

Introduction

Moses's last speech to his people, which constitutes the biblical book of Deuteronomy, is riddled with apprehension about forgetfulness.¹ While the entire speech is a reactivation of memory—insofar as it is a retelling of Israel's collective past and a reiteration of the law—and an exhortation on the importance of memory,² Moses expresses very little faith in the Israelites' ability to remember God's wonders and benevolence in the long run. On the brink of entrance into the promised land, in which the Israelites, thanks to God's generosity, will prosper and flourish, Moses anticipates that it is exactly this prosperity that is bound to lead to forgetfulness:

Take care that you do not forget YHWH your God such that you will fail to keep his commandments, his ordinances, and his statutes, which I am commanding you today. When you have eaten your fill and have built fine houses and live in them, and when your herds and flocks have multiplied, and your silver and gold is multiplied, and all that you have is multiplied, then do not exalt yourself, forgetting YHWH your God, who brought you out of the land of Egypt, out of the house of slavery. . . . If you do forget YHWH your God and follow other gods to serve and worship them, I solemnly warn you today that you shall surely perish.³

The same concern is reiterated in Moses's farewell song at the end of Deuteronomy, which in itself is meant to serve as a mnemonic device, a condensed and catchy

1. There are no fewer than twelve warnings regarding forgetfulness in the book of Deuteronomy, in addition to fourteen exhortations to "remember."

2. As scholars noted, the book of Deuteronomy as a whole, and likewise the Deuteronomistic History books (Joshua, Judges, Samuel, and Kings) can be understood as a long-term "memory program." The literature on this topic is vast, and I will mention here only some of the most recent contributions: Barat Ellman, *Memory and Covenant: The Role of Israel's and God's Memory in Sustaining the Deuteronomistic and Priestly Covenants* (Minneapolis: Fortress Press, 2013); A.J. Culp, *Memoir of Moses: The Literary Creation of Covenantal Memory in Deuteronomy* (London: Rowman and Littlefield, 2020); Johannes Unsok Ro and Diana Edelman, eds., *Collective Memory and Collective Identity: Deuteronomy and the Deuteronomistic History in Their Context* (Berlin: De Gruyter, 2021).

3. Deut. 8:11–19.

encapsulation of the book in its entirety:⁴ “Jacob ate his fill, Jeshurun grew fat and kicked / You grew fat, bloated, and gorged / . . . You became oblivious of the Rock that bore you / You forgot the God who gave you birth.”⁵ Moses’s Israelites are like Odysseus’s Lotus-Eaters: they eat and immediately forget where they came from and what they ought to do.⁶ Moreover, in Deuteronomy, memory and forgetfulness are an all-or-nothing game. Remembering God and the Israelites’ sacred history—particularly the enslavement and liberation in Egypt—are the precondition for following and observing any of God’s commandments and laws.⁷ Accordingly, forgetfulness necessarily and inevitably means abandonment and violation of *all* of God’s laws. There is no partial, passing, or excusable forgetfulness of specific ordinances: only total and all-encompassing forgetfulness, which demonstrates ingratitude and sinfulness, and portends punishment.

The notion that when it comes to observance of God’s many laws forgetfulness is a matter of all or nothing reverberates in the Hebrew Bible beyond the book of Deuteronomy.⁸ One passage in the book of Numbers famously warns that the Israelites are so prone to memory failures that they must wear a constant reminder of God and of the commandments at all times on their person:

YHWH said to Moses, “Speak to the Israelites and tell them to make tassels on the corners of their garments throughout their generations and to put a blue cord on the tassel at each corner. You have the tassel so that, when you see it, you will remember all the commandments of YHWH and do them, and not follow the lust of your own heart and your own eyes after which you go astray. So you shall remember and do all my commandments, and you shall be holy to your God.”⁹

4. As convincingly proposed by Ellman, *Memory and Covenant*, 94–103. The function of the song as a memory aid for future generations is stated in Deut. 31:20–21: “For when I have brought them into the land flowing with milk and honey . . . and when many terrible troubles come upon them, this song will confront them as a witness, because it will not be lost from the mouths of their descendants.”

5. Deut. 32:15–18.

6. The story of the Lotus-eaters appears at the beginning of book 9 of the *Odyssey*, in which Odysseus relates how “any crewman who ate the lotus, the honey-sweet fruit, / lost all desire to send a message back, much less return, / their only wish to linger there with the Lotus-eaters, / grazing on lotus, all memory of the journey home / dissolved forever.” See Homer, *The Odyssey*, trans. Robert Fagles (New York: Penguin Books, 1996), 214.

7. In the words of Moshe Greenberg, “Israel’s duty to always remember YHWH’s redemptive and sustaining deeds (particularly in her prosperity) as the chief motive of obedience to his commandments is a Deuteronomic commonplace.” See Moshe Greenberg, *Ezekiel 1–20*, The Anchor Yale Bible Commentary (New Haven, CT: Yale University Press, 1983), 305. See also Ellman, *Memory and Covenant*, 75–93.

8. On perceptions of mind and memory in the Hebrew Bible more broadly, especially in the prophetic and wisdom literatures, see Michael Carasik, *Theologies of the Mind in Biblical Israel* (New York: Peter Lang, 2005).

9. Num. 15:37–40.

This passage appears following more general instructions regarding transgressions and violation of ordinances earlier in the chapter. These instructions acknowledge the possibility that an individual or the entire congregation may err unwittingly in the performance of the commandments (in which case they are to provide an expiatory offering), but assert that one who transgresses intentionally and knowingly will be cut off from the people.¹⁰ It is in recognition of the ever-present danger of transgression that the Israelites are instructed to wear a memory-jolting garment at all times.¹¹ The underlying assumption is that without such visual reminder the Israelites are likely to forget the commandments and be led astray by “the lust of your heart and your own eyes.”¹² Here, too, memory and obedience are an all-or-nothing game: either one remembers (with the help of the tassels) *all* the commandments and thereby obeys them, or one does not remember *any* of the commandments and instead submits to a life of following passions and appetites. While unintentional mistakes in the observance of the law are possible and forgivable, memory failure does not qualify as error or accident: it is construed as an abandonment of God.

As Yosef Hayim Yerushalmi influentially observed, the biblical preoccupation with the ever-looming danger of forgetfulness generated two channels through which memory would perpetually and uninterruptedly flow: ritual and recital.¹³ Rituals consist of fixed sets of behaviors and gestures, in which objects or bodies are handled according to a rehearsed protocol, whereas recitals are repeated performances of texts on specified occasions. Rituals and recitals became the mainstay of Jewish identity for centuries to come, and they made the injunction to “remember” the overarching and most formidable demand in Jewish lore. Approaching memory as a historian, Yerushalmi is concerned exclusively with memory of the collective past, and thus focuses primarily on the retelling and reenactment of the nation’s formative events. But as Mary Carruthers noted, while the philosophical tradition of the Enlightenment put forth a concept of memory strictly as a tool of reiteration and reduplication of the past (that is, of things that “actually happened”), in antiquity and the Middle Ages memory encompassed

10. Num 15:22–31. On this textual unit and its relation to Leviticus 4 and 5, see Arye Toeg, “A Halakhic Midrash in Num. XV:22–31” (in Hebrew), *Tarbitz* 43, no. 1 (1973): 1–20. See also Simeon Chavel, *Oracular Law and Priestly Historiography in the Torah* (Tübingen: Mohr Siebeck, 2014), 185–95.

11. As Adriane Leveen observed, this passage corresponds with a recurrent concern in the book of Numbers regarding the volatility of the Israelites’ memory, as well as regarding the existence of competing memory traditions among the Israelites. See Adriane Leveen, *Memory and Tradition in the Book of Numbers* (New York: Cambridge University Press, 2008), 97–139, esp. 110–13.

12. This is not the only memory-jolting device (literal or metaphorical) mentioned in the Priestly/Holiness literature. Cf. Ex. 13:9: “This will be for you like a sign on your hand and a reminder on your forehead that this law of YHWH is to be on your lips.”

13. Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle: The University of Washington Press, 1982), 16–26.

a much wider array of cognitive experiences.¹⁴ Memory was inextricably bound with imagination, with emotion, with predilections and inclinations, with dreams, and with fears. I would thus expand Yerushalmi's cogent observation that ritual and recital are the channels of memory in the Jewish tradition (and any tradition for that matter) beyond historical memory alone. One's religious and communal identity relies not only on memory of the narrated past, but also on memory of the imagined future (e.g., a final judgment or a messianic redemption); not only on remembering ancestral myths, but also on remembering internalized social norms; not only on remembering transformative events, but also on remembering tedious everyday activities. All of these forms of memory are cultivated through prescribed and proscribed behaviors and through liturgical and declamatory repetition.

Ritual and recital, that is, practice and text, are the building blocks of a devout Jewish life as it is envisioned in the rabbinic literature of late antiquity—in the Mishnah, Tosefta, Talmudim, and Midrashim—arguably much more so than in the Pentateuch. In rabbinic halakhah every law is to some extent construed as a ritual, in two important and related respects.¹⁵ First, the rabbis determine that commandments are to be observed in very particular ways, and they dissect commandments to their minutest elements in order to set up accurate protocols for correct versus incorrect forms of observance.¹⁶ Second, the purpose of most halakhic activities can be defined as “getting it right” rather than as achieving some external goal.¹⁷ Commandments are fulfilled for their own sake, according to sets of rules with their own internal logic, and as such they are heavily ritualized. In addition, the centrality of Torah study in rabbinic culture, and the fact that Torah teachings were preserved and propagated primarily orally, warranted relentless repetition of one's teachings. To this we may add the rabbinic standardization of liturgical formulae, which requires the idealized rabbinic Jew¹⁸ to be fluent in a vast

14. Mary Carruthers, *The Craft of Thought: Meditation, Rhetoric, and the Making of Images, 400–1200* (New York: Cambridge University Press, 1998), 68.

15. See Mira Balberg, “Ritual Studies and the Study of Rabbinic Literature,” *Currents in Biblical Research* 16, no. 1 (2017): 71–98.

16. See also Tzvi Novick, *What Is Good and What God Demands: Normative Structures in Tannaitic Literature* (Leiden: Brill, 2010), 39–58.

17. Here I follow the observations of Humphrey and Laidlow, which I find particularly appropriate for rabbinic rituals: “For the actor, the ritualized act is seen as ready for him or her to do. He or she ‘enacts’ it, that is, does not simply do something as in everyday life . . . but as it were mimics an idea of what should be done.” See Caroline Humphrey and James Laidlow, *The Archetypal Actions of Ritual: A Theory of Ritual Illustrated by the Jain Rite of Worship* (New York: Oxford University Press, 1994), 102.

18. Here and elsewhere throughout the book I use the term “Jew” in the sense of an individual member of the rabbis’ perceived collective of “Israel.” I use this term reluctantly and only for the sake of convenience, as this term does not correspond with any emic rabbinic term (*yehudi/yehudim* is a word that the rabbis use very rarely; see Cynthia Baker, “When Jews Were Women,” *History of Religions* 45, no. 2 [2005]: 114–34). Nevertheless, I do maintain that in the rabbinic normative context “Jew” is still a more appropriate term than “Judean,” despite the tendency toward the latter in

corpus of prayers, creeds, and blessings. But there's the rub: while ritual and recital are channels through which memory in the broadest sense of the word is cultivated, *ritual and recital are themselves vulnerable to memory failures*. The myriads of practices that a rabbinic Jew must remember to perform, and the multitudes of texts that they must remember to repeat, require an active and diligent memory. One is instructed to refrain from labor on the Sabbath day, for example, so that one will remember the creation of the world and the enslavement in Egypt,¹⁹ but what if one forgets the labor prohibition itself, or more likely, one or more of the many categories and subcategories of which the labor prohibition consists? One is instructed to recite a blessing before meals so that one will remember God's generosity and bounty, but what if one forgets part or all of the text of the blessing?

Such questions are never discussed in biblical texts, nor do they receive any attention in extant literature from the Second Temple period. In the few texts from the Second Temple period that invoke the problem of forgetfulness in a significant way, such as the book of Jubilees and the compilation known as Pseudo-Moses, forgetfulness is depicted in totalizing and condemning terms much as it is in the Hebrew Bible, usually in the service of a greater dichotomous paradigm of good versus evil. The world is split between those who "forget *all* of my commandments, *everything* which I shall command them. . . . My commandments and the feasts of my covenant and my sabbaths and [my] sacred place,"²⁰ and the righteous few who remember and follow God's commandments. In rabbinic literature, in contrast, concern with the pragmatics of memory failures in the performance of commandments and Torah study is pervasive. The rabbis are deeply preoccupied with the possibility that particular elements of one's halakhic performance, particular facts relevant to one's practice, or particular texts constituting one's recitation may be omitted from one's memory. While the rabbis share with their predecessors the fundamental view of human memory as flawed and unreliable, their engagement with the ever-present prospect of forgetfulness is entirely different from what we

recent scholarship. On the Jew/Judean debate, see Steve Mason, "Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History," *Journal for the Study of Judaism* 38, nos. 4–5 (2007): 457–512. I tend to agree with Daniel R. Schwartz that while "Judean" is certainly the appropriate term in some ancient Jewish contexts, "Jew" is probably better suited for discussing rabbinic texts. See Daniel R. Schwartz, *Judeans and Jews: Four Faces of Dichotomy in Ancient Jewish History* (Toronto: University of Toronto Press, 2014), 46.

19. According to Ex. 20:8–11, Deut. 5:12–15.

20. Jubilees 1:8, 14 (ed. Charlesworth 2:53; emphasis added), and see also Jubilees 6:34 and 23:19. On forgetfulness as a central trope in Jubilees, see Cana Werman, *The Book of Jubilees: Introduction, Translation, and Interpretation* (in Hebrew) (Jerusalem: Yad Ben-Zvi Press, 2015), 62–64. On Pseudo-Moses, see Devorah Dimant, "New Light from Qumran on the Jewish Pseudepigrapha: 4Q390," in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls*, ed. Julio Treballe Barrera and Luis Vegas Montaner (Leiden: Brill, 1992), 2:405–48. See also Eibert Tigchelaar, "A Cave 4 Fragment of Divre Mosheh (4QDM) and the Text of 1Q22 1:7–10 and Jubilees 1:9, 14," *Dead Sea Discoveries* 12, no. 3 (2005): 303–12.

find in the Hebrew Bible and in Second Temple literature. The forgetfulness they are concerned with is not all-encompassing but highly specific, not permanent but temporary, and most important, not a sign of abandonment of God and his commandments but an acceptable, predictable, and rectifiable part of life in accordance with the Torah.

This book is about the array of ways in which the early rabbis approached and delineated the possibility of forgetfulness in practice and study, the solutions and responses they conjured for forgetfulness, and the manners in which they used human fallibility to bolster their vision of Jewish observance and their own role as religious experts. To be clear at the outset, this book does not deal at all with rabbinic memory and forgetfulness of past events or institutions (often called “collective” or “cultural” memory),²¹ or with the active part that the rabbis played in making sure that certain groups, traditions, and forms of Judaism were forgotten,²² both of which have been topics of ample scholarship. Rather, this book explores forgetting as an anticipated, banal, and mostly benign occurrence in the routinized lives of committed Jewish subjects²³ as the rabbis imagine them. It examines numerous scenarios of memory failures that appear in the rabbis’ halakhic and homiletic discourse and often go unnoticed: scenarios in which people lose track of what they did or what they saw, what they said or what they learned; scenarios in which people forget to perform a required task or fail to avoid a prohibited action; and scenarios in which people blank out on elements of the law, on facts

21. For several notable studies of rabbinic constructions of historical memory, particularly in relation to the Jerusalem temple and its destruction, see Martin Jaffee, “The Taqqanah in Tannaitic Literature: Jurisprudence and the Construction of Rabbinic Memory,” *Journal of Jewish Studies* 41, no. 2 (1990): 204–23; Naftali S. Cohn, *The Memory of the Temple and the Making of the Rabbis* (Philadelphia: University of Pennsylvania Press, 2012); Steven Fraade, “Memory and Loss in Early Rabbinic Text and Ritual,” in *Memory and Identity in Ancient Judaism and Early Christianity: A Conversation with Barry Schwartz*, ed. Tom Thatcher (Atlanta: SBL Press, 2014), 113–27; Nathan S. Schumer, “The Memory of the Temple in Palestinian Rabbinic Literature” (PhD diss., Columbia University, 2017); Julia Watts Belser, *Rabbinic Tales of Destruction: Gender, Sex, and Disability in the Ruins of Jerusalem* (New York: Oxford University Press, 2018).

22. On the rabbis’ role (or supposed role) in causing certain groups and traditions to be forgotten, see Rachel Elijor, *Memory and Oblivion: The Mystery of the Dead Sea Scrolls* (in Hebrew) (Tel Aviv: Ha-kibbutz ha-me’uhad, 2009); Vered Noam, *Shifting Images of the Hasmoneans: Second Temple Legends and Their Reception in Josephus and Rabbinic Literature* (Oxford: Oxford University Press, 2018); and the current work in progress of Annette Yoshiko Reed, *Forgetting: Retheorizing the Ancient Jewish Past and Its Jewish and Christian Reception* (forthcoming).

23. I use “subject” here and throughout the book to denote the human agent who operates in the rabbinic normative world as this agent is construed in the rabbis’ texts. I call this agent “subject” to emphasize the state of subordination of this agent to the rabbis and to their laws. The rabbinic agent is a subject in the sense of *sub-iectus*, “thrown underneath,” i.e., placed under the rule of someone/something else. At the same time, I use “subject” to highlight that this imagined agent has a particular kind of subjectivity—a set of dispositions and predilections that rabbinic texts both assume and construct. On the construction of subjectivity in Tannaitic texts, see also Mira Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014), 148–79.

necessary for the observance of the law, or on recited traditions. Through these scenarios, and through a close examination of the broader trope of forgetfulness in early rabbinic works, I aim to offer an account of the rabbis' literary construction of the way of life they were propagating—its cognitive demands, its challenges and pitfalls, and its hold (or lack thereof) on those who subscribe to it—and the rabbis' own function as its guardians.

The premise that guides this book is that the rabbis' preoccupation with forgetfulness cannot be trivialized or taken as a "natural" product of their engagement with law and scripture. It must be understood as a choice, and a choice that reflects broader intellectual and religious developments at that. The wide range of works from the Second Temple period that are deeply engaged with observance of the law and reverence of scripture, but do not spend any time exploring the possibility of specific memory lapses and cognitive omissions, clearly indicates that it is not a topic that has to be reckoned with to account for life in accordance with God's laws.²⁴ The preoccupation with memory failures in Tannaitic texts is unique and novel in essence—at least as far as we can judge from the texts that survive from antiquity—and as such it ought to be explored as culturally meaningful.

The book makes three interconnected arguments. First and most fundamentally, it argues that forgetfulness is a pervasive and significant issue in the early rabbinic (Tannaitic) compilations, and that it is an intrinsic part of the rabbis' engagement with a range of halakhic topics. Forgetfulness is not so much a problem that the rabbis respond to as one that they *create*. While it may seem on the surface that forgetfulness is merely a heuristic tool through which the rabbis test the boundaries of the system—that is, that memory failures serve as the aberration that allows the rabbis to define the norm—I argue that the rabbis build memory failures *into* the system and make them part of the halakhic norm. Second, forgetfulness in both practice and study operates in rabbinic texts as a prism through which a subject's overall commitment to a life of Torah, and especially a subject's subordination to rabbinic authority, are manifested and assessed. The rabbis construct their idealized subject not as one who never forgets, but as one who is fully prepared to rectify incidents of forgetfulness in accordance with rabbinic guidelines. Thus, somewhat ironically, the vast assortment of things that a committed rabbinic subject must remember is compounded by instructions regarding the proper ways to deal with forgetfulness, which must also be remembered. Third, rabbinic discussions of forgetfulness showcase not only the mindset expected of an idealized rabbinic subject, but also and perhaps especially the rabbis' inimitable

24. Here I echo Moshe Halbertal's important observation that the rabbis' preoccupation with the most intricate workings of Jewish practice—what we have come to call *halakhah*—cannot be understood as an organic and inevitable development of Jewish law. There is no reason to assume that any engagement with the Torah and the observance thereof necessarily generates, in due time, the kinds of concerns and questions that the rabbis present. See Moshe Halbertal, "The History of Halakhah and the Emergence of Halakhah" (in Hebrew), *Dine Israel* 29 (2013): 1–23, esp. 6–7.

capability to anticipate, arbitrate, and overcome the ever-present problem of memory failures. Thereby, I argue, forgetfulness serves to portray the rabbis not only as specialists in the interpretation of law and scripture, but also as specialists in deciphering and managing the workings of the human mind.

Insofar as scenarios and discussions of forgetfulness present a world picture of the dispositions and behaviors expected of individuals who subscribe to the rabbis' vision of Judaism, forgetfulness plays a part in the creation of rabbinic culture. By "rabbinic culture" I refer to the attitudes, values, goals, and modes of operation that came to be definitive attributes of Jews who accept the rabbinic interpretation of scripture and the rabbis' claim to authority in late antiquity and the Middle Ages and beyond. Such attitudes, values, and so on include the ideas that one ought to seek rabbinic directives when one encounters halakhic difficulty, that a Jew who does not study Torah regularly lives a flawed or incomplete Jewish life, and that one should undertake preventative measures to preempt the possibility of failure in practice. To be sure, the rabbinic culture that emerges from Tannaitic discussions of forgetfulness should be understood in *prescriptive rather than descriptive* terms. I by no means suggest that the rabbis who created the Mishnah, Tosefta, and Tannaitic Midrashim provide a faithful reflection of what Jews in their own time were actually like (or even what "rabbinic Jews" of their time, if this category is even a cogent one, were like).²⁵ What I do suggest is that through their literary creation the early rabbis provide an idealized image of what Jews *should* be like. The fact that in later centuries this idealized image became an actual norm or one at least aspired to in widespread Jewish communities is in large part a result of the internalization of the cultural paradigms put forth in Tannaitic literature.

25. The question of how much public impact the rabbis had in the second and third centuries CE, and to what extent the majority of Jews at that time were "rabbinic," is one of the most debated questions in ancient Jewish history. To name just a few of the prominent publications on this topic, see Martin Goodman, *State and Society in Roman Galilee, A.D. 132–212* (Totowa, NJ: Rowman and Allanheld, 1983); Lee I. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity* (New York: Jewish Theological Seminary Press, 1989); Shaye J.D. Cohen, "The Rabbi in Second-Century Jewish Society," in *The Cambridge History of Judaism: The Early Roman Period*, vol. 3, ed. William Horbury, William D. Davies, and John Sturdy (Cambridge: Cambridge University Press, 1999), 922–77; Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen: Mohr Siebeck, 1997), 353–404; Seth Schwartz, *Imperialism and Jewish Society, 200–640 C.E.* (Princeton, NJ: Princeton University Press, 2001), 103–28. In my view, this question cannot be resolved with the limited evidence at hand. I am, however, compelled by Adiel Schremer's suggestion that we go beyond the binary of no rabbinic authority vs. full rabbinic authority, and consider the possibility that the rabbis were considered by many to be authoritative figures, but their teachings were not always followed by the same people who revered them. See Adiel Schremer, "The Religious Orientation of Non-Rabbis in Second-Century Palestine," in *Follow the Wise: Studies in Jewish History and Culture in Honor of Lee I. Levine*, ed. Zeev Weiss, Oded Irshai, Jodi Magness, and Seth Schwartz (Winona Lake, IN: Eisenbrauns, 2010), 319–41.

MAPPING RABBINIC FORGETFULNESS: THEMES, TEXTS, AND CONTEXTS

Themes

Forgetting, as I discuss it in this book, is a generic name for different kinds of memory failures. It covers a range of situations in which an individual (or a group) should be remembering something in order to function properly within the rabbinic framework but does not have cognitive access to that thing when such access is needed. To briefly map out the landscape of forgetfulness in rabbinic texts, a few comments about “memory” and “forgetting” as conceptual tools are in order.

I will not attempt here an accurate definition of memory, which would look somewhat different if proposed by a psychologist, a philosopher, a neuroscientist, or an artificial intelligence designer.²⁶ Suffice it to say that memory is both a *process* through which information is stored in the mind in the short term or long term, and the *content* that is available for retrieval after the information has been stored (we often call such content “knowledge” rather than “memory,” and the line between those two is quite blurry). Cognitive psychologists have long distinguished between different kinds of memory: episodic (memory of events or experiences) versus semantic (memory of facts or concepts); declarative (conscious and explicit knowledge—for example, “Paris is the capital of France”) versus procedural (unconscious and implicit knowledge—for example, how to ride a bike); retrospective (remembering things past) versus prospective (remembering future tasks); and further distinctions can be added. I find the distinctions between different kinds of memory helpful, and I will be using them as interpretive tools in my discussions of rabbinic scenarios of forgetfulness. Nevertheless, I should state at the outset that the rabbis have little interest in memory as such, and their literature does not allow us to recreate a robust theory of the processes of retention, retrieval, and recollection similar to those of other ancient authors (and certainly not similar to those of modern authors).²⁷ Rather, they are concerned almost exclusively with memory’s inevitable side effect—namely, forgetting.

26. For a few (of many) excellent introductions to the study of memory from a variety of perspectives, see Alan Baddeley, *Essentials of Human Memory* (New York and London: Psychology Press, 1999); Richard F. Thompson and Stephen A. Madigan, *Memory: The Key to Consciousness* (Princeton, NJ: Princeton University Press, 2005); Jonathan K. Foster, *Memory: A Very Short Introduction* (Oxford: Oxford University Press, 2008); David Vernon, *Artificial Cognitive Systems: A Primer* (Cambridge, MA: MIT Press, 2014).

27. On classical and medieval theories of memory, see Frances A. Yates, *The Art of Memory* (Chicago: University of Chicago Press, 1966); Mary Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture* (Cambridge: Cambridge University Press, 1990); Andrea Nightingale, *Once Out of Nature: Augustine on Time and the Body* (Chicago: University of Chicago Press, 2011). Sergey Dolgopolsky utilized ancient theories of memory—particularly Plato’s, Aristotle’s, and Augustine’s—in his discussion of constructions of textual memory in the Babylonian Talmud, but he did not show whether and how Talmudic sources themselves bring to the fore a comparable theory. See Sergey Dolgopolsky, *The Open Past: Subjectivity and Remembering in the Talmud* (New

Forgetting is the process through which information that was initially stored becomes temporarily or permanently unavailable to the one who stored it, whether this happens almost immediately or after some time. There are different theories regarding the cognitive processes that stand behind the ubiquitous phenomenon of forgetting—whether memories “decay,” “fade,” or are merely “blocked”—but there is no question that much, and some would say most, of what we initially remember becomes unretrievable at some point.²⁸ Psychologically speaking, this is not necessarily a bad thing, and it is often argued that if we were not able to forget things our lives would be miserable and our minds woefully inefficient.²⁹ From a rabbinic point of view, however, forgetting is of interest insofar as it interferes with one’s ability to function within the halakhic system, and insofar as it interferes with one’s ability to study Torah. The rabbis’ concern is primarily with whether and how forgetfulness gums up one’s religious practice, how one should proceed after forgetting has taken place, and in some cases, how practices can be modified so as to counteract or preempt forgetfulness. My analyses in this book rely on rabbinic discussions of these kinds of questions, as well as on homilies regarding the perils of memory failures and the ability to recover from them, individually or collectively.

Memory failures are discussed, in passing or at some length, in many dozens of Tannaitic passages. The most prevalent semantic marker of memory failures in Tannaitic literature is the Hebrew root *sh-kh-h*, which I regularly translate as “to forget.” In biblical Hebrew, *sh-kh-h* generally means “to fail to keep something in mind” or “to fail to attend to someone or something that ought to be attended.”³⁰ The meanings associated with this failure range from the mundane (e.g., forgetting sheaves in the field, in which case forgetting effectively means “leaving behind”)

York: Fordham University Press, 2012). For two studies that compellingly show specific resonances between practices of *ars memoria* and rabbinic texts, see Shlomo Naeh, “The Craft of Memory: Memory Structures and Textual Patterns in Rabbinic Literature” (in Hebrew), in *Talmudic Studies*, vol. 3, *Dedicated to the Memory of Professor Ephraim E. Urbach*, ed. Yaakov Sussmann and David Rosenthal (Jerusalem: Magnes Press, 2005), 543–89; Gil Klein, “Forget the Landscape: The Space of Rabbinic and Greco-Roman Mnemonics,” *Images: Journal of Jewish Art and Visual Culture* 10, no. 1 (2017): 23–36. More recently, Reuven Kiperwasser attempted to reconstruct a Babylonian rabbinic physiology of memory in light of Persian and Manichean sources; see Reuven Kiperwasser, “The Cure of Amnesia and Ars Memoria in Rabbinic Texts,” in *Defining Jewish Medicine: Transfers of Medical Knowledge in Jewish Cultures and Traditions*, ed. Lennart Lehmhaus (Wiesbaden: Harrassowitz, 2021), 119–41.

28. See John Wixted, “The Psychology and Neuroscience of Forgetting,” *Annual Review of Psychology* 55 (2004): 235–69; Michael W. Eysenck and David Groome, *Forgetting: Explaining Memory Failure* (London: Sage, 2020).

29. See Kourken Michaelian, “The Epistemology of Forgetting,” *Erkenntnis* 74, no. 3 (2011): 399–424; Benjamin C. Storm, “The Benefit of Forgetting in Thinking and Remembering,” *Current Directions in Psychological Science* 20, no. 5 (2011): 291–95.

30. The etymology of *sh-kh-h* is a matter of debate, as it has no obvious cognates in other Semitic languages. See Gary A. Rendsburg and Susan L. Rendsburg, “Physiological and Philological Notes to Psalm 137,” *Jewish Quarterly Review* 83 (1993): 385–99.

to the catastrophic (e.g., forgetting God, in which case forgetting is tantamount to abandonment). *Sh-kh-h* continues to denote the same range of meanings in rabbinic literature. The most common antonym of *sh-kh-h* in biblical Hebrew is *z-kh-r*, “to remember” or “to recall,” and the negation of *z-kh-r* (*ein/lo+z-kh-r*) serves as a marker of forgetting in rabbinic texts as well. In addition, the verbal form *nizkar*, the middle voice form of *z-kh-r* that I translate as “was reminded” (to indicate either independent recollection or response to an external reminder), serves as an important semantic marker of forgetfulness in rabbinic texts. *Nizkar* is used to describe situations in which one belatedly becomes aware of something one should have been aware of earlier (for example, one is reminded that today is the Sabbath after one had already started performing a prohibited action), thus indicating that prior to the moment of recollection a memory failure had occurred.

“Not know” (*ein/lo+y-d-‘a*) is another semantic marker of forgetfulness in rabbinic literature, albeit a trickier one. Here, too, rabbinic texts are continuous with the Hebrew Bible, in which *sh-kh-h* is sometimes contrasted with *y-d-‘a*, “to know” (e.g., “Then all the abundance in Egypt will be forgotten. . . . The abundance in the land will not be known [*lo yivad’a*], because the famine that follows it will be so severe”³¹). The overlap between remembering and knowing is not surprising, considering that our “knowledge” is effectively the information that we have stored in memory and are able to retrieve. In rabbinic literature, this overlap presents us with some interpretive challenges, since the phrase “I do not know” is used both in the sense of “I knew this once and forgot” and in the sense of “I never knew this to begin with.” In many cases “I do not know” can only be understood from context as “I do not remember” (for example, in a case in which one says that one does not know whether one paid a debt,³² or what one vowed to give to the temple³³), but in some cases the line between forgetfulness and ignorance is unclear. For example, when one says that one does not know from whom one stole a certain object, it is possible to interpret that one never had this information in the first place (for example, one took a purse without knowing to whom it belongs), or that one had this information at some point but lost track of it.³⁴ From the rabbis’ point of view, it often does not matter whether one was altogether ignorant of certain facts or laws or knew them and forgot them, as both circumstances ultimately lead to the same result: lack of access to information necessary for halakhic practice.

For our purposes, it is helpful to think of “knowing” and “not knowing” in rabbinic texts as a spectrum rather than as a dichotomy: on one far end is complete ignorance, the situation of one who was never exposed to the information in question, and on the other end of the spectrum is fully realized knowledge, such that the information is readily available and retrievable. Between those two

31. Gen. 41:30–31.

32. M. Baba Qamma 10.7.

33. M. Menahot 13.1–8.

34. M. Baba Qamma 10.7.

ends is a whole range of possibilities: being exposed to information briefly but failing to register it such that it is immediately and permanently omitted from one's memory, storing the information in memory for a while but forgetting it later on, storing the information in memory for the long term but temporarily having difficulty retrieving it, and so on. Memory failures of various sorts can thus be mapped along a sliding scale between knowledge and its absence, and at times the cryptic nature of the texts does not allow us to map cases with certainty on the "ignorance" side as opposed to the "forgetfulness" side. The same applies to another semantic marker of forgetfulness in rabbinic texts, the root *'a-l-m*, which means "to disappear" or "to be concealed." This root is used to denote situations in which one is unaware that one is committing a transgression, and this unawareness can stem either from utter lack of knowledge (e.g., one did not know that it was forbidden to write on the Sabbath) or from temporary forgetfulness (e.g., one forgot that today was the Sabbath and wrote). As I discuss in chapters 1 and 3, the fact that in some contexts the rabbis bundle together ignorance and forgetfulness is in itself a significant feature of their discourse on memory failures.

In discussing rabbinic engagement with memory failures, I distinguish between two types of forgetfulness: halakhic forgetfulness, which will be discussed in chapters 1–4, and forgetfulness of Torah teachings, which will be addressed in chapters 5–6. These categories roughly correspond with Yerushalmi's "ritual" and "recital," respectively. Halakhic forgetfulness is any kind of memory failure that compromises one's ability to observe the Torah's laws as the rabbis interpret them. Some of the halakhic memory failures the rabbis discuss pertain to *episodic memory*: one may forget one's own previous actions or interactions, in a way that makes it difficult for one to make a requisite halakhic determination (for example, one does not remember whether one touched an impure object or not). Other memory failures pertain to *prospective memory*: one may forget to perform a certain required halakhic task in a specified time (for example, to say a blessing over the food before or after the meal). Yet other memory failures pertain to *semantic memory*: one may forget information crucial for halakhic practice (for example, whether a certain animal is kosher or not). In contrast, forgetfulness of Torah teachings is primarily forgetfulness of *texts*, and pertains to situations in which a Torah learner, whether a beginner or an advanced learner, cannot replicate a particular passage that was previously studied. The two types of forgetfulness are related, however, since forgetfulness of teachings, especially teachings of a practical nature, can impede or damage one's halakhic practice. Since "the Torah" stands in rabbinic literature for the entire body of rabbinically approved Jewish knowledge, the phrase "forgetting the Torah" means both lack of mental access to the text and erasure of the practices it mandates.³⁵

35. Tannaitic texts also discuss a third kind of "forgetting"—namely, leaving agricultural produce in the field. Agricultural forgetting, known as *shikheḥah*, is a self-standing halakhic category based on

Texts

While forgetfulness emerges as a recurring theme throughout different rabbinic corpora, I have chosen to restrict this study primarily to Tannaitic texts—that is, the earliest extant rabbinic compilations that presumably took their more or less final shape in the course of the third century CE. Those include the Mishnah, a legal-ritual anthological codex arranged according to topic; its counterpart, the Tosefta, which is arranged according to the same order and discusses roughly the same topics as the Mishnah; and the Tannaitic or halakhic Midrashim, homiletic works that present rabbinic rulings and teachings within an interpretive framework that follows the textual order of the Pentateuch. I use Amoraic materials (the Palestinian Talmud, the Babylonian Talmud, and the Aggadic Midrashim) mostly to elucidate and provide comparative context for the Tannaitic material. This choice stems from my dedicated interest in the formative stages of rabbinic Judaism—in the works in which the rabbis initially set the tones of their modes of engagement with scripture, with each other, and with other Jews—and particularly in the reconfiguration of biblical and Second Temple traditions and institutions in rabbinic discourse.

Each of the Tannaitic compilations is complex and unique, containing multiple subcompilations, and each of these compilations collects and presents the views of different named and unnamed rabbis who by no means speak in a single voice or agree with each other on all matters. These texts all consist of multiple layers and are the result of intricate and ongoing processes of formation and redaction. The divergences between different rabbinic attitudes—whether between rabbis within the same compilation, across different compilations, or between different textual witnesses of a single work—are crucial for my inquiry. It is exactly the “noises” in the system—the lack of uniformity of opinions, the redactorial or scribal attempts to smooth over difficulties, the disparate word choices and the subtle changes in presentation, and so on—that divulge the dilemmas and uncertainties that preoccupied the rabbis, and thus allow us a glimpse into the “machine room” in which their teachings and ideas were made and remade.

the injunction in Deut. 24:19, “When you reap your harvest in your field and forget a sheaf in the field, you shall not go back to get it; it shall be left for the alien, the orphan, and the widow.” Tannaitic texts dedicate significant attention to discerning whether different kinds of produce that were left behind during the harvest season can be safely regarded as forgotten, in which case they belong to the needy, or should be perceived as left on purpose and therefore as still belonging to the owner. The connection between “forgetting” produce in the field and forgetfulness in halakhic practice or study, however, is in name only. The same root (*sh-kh-h*) is used to denote all of them, but as I argued elsewhere, “forgetting” in the context of agriculture is not regarded as memory failure but simply as “leaving behind,” whether intentionally or unintentionally. See Mira Balberg, “Unforgettable Forgotten Things: Transformations in the Laws of Forgotten Produce (*shikhehah*) in Early Rabbinic Literature,” *Oqimta* 5 (2019): 1–33. I therefore do not address the topic of agricultural forgetting in this book, nor do I discuss a couple of other cases in Tannaitic texts in which “forgot” is used in reference to objects left behind unintentionally (e.g., M. Miqva’ot 2.8, 4.1; T. Tohorot 9.1, 9 [ed. Zuckerman 670]).

Nevertheless, I contend that for all their internal diversity and multivocality, the overall set of normative expectations, dispositions, and commitments that Tannaitic texts present does ultimately form a rather coherent and unified religious culture. Rabbis disagree with each other on myriads of details pertinent to halakhic observance, but the general contours of what an observant Jew should be mindful of and what are legitimate and illegitimate ways of dealing with mishaps in halakhic practice are not given to much variety. Tannaitic texts surely espouse pluralism among the rabbis, but it is a rather narrow pluralism that only accommodates opinions within a very limited range.³⁶ Moreover, while Tannaitic texts name many individual rabbis and attribute differing opinions to them, these texts also make a point of creating a collective entity called “the Sages” (*hakhamim*)—whether by using this term or by framing most of their rulings and teachings anonymously and without contestation—and thus present a stable corporate body that ought to be trusted, revered, and consulted *as such* on matters of Torah.³⁷ Regardless of whether this corporate entity was a textual construct or an actual community with a coherent history,³⁸ it is clear that rabbinic texts present all the rabbis as operating within one cultural orbit. Tannaitic texts offer polyphony significant enough to resist any attempt to simplistically harmonize competing approaches and ideas, but they also present enough cohesion, and, more important in my view, enough rhetorical effort to convey cohesion, to be studied together as textual products of the same conceptual and ideological world.

A word is in order about gender and my use of pronouns. In Tannaitic texts that discuss the ins and outs of halakhic practice and Torah study, the default practitioner and learner is always male, and is always referred to with masculine pronouns—unless what is under scrutiny is specifically practices or situations that the rabbis associate with women. This is not because the vast array of rabbinic legislation does not pertain to women. Most practices that the rabbis discuss in the context of forgetfulness and cognitive omissions—such as the Sabbath

36. On this point I agree with William Scott Green, who provided a sober response to the once-prevalent tendency to see rabbinic texts as entirely open-ended, pluralistic, and indeterminate. As Green observed, the seemingly inclusive and multivocal discourse of the rabbis makes space for various opinions and approaches, but all these opinions and approaches are ultimately of the same core persuasions and commitments. Rabbinic texts thus do not espouse an infinitely open discourse, but rather actively limit and close the discourse as they construct it. See William Scott Green, “Romancing the Tome: Rabbinic Hermeneutics and the Theory of Literature,” *Semeia* 40 (1987): 147–68.

37. In raising these two issues—the limited range of rabbinic opinions as well as the creation of a corporate body of “Sages” rather than disjointed individual voices—I aim to qualify the picture of rabbinic pluralism that Shaye Cohen influentially presented. See Shaye Cohen, “The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism,” *Hebrew Union College Annual* 55 (1984): 27–53.

38. For a recent survey of scholarship on this question, see Adiel Schremer, “The Sages in Palestinian Jewish Society of The Mishnah Period: Torah, Prestige, and Social Standing” (in Hebrew), in *Palestinian Rabbinic Literature: Introductions and Studies*, vol. 2, ed. Menahem Kahana, Vered Noam, Menahem Kister, and David Rosenthal (Jerusalem: Yad Ben Zvi, 2018), 553–81.

prohibitions, the monitoring of impurity, refraining from forbidden foods, and others—apply equally to men and to women, and there is no indication in the texts that gender would be a factor in how forgetfulness of men as opposed to forgetfulness of women would be approached. There are a few cases in which the rabbis present women forgetters, in which cases I argue that this choice is rhetorically meaningful, but on the whole it is unquestionable that for the rabbis the paradigmatic practitioner and learner, and hence also the paradigmatic forgetter, is a man. Thus, when I translate rabbinic texts and when I discuss what I call “the rabbinic subject”—that is, the human actor envisioned by the rabbis—as it is construed in the texts, as of this point I use masculine pronouns unless there is a good reason to do otherwise. I see this as the most faithful way of conveying the presuppositions and biases of the texts’ creators, as displeasing as those may be to us today.

Contexts

Tannaitic texts may seem like dry, even technical, collections of legal and ritual instructions and plodding scriptural interpretations, but these instructions and interpretations ultimately create a rich and involved picture of a world in which human beings live, die, cook, clean, fight, buy, sell, pray, eat, sleep, make things, destroy things, sail, work, have sex, raise children, celebrate, and mourn according to well-established and highly defined protocols. This world is not a replica of the world in which the rabbis actually lived, even if it does draw much of its realia from it, but an imagined world in which reality is shaped and reshaped according to the contours of halakhah as the rabbis understand it rather than vice versa.³⁹ It is by no means a perfect world: it needs to have thieves, murderers, idolaters, and adulterers so that the laws pertaining to these categories can be explored and debated. It needs to have monetary disputes, domestic tensions, and neighborly conflicts so that protocols for adjudicating and resolving those would be put in place. It needs death, decay, excrement, and disease to map out the system of purity and impurity. But why does this world need memory failures, confusion, and cognitive blunders? What do the rabbis gain by adding to their world picture human beings who want to observe the law according to its rabbinic interpretations, and who commit to Torah study as the rabbis advocate, but encounter mental difficulties in doing so? In other words, how are we to explain the preponderance of scenarios of forgetfulness in Tannaitic literature, on the one hand, and the fact that the early rabbis approach forgetfulness on such different terms than biblical and Second Temple authors, on the other hand? My proposed answers to these questions unfold in the chapters of the book, but in what follows I wish to briefly discuss the contextual

39. As Vered Noam beautifully argued, halakhic discourse subordinates reality to the conceptual categories and discursive experiments of the rabbis, oftentimes in defiance of physical laws or considerations of feasibility—so much so that it can be read as a form of poetry. See Vered Noam, “The Halakhah: From Poetry to Sorcery” (in Hebrew), *Dine Israel* 32 (2018): 4–20.

frameworks against which the Tannaitic engagement with memory failures should be considered.

To start, let us note that rabbinic culture as a whole places very heavy demands on one's cognitive faculties, and as such it provides ample opportunities for memory failures.⁴⁰ The rabbinic halakhic system is intricate and complex, and it requires one to keep track of so many rules, tasks, and concepts that occasional omissions, lapses, and blunders are almost inevitable. To a great extent, the rabbis' engagement with forgetfulness reflects the increased centrality of memory in the system they created: the more the rabbis developed and complicated the halakhic system by adding more and more subcategories and subdistinctions and exceptions and rules, the more space they created for mistakes and mishaps. For example, while it is simple enough to remember that one must immerse oneself in water to remove ritual impurity, it is not trivial to remember the rabbis' detailed lists of what may or may not be on one's body during ritual immersion, and one can easily botch one's immersion by forgetting to remove something that forms a "barrier" in immersion. To take another example, it is much simpler to remember the injunction not to boil a kid goat in its mother's milk than to remember whether chicken can or cannot be served in a meal in which there are also dairy dishes, and how many drops of milk disqualify a meat dish if they fall into it accidentally. Likewise, the rabbinic emphasis on literacy not only in the written Torah but also in a sizable corpus of orally preserved teachings makes memorization and repetition of texts a more or less incessant activity. The rabbis are concerned with forgetfulness, in other words, because so much of what they hold dear hinges on memory. As I will show, the rabbis present some sustained reflections on the cognitive load that a life of halakhic observance and Torah study places on individuals, and on the ease with which even the most pious observants can be led into forgetfulness.

At the same time, it is important to keep in mind that the rabbis are the ones who *created* the paradigm of halakhic observance as highly cognitively demanding. The need to pay close attention to minute details of one's practices and experiences, the consideration of numerous variations and subscenarios for each halakhic situation, and the expectation that one should engage ceaselessly with memorized teachings are cornerstones of rabbinic halakhah because the shapers

40. As I argued elsewhere, there are commonalities between some of the rabbinic practices of attention and self-scrutiny and the ascetic exercises of Hellenistic and early Christian schools; see Balberg, *Purity, Body, and Self*, 148–79. The present study joins a number of recent works on late ancient cognitive regimes, which explore the intellectual and emotional modes of practice required of highly committed religious subjects, and it attempts to add a Jewish angle to a conversation that so far focused primarily on early Christian and specifically monastic texts. See, for example, Paul Dillely, *Monasteries and the Care of Souls in Late Antique Christianity: Cognition and Discipline* (New York: Cambridge University Press, 2017); Inbar Graiver, *Asceticism of the Mind: Forms of Attention and Self-Transformation in Late Antique Monasticism* (Toronto: PIMS, 2018); Niki Kasumi Clements, *Sites of the Ascetic Self: John Cassian and Christian Ethical Formation* (South Bend, IN: Notre Dame University Press, 2020).

of halakhah chose to make them so. To put it bluntly, in their discussions of forgetfulness the rabbis seek solutions to a problem that they themselves created—and it is a problem in which, I argue, they have a vested interest. Moreover, Tannaitic texts do not present only arcane, hair-splitting, or complicated rules or practices as prone to forgetfulness but also discuss forgetfulness of the most elemental things: forgetting to get rid of leaven before Passover, for example, or even forgetting that such a thing as the Sabbath exists. People have presumably observed Passover and the Sabbath for generations before the rabbis; yet no earlier texts that we are aware of discuss the possibility that an otherwise committed Jew would fail to remember the practices pertinent to those sacred times or, to take another example discussed by the rabbis, would forget that he is not allowed to have sex with his mother. The rabbis discuss such instances of forgetfulness not necessarily because they are probable, but because memory failures allow them to assess and reflect on bigger issues having to do with agency, intentionality, commitment, and obedience.

The rabbis' preoccupation with forgetfulness, particularly in what pertains to halakhic observance, must also be understood in light of their greater scholastic endeavors as an expert Torah-learning elite creating a corpus of specialized knowledge. The rabbis are famously drawn to mishaps, accidents, and aberrations, since those allow them to conduct thought experiments and to test the applicability of different concepts, and memory failures often provide the kinds of juridical or interpretive challenges that the rabbis are keen to ponder. In defining the key characteristics of the rabbis' halakhic discourse, Moshe Halbertal identified heightened interest in what he called "borderline cases" as one of the quintessential features of rabbinic halakhah, and convincingly argued that this feature has no trace in earlier forms of engagement with Jewish law. Borderline cases are cases in which unique, exceptional, and oftentimes unlikely situations come up that challenge the standard and normal halakhic practice. Such cases have no bearing on "ordinary" performers of the commandment, and yet, as Halbertal notes, once borderline cases have been integrated into the conversation about a particular commandment they become an inseparable part of the way this commandment is delineated and conceived by the rabbis.⁴¹ According to Halbertal, the impetus for discussing borderline cases is not genuine concern that the exceptional and unlikely situation may happen, but the drive to hone concepts and scrutinize the internal logic of given principles, which for the rabbis are desirable undertakings regardless of the practicalities of performance.⁴²

Forgetfulness of facts, tasks, or information critical to halakhic performance is regularly utilized in rabbinic texts to generate the kinds of borderline cases that the rabbis like so much. For example, a case of a man who forgot which of two sisters

41. Halbertal, "The History of Halakhah," 15.

42. Halbertal, "The History of Halakhah," 22.

he betrothed is used to scrutinize the intricate laws of kinship and marriage,⁴³ a case of one who forgot what he dedicated to the temple serves to chart out what different formulae of verbal obligation to the temple entail,⁴⁴ and a case of one who forgot that today was the Sabbath and performed multiple labors allows the rabbis to examine the relations between the general prohibition regarding labor on the Sabbath and the specific components of this prohibition.⁴⁵ In this respect, memory failures are not fundamentally different from hundreds of other borderline cases discussed in the Tannaitic compilations, in which imagined kinks in halakhic practice, realistic or unrealistic, serve to parse the internal logics and structures of the system. What does make scenarios of memory failures unique, however, is that the “kink,” or aberration, is brought about by *an omission of human consciousness*, and as such it has—or can have—moral and religious implications. A case in which one cannot remember whether the meat one bought is kosher or not is different from a case in which meat was found on the street and no one knows its origin. In the latter case, the mishap is outside of anyone’s control, whereas in the former case, the mishap could be construed in terms of personal culpability, as reflecting carelessness and insufficient devotion. Halakhic forgetting is a strange situation in which the forgetter is within the rabbinic norm and outside of it at the same time, traipsing on the edge of transgression. The *effect* of the rabbis’ insistence on providing guidelines for such cases, even if primarily out of scholastic interest, is that cognitive failures are transferred from the outer perimeter of normativity (what we would call “sin”) into the inner perimeter. Put differently, the presentation of human cognition, attention, and memory as vulnerable to accidents and uncontrollable circumstances is a bold rabbinic move that generates, in turn, a novel picture of the contours of an observant Jew.

Are we able to say anything about the sociohistorical context in which the early rabbinic compilations were produced—namely, Roman Palestine of the second and early third centuries of the Common Era—that may account for the rabbis’ notable preoccupation with forgetfulness? The second century is often regarded as a time of crisis and devastation of the Jewish communities in Palestine following the harrowing results of the Bar Kokhba revolt in 132–135/6 CE. According to a prevalent rabbinic tradition, after the revolt the emperor Hadrian penalized the Jews in Palestine through a series of decrees prohibiting various forms of Jewish practice, including publicly teaching Torah.⁴⁶ Is it possible that the rabbis were so attuned to the possibility of forgetfulness because they lived in a time and a place

43. M. Yebamot 2.6.

44. M. Menahot 13.1–8.

45. M. Shabbat 7.1.

46. Despite the prevalence of this tradition, there is little to no extra-rabbinic evidence of such decrees. See Peter Schäfer, *The History of the Jews in the Greco-Roman World* (London and New York: Routledge, 1995), 159–60; Seth Schwarz, *The Ancient Jews from Alexander to Muhammad* (Cambridge: Cambridge University Press, 2014), 97.

in which an increasing number of Jews moved away from traditional practices and observances? Might they have considered situations in which one completely forgets the Sabbath, or discussed the “Torah being forgotten from Israel” as a tenable option, because these things happened or were perceived to be possible in their own times? Admittedly this is a tempting interpretation, especially if one adopts Seth Schwartz’s argument that Judaism in the second century was “little more than a vestigial identity” and that Jewish practices were upheld only sporadically and partially.⁴⁷ Schwartz’s controversial but impactful thesis is that “the core ideology of Judaism . . . ceased, after the two revolts, to function as an integrating force in Palestinian Jewish society. The intermediaries of the Torah lost not only their legal authority but also their status as cultural ideals.”⁴⁸ Schwartz concedes that during this time the rabbis may have had “some residual prestige and thus small numbers of close adherents and probably larger numbers of occasional supporters,”⁴⁹ but most Jews in Palestine were, for most intents and purposes, at home in an increasingly Romanized and paganized urban landscape.

If we accept this reconstruction, which Schwartz bases primarily on archaeological and epigraphic evidence, a compelling explanation for the early rabbis’ concern with forgetfulness immediately suggests itself. If the Palestinian rabbis of the second and early third centuries indeed lived in a world in which most Jews drifted away from even basic forms of Jewish practice—whether because of lack of interest, lack of knowledge, or fear of governmental sanctions—in the aftermath of two devastating wars that decimated the Jewish population, it stands to reason that the rabbis would construe new halakhic paradigms to account for partial or flawed Jewish practice. Rather than creating a clear “us versus them” dichotomy, in which the righteous remember the Torah and the sinful abandon it, the rabbis constructed a paradigm of “forgetfulness” that makes reintegration into the rabbinic normative world possible and even straightforward. Part of the rabbis’ effort, as a small and not very influential elite group, to “insinuate their way into general Palestinian society”⁵⁰ was to reconfigure rabbinic Jewish practice in a way that accommodates temporary lapses, and to reconfigure their own role as those who support fallible practitioners in their attempt to adopt a committed Jewish lifestyle as the rabbis understood it. We may take this hypothesis even a step further, and claim that some of the strangest rabbinic scenarios, scenarios of recurring forgetfulness in which subjects forget a law and then remember it and then forget again and then remember again (which I will discuss in chapter 3) may reflect the volatile and very loose nature of observance among parts of the Jewish population in Palestine in the early rabbis’ time. A person could be more observant at one point, less observant at another; be more committed to certain commandments, less

47. Schwartz, *Imperialism and Jewish Society*, 15.

48. Schwartz, *Imperialism and Jewish Society*, 104.

49. Schwartz, *Imperialism and Jewish Society*, 15.

50. Schwartz, *Imperialism and Jewish Society*, 104.

committed to others; go through periods of little interest in Judaism and periods of greater investment in it; and so on.

As appealing as such historical reconstruction is, I do not think it can be taken up uncritically; not only because Schwartz's thesis is not without its shortcomings,⁵¹ but also because early rabbinic texts mix the real and the ideal, the fantastic and the probable, the practical and the hypothetical, in such profound ways that any attempt to utilize these texts toward a synthetic social history is fraught with problems.⁵² It is certainly possible that the rabbis (or some of them) were concerned with forgetfulness because of phenomena they witnessed in the Jewish society of their own time, but the scenarios of forgetfulness they explore sometimes relate to temple practices or to highly specialized and exclusive purity practices that were no longer relevant to contemporaneous Jewish practitioners, regardless of their level of devotion. The trope of wholesale forgetfulness of Torah in rabbinic homilies seems to draw more from long-standing textual traditions than from genuine apprehension regarding such forgetfulness in the rabbis' own time (as I will argue in chapter 6). In addition, more often than not the rabbis discuss forgetfulness as a minor glitch in the impeccable observance of highly knowledgeable and committed rabbinic subjects, rather than as a symptom of drifting away from the core of Jewish practice. In fact, sometimes forgetfulness is construed in rabbinic texts as the result of profound immersion in rabbinic practice, not of distance from it. For example, we find cases in which one is so habituated to perform certain ritual actions that one performs them even when uncalled-for, or one cannot remember whether one performed them or not. It is virtually impossible to reach firm conclusions about the concrete problems and challenges the rabbis encountered by looking into their halakhic and homiletic discussions, which to a great extent either assume or construct a world that operates according to its own sets of rules and logic.

But while I do not think we can reliably and responsibly use rabbinic texts to reconstruct the greater social and political landscape of Jewish Roman Palestine in the second and third centuries, I do believe we can use these texts to ask how the rabbis *wanted* to be perceived and within what kind of landscape they *imagined* themselves as operating. The earliest rabbinic compilations are not just legislative or exegetical manuals: they are also the media that the rabbis use to tell their story as a coherent movement, to showcase their own set of specialties, and to demonstrate that the way of life they propagate is the only legitimate way to be

51. Adiel Schremer compellingly made the case that Schwartz elides the period between the two Jewish revolts and thus presents a somewhat flat picture of the second century. Schremer also noted that Schwartz does not fully account for some of the archaeological and epigraphical evidence. See Adiel Schremer, "The Lost Chapter: Imperialism and Jewish Society, 70–135 CE," *Revue des Études Juives* 179 (2020): 63–82.

52. In the cogent words of Ishay Rosen-Zvi, "What makes [Mishnaic discussions] unique is not the fact that they are detached from the reality, but rather that they are not dependent on it. . . . Practiced and unpracticed laws appear side by side without any hint of this essential difference between them." See Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender and Midrash*, trans. Orr Scharf (Leiden: Brill, 2013), 246.

a member of the collective “Israel.” The question that guides my study, then, is not what Tannaitic discussions of forgetfulness tell us about the world in which the rabbis actually lived, but rather what forgetfulness, as a literary and rhetorical trope, allows the rabbis to say about their world and about themselves. I propose that extensive engagement with forgetfulness allowed the rabbis to make three key points about the way of life they were promoting. First, that it is hard and demanding, and that subscribing to a life of halakhic practice and Torah study requires rigor and utmost commitment. Second, that despite being highly demanding their system is mostly forgiving and accommodating, such that it is suitable for all who wish to undertake it. And third, that the rabbis themselves play a crucial part in making a demanding system that requires perfection suitable for imperfect people.

Interpreting the rabbinic discourse on forgetfulness as geared toward a particular kind of self-presentation brings with it its own set of historical questions, specifically regarding the audience the rabbis were targeting and the competitors, real or perceived, against which they were setting themselves. If one were to take Schwartz’s route, one could argue that the rabbis were reaching out to Jews who by the end of the second century were already thoroughly Romanized but still held residual respect for the rabbis, and that they tried to persuade such Jews to enhance their commitment to Jewish practice by presenting it as rigorous yet fully doable. Alternatively, it is possible to explain this discourse against the sectarian and postsectarian tensions associated with the end of the Second Temple period. If one espouses the well-established (but by now heavily problematized) theory that the rabbis are a permutation of the Pharisees who flourished during the Second Temple period, who gradually rose to ascendancy over the other sects after the destruction of the temple, then it could be argued that the rabbis were promulgating their demanding-yet-forgiving forms of practice to bolster their position of authority and popularity against their sectarian competitors.⁵³ It is also possible to propose that the rabbis were particularly concerned about one sect, which was growing rather than diminishing in power in the course of the second century—namely, the followers of Jesus and the first Christians, who denounced the rabbinic interpretations of Jewish law as unnecessarily cumbersome and difficult to live by because of their strenuous demands.⁵⁴ Some scholars contend that in order

53. The notion that the rabbis were descended from the Pharisees, and that they defeated their other competitors after the destruction of the Second Temple, was the prevalent view among scholars of ancient Judaism and early Christianity alike for a long time. For a survey and critique of this position, see Annette Yoshiko Reed, “When Did Rabbis Become Pharisees? Reflections on Christian Evidence for Post-70 Judaism,” in *Envisioning Judaism: Essays in Honor of Peter Schäfer on the Occasion of His Seventieth Birthday*, vol. 2, ed. Ra’anan S. Boustán, Klaus Herrmann, Reimund Leicht, Annette Y. Reed, and Giuseppe Veltri (Tübingen: Mohr Siebeck, 2013), 859–96.

54. On the perception of Mishnaic law as unnecessarily overbearing and difficult among some Jewish-Christian circles, see Charlotte Elisheva Fonrobert, “The Didascalia Apostolorum: A Mishnah for the Disciples of Jesus,” *Journal of Early Christian Studies* 9, no. 4 (2001): 483–509; Karin Zetterholm, “Alternate Visions of Judaism and Their Impact on the Formation of Rabbinic Judaism,” *Journal of the Jesus Movement in Its Jewish Setting* 1, no. 1 (2014): 127–53.

to combat the threat of a new religious movement that mocked punctilious and stringent observance of the commandments, the rabbis made a point of presenting the observance of the law as feasible, manageable, and worthwhile,⁵⁵ and we could suggest that the rabbis' accommodating approach toward forgetting and memory failures may be part of the same tendency. Finally, it is possible that the rabbis were not responding to any perceived competition but were rather trying to create a compelling story for *themselves* about who they were and why their intellectual pursuit was worthy.

While all of these historical theories offer some explanatory power, I do not wish to commit to any of them, nor to a combination of all of them. My contention is that we do not know nearly enough about the fabric of Jewish society in the early rabbinic period, about the commitments and predilections of different Jews at different points during this period, or about the communal or institutional contexts in which the rabbis operated, to draw any conclusions about their motivations or their actual or aspired audiences. This book, then, does not attempt to construct a historical picture of the rabbinic movement and its challenges, but to offer an inquiry into the history of rabbinic ideas. I approach the Tannaitic corpora not as repositories of information about the world in which they were created, but as literary works that create their own world. I am less interested in the rabbis who made the texts, about whom we can know very little, than in the Rabbis—with a capital *R*—that the texts *make*, as cultural icons and as models of religious and scholastic engagement, and I do not aim to figure out who adhered to the rabbis' teachings and how, but rather to explore how the rabbis imagined those who would adhere to their teachings. To what extent the experiences and protagonists constructed by these texts are a reflection of actual historical realities and to what extent they are works of invention and fantasy—this I leave to others to determine, if they are so inclined.

FRACTURED TABLETS

The title of this book, *Fractured Tablets*, alludes to a well-known rabbinic tradition about the tablets of the law that were given to Moses in Sinai, which through the power of interpretive creativity turn into a metaphor for forgetfulness and its place in rabbinic life. According to the biblical account, after spending forty days on Mount Sinai Moses received a pair of stone tablets on which God had written his

55. For notable examples, see Arthur Marmorstein, "Judaism and Christianity in the Middle of the Third Century," in *Studies in Jewish Theology* by A. Marmorstein, ed. Joseph Rabinowitz and Mayer S. Lew (New York: Oxford University Press, 1950), 77–92; Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs*, trans. Israel Abrahams (Cambridge, MA: Harvard University Press, 1987), 30–37; Devorah Steinmetz, "Justification by Deed: The Conclusion of Sanhedrin–Makkot and Paul's Rejection of Law," *Hebrew Union College Annual* 76 (2005): 133–87. On this scholarly assumption, see the helpful discussion in Adiel Schremer, *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity* (New York: Oxford University Press, 2009), 107–17.

covenant, but when Moses descended from the mountain and saw that the Israelites had made the golden calf, he threw the tablets from his hands, and they broke into pieces. After Moses convinced God to forgive the people, he was instructed to make another set of stone tablets, on which God would write what he had written on the first pair of tablets. Those new tablets were then to be placed in the ark of the covenant, which would travel with the Israelites throughout their journeys to Canaan. A rabbinic tradition, however, maintains that the ark of the covenant housed both the second set of tablets, the whole ones, *and* the broken pieces of the first set of tablets.⁵⁶ This interpretation is based on a somewhat quirky reading of Deuteronomy 10:2, in which Moses relates that God told him, “I will write on the tablets the words that were on the former tablets, which you broke, and [you shall] put them in the ark.” In the rabbinic reading, the segment “and put them in the ark” (*ve-samtam ba’-aron*) is understood not as part of the instruction regarding the new tablets, but rather as part of the reference to the old tablets, indicating that Moses first broke the tablets and then proceeded to put them in the ark. Following this interpretation, one of the Babylonian rabbis comments, “This is to teach you that a disciple of the sages who has forgotten his teachings against his will must not be treated with contempt.”⁵⁷ The fact that the first set of tablets was kept and revered even though they were broken serves here to instruct that forgetful Torah learners should not be cast away from the rabbinic world but should remain part of it and be treated respectfully.

This rabbinic teaching, which presents forgetfulness as an unfortunate but acceptable part of life in accordance with the Torah, and moreover compares the forgetful individual to a work of divine craftsmanship broken by no fault of its own, serves well to capture the rabbinic approaches to memory failures that will be discussed in this book. The human subjects that emerge from the rabbis’ discussions are deeply committed and pious while also incorrigibly prone to failures, but their failures do not exclude them from the rabbinic world of practice and study. Quite the contrary: their failures secure their place within it. Forgetful subjects are “tablets” that are not quite broken, because the rabbis maintain that memory failures can generally be repaired and that it is possible to recover from them; but they can be described as fractured: inherently flawed and imperfect, but nonetheless holding together.

The book consists of six chapters, which are organized around distinct tropes of forgetfulness or memory omissions, rather than chronologically or by corpus.

56. For example, T. Sotah 7.18 (ed. Lieberman 197–98); Sifre Numbers 82 (ed. Kahana 1:200); Sifre Deuteronomy 38 (ed. Finkelstein 76); BT Baba Batra 14b.

57. BT Menahot 99a, in the name of Rav Yosef (or in the name of Rav, according to MS Munich 95). In BT Berakhot 8b this tradition is phrased differently: “Beware of an elder who has forgotten his teachings against his will, for we say [that] both the tablets and the broken tablets are placed in the ark” (cf. BT Sanhedrin 96a). Elder (*zaqen*) in this context could be understood either as “old man” or as “sage”; see the discussion in Mira Balberg and Haim Weiss, *When Near Becomes Far: Old Age in Rabbinic Literature* (New York: Oxford University Press, 2021), 107–11.

Building upon each other, these chapters attempt to present a rich and variegated picture of the Tannaitic engagement with the topic of forgetfulness, while highlighting the specific nuances pertinent to different texts and different themes.

Chapter 1, “Memory and Doubt,” commences the inquiry into memory failures in halakhic practice by exploring omissions of episodic memory—that is, forgetfulness of events and activities in which the forgetters themselves took part. This chapter considers scenarios from the Mishnah and Tosefta in which individuals cannot remember things they said or did, places they went or things they witnessed, and therefore find themselves in situations of halakhic doubt. While the “bottom lines” of such scenarios are proposed resolutions to these situations of doubt and game plans for dealing with uncertainty, these scenarios also present a curious kind of halakhic actor: one who is deeply committed to following rabbinic rules and ordinances, even at a great personal price, and yet fails to keep track of facts that are crucial to one’s observance of the law. By constructing this kind of actor, I argue, situations that could be construed as reflecting carelessness or even criminal neglect are normalized, and the scope of what is tolerable and acceptable within the framework of halakhah is greatly expanded.

Chapter 2, “Remembering Forgetfulness,” discusses the most prevalent form of forgetfulness in Tannaitic literature: forgetfulness of future tasks, also known as prospective memory tasks. This chapter explores scenarios in which rabbinic subjects fail to act on delayed intentions—that is, forget to perform a required action by the time in which it has to be performed or forget to refrain from an action at a time in which this action is forbidden. Such scenarios, I argue, portray forgetfulness as a marker of halakhic commitment, and even as the result of eagerness and devotion in the performance of commandments, which leads to cognitive overload. The chapter then turns to explore the role that the rabbis play in scenarios of prospective memory omissions, particularly in rulings that are meant to preempt forgetfulness, and it argues that the construal of the rabbis as predictors and preemptors of forgetfulness establishes them not only as experts in the interpretation of texts—as they may have been traditionally regarded—but also as experts in the management of persons.

Chapter 3, “Partial Eclipse of the Mind,” is dedicated to a specific conceptual category developed in Tannaitic texts, the category of “concealment” (*he’elem*), which I prefer to call “mental eclipse.” Relying on highly innovative rabbinic interpretations of the Priestly Code’s institution of sin offering in Leviticus 4 and 5, the rabbis develop the notion that certain elements of one’s halakhic memory—whether memory of facts relevant to halakhic performance or memory of the laws—can temporarily disappear in ways that radically alter one’s responsibility for one’s actions, and then reappear. Although “concealment” is a highly theoretical construct that does not necessarily correspond to real-world performances, this complex and novel concept does reveal the extent to which the rabbis saw memory as the key component of halakhic practice, and the extent to which

they saw memory as volatile and unreliable. A closer look at competing textual and interpretive traditions within the Tannaitic corpus also allows us to see that different rabbinic thinkers and authors had different positions not only on how forgetfulness should be accommodated within the halakhic system, but also on the relations between ignorance and forgetfulness. The chapter concludes with a reflection on forgetfulness as a form of transgressive fantasy in rabbinic discourse.

Chapter 4, “Rituals of Recollection,” examines the solutions that the rabbis conjure for situations in which forgetfulness had already taken place. In particular, the chapter focuses on situations in which the forgotten action (or inaction) can, in theory, be overturned at the cost of great inconvenience for the practitioners or at the cost of a different halakhic violation. It reveals a range of opinions regarding the ways in which forgetful subjects can or should rectify their forgetfulness, and creative solutions that negotiate symbolic actions as opposed to full re-performances of the commandment. I argue that the ad hoc and at times self-contradictory nature of the solutions offered for forgetfulness, as well as the internal controversies regarding such solutions, divulges a sense of anxiety about the accommodations and adjustments available for forgetters within the halakhic system. Questions of whether forgetters should be penalized or reeducated, and how one can be certain that people will not make disingenuous use of forgetfulness as an excuse for carelessness, rise to the surface in several rabbinic discussions, making it clear that this issue was more fraught, at least for some rabbis, than it initially seems.

The last two chapters of the book shift from halakhic forgetfulness to forgetfulness of Torah teachings, and accordingly focus primarily on the homiletic materials in the Tannaitic Midrashim. Chapter 5, “When Teachings Fly Away,” examines memorization of Torah teachings as a religious practice in its own right, one that any Jewish subject—not just disciples of the Sages—is required to undertake as the utmost form of devotion. Because memorization of texts is construed as a duty, forgetfulness of teachings is rhetorically construed as laxity in fulfilling this duty, and thus as testimony to insufficient commitment to the law—quite different from forgetting in the halakhic realm. Moreover, forgetfulness of texts is presented as inevitably leading to failures in actual practice, such that the text of the commandment and the performance of the commandment become one and the same. The flip side of the identification of text and practice is the notion that memorized Torah teachings come to surpass actual lived experiences. Several anecdotes present rabbis who offer mistaken teachings because they forget things they have done or have seen with their own eyes, whereas disciples who have not seen the practice under discussion performed but have memorized teachings *about* this practice provide the correct answer.

Finally, chapter 6, “Bad Tidings, Good Tidings,” traces one prominent theme in Tannaitic literature and beyond it, according to which the people of Israel as a collective have forgotten the Torah multiple times in the past and are likely to

forget it again in the future. The chapter argues that the notion that “the Torah is destined to be forgotten from Israel” is rooted in one specific tradition—namely, the tradition regarding the disappearance of the Torah after the destruction of the First Temple and its restoration in the time of Ezra. This tradition was obfuscated and recalibrated over time to introduce a paradigm of cyclical and recurring forgetfulness of the Torah, from which rabbis or prefigurations of rabbis allow the community to recover. Alongside the model of cyclical forgetting and recovery of the Torah there develops an alternative Tannaitic (and later, Amoraic) model, according to which collective forgetting of the Torah cannot possibly happen. Finally, I propose that the question of whether the Torah can be forgotten acquired new meanings upon the encounter of later rabbis with the Christian notion that the Jews have abandoned or given up on the Torah. The tapestry of sources from different corpora and from different historical contexts discussed in this chapter reveals that forgetfulness of the Torah, more than being a dreaded prospect, was a fertile and generative literary motif through which the rabbis gave meaning to their own vocation.