striking—a different understanding of *commentary*, not as polemic, which Foucault eschewed, but as a component in the very formation of a text itself. Indeed, Dolgopolski's exploration of the Talmudic tradition provides us with a new "take" on the famous, but aborted, debate between Habermas and Foucault: With Dolgopolski's Talmud, the reader enters a "world" where the aim of a dialogical encounter, of communicative action, to use a Habermasian trope, is *not* agreement; it is a "world" where a reversal of the very bases of the Habermasian ideal speech situation produces *disagreement*.

Dolgopolski's *What Is Talmud?* is not an exploration of either Jewish law or ethics. It is, rather, an inquiry into the ways in which the meaning or sense of an argument is established, the mode in which one reads a text or hears an oral argu-ment, the way in which truth claims are constituted. And it is a contribution to the

re-functioning of a tradition of metaphysics that constitutes a challenge to the dominant tradition of Western metaphysics or philosophy, the unearthing of what Dolgopolski terms a "*philosophy incognito,*" (68) one that has links to post-Heideggerian philosophy and poststructuralism. While Michel Foucault did not grapple with Jewish thinking, and certainly not with Talmud, Dolgopolski's explicit thematic linkage of Talmud to the writings of Derrida and Deleuze, for example, also implicitly forges a link to Foucauldian themes and concerns.

Dolgopolski's own focus is on the writings of Rabbi Izhak Canpanton, a 15th century Spanish sage, whose *The Ways of the Talmud* (not yet translated into English, and for which Dolgoplski provides a "very detailed analytical exposition" as one of his chapters) contains a challenge to both the dominant tradition of Talmudic studies, which focuses on the "*objectification*" of *the* Talmud as a book or text, and to the mainstream of Western philosophy and its goal" as Dolgopolski sees it of "reaching agreement in any discussion…." (ix) By contrast, for Dolgopolski, "…Talmud is not only or not even mainly, a book… but rather an art, *techne*…" (12) Moreover, for Dolgopolski, Canpanton's Talmud is pre-eminently a Talmud of *disagreement*, "which even thematically seeks not to attain agreement, but rather to support disagreement as an intrinsic part of its program." (261) It is that aim to instantiate disagreement as a central focus of Talmud, as Canpanton articulated it, that is so shocking to our sensibilities and our mindset. From Plato on disagreement has been the goad to any philosophical project, but surely not an aim. Indeed, as Dolgopolski tells us: Plato understood disagreement as "…only a starting point on the way of a dialogue to discovering/recalling what things truly are… Similarly, the direction of the dialogue… is only a transit-way to the ultimate destination… with no disagreement in it." (234-235) From Plato, then, to Habermas, Western philosophy has been shaped by its preoccupation with agreement as its goal:

> Philosophers have always hoped to reach agreement. This hope dominated philosophical and, by extension, cultural, intellectual, social, psychological, and other traditions in the West. In these traditions, disagreement is tolerable only as an intermediary step on the people's way to an agreement. (237)

Dolgopolski's Canpanton, by contrast, does not seek agreement:

> Contrary to the view of disagreement as always false, Canpanton promoted a notion of disagreement as not false, but rather true. His art of Talmud exemplified an approach in which… true disagreements should be preserved and even developed further. For him, disagreements call for appreciation and even cultivation as they are, not for the sake of an agreement to which they might lead. (237-238)

Indeed, according to Dolgopolski, Canpanton's art of Talmud, carves out a field of disagreement, which is not simply that of "…a mistake to be corrected or as a result

of misinterpretation." (97) Here it seems to us that for Dolgopolski *truth* is suffused with historicity, that it implicitly approaches a Foucauldian concept of truth as what one *takes to be* true, even as Dolgopolski explicitly links it to Derridean *différance*, the components of which are deferral and difference. Truth, as Dolgopolski finds it in Canpanton's Talmud, then, is not about a correlation between language and the "real" world, but "is connected to the rhetorical category of invention [which] reduces the question of truth to the question of speculative correctness (invention), rather than to that of logical correctness, or logical truth." (93) The goal of the latter is the specter that has haunted Western metaphysics.

For Dolgopolski, then, Canpanton's Talmud is an "event" not a text, it is about *doing* Talmud. His claim is that there is even an ontology of Talmud, an ontology that is "metaphysical but not philosophical," (63) but a metaphysics that is very different from the metaphysics that has dominated the Western tradition, a metaphysics that entails a re-functioning of rhetoric, and even of sophistics. Such a metaphysics is precisely that "philosophy incognito" to which we have pointed, a metaphysics, for example, that survives even in Heidegger's critique of metaphysics. Indeed, as Heidegger opined in his 1924 Marburg lecture course, *Basic Concepts of Aristotelian Philosophy*, "Rhetoric is nothing but the elaboration of *Dasein* in its concreteness, the hermeneutic of *Dasein* itself." For Dolgopolski, "such meta-physics beyond philosophy could not be thought of without *rhetoric*…" (68) But that rhetoric is neither the rhetoric that Plato excoriated in the Sophists that he so scorned, the rhetoric of persuasion, which uses language simply as a tool to convince one's auditor, or even the rhetoric of Aristotle, which, as Dolgopolski points out, is in the service of leading one's auditors back to "what they already possess—to agreement in their basic thinking, which is also the passion of their souls." (252) Dolgopolski's re-functioning of rhetoric and sophistics entails a focus on the *orality* of doing Talmud, in which it entails: "A rational rhetorical disagreement between finite parties as a factor outweighing any final conclusion or agreement that the learner of Talmud may reach." (154)

According to Dolgopolski, in Canpanton's Talmud, the concept of *exaction*, though not explicitly articulated in the Talmud itself, "…was to lay the ground for an understanding of both the logical status and rhetorical method of the Talmud." (26) Exaction is a device or a practice through which an interlocutor makes sense of an oral or written argument "by questioning the significance of the phrasing and wording in it. It also represents a certain kind of rhetorical inference from a given argument, based on appreciating the precise phrasing in which it comes" (26) Canpanton's Talmud provides an account of the modes through which a student of Talmud approaches an oration. First, there is the establishment by the student of his/her "plain understanding" of the oration; the outcome of a complex process "of sorting out of what would be the precise match between its language and its matter." (79) Then, the possibility of "invention" would arise, the sense of discovering

something new in the argument, something that might disrupt the accepted sense or meaning. Finally, the prospect of a "refutation" arises, which "does not serve a destructive purpose, but instead is a way to refine a speculation further and to make the invention found in the oration even more persuasive." (82) Indeed, as Dolgopolski claims, refutation "is not a tool of persuasion, but rather the basic element involved in making sense of any oration whatsoever." (82) Rhetoric and sophistics in doing Talmud, then, are not linguistic techniques whose basic purpose is to persuade, to forge assent or agreement. The art of Talmud, rather, entails "an engagement of two finite minds in front of a third, in which neither of the two 'wins' and neither fully disappears from the stage of persuasion." (82)

Doing Talmud is linked to a vision of language characterized by *undecidability*, by the enigmatic character of meaning, by the openness of the space that language creates. It is that openness of Talmud, and its art of disagreement, upon which Dolgopolski insists, and its links to post-Heideggerian thinking, to post-structuralism, to the understanding of language found in the writings of Maurice Blanchot, and—dare we say again—to the kind of self-writing that Foucault engaged in, and to his understanding of "truth," that we think makes this volume so important. Those interested in Foucault as an exemplar of a counter-tradition to the mainstream of Western philosophy will be fascinated by the insights contained in Dolgopolski's account of Canpanton's Talmud.

Alan Milchman & Alan Rosenberg
Queens College
The City University of New York
65-30 Kissena Boulevard
Flushing, NY 11367
USA
alan@milchman.com
foucnietz@nyc.rr.com