

Article

Where Is the Palestinian Talmud Going?

Sergey Dolgopolski

Departments of Jewish Thought and Comparative Literature, University at Buffalo, Buffalo, NY 14260, USA; sergey@buffalo.edu

Abstract: Where does the archive of the Rabbinic Rhetorical Schools in Sepphoris, Caesarea and Tiberias belong in the formation of modern subjectivity and humanity? In his archeology of modern subjectivity, Alain de Libera answers a similar question about Church Fathers to locate the beginnings of both (1) a modern human as a willing and thinking subject and of (2) Heidegger's critique thereof in the philosophical horizons of Western and Eastern patristics. In this context, the essay examines a fragment of the archive in juxtaposition with de Libera's discovery of the patristic horizon of Heidegger's thought. The essay builds upon and reconsiders the method of philosophical archeology as a self-critical "method" of examining the "beginnings" as retro-projections of repetition in both Heidegger's (eschatological) and de Libera's (post-theological) versions of philosophical archeology. The results are a comparative reading of the two parallel, never-intersecting but ever commensurable figures of the relationships between G-d and Israel in the Rabbinic and Patristic horizons of thought and a requalification of the scope and task of archeology of modern subjectivity in de Libera's and Heidegger's work.

Keywords: Heidegger; Palestinian Talmud; Rabbinic Rhetoric; philosophical archeology; modern subjectivity; "other beginning" and "new beginning"; memory of the present; unforgettable past; evolution of subjectivity



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1. Introduction

The 2014 Alain de Libera's inaugural lecture in College de France, *Where is the Mediaeval Philosophy Going?*¹ omitted an implied qualifier "Christian." His preceding work on archeology of thinking subject² and consequent research and teaching in 2014 to 2019 reclaims theology of Church Fathers as the true place where "the Medieval [Christian] philosophy" was developing. That view opposes a conventional localization of medieval philosophy in the predominantly "Aristotelian" (to include "Platonic") philosophy and its themes. "Where is the medieval philosophy going?" is a carefully formulated question. It asks about moving forward but also about disappearing from the view. What follows responds with a question about this question: where is the Palestinian Talmud going? The remainder of this essay is to articulate this response.

De Libera reclaims Church Fathers as an underrecognized ("colonized") site of philosophic achievement, which continues to inform the true scope of discussions about modern rational human beings as subject-agents of their own thinking, willing, and speaking. What is more, for De Libera, Heidegger's vigorous critique of modern rational humanity was a version of "colonization" of Church Fathers; what Heidegger ascribed to the "Greeks" stems from the Church Father's philosophical work, as unnoticed as this connection remained for Heidegger in his 1930s revisitiation of the history of philosophy. In short, what for Heidegger was a straight line of development (and decline) from pre-Socratics via Plato and Aristotle to Hegel is for de Libera a curve tacitly inflected by the mighty magnet of the Church Fathers philosophical work.

Heidegger, on that view, is an heir of the late ancient, not to mention medieval philosophical work of patristics and scholastics, if that work is approached within but independent from the dogmas of Church. Key themes of this philosophical work were

presence, mind, personhood, and existence—human and divine alike. Called “archeology” of the modern thinking subject and of the modern human understood as a thinking subject, De Libera’s program aims to decolonize “medieval philosophy,” that is to say to make it noticeable in the contemporary philosophical work, to reclaim it as a well-spring or as a living “beginning” that still “begins”—that is to say, it is still an active force in philosophy and modern world alike.

De Libera borrows and expands the notion of the living beginning from Heidegger’s *Beiträge zur Philosophie: Vom Ereigniss* (1936–1938)³ where Heidegger discusses three beginnings: the first one in Greeks, the “new” one in modernity and the “other” one, which Heidegger hopes for. Heidegger detects and anticipates the “other beginning” in relation to the “new” one. In his terminology, the first beginning connects truth (*aletheia*) with *that which truly is (to on)*. The other beginning asks about *aletheia* as such, that is yet before it becomes connected with either the *to on*, or the very being of that *to-on*. In the drama of Heidegger’s life, the forces of the three beginnings are constantly at work; the “other beginning” is the only salvation from the apocalypse the “new beginning” brings forth. Behind the war of the three beginnings, there stands a notion of a living beginning which does not cease to begin. It is hard to miss a similarity of this notion of living beginning with the notion of continued creation, not to mention with messianic expectations of the advent of the world to come.

Heidegger *rejects* the “new beginning” of a self-certain “Cartesian” subject to make oneself ready for the advent and/or come-back of the “other beginning” of the Western philosophy and the Western society. In the 1930s, following *Sein und Zeit* (Heidegger [1927] 2018) he develops a series of observations on the “history” of philosophy, in which he denounces the “new beginning” (which, for him, neo-Kantians celebrated in its unfolding from Descartes to Kant). The “new beginning” was the beginning of modern humanity and modern subjectivity. As a result of such a rejection, he arrived at the “other beginning,” which was a rethinking of the “Greek” first beginning of philosophy. If the Greek beginning connected the truth (the unconcealed) with that-which-is, Heidegger discovered/invented a way to “begin otherwise.” For that, Heidegger created his own terms and asked about the truth as “beying” (*das Seyn*, in the old German spelling) yet before the latter becomes connected with “being” (*das Sein*, in the new spelling of the same word) of the beings.

De Libera *undermines* the novelty of that “new beginning” of modern humanity and subjectivity, encapsulated, as he argues they are, in the modern notion of the subject as the agent of thinking, willing, and acting, and in its Christological predecessors. His “archeology” aims at showing how that modern notion of the thinking, willing and acting subject arises from the philosophical work carried out in late ancient and medieval Christian trinitarian theology (rather than in what the universities in the middle ages traditionally designated as “Aristotelian” philosophy). De Libera further places the emergence of modern subjectivity and humanity on the larger scale of the philosophical work in late ancient Christology, in order to show how what was perceived as “new” Cartesian and Kantian subjectivity was only a part of the horizon of the trinitarian philosophical work launched in Church Fathers and continued in Scholasticism. Already in late antiquity, that work prepared and performed the emergence of the human as the actor and bearer of the divine thinking; yet that work also allowed for other, more “secular” views on relationships between the divine and the thinking and willing, desiring and acting that humans perform. That means the concepts informing modern humanity were already alive and at work in patristic philosophy, de Libera argues.

Literally meaning a study of beginnings, archeology, in de Libera and Heidegger’s versions alike, draws on such a notion of a beginning that continues to begin. De Libera expands the project beyond Heidegger and even turns it back on Heidegger to locate living beginnings of Heidegger’s own thought in patristics and scholastics, as well. To do that means, for de Libera, to decolonize the Church Fathers and schoolmen, for their work remained mainly either unnoticed or relegated to things of the past, even as Heidegger traced the beginnings of his own thought directly to “Greeks.” He went either in bypass of

patristic and scholastics or read these corpora of thought as a part of his story of epochal decline of philosophy, which progressively lost its “first beginning” from the view.⁴ In that, de Libera’s archeology is a project of decolonization of patristics and scholastics, with stakes as high as it can only get for the modern world.

However, rabbinic late ancient texts (in parallel to patristics), let alone their medieval reception (in parallel to scholastics), remain glaringly missing from de Libera’s archeology of decolonized middle ages; just as they are missing from the horizon of Heidegger’s thought. Is such a miss a function of institutional histories of studying rabbinic texts in historically predominantly Latin- and Greek-oriented universities in Europe, or is it an iteration of a Christian trope of unseeing and/or denigrating rabbinic thought by virtue of its being “Jewish”? This question remains beyond the scope of this essay. I suggest, however, that de Libera’s “archeological” analysis of Heidegger’s rethinking of the history of philosophy in the 1930s invites the task of reading de Libera, Heidegger and late-ancient rabbinic texts together. The guiding question of such a reading will be that of the colonized but never “gone with the wind” beginnings: the question of the living well-springs of thought that the rabbinic texts carry forward today, if read in dialogue with Heidegger’s and de Libera’s thought.

2. Results

Resulting is a comparative reading of human presence in select texts from the Palestinian Talmud, Augustin, Heidegger and de Libera, as well as a reconsideration of competing senses of beginnings living and emerging in these bodies of texts and thought, in the light (and most importantly, in the darkness) they shed on each other. A more general programmatic outcome of this work is an archeological reconsideration of Heidegger’s “other beginning” in order to reclaim the role of Rabbinic engagement with Biblical G-d as yet another (and othered) other beginning to complicate other “other beginnings” de Libera’s archeology reclaims and decolonizes.

A more technical and narrower formulation of that result has to do with one “other beginning,” that of the sense of *primary presence* before representation in Heidegger and Augustin, and of its version of the *primary suspension* before remembering in the Palestinian Talmud (PT). Augustin’s paradoxical a-Aristotelian mereology of “the memory of the present” proves both necessary and insufficient to discern the primary human and/or divine presence (as distinct from historically imaginable characters) in PT. PT’s version of mereology of the presence is that of the “we” envisioning how to stand in between the inability to forget the *b’rith* (bond) of the Biblical G-d and the inability to remember it as a contract of Israel *with* the G-d. That primary presence of the unforgettable results in the ever-suspended attempts to recall and record the *b’rith* in the form of Roman *ius* or Rabbinic *halakhah*, and thereby to re-collect and re-gather a community in anticipation of the beginning of the *b’rith* to take sway over *ius*, that is to say, to advent or arrive in salvation. Dogmatics aside, that spells the second mereology, that of a human presence anticipating the advent of the non-forgettable but not remembered past. A shared beginning of the first mereology, that of “the memory of the present” and of the second mereology, that of suspense in anticipation of the non-forgettable past is in Philo’s polemical figure of *huparxis* (the ongoing engagement of Biblical G-d with the world). In patristics, *huparxis* transformed into a new purely philosophical notions of *existentia* (the *present*, or “pure being” divine or human alike); yet, in PT, it developed into the human and divine *presence* as a suspension between the *b’rith* and the *ius/halakhah*. These two patristic and rabbinic mereologies—of the memory of imageless present and of the presence of non-forgettable past—help redefine the archeological scope of Heidegger’s eschatological turn to the “other beginning” of the primary presence or being in “Greeks.” It is not only that, unlike Heidegger, there is more than only one “other beginning,” but it is also that his would-be Greek “other beginning” belongs to the horizon of patristic and rabbinic apocalyptic of the advent.

The balance of this essay is to explicate this result.

3. Discussion

3.1. *Living Beginnings: Through Heidegger's Eschatology to De Libera's Archeology*

Heidegger did not favor false novelty. He instead leaned to rethinking the "old beginning" in order to try and commit that beginning in "another" way, in the way of the "other beginning." He searched for the "other beginning" of philosophy next to what and where the "Greeks" started philosophy. Heidegger needed this "other beginning" not for a purely academic interest but for the sake of avoiding the apocalypse brought about by humanity, shaped, as it was, by the falsely self-sufficient rationality of the "Cartesian" and "Kantian" thinking subject. Working in this key in the 1930s, Heidegger rethought the past and future of Western philosophy in terms of the three beginnings. The "Greeks" began philosophy by connecting truth about things with the being of these things. The first Greek philosophers, "pre-Socratics", did so by no longer relegating telling truth through rhapsodes but by laying bare the truth of things through measuring their being or by bestowing being on them through determining whether and what they *are*, if at all.

For Heidegger, the "first beginning," the first impulse of philosophizing, has been progressively lost for philosophy, as later philosophers conflated the truth of things with the being of things, thus missing being as such (let alone truth as such) from their view. The slowly advancing conflation of being and truth with the being and truth of things has catastrophically increased with what Neo-Kantians (Heidegger's posited rivals) misconstrued as "the new beginning." Associated with the names of Descartes and Kant, "the new beginning" consisted of anchoring the being not in things, but in thinking, and what is more, in the *ego* who thinks. That meant the beginning of a thinking being, i.e., of the modern human rational subjectivity for which *ego cogito* was an emblem. Heidegger saw the falsity of this "new beginning" as a tragedy, indeed as an apocalypse. Yet, for him, that beginning was nothing new, but only another version of the conflation of being with both the being and the truth of a thing. The only difference was that this "thing" was now the human *ego*. The humans falsely believed in the truth of their own rationality. Ensuing was the apocalypse of rationalized and technologized society.

The only salvation to hope for was to come, indeed to advent, from the living force of an "other beginning" Heidegger sought to discern by coming back to the Greeks to start philosophy over. That meant a messianic "other beginning," the return to the salvific force of the pre-Socratic to undo the decline of western philosophy, of which modern subjectivity was only a culmination. Heidegger's calling was no less than to release or redeem being and truth from conflation with the being and truth of the things. He even spells the terms of conflation graphically: being versus being, *das Sein* versus *das Seyn*. In these terms, the task of the other beginning was to lay bare the loss of the being in the being of beings, which was a continuous process in the history of philosophy. If accomplished, that would open humans to the advent of salvation, for the "return of gods," in his terms. Such an advent was to redeem the society from the final apocalypse of technology and from the false self-certitude of human subjectivity. Descartes, Kant, and neo-Kantians were only a more drastic version of philosophy's slow but sure decline on the way of conflating being with the truth of things.

For de Libera, the key of "the three beginnings" qualified Heidegger as one of the first "archeologists" of the living forces of the beginnings. Heidegger might have been too apocalyptic in tone, and too limited in locking himself in one and only one "other beginning," for De Libera allowed for many. Yet, for the latter, Heidegger did ask a genuine archeological question. This was the question of the "beginning" or rather beginnings of the modern "Cartesian" human subjectivity of the *ego cogito*. Apocalyptic tones aside, de Libera asks a "cold" archeological question of how the modern sense of the human as a rational "thinking subject" came about or grew from the traditions of patristics and scholastics.

Heidegger of course had a version of answer: the Aristotelian "subject" (*hupokeimenon*) morphed. *Hupokeimenon* or *subiectum* meant "that which underlies" or "that which foregrounds" (and to which "accidents" are ascribed). Yet, with the "new beginning" it

morphed into the active agent of thinking and into the bearer of action. This drastic metamorphosis was the newest thinking subject, the core of the modern “rational” human being, or (as paradoxically as it would sound for Aristotle) the subject-agent or the subject who thinks.

De Libera partially agrees with that answer but finds it not to be full. He thinks Heidegger was correct to see the roots of the new thinking subject of the *ego cogito* in Aristotelian scholastics and its transformations. However, Heidegger missed an all-important set of beginnings of the “new” thinking subject and of the modern human in the philosophical work of Church Fathers. The latter committed a most serious and most significant philosophical work, in comparison with which the modern problematics of a human being as a thinking subject is nothing original, de Libera argues. However, this philosophical work in Church Fathers has been shadowed by the prominence of explicit theological themes: “how do human and divine natures and wills live together in the Messiah?” or “are there two natures or two wills in the Messiah in the first place?” (the questions of *monothelism*); “are there three parts in the trinity or are the three personae nothing but one?” (the question of *mereology*). The questions of, and approaches to, human will, or to human action, or to the human as a person, or to the human as a bearer and/or agent of its own actions were part and parcel of these debates about humanity and divinity of the Messiah, de Libera argues. All or nearly all modern moves, approaches, or ideas about these themes were discussed in patristics and taken up in scholastics, he insists. That means all these are living beginnings of the modern thinking subject.

That allows de Libera to come up with a fuller answer: modern subjectivity begins with the theological, and more specifically philosophical, notions of the divine and human *personae* in the Messiah. In more technical terms, that entails the notions of *perichoresis*—the “rotation” of the three personae in a mereology of the trinity, in which the three personae are one, and none is separate. Each persona, as both human and divine as it is, entails a whole in which there are neither parts nor organs (without jumping ahead of myself, I can only say that Augustine will see such organelles whole as *mens*, mind—human and divine alike, and that we will see some of it in the Talmud, as well).

What is more, for de Libera, Heidegger’s “first” and “other” “beginnings” begin not in “Greeks” but in patristic philosophy. Heidegger’s “Greeks” is only a projection resulting from colonizing Church Fathers, i.e., from unseeing them on the way from “Hegel to Greeks.” That allows de Libera to elucidate the beginnings of the elements of Heidegger’s theory of the three beginnings, as well: being (*das Seyn*) “begins” from to patristic *existentia*, a part of the teaching of presence and personae of G-d, Messiah, and human.

In a painstakingly demonstrated multiplicity of other beginnings of modern subjectivity in patristics, De Libera’s striking result is that both Heidegger’s “new beginning” (or the human as an agent and bearer of their own action, of their own willing, and of their own thinking) and his “first beginning” along with the salvific search for “other beginning” all begin in Patristic philosophy and all make their way to European modernity through its reception and development in scholasticism. For de Libera, this is of course not to diminish the originality of Heidegger’s thought, for originality is not a question an archeologist asks. The archeological find, however, remains: the living beginnings of Heidegger’s three beginnings are in the philosophical work of Church Fathers, and later on, in their receptions and transformations in European scholasticism.

The above movement through Heidegger to de Libera leads to the archeology of many “other beginnings.” A comparison of archeology with genealogy and deconstruction helps to appreciate this result. If genealogy can be glossed as a critique tracing origins and generations of a given state or condition (often in order to break with its roots), and if deconstruction is a critique, taking the given state apart in order to re-compose or reconstruct it again, thereby laying bare the construction and/or constitution of that state, then archeology looks into the given or posited beginnings to detect other beginnings. Archeology, therefore, paradoxically means a view or a sense of direction where these other beginnings are going. This is a sense of a living vector or vectors at work at many different

chronological points rather than the sense of a “history” that arrives at that certain point. Taking Heidegger as inspiration, de Libera conceives archeology as tracing the always place neutral vectors or living beginnings rather than genealogies of place-specific epochs or periods. Continuing beyond Heidegger, he offers a plurality of such vectors.

What that means, however, is that the G-d of the Bible is there in Heidegger’s thought not only and not primarily in the form of the “epoch” (his term) of decline of philosophy on its way from the “first beginning” to the “new beginning.” Rather, a Christian reading of G-d is a vector, or the living force: the beginning of all three beginnings.

3.2. Towards a Rabbinic Archeology

With this in mind, the archeological question about rabbinic texts becomes due. Asking this question means extending de Libera’s and Heidegger’s archeology to reading rabbinic texts. That, in turn, means looking not only for rabbinic beginnings of the modern subjectivity, but also for a possibility of other beginnings found before and leading beyond modern subjectivity—either in explicitly apocalyptic mode with Heidegger or in the seemingly theologically neutral mode with de Libera.

That means to begin asking an archeological question de Libera has omitted. This question is: where are the rabbinic texts going? The balance of this essay takes up two much more specific questions: (1) what “other beginnings” are there in rabbinic texts? (2) how can a view of such beginnings change or challenge de Libera’s sense of archeology of beginnings. Reformulated in one, these questions amount to one: where are rabbinic texts going?

Among the vast corpus of rabbinic texts in late antiquity, I selected a fragment from the Palestinian Talmud (PT), rather than, say, from Midrash or from the Iranian Talmud (Babylonian Talmud, BT). For one reason, PT is closer both intellectually and geographically to Greek and Latin patristic agendas. The other reason has to do with PT being “colonized” even more than other rabbinic corpora, even within its reception in Rabbinic tradition, where BT strongly prevails, even if arguably also “colonized.” Decolorizing the two Talmuds therefore needs to start from PT. In PT, I select a fragment with an explicit theological theme (Israel and “world to come” in common translation). I will go beyond that explicit “theological” theme (and that translation) just as de Libera goes beyond the direct “dogmatic” themes of Christian theology. This choice is in part in parallel to de Libera’s turn to theology to discern an intellectual work beyond explicit theological themes.

I will first render a fragment from PT by accounting for the characters therein. I will then move from characters to presence, for which no characters can account. To that end, I will apply the optics, and show limitations of, of what I will introduce as Augustin’s mereological notion of human and divine *mens* as “the memory of the present,” arising as that notion was in polemics with Cicero’s rhetoric. I will consequently reconsider the resulting sense of a living beginning in the PT in terms of how it qualifies Heidegger’s and de Libera’s senses and structures of living beginnings.

3.3. Introducing a PT Fragment

- (1) PT, Sanh. 10: 1, Sussman page 1314 reads, in translation⁵, as follows: [A commentator recites:]
- (2) [The Mishnah’s codified list of those who “forfeit their pre-destination⁶ toward the coming-in world”] they added: “those who break off the Yoke⁷, or thwart the Bond (*b’rith*)⁸, or reveal aspects in the Torah⁹ have forfeited their pre-destination toward the coming-in world.”¹⁰
- (3) [A commentator gloss:]
- (4) “The one who breaks off the Yoke” would be the one saying, “There is [obligation of] the Torah, but I am not on look-out for it.”¹¹
- (5) “The one who thwarts the Bond” would be the one stretching his foreskin [to cover the circumcision.]

- (6) “The one who reveals aspects in the Torah” would be the one saying “the Torah¹² was *not given* from Heaven.”
- (7) [Another commentator objects to the last gloss:]
- (8) But haven’t you already recited [before this addition]¹³ “The one who says “the Torah *is not* from Heaven [does not have positive odds etc.]”?
- (9) [This commentator (or the one of the first two?) re-cites a tradition yielding another gloss:]
- (10) R. Chaninah [of] Anathonia recited in front R. Mannah: “This would be the one violating the words of the Torah [on King’s arrival,¹⁴ frankly] *in public presence*^{15,16,17,18}, for example the king Jehoiachin son of Yeshayahu, the king of Juda and his fellows [who¹⁹ openly committed forbidden relationships between relatives and worshiped in foreign ways.]
- (11) [Regarding these transgression *in public presence*²⁰, the (same?) commentator recites:]
- (12) R. Jonah and R. Josa [each taught on such] committals of forbidden relationships between relatives and of worshipping in foreign ways. One of them said, they are [treated] like minor transgressions; and one of them said, they are [treated] like severe transgressions.
- (13) [The commentator deliberates on the cited debate:]
- (14) How do we en-act/e-vidence²¹ [their debate] [*ma nan kaimin*]²²? If they would have been talking about [discounting such transgressions by either reducing the severe ones to minor ones, or by discounting the minor ones all-together, then for] a person who did regret [those transgressions], “nothing withstands against the masters of regret!” Rather, we e-vidence/en-act the debate about a person who did not regret [such transgressions] and died on account of them. If [that person’s] merits are more and transgressions are less, then, [already] in this world [at and by the moment of death,] [we/they] [consider him] having repaid^{23,24} for the minor transgressions in the lesser part, in order to give him/her the full reward towards what is to advent. If, however, [that person’s] transgressions are more, and merits are less, then [already] in this world, [they/we] consider him having been given reward for minority²⁵ of the commandments [s/he fulfilled] in order to have him to be repaying [for the transgressions] in front of [the court] which is to advent. If, [after these adjustments] in his/her [overall] balance the merits prevail, s/he inherits Gan Eden; if transgressions prevail, s/he inherits Gehenna.²⁶
- (15) [The commentator asks:]
- (16) And if [after that] [his/her] merits and transgressions are even?
- (17) [The answer comes in another citation:]
- (18) Rabbi Jose ben Chaninah said, “[The verse] does not spell “the bearer of misdeeds” but “the bearer of a misdeed,” to mean the Holy One, Blessed be He, takes away one obligation from the transgressions [side,] so that the merits prevail [in the judgement].
- (19) [Other quotes give other answers on how the situation of such balance is treated by G-d.]
- (20) Rabbi Lazar said, “And yours, Oh Lord, is Enthusiasm²⁷, for you are paying to a person the like of his/her deeds.” [The verse] does not spell “according to his/her deeds” but “the like of his/her deeds”—and if he really does not have [enough,] you [the Lord] give him from yours.” This is what R. Lazar opines: R. Lazar said: “And full of Enthusiasm’ to mean [G-d] tilts towards Enthusiasm.” R. Jeremiah said that R. Shmuel son of R. Yitzhack inquired: “Righteousness will make a way for the innocent, and sin will twist the wicked.”²⁸

The rendition above²⁹ and the comments below provide an interpretation of a fragment from PT to deal with an eschatological theme of a human standing against the winds of the coming-in world. The comments will address two eschatologies: Heidegger’s eschatology of the other beginning and a commensurable but irreducible rabbinic eschatology in the PT fragment at hand. I begin with an exposition of characters in the PT composition

above and will then move beyond characters to articulate a presence the composition is casting.

3.4. Who Is Present in the PT Composition?

Behind, as well as *in*, and *in front of* every composition, as far as it is read or otherwise performed, there is always a *Who*, or more precisely *Whos*—at the very least, two. Discovering, putting on a display and showing how these *Whos* are structured in relations to one another is of core importance for isolating the literary form of this PT composition. These *Whos* can be *initially* thought of in terms of characters. Who are the characters in the composition? In particular, who are the implied, evolving, and contemporary audiences of the composition, and what are these audiences' evolving senses of the composition's producers, for "the producers" also and inevitably belong to the set of characters?

The question of characters in the composition is a question about the literary form of that composition. By necessity, to become clear, the *Whos* question points beyond the literary form, towards juridical, rhetorical and political form of the composition, as well. Who, then, are the characters in the composition?

The immediately present characters would be the ones to start with. Who is immediately present there? There are at least two possibilities. First, the immediately present are those who speak directly. To arrive at these characters is to exclude those who are merely cited. Indeed, the composition consists primarily from citations, quotations of the words of the thereby *absent* characters, i.e., of those who are either introduced by a name, e.g., R. Chananiah of Anathonia (in 10), or by pronouns, e.g., "they" (in 2). The words of these characters are quoted, thus marking them as either absent or silent: they do not speak, but their words are re-cited. That leaves us with characters who are not cited; which are not many. Among them, there are speaking directly in their own words, "How do we en-act/e-vidence, situate [this debate]? etc." (in 14); or speaking by citing; i.e., by giving voice to the words of those absent, which is the remainder. This approach yields two ways of direct speech: (a) by speaking without being cited (e.g., 14), and (b) by citing without saying a word of one's own (e.g., 12).³⁰ In addition to these two types of characters, who are speaking directly, there are others also immediately present. These others immediately present are the addressees, those whom those speaking directly address themselves. The addressees have no words whatsoever, but they are most immediately present for those who speak directly to them, for a speech is only a speech if it is addressing itself to someone.

With all other characters involved *in absentia*, there are therefore fundamentally two presences in the composition—the presence of those *who* speak directly and the presence of those *to whom* the speech is directing itself. These two presences are complimentary. Without the first presence, the second presence cannot be articulated at all. The second presence is, however, the most important one, for this and only this presence makes the first presence a presence in the first place. Speaking falls apart without assuming the listener; at the same time, speaking can stand without attributing it to the speaker. Directing speaking to an addressee prevails over attributing speaking to a speaker. Therefore, among the two presences, the presence of the addressee is prevailing. It is also the hardest one to discern.

A comparison with Emile Benveniste can be of help here. Presence does not coincide with the present, speaking does not coincide with the speaker, yet any addressing of speaking is always a call upon the presence who can also be construed as a present, i.e. as the "you." "You" marks the presence any speaking necessarily evokes. This "you," of course, does not coincide with the absent characters, who are only cited or referred to in speaking. While Benveniste insists on the primacy of the correlation between the speaker and the addressee, and on the equal importance of the two as the foundation of "subjectivity" (which de Libera and Heidegger alike would qualify as "modern,") in the PT composition, the addressing of the speaking to a presence is primary, while attribution of the speaking to a speaker is only secondary. Speaking can take place without that attribution but cannot without the addressing. That is, of course, not the case in the modern "subjectivity" that Benveniste portrays (and universalizes).³¹

Back to the composition, the core of its literary form is this second presence, the primary presence of the evoked addressee. This core is in the relationship between the two presences, that of the “we” in (14) and of the primary presence of the addressee there. We therefore must work our way through the first presence to arrive at the second, which is the primary one.

3.5. Themes and Characters in the PT Composition

3.5.1. Dialectics of Bond and Contract

On the way from characters to the presences, the character of the “we” (14) is the key. As the thematic reading below allows us to see, the “we” is upholding a difficult balance between crime and rebellion, and between the indissoluble bond between G-d and Israel and the contract/Covenant between them, which the “we,” for that very end, attempts to codify without making any version of it to be final. That means keeping a difficult balance between the bond and the contract: without letting contract fully prevail over the bond by becoming a clear-cut procedural code, while at the same time without letting the bond overtake contract by undermining the Roman sense of the will and commitment. Such a literary and also juridical and rhetorical and political reading of role of the “we” already makes clear that the “we” is more than a character, but rather a primary presence, the addressee. As a character it is immersed in the context of Roman (including Rabbinic) rhetorical schools. As a primary presence, the “we” will transpire with Augustin polemical departure from rhetoric.

The general preoccupation in the composition is with a codified procedural law (*ius*), or in the Rabbinic parlance of a later period, *halakhah*: what are the due procedures to uphold contractual obligations (*obligatio*³²) between the initially free parties? In this case, the procedural law appears in the form of the Mishnah, who is losing their pre-destination for the coming-in world, and in the form of procedural debates cited as the composition unfolds. Procedural law, *ius*, is modelled on contracts, so outlining procedures of fulfilling, violating, voiding, and terminating a contract are an intrinsic part thereof. As the very term contract (counter-act) suggests, it is about a counteraction and thus co-action of two distinct parties. By assumption, such counter-action must be co-committed by two initially non-bound parties, for only such parties can enter into a contract. That means that at the time of contracting, the parties commit themselves to an *obligatio*, i.e., to exercising a will to follow through the procedures of the contract, whether the parties are going to like or dislike, desire or be averse to what they had committed to, at any point of time after the contract is finalized and before it is terminated or voided.

How then can a member of Israel void the promise or the demand to move towards the coming-in, looming-in world? The question is hard, because the promise is given unilaterally, as a bond (*b'rith*) bestowed on Biblical Israel by Biblical G-d. This question comes down to the question of what it takes (or is even possible) for a human to abrogate (*b'rith*) the Biblical G-d unilaterally bestowed on Biblical Israel. In the composition, answers come by reinterpreting *b'rith* into (mutual and internally terminable) *obligatio* between G-d and Israel. In that reinterpretation, a boldly publicly committed failure to serve at G-d's pleasure borders between an act of revolt able to void the contract and a crime punishable *within* its provisions. Punishment for the crime (rather than a sacrifice for a sin in the Temple, which at the time of the composition is no longer) threatens both to convert into a crime and to expiate the sin by having this crime balanced out by punishment. *B'rith* becomes *ius*, unilateral bestowing of the bond becomes mutual *obligatio*. Yet, does it fully? This is the question the composition puts on display.

More specific questions express a negotiation between contract (or Covenant, in theological terms) on the one hand and G-d's bond on the other. Would an openly bold disregard of one's *obligatio* abrogate the *b'rith* (4)? Can hiding your bond toward G-d void the *b'rith* of the coming-in world? (5) Would claiming that the Torah was too ambiguous a contract to follow undermine one's *obligatio* and thus set one free from the *b'rith* (6)? Is the latter about a commoner, or is also about a king who publicly boldly acts against *b'rith*

and/or Covenant (10)? The ensuing debate narrows down to reducing a revolt against the *b'rith* to a crime within the limits of a contract, as if the Torah was one. The tension is in the question: do extraordinary rebellions against divine *b'rith* become banal criminal actions? Yet, the most important question of all is: can these questions be fully answered (12–14)?

In practical political and hermeneutical terms, contracts always run a danger of becoming timeless bonds, thus ceasing to be contracts. On the other hand, what was initially established as a timeless bond can be reinterpreted as a contract, with a sense (or fear) that such a bond could come to an end. A prevention of which, although never guaranteed, would have only to do with an as meticulous interpretation of the contract's procedures and provisions as possible. This is a double-edged sword: a bond can be reinterpreted as a contract; therefore, a catastrophic possibility of its legitimate ending can become real. Yet, such an interpretation gives a way for Israel to prevent the other party from ending the contract, as well. When one party follows the procedures, the other party is obligated, as well. What that means, however, is that this very fragile relationship between the bond and the contract falls into the hands of hermeneutics, which, in turn, becomes a political rather than purely juridical action. Tracing this dual movement from a bond to a contract and from a contract to a bond becomes pivotal in discerning the presences the PT composition displays.

3.5.2. Losing Pre-Destination, Discovering Presence

In a more general dialectics between contracts and bonds, there emerges a more specific theme of the PT composition, that of the presence in the public space of anticipating and moving towards the world coming-in. Navigating this public space has to do with *a* contract and *a* bond of what the Mishnah calls *Chelek l'olam ha-bah*, literally: a pre-destination towards the world coming-in. The standard rendition "portion in the world to come" does not suffice in the context. By a more precise but also more complex gloss, every member of the Biblical Israel is bound towards the coming-in world. The figure is hard to interpret. *Chelek* indicates a portion or lot in the sense of destiny or (pre) destination, which borders with the Greek sense of *nomos*, a divine law (or in terms of modern legal theory, "family law"³³) which even a hero can neither void nor avoid. *'Olam* connotes both the world and empire, as well as eternity, resulting in a figure of an empire, which, as every empire does, posits itself as eternal, and aspires to embrace the entire world, too. Empires expand to become worlds, and in that sense they "advent." However, of course, one empire can advent only to the detriment of another, and thus, one "world" only adverts at the expense of the other "world." *L'olam* ("of/towards the world") is of additional difficulty; it suggests two adverts: there is a current empire in advent or expansion and then there is another one, coming-in in its stead. "Israel" thus lives in the counterpoint of these two adverts played together. *'Olam* as "world" also connotes "worldliness" or publicity of such a life in the counterpoint of the two adverts and two worlds.

There comes the most difficult but the key part to render in the entire composition, the question of *ma nan kaimin* ("what do we e-vidence/en-vision/en-act/establish here" (14). Michael Sokoloff³⁴ glosses words of the root of *kaimin*, *k.u.m.* on the range from "oath, confirmation, answer" to "standing, protection, patron" to "alive, in existence, enduring" to "covenant, statue, vow" to "pillar." In the context of (14), the interpretation is to draw on the question–answer sequence. The question was what the debate in (10) had been about. The answer is not anonymous but is "ours." That answer comes via an ultimately rejected hypothesis (14 till "Rather,") resulting not only in simultaneously discovering and inventing³⁵ the matter (14 before "nothing withstands") but also in a full-fledged deliberation³⁶ (14: "Rather" etc.). The "[we/they]" (in 14) designates either the "they", i.e., the rabbis cited in (25), or rather, given that these rabbis' names are not firmly assigned to their two positions, the "we" implies "we, the present", which is those who are most intensively in presence in the entire piece, both those who directly speak and those to whom they are speaking in their desperate act to "confirm" "protect" "patron" and "endure" the *b'rith* in the form of the most explicitly formulated contractual *ius*. The presence marked as

the “we” becomes predicated on making sure the bond can be converted to and thereby retained as contract.

Broadening the context and by the same token grasping the presence in question with greater precision, the analysis will have to move from the imaginable characters to a presence with no image. The *characters* behind the “we” were imaginable as students in a Roman rabbinic school of rhetoric, in the fourth century CE. However, the structure of the *presence* of the “we” is much harder to put any image on.

Such presence of the “we” creates and marks a public space of the bond-to-have-become contract and of the contract-threatening-to-become-bond. This is the space of the veridiction (publicly formulated *ius*) and by extension of veri-action (acts perceived as exemplary by the public). This is also the space of perpetual imminence of the advent/arrival of the king. The arrival and/or advent entails both an ever-anticipated fulfilment and the already immediately given efficacy of the Covenant/*Ius* between G-d and Israel. The advent is to finalize and fulfill the impossible and necessary transformation of the interminable bond into the terminable and even voidable Covenant of Redemption. This is an eschatology connected, as it is, to another eschatology: Heidegger’s eschatology of the three beginnings.

3.6. Two Eschatologies

In both eschatologies, “new beginnings” play an important role. The history of the Biblical Children of Israel narrates several false “new beginnings” which tipped that difficult balance between the endless (inexpressible) bond and terminable but expressible contract or covenant. Results of tipping that balance were catastrophes—the series of unsuccessful settlements and statehoods of the descendants of Israel on the promised land, as well as a series of Israel’s revolts against powers making these settlements unsuccessful. This was a series of false “new beginnings.” Yet, there is a salvation. The promise of the arrival of the king-redeemer is one of the “other beginnings,” towards which all of Israel are “bound” to move. How do the two eschatologies relate to each other?

The rabbinic “new beginning” would be the necessary but catastrophic formulation of the divine law in the form of rules and exemplary acts, resulted in transforming bond into contract. The “first beginning” would thus be the *b’rith*, and the other beginning would have to do precisely with what *kaimin* expresses: the problematic standing of Israel vis-à-vis G-d, the standing in between the bond and the contract. How then do we approximate these rabbinic beginnings further? In order to answer this question, some terms, concepts and moves in Christian and rabbinic intellectual work would have to engage with one another despite, across, and regardless of the dogmatism of these two traditions.

The other eschatology is Heidegger’s. His and rabbinic versions of eschatology share an aversion towards “new beginnings.” (1) In Heidegger’s texts of the 1930s, it is an aversion towards an all too embracing but only illusory “new” principle of certitude in the modern subjectivity. That is the aversion towards the purportedly self-sufficient certainty of *cogito sum* of rational human subjectivity in the “epoch” of Descartes–Kant. (2) For the PT it is an aversion towards all too univocal reformulation of the bond (*b’rith*) given by G-d to Israel into unanimously and therefore anonymously formulated and publicized contract-Covenant in the form of *ius* (e.g., in the form of the codex of the Mishnah, but also in any other publicly committed formulation of the contractual procedural law in the form of a code, a rule to recite, or an exemplary deed to follow; that is to say in the form of either veri-diction or veri-action).

What for rabbis is the “new beginning” of *ius*, for Heidegger is the “new beginning” of modern subjectivity. Both versions of the false new beginning call for or anticipate a redemption, the advent of the “other beginning.” For the PT, even if the other beginning (the coming-in world) is most important, it is precisely the new beginning of *ius* that allows the rabbis to live and support a life bound to the coming-in world. So too for Heidegger, even if the other beginning of philosophy is most important, it is the new beginning that initiates and makes possible the search for the other beginning. Therefore, the most important (and

marginalized) figure in these two versions of eschatology of the beginning and advent is a “new beginning.” An intrinsically false or inauthentic, the new beginning is nevertheless what demands, anticipates and makes it pertinent for the “other beginning” to advent. The two versions of eschatology co-belong to an all-important (and again marginalized) figure of a “false” but still real power of an inauthentically new beginning—that of *ius* for the rabbis and of the modern subjectivity for Heidegger.

What then is more precisely in common between the rabbinic new beginning of a Covenant or *ius* and Heidegger’s new beginning of modern subjectivity? It is not only that without the falsity of these new beginnings the advent of the other beginning (Beying or Messiah, respectively) would not be in view. Hölderlin’s “salvation comes from the site of disaster” serves not only Heidegger’s three beginnings but also the PT dialectics of *b’rith* and *ius*. For the PT, the *ius* is the disaster to suspend, and only this suspension allows for salvation to come.

To discern this commonality of two eschatologies more precisely, we will follow de Libera’s and Heidegger’s analysis of the “new beginning” more closely. To that end, I have to complement the initial more general overview of the three beginnings with a detail, with which Heidegger describes the decline of philosophy in the sway of the first beginning. This detail is a transition from the Greek *energeia* to Latin *actualitas*. For Heidegger, it is an all-important step in philosophy’s losing sight of its own beginning. As de Libera shows, this transition cannot be properly understood without the philosophical work of Church Fathers either.

To wit: For Heidegger, the Greek sense of a human bestowing truth on things got lost to a sense that humans are only finding out the truth about things (Krell 1973). In his own language, the first beginning connected *aletheia* with the *to on* (or linked the unconcealment of the truth-telling with the non-misplacement of that-which-is-as-that-what-is-it, or with the truth-telling that *that-which-is* is, and *which-is-not* is not). Reinterpretation of *energeia* (in which thinking or connecting truth with *that-which-is* as *that-which-is* constitutes an intrinsic part) into Latin *act* and *actualitas* renders thought, thinking and knowing only secondary in relation to what is “actual.” The result of this move from *energeia* of truth-bestowing to truth-finding is that truth-telling or sorting things out is no longer an intrinsic part of truth-making.

However, for de Libera, the “loss” of *energeia* to the *actualitas* cannot be understood fully without the context of the Church Fathers. For them, *energeia*, and not *actualitas* was the leading term in deciding how many *energeias* are there in Christ. What that means, however, is that Heidegger and Church Fathers are on the same side: they both privilege *energeia* and truth-making over *actualitas* or truth-telling. *Actualitas* is deprivileged in both. Something similar is there in the PT composition, as well: however much it deals with establishing the actual law of the *ius/halakhah*, it also suspends the possibility of establishing the final, that is to say “actual,” form of the *ius*.

Accordingly, in Heidegger, in the PT and in the Church Fathers alike, *actualitas* is a “new beginning” and needs to be restrained in power. As this important detail confirms, the “new beginnings” are only good because they invite “other beginnings.” That holds true for PT, for Heidegger, and for de Libera alike, which begs the question of their structural similarity and difference as models of thinking about beginnings, and more broadly about beginning as the core concept of archeology.

From Eschatology to Archeology

Per the analysis below, the relationship between the eschatology—and archeology—of Heidegger’s three beginnings (including its roots in Church Fathers) on the one hand and the PT eschatology of the three beginnings show a structural difference. That difference is between (1) *primary presence* before any representation, in Heidegger and Church Fathers alike on the one hand and (2) a distinct version thereof, the *primary suspension* between the unbreakable, never voidable and unforgettable bond that one cannot forget and cannot fully remember, on the other. What follows is an exploration of that difference through a

closer look into the presences in PT and in patristics in the respective eschatologies and archaeologies they entail.

3.7. Presences

A presence without image and thus before any representation describes the core element of eschatology in the PT composition. We are now to articulate that imageless presence with greater precision, turning, as it was anticipated above, to Augustin's sense of a *primary presence*. Conceived as the human and divine mind alike, such presence, for Augustin, is there well before and/or independent of any representation or imagery. In order to discern a corresponding imageless eschatological presence in the PT and to connect both to the thinking presence in Heidegger, I will be drawing on an interpretation of Augustin's sense of the *primary presence* in Serge Margel³⁷.

The case in point is Augustin's analysis of Virgil's Ulysses. In a dire, life-threatening and nearly life-losing scene in Cyclops' cave, Ulysses, as Virgil had it, "did not forget himself." For Augustin, this non-forgetting amounted to the paradoxical figure of "the memory of the present," Margel argues. Deciphering the complexity of that notion in Augustin will help further the analysis of the PT fragment beyond the (common for Roman rhetoric) opposition of imagination and intellection, yet without blurring the clear-cut boundaries between these two. To do so, turning to Augustin's opponent, Cicero and his rhetorical theory is necessary. Cicero reserves imagination for matters of time: for memory of the past, for bodily perception of present, and for fathoming future. Intellection, by contrast, deals with the timeless, with what only mind (*mens*), not body can access. By contrast, Augustin finds a third position between the intellection and imagination, between the timeless and the time. This third position is mind—human and divine alike. Augustin (perhaps too quickly) interpreted Virgil's "did not forget himself" to mean Ulysses "remembered himself." For Augustin, because Ulysses must have been present in the cave, what he remembered, was not past, nor was it future. Rather, it was a memory of that very present. Virgil has a kind of memory Cicero does not, Augustin concludes. This is the memory of the present.

Augustin's "memory of the present" allows to advance the analysis of the imageless "we" in the PT composition. The figure allows to move from (1) the corporeally imaginable literary character of the "we/nan" in the PT composition, as imaginable as the "we" would be in a setting of a Roman rhetorical school, as well as (2) from the school's intellectual, non-corporeal but still mentally graspable agendas of navigating the dialectics of bonds and contracts, crimes and punishment towards (3) the radically different dimension of the "we." The *we/nan* is no longer an imaginable character, but rather a presence featuring neither corporeal image nor timeless intellectual presence. Instead, it is—almost—Augustin's "memory of the present."

There is a very fine but crucial difference. Grasping it takes a closer look at Augustin's—as we will see, mereological—figure of "the memory of the present." That figure, however, is hardly graspable without the polemical charge Augustin mounts against Cicero. Below in this essay, both Cicero and Augustin will "read" (that is to say provide a lens for reading) the PT composition. To tune-up a lens for such reading is to articulate Augustin's polemics with Cicero. I quote in full in order to be able to refer to different elements of Cicero's and Augustin's optics in readings to follow. Augustin writes:

Someone will say that this is not memory whereby the mind (*mens*), which is always present to itself, is said to remember itself, since memory is concerned with the past and not with the present.

For when some discussed the virtues—Tullius is also among them—they divided prudence into these three parts, memory (*memoria*), understanding (*intellegentia*), and foresight (*providentia*); that is, they attributed memory to past things (*praeteritis*), understanding to present things (*praesentibus*), and foresight to future things; but they do not have certainty in foresight, unless they foresee future things, and men do not have this gift, unless it is given to them from

above as to the prophets. Wherefore the book of Wisdom says of men: “For the thoughts of mortal men are fearful, and our foresight uncertain” [cf. Wisdom 9:14]. However, the **memory of past things** and the understanding of present things **is certain**: certain, of course, with regard to incorporeal things that are present³⁸ (for bodily things are present to the gaze of the bodily eyes). Whoever says that memory is not concerned with present things, let him take note how this is expressed in secular literature³⁹ (*saecularibus litteris*) itself, where **greater attention is paid to correctness of diction (*verborum integritas*) than to the truth of things (*ueritas rerum*)**: “Nor did Ulysses suffer such things, nor did the Ithacan forget himself in so great a danger” (*nec talia passus Ulixes, oblitusue sui est Ithacus discrimine tanto*) [Aeneid 3.628–9]. Now when Vergil says that Ulysses did not forget himself⁴⁰, what else did he mean except that he remembered himself (*sui meminisset*)? Since, then, he was present to himself, he would not have remembered himself at all, **unless memory pertained to present things** (*ad res praesentes memoria pertineret*). Wherefore, as in past things, that is called memory which makes it possible for them to be recalled and remembered⁴¹ (*in rebus praeteritis ea memoria dicitur qua fit ut ualeant recoli et recordari*), so in a present thing (*in re praesenti*), which the mind is to itself (*quod sibi est mens memoria*), that is not unreasonably to be called **memory, by which the mind is present to itself**, so that it can be understood (*intellegi*) by its own thought (*sua cogitatione*), and both can be joined together by the love of itself.” (cursives, underlines, and bold-facing are mine—S.D.).⁴²

Augustin breaks away from the classical Roman rhetoric of Cicero; he undermines Cicero’s well-organized rhetorical scheme of prudence: *intelligentia* for the incorporeal imageless (and therefore for apodictically “certain”) things that are always present; *recoil* and *recordari* for the always “certain” things of the past, of which the present corporeal images are a part; and *proevidentia* for the “never certain” (images of the future). In a radical departure from Cicero, but still dependent on him, Augustin asks: how are *mens*’s (mind’s) presence to itself can be possible? As the question concerns an intellectual presence, the mind cannot be present to itself as an image, nor can it be present in the way all other present things are in the intellection. Instead, *mens* is present to itself via memory.⁴³ That memory is distinct from either recollection or record, for the latter deal with corporeal images—of the past and of the “now” alike. Recollection of images aside, what remains for mind *as mind* is memory of the present. The result is the unique image-less present which can only be accessible to itself via the imageless memory or the memory of that imageless presence: the memory of the present.

One might further describe the memory of the present using an Aristotelian term, “enthymeme” (which is “rhetorical syllogism” according to Aristotle). Yet, strongly unlike Boethius’s interpretation, this enthymeme would not be a shortened version of a “logical syllogism”, for there can be no full syllogism behind it: the memory of the present is a whole that cannot be more whole than what it already is. If anything, the memory of the present is an enthymeme in its own right, in its full independence from any notion of a “logical” syllogism, from any logic of genres and species, of premises and conclusions, or even of any logic of biological organisms. It therefore can be considered “Aristotelian” yet not in any dominant sense of what “Aristotelian” means after Boethius.

The “memory of the present” is thus a mereology without separable parts or organs. However, this mereology is still built on what it tacitly rejects. The rejected is the difference between non-forgetting and memory. The PT exemplifies that rejected part. It is the non-forgettable that cannot be successfully remembered either, while constantly pushing for being recalled and recorded. The advent of what “we” cannot forget is what “we” are pro(en)visioning by suspending any version of the terminable *ius* from replacing the interminable *b’rith*. That means the *b’rith* is in constant advent. Constantly but never fully translatable to the *ius/halakhah*, the *b’rith* is to suspend the *ius* (“to break off the yoke” in (2)). The result is a slightly but significantly different mereology, that of the non-being-able-to

forget but also not being able to remember that which therefore is constantly about to arrive. Shortly but paradoxically put, this is a mereology of the other beginning to arrive.

Margel helps access the magnitude of this move. Augustin's is a radical a-Aristotelian, a-Platonic, and by extension a-Ciceronian school of rhetoric—at least in the predominant senses of what "Aristotelian" and "Platonic" means. As Margel writes,

Augustine invented a new concept, confusing to the point that it defies any concept, that it overturns even Aristotelianism without submitting it to the rigor of Platonism. This is the *mémoire du présent*, which leads through his oeuvre from the first letters to Nebridius to the Xth book of *Confessions*, as also to the theories of image in *Of the Trinity*.⁴⁴

As de Libera systematically highlights, Augustin's move radically differs from a later, post-Ciceronian tradition of the theory of mind, in which mind knows itself only insofar as it knows the things that it knows. That tradition spans from Cicero to Descartes to Kant to Brentano, to mention just some key names. According to this tradition, to know is to know that you know, which suggests a theory that has translated, among other versions, into the Cartesian certitude of the *ego cogito*: I am certain that I am because while knowing things I also by necessity know that I am the one to know them.⁴⁵ Augustin, by contrast, makes the mind's presence (=the memory of the present) independent of what the mind knows, remembers, recalls and/or wills. There is the primary presence yet before and independent of any representations, for him.

"The memory of the present" provides a mereological theory of the primary presence of the human and divine *mens* alike, two in one. In this mereology, neither "the present" nor "the memory" is there in advance. Any other kinds of memory are of the past, and any other present is either of the corporeal (for eyes/ears, etc.) or of the incorporeal (for intellection). By contrast, "the memory of the present" or the mereological whole without parts or organs is the ultimate figure of the human and divine mind alike. In that sense, by contrast to Cicero and Descartes alike, the memory of the present entails yet another "other beginning": the mereological beginning of *mens*.

3.8. Cicero and Augustin "Read" the PT

To come back to the PT composition with such optics at hand is to ask: does the "memory of the present" suffice to articulate the presence therein? Does the new—and defiant in relation to both Aristotle and Plato—concept of the "memory of the present" along with its rivals and satellites in Cicero (recollection/record, intellection, and pro-(e)vidence) suffice to describe the presence in the PT composition? The question becomes: can the primary presence in the PT be sufficiently described in Augustine's terms of "the memory of the present?"

My answer is: this Augustinian concept is necessary but not sufficient. The figure of the memory of the present is necessary for grasping the presence (rather than character) of the "we/*nan*." The latter also extends beyond the imaginable, i.e., beyond any institutional image. It also reaches beyond the intellection, that is, beyond the purely intellectually graspable tension between the bond and the contract/covenant in the *b'rith*. The import of Augustin's memory of the present is that the "we" in the PT composition is a presence, rather than merely a character. Augustin's memory of the present is necessary to see that.

However, the memory of the present is also insufficient. For the "we," memory is not only a way for the mind to be present to itself, which it must in order for it to be mind. Rather, the mind of the "we" is directed towards the past of the imageless *b'rith* and to the future of the also imageless arrival of the coming-in world. The memory for the "we" is directed to the past, to the *b'rith*, which, however, is no longer a matter of recollection and recording (for if so, it would be only a matter of *ius*).

Rather, the "we" becomes the site and sight of the unforgettable which cannot be remembered either. The "we" is the presence of the unforgettable past, rather than only the memory of the present. That "we" emerges as a dis-equation of what Augustin equated. It is the dis-equation of non-forgetting and remembering: of non-forgetting of the imageless

b'rith and the inability to remember it either. That makes the presence of the imageless past independent of anything specifically remembered, let alone recalled or recorded. As different from Augustin as that figure is, the result is rather similar: the primary presence (but not the present) of the unforgettable past is independent of any representation, either corporeal or intellectual.

In yet other words, if, for Augustin, Ulysses “did not forget himself” automatically equates to his remembering of the present (which of course has no individuation, thus, for Augustin, rendering Ulysses human and divine at once), the “we” in PT takes place in the interval between the inability to forget the *b'rith* and the inability to remember it fully in the form of the contract or *ius*. Perhaps not only the we/nun, but the *kaimin*, and indeed the entire figure of the question “*ma nan kaimin*” can be taken as the figure of that primary presence which is structured as the thereby also primary suspension, from which the non-forgettable and the non-able to be remembered stems. The structure is mereological too, so there is no say what comes first—the suspension of what it suspends.

3.8.1. Cicero “Reads” and Get Lost in PT

Illustrating that interpretation takes reading the PT composition even more closely along with Cicero and Augustin. If Cicero (at least Augustin’s Cicero) were to read the PT composition, he would be utterly surprised. The PT paragraphs (1–2), the quote in (8); (10), (18), and (20) are indeed Cicero’s *memoria* and Augustin’s *recoli* and *recordari* of the past things. Of course, “recalled and recorded” images of the past are in this case verbal, not visual; they are citations or quotations or the corpora of words ascribed to the absent characters. In turn, Cicero’s third element, *pro(e)videntia* or “foresight” (McKenna) is there in the PT in two ways. The first way of *pro(e)videntia* is thematic; the *pro(e)videntia* is the trope of פְּרִהָסִיָּא (*parrhesia* and/or *parousia*) or “bold publicity on [King’s] arrival” shaped, as it was, by the imminence of any King and/or of the Messiah’s advent or arrival (10). The second way of *pro(e)videntia* is formal: it centerers the composition around its main question and answer (13–14): the discussion of how “we/nan” see, (pro-)e-vidence, en-vision (*kaimin*) the *ius* properly, as “we” also seek out or entertain a pro-e-videntia of the coming of the Messiah. Not only do “we” see and e-vidence, but also attempt to “foresee” or, at least to be prudent on how “we” should count the transgressions towards the final balance at the Messiah’s arrival. Continuing with Cicero, the last element of *prudentia*, *intellectia* plays in the PT composition an even greater role than the first two. In the PT, *intellectia* or the grasp of the incorporeal things that are “eternally” present consists of the calculations of the balances of positive and negative acts (29–44) in the final count. For what “we” “foresee” are not images of the future, but what will be the *intellegi* or the only incorporeally graspable present, the balances of transgressions and merits.

The three elements in Cicero’s *prudentia* (*memoria* of the certain images of the past and of the uncertain images of the present; *intellectia* of things truly present, and *pro(e)videntia* of action towards the unknown future unknown) work not in partition but in concert in the PT composition. This concert, however, is more complex than any linear Ciceronian understanding⁴⁶ of the three-partite prudence (vis-à-vis past, present and future) anticipates. In a way quite unthinkable for Cicero (again, at least for Augustin’s Cicero), in the PT composition, *pro(e)videntia* becomes *memoria*: the *pro(e)videntia*-driven account of the impact of a king’s public wrong-worship and of his public violation of familial relations in (10) is at the same time an act of Cicero’s *memoria*: the “we” are trying to recall or, using a more specific rhetorical term, that of *inventio*, to both “discover” and “invent” what the rabbis who were cited in (12) were talking about.

Even more surprising for Cicero in the PT composition, *intellectia* serves *providentia*’s goals: answering the question about the king’s transgressions is also an exercise of pure intellection, which, paradoxically for Cicero, serves the purpose of memory, and feeds into providence, too. For Cicero, there are even more surprises: the other two traditionally mutually separated elements of Cicero’s rhetoric, *inventio* and *refutation*, closely work

together: *refutatio* in (8) helps to come up with a better *inventio* in (10) and to add to the mix, the work of refuting is routinely carried out by bare citing, i.e., by recalling and recording.

3.8.2. Augustin “Reads” and “Distances” from the PT

In turn, PT has familiar elements for Augustin. His assumption of “correctness of diction” (*verborum integritas*) in “secular” or mundane literature is clearly at work in the PT; every turn of phrase in the Bible, but also in anything else “recalled and recorded” is taken in the PT with the same assumption of being precise and correct in diction. In other words, the characters in PT read anything they record or recall with the same expectation of “correction of diction” with which Augustin reads Virgil.

Yet, there is more there that Augustin cannot fully grasp. The unfamiliar would be greater for him than familiar. The *presence* of the “we/nan” in the PT is not so similar to the “present” in Vigil’s Ulysses. That difference has to do with what in PT is an abyss between failing to remember and the inability to forget. Augustin without any hesitation equated “Ulysses did not forget himself” with “*Ulysses remembered himself,” equating “not forgetting” with “remembering,” too. In this way, Ulysses became the presence available to itself in no other way but only in the way of memory without image.

That memory involves no image at all; not even the verbal image, not even the name. Ulysses is there in the non-forgetting of the No-one. The non-forgotten No-one is another name for “memory of the present.” Perhaps even more precise than Augustin, Virgil was saying “. . . nor did the Ithacan forget himself in so great a danger.” “The Ithacan,” Virgil says. Yet Ulysses does not recall himself as an “Ithacan” either. Instead, he “did not forget,” that is, he remembered the present—with no name. That means that, unlike Cicero, the presence remembered is not the one re-called or recallable by a name, even if this name is No-one. Similar to PT, remembering for Augustin is not recalling; the memory of the present is the memory of no image and of no name for the image.⁴⁷ In Margel’s words,

“On the one hand, the memory is in no need of image in order to conduct its act of re-memoration; on the other [hand] the memory does not essentially relate what is gone (read: the past—S.D), but only directs itself to the present itself”.⁴⁸

That makes the difference between PT and Augustin even greater. In the “memory of the present” there is neither image nor past, nor is there a noun or a pronoun to stick to. Perhaps for that exact reason, Ulysses named himself No-one. The memory of the present can be pinned down neither to an object/name/image remembered, nor to someone remembering of an object/name/image. From that, everything starts, as Margel precisely says:

“Everything starts from that (from the memory of the present—S.D.). We can reread the history of philosophy, from one end to the other; one can come back to Plato, just as one can aim at Husserl or Heidegger”.⁴⁹

One can, as this essay did, “come back” and “aim at” the PT, as well.

3.9. How Many “Other Beginnings”?

Following Margel’s suggestion and the analyses of PT above, a trajectory comes into view. This is the trajectory of relocations of the senses of presence; so that it is no longer possible to talk about presence in any historically invariable sense. Presence, too, becomes a question of archeology. To highlight at least three turning points on this trajectory:

(1) The first turning point is in locating the presence in “Greeks.” Can one relate this notion to the Greeks other than in and after the course of patristic and rabbinic developments of the sense of presence, as they were outlined above? If one still can, that location would be in the *to on* (the *what-is* as *that-which-is* as opposed to *that-which-is not*, which will become *ens* in Latin). It would at least for the “Greeks” of the “first beginning” in Heidegger, who traces the “Greek” connection of the truth as *aletheia* (the non-forgotten and non-forgettable, of the non-concealed and non-displaced) with the being of *to on*, which speech/logos articulates. Too strongly connecting being (*das Sein*) with the truth of each

being (*to on, das Seiende*), the truth of being (*das Seyn*) before such a connection slips from the view. Palpating the slip, Heidegger starts on the “other beginning” to redeem for the slip. That all works, however, only as long as the presence is there in the “Greeks.”

(2) The second turning point comes up in locating presence on either side of speaking: first on the side of the addressee and then on the side of the speaker. The presence first locates on the side of the addressee(s) of speaking and by extension of thinking or willing. Call such addressees “thou/you.” Any speaking addresses itself; it does even before a particular image or name or even pronoun of the addressee comes along. This inevitable addressing constitutes the primary presence, that works even before any representation of the addressee is in place. Primary is the dynamic presence to which speaking directs itself in addressing. The turning happens when speaking becomes attributed to the speaker, his or her name and *ego*. Presence relocates to the speaker, and only then to the addressee. That turn happens in modern subjectivity and in ancient heresiology alike. On the next segment of this very turn, presence links to the speaking, with the modifications above; the absence, on that view, locates on the side of what/who the speech is speaking about. In view of this turn, the *to on* and *ens* sink into absence, into that which speaking is about. An unexpected outcome of this turn is that the absentees—about which or about whom speaking speaks—come front and center under the name of the “objects” or “subjects” of speech. Modern subjectivity often fosters such “object-” or “subject”-oriented speaking, thus transforming speech into describing, i.e., into bringing the absent into presence.

(3) The third turn locates presence not only in the speaker but also in the “other.” That turn originates in locating the presence in the first person of *ego cogito*. That modern view further transfers the presence to other “subjects,” assuming they too are masters and agents and bearers of their speaking. That transfer allows for their presence, as well. The result is “modern subjectivity” of the one who believes that speaking is “his” or “her” act; and who by extension allows that “others” can do “their” speaking as well. This view has the *ego* and the *cogito* as an (however inauthentic but powerful) expropriator of speaking, thinking, willing and/or desiring (“I am the one who speaks, thinks, wills, desires, etc., and most likely others are as well”). It is only after such an expropriation that the addressee of any speaking, thinking, desiring or willing comes to be defined as the “other” in the sense of one who is speaking as well. Sensing the problematic nature of such an appropriation of speaking and thinking, of and presence by the *ego*, in (3) one might attempt to reclaim the “primacy” of that “other.” However, the thou/you in (2) is not the “other,” but an appropriation of the only presence there at all, a position (3) can hardly allow for.

The PT composition displays presence structured as a mereology of the primary suspension of the “we,” thus marking for yet another other beginning:

First of all, just as the “memory of the present” is a concept that defies any notion of a “logical” (or one might say “Platonic” or Aristotelian) order, so too the non-forgetting of the imageless past of the *b’rith* to come-in defies the “logic” of trees, classes, sets, or even the logic of rhizomes. The result is that the (1) abyss of the imageless past of the bond transforms in the PT discussion into the memory about the advent, about the coming-in world; and that (2) that transformation is never complete.

Second of all, one might further describe the memory of the present using an Aristotelian term, “enthymeme” (a “rhetorical syllogism” according to Aristotle). Yet, strongly unlike Boethius’s interpretation, this enthymeme would not be a shortened version of a “logical syllogism”, for there can be no full syllogism behind it; the memory of the present is a whole that cannot be more whole than what it already is. If anything, the memory of the present is an enthymeme in its own right, in its full independence from any notion of a “logical” syllogism, from any logic of genres and species, of premises and conclusions, or even of any logic of biological organisms.

3.10. Is Margel’s “Start” “New Beginning”?

Following Margel, we can say that “everything starts from that” and that “we can reread the history of philosophy from one end to another,” and that “one can aim at Husserl

and Heidegger." One "can aim at" the rabbinic thought, as well, which, whether recognized or ignored, has always been a part and/or counterpart of the history of philosophy. What kind of "start" would that be? Would such a re-engagement of rabbinic thought, and in particular of the PT amount to a false "new beginning" (similar to a "new beginning" Heidegger claimed neo-Kantians ascribed to Descartes, as they located in him the beginning of modern subjectivity and of the modern human)?

Alternatively, would the "start" be another "other beginning" (similar to what Heidegger—rather eschatologically—launches in his re-thinking of the "Greek's" taken-for-granted connection of the unconcealed with what-is-as-that-which-it-is)? Without eschatology and without a new beginning, what does the "start" entail, if we—along with PT and perhaps with Vergil, but unlike Augustin—no longer equate the inability to forget the present with the memory of the present, and arrive thereby to the presence of the memory of the imageless past of the *b'rith*?

A crucial question is: would Margel's "start" be a false new beginning, or else an eschatological beginning to correct the falsity? Or perhaps, would that "start" amount to an opening for yet another path in the archeological study in the beginnings of philosophy and in the broader contexts of the western thought—a path which no longer puts philosophy (even in disguise of theology) to the center stage of the West, and instead, allows Rabbinic thought a commensurable place on that stage? I explore this possibility in the next section by turning to the powers of *huparxis*—a beginning that arguably had rather different lives in rabbinic and patristic traditions.

3.11. Down the Suspension Bridge: From Huparxis to Existentia and Back

To look further into where Heidegger's three beginnings, de Libera's archeology, and the PT memory of the imageless past-to-arrive stand vis-à-vis each other, one needs to move further down the suspension bridge, in order to glance into the abyss under the primary suspension in the PT.

As shown, linguistically anchored in the "we," in the mereological figure of "what do we pro(en)vision?" an abyss opens up between the unforgettable interminable bond and the terminable covenant/contract, which "we" can only do our best to remember by failing to recall and record in full. What for Augustine was the primary presence or the memory of the (imageless) present, becomes the primary suspension of the memory of the imageless past to advent.

That mereological "we" of the imageless past calls for the rethinking of the question of the three beginnings in Heidegger as well as of de Libera's archeology of Heidegger's three beginnings in the Church Fathers alike. For de Libera, Heidegger's "new beginning," that of the mind certain of itself by cognizing the things therein was already entertained and rejected in Augustin's critique of Cicero. De Libera also intimates that Heidegger's "other beginning" begins not with the Greeks but with the Patristic invention of *Divine existentia*, i.e., of the pure being that is irreducible to *essentia* (or to a being as something definable). In de Libera, that of course implies no reduction of Heidegger to Patristic, but it does situate Heidegger's three beginnings as beginning in Patristic philosophy. This is a connection with patristics, which Heidegger does not necessarily project in his work.

The mereological "we" is thus yet another beginning, that of the imageless past to advent. In the PT, it is the "we" of the primary suspension, the suspension of any recollection and recording of the *ius/halakhah* in anticipation of the *b'rith* to arrive.

In describing the structure of such a "we" of the primary suspension, one other archeological element comes into play: an element which is no less important in de Libera's mapping of Heidegger's beginnings in the contexts of patristic or its scholastic receptions. I refer to what by way of synecdoche can be described as a transition from Philo's rhetorical polemical invention of *huparxis* to the Patristic philosophical notion of *existentia*. De Libera locates this transition in Marcus Victorinus (4th century C.E.); I follow de Libera's archeological lead, while reading the transition against greed. Victorinus invents "*existentia*" in the sense of the pure being of G-d without this G-d having any essence, or any what-

ness. That notion comes by way of interpretation, or more precisely by a philosophical mis-interpretation of the rhetorical figure of *huparxis* in Philo. Thus, Victorinus writes:

“[The sages and the ancients] define existence and existentiality as preexisting subsistence without accidents because they subsist purely and only in that which is only “to be”, but they define substance as a subject with all its accidents inseparably existing within it.”⁵⁰

In this philosophical–theological view, G-d would be *existentia*, i.e., neither substance nor subject with accidents, properties or attributes—a distinction paving a road for a trinitarian view of G-d as *existentia* with mereological perichoresis of “essences” and/or “subjects,” in which this pure *existentia* is the presence without representation, of which the mereology of “the memory of the present” was a part:

“Existence differs from substance, since existence is “to be” itself, “to be” which is neither in another nor subject of another but solely “to be” itself, whereas substance has not only “to be” but also has a “to be” something qualified. For it is subject to the qualities within it and on that account is called subject”⁵¹

Victorinus’s *existentia* is a philosophical–theological version of Philo’s rhetorical–polemical notion of *huparxis* (which, for one, in his reading of Philo, Harry Austryn Wolfson also understood as existence without essence.⁵²) However, if taken back to its polemical rhetorical context, in which *huparxis* emerges in Philo, his notion is a claim that the Biblical G-d engages with, owns, and actively possesses the world—even if the G-d is not a part of the world. Philo invents *huparxis* in order to refute those who felt abandoned by G-d in this world. At the end of his *On Creation of the World*, Philo called those feeling abandoned “atheists” (in sharp contrast to modern “atheists” who abandon G-d by themselves). Among the “atheists”, he mentioned two groups, those who believe G-d did not create the world, and those who believe G-d has abandoned the created. Philo refutes both groups with the notion of *huparxis*. *Huparxis* means for him that G-d is the creator of the world and the world is in continuous care of the creator, even if G-d is neither a part nor an element of that very world.⁵³ Structurally similar to the rabbinic notion of G-d as the Master (*Ribbon*) and Owner (*Koneh*) of the World, Philo’s notion of *huparxis* also allows for the G-d the Master and Owner not to be a part of what He masters, owns, or cares for.

Evidenced in Victorinus, the translation of *huparxis* from a rhetorical into the theological–philosophical notion of *existentia* misses Philo’s polemical charge. Yet, that charge is much closer to the sense of the suspended “we” in PT. The “we” has a fight that is not fully dissimilar with Philo’s fight against the “atheists.” A sense of abandonment and disconnect, the sense that G-d does not remember the bond is similar to the sense that G-d either never had anything to do with, or has abandoned the world. Indeed, the personae mentioned in (4–6) can be seen as versions of Philo’s “atheists” in post-Temple times. However, as compared to Philo, the “we” has a different strategy. They convert the unforgettable bond into an always suspended recollection and recording of the Covenant-contract. As terminal and imperfect as this contract is, it anticipates the (re)advent of the bond.

Rescued from the Patristic theological–philosophical translation as *existentia*, *huparxis* makes its way to the rabbinic primary suspension of the “we” in the PT. This is why the primary suspension parallels but does not fully coincide with the primary presence before representation. The latter is a form of thought developing from Augustin via Patristics and Scholastics to Heidegger, including his internally competing and internally complementary notions of *Dasein* before the re-presentation and of *Being* as truth before its relationship to that-which-is. The former is yet to be “decolonized.”

4. Materials and Methods

The main methodological framework of this research is philosophical archeology as well as methods of textual interpretation and analysis in Rabbinics. Materials have been introduced in the course of discussion.

5. Conclusions: An Archeology of Suspended Beginnings

Missing from both Heidegger's and de Libera's archeological perspective was the sense of the "we," questioning "ourselves" vis-à-vis the past without image. The "we" pro(en)vision or position, *kaimin*, indeed suspend "ourselves" before the unforgettable presence of the divine You or the *b'rith*. The "we" are trying to defend the latter against the powers of recalling and recording, even if "we" cannot bypass the works of these powers. The "we" of the "bond" emerges in the PT composition as parallel, that is to say, neither intersecting nor quite coinciding with the Augustin's (and post-Augustin's versions of) memory of the present.

On this complex archeological site, a view emerges. In that view, Heidegger's "other beginning" begins in what Augustin and Victorinus created or articulated in, respectively, the memory of the present and in the *existentia*. In and despite the bright light of this view, PT's "other beginning" or indeed PT's suspension of any beginning must be seen in relation to Philo, yet before Victorinus. The "we" in PT suspend rather than either cultivate or deny their sense of either abandonment by the Biblical G-d or their sense that G-d has nothing to do with the world. Instead of giving in to the sense of abandonment, the "we" in the PT are questioning how to convert the unforgettable bond into a memory of the imageless past that therefore is yet to advent—a conversion which "we" are living through and by the primary suspension of never being able to have such a conversion completed.

The PT's primary suspension suspends the beginning which it also expects to arrive. Perhaps this primary suspension heralds yet another archeology? This would be an archeology of a suspended beginning. It would stand in a conversation with and as yet another version of the archeology of beginning as a living force, then and now.

In any case, in the broader archeological site exposed in this essay, the "other beginning" in either Heideggerian *das Seyn* or in the Philonic-Palestinian versions of *huparxis* will always have to do with turning on the rhetoric of human positioning towards the Biblical G-d, rather than primarily, let alone only, in the philosophy of the "Greeks." This means turning on, and to, the yet un-thought power of suspension of imageless past that is now to be thought through and despite the seeming disconnect of the modern subjectivity and humanity with the Talmudic primary suspension of the "we" in view of that imageless past to arrive.

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Notes

- ¹ (De Libera et al. 2016) De Libera, Alain, Serge Haroche, and Liz Carey-Libbrecht. 2016. *Where is Medieval Philosophy going?: Inaugural Lecture delivered on Thursday 13 February 2014*. I would like to thank Edourad Nadochii of the University of Lausanne, Switzerland, Elad Lapidot and Luca di Blasi of the University of Bern, Switzerland for a series of productive conversations, from short to very extensive, which helped inform my thinking in this essay.
- ² See: (De Libera 2007, 2014a, 2014b, 2011, 2015, 2017)
- ³ Heidegger, Martin GA 65 [1932, 1936–1938] 1989, paragraph 91.
- ⁴ (Heidegger et al. 2012) Drawing, as he is, on Heidegger's approach to beginnings of philosophy, de Libera's archeology aims to "decolonize" the medieval beginnings in patristics and scholastics that were pigeonholed or colonized as "insignificant" matters of historical past to skip. Instead, he reclaims such beginnings as continuously at work today.
- ⁵ Translation is mine; Jacob Neusner's translation is taken into account. I numbered the paragraphs for convenience of reference.
- ⁶ Often translated as "portion" the word חֵלֶק connotes a "destiny" a "share" or a "path" one is apportioned to go follow; a meaning closer to the Greek *nomos*. The concept is also corroborated by the Roman sense of *fatum* or destiny, which one can however override by one's will, that is to say by one's power to deliver on one's freely accepted contractual obligations to another person and/or to G-d. Failing the contractual obligation means lacking will, and this undermines the contract, in which, if this is the contract with G-d, the world to come is a part.

- 7 Violation of the bond as a contract, a crime, an act provisioned by the contract with repercussions spelled therein; a criminal act.
- 8 Abrogation of the bond all together; a political act.
- 9 Makes the terms of the contract public and thus vulnerable to either criminal violation or to abrogation.
- 10 The standard translation, “the world to come” does not sufficiently reflect the important element of movement and imminence. This is not about the distant future. The looming nature of the world that is already and always coming-in in the ongoing and pressing imminence of that coming. This is the world in the process of its coming-in, in advent. Notably, the ‘added’ language reads as an independent close, not as a would-be addition to the Mishnah which says “ . . . and these are not having a portion towards the coming-in world.” Looks like the “added” clause could have been a stand-alone one. It is also possible that the “they” decided “to add” a pre-existing stand-alone clause. It is also possible that the narrator here reconciles the difference between the two stand-alones, the one in the Mishnah and the other one by the story of “they added,” thus preserving and defending the authority of the Mishnah.
- 11 Per Jastrow’s reading of סופנה as “There is Torah, but I do not mind its authority” (p. 1014); with the basic meaning of ספן compared to צפן or צפה observe, look out.
- 12 Presumably, the reference to the Oral Torah, i.e., the Mishnah.
- 13 That explains the scene: the first commentator recited the Mishnah and also recited the Tosefta or the “addition” to the Mishnah, and went on to gloss the text of the addition [in Tosefta?]
- 14 “On king’s arrival” to mean both publicly and in anticipation of the arrival of the King-Messiah. Violating the Torah while expecting the King promised to come by this very Torah undermines any promise this Kingly coming may yield.
- 15 Transgressing the world of Torah “in presence” is the one who “reveals aspects in the Torah”
- 16 In the presence of other people, or perhaps in the presence of G-d, see the two notes below.???? Foucault and publication of the self?
- 17 That is in παρουσία “in presence,” “upon arrival” publicly.
- 18 Or perhaps in the presence of G-d to mean phenomenologically that one recognizes the presence of G-d, *Shechina* for example, but still violates the words of the Torah
- 19 Being vassals for Egypt, and later of Babylon.
- 20 I.e., publicly, openly, not by way of a private mis-deed, but by way of a deed of a king and his fellows: “in presence.”
- 21 “Place” is not the best translation. Rather: in which matter do we en-act → e-vidence their positions? For *evidentia* is enactment, a version of *energeia*. Thus: in which matter do we enact-evidence their debate. Where is the energy of their debate? What do we enact, what do we bring to *e-vidence*—both are versions of *energeia*. In turn, *energeia* is a version of *ek-sistence*: making something move: so to “en-act.”
- 22 This is the first act in the rhetorical school of the rabbis to extend beyond reciting the “addition,” beyond “glossing it,” and beyond contesting the glosses. Now it is the act of deliberation, the moment of en-acting of the law-making. All recitations and glosses lead to that deliberation on en-acting the law, a deliberation that performs the *energeia*, *evidentia*, and *enactment* at the same time.
- 23 נפרעים to mean “taken away from him.”
- 24 At the time of death.
- 25 That has a bearing on all or at least on the “minor transgressions”-part of the commandments, which he fulfilled.
- 26 That implies rabbis, as hopeful contract-holders, have a say in the preliminary divine count of the transgressions and merits.
- 27 “Grace” would be more standard but in the context less precise a translation.
- 28 Proverbs, 13:6. Cf JPS translation “Righteousness keeps *him* that is upright in the way; but wickedness overthrows the sinner.”
- 29 Translation is mine; Neusner translation is taken into account.
- 30 In the latter case, the presence of the reciter is in calling the absent character by name before delivering the direct speech of the latter.
- 31 True to what de Libera delineates and delimits as modern subjectivity, that of the modern thinking, willing and speaking subject (=a speaking person who believes to be the one to whom speaking is to be attributed), Émile Benveniste connects speaking and language to “subjectivity.” See his essay “Subjectivity in Language” in *Problems of General Linguistics* (Benveniste 1971, pp. 223–30). Linking language to “subjectivity” (and, strongly unlike de Libera, considering such “subjectivity” universal), Benveniste insists on a necessity to give a personal pronoun to speaking: to designate the subject who speaks, to ascribe speaking to *I*, and to assume there is no speaking without a presence of *I*, i.e., of the one who is speaking. Yet, why exactly speaking requires such an ascription? What speaking surely requires is a different presence, the one to whom speaking addresses itself. Speaking is a direction towards a presence, which can and much more readily needs to be designated as a vocative you. Speaking is always a calling on a presence, a calling on you. However, speaking only can (but does not have to) entail the presence of the speaker. In agreement with Benveniste, language is not a means of communication. In difference from him, language does not have to create “subjectivity.” And in PT it does not. Instead of a figure of attribution, “*I*” is a figure of refutation: Saying “*I*” introduces the speaker as the one who resists the you called on and upon by the speaking. The same applies to the “we,” which is a figure of distancing from the speech, if attributed to those in absence. “We” is the figure of response to the absence of someone whom speaking can call upon. Even if the importance of the “you” reaches far beyond the scope of modern subjectivity, the pivotal role of the “you” in what Jonathan Boyarin and Martin Lang describe as “shared human presence through language” remains of no lesser value for modern subjects. (Boyarin and Land 2008). The book asks about the unerasable past which the language of “subjectivity” carries even into the post-eschatological future (See: idem, 103.) Taking this discussion beyond the confines

- of subjectivity, or beyond anchoring speaking, thinking or willing in a subject opens up the unforgettable past, which cannot be remembered either – a move in PT, which this essay articulates.
- 32 The way legal tradition understand itself, for one in Reinhard Zimmermann's *The Law of Obligations: Roman Foundations of the Civilian Tradition* (Zimmermann 1990), *obligatio* is a mutual commitment of free wills to a contract, and is an advancement from the primitive "family law" wherein a one-way imposition of demand, often understood as a "family law," rules over the relationships. As the PT composition at hand puts on display, the positioning of the Biblical G-d and of the Biblical *b'rith* is fully reducible to neither.
- 33 See Zimmermann's contrasting *obligatio* and family law (note 32).
- 34 Michael Sokoloff *A Dictionary of Jewish Palestinian Aramaic*, Bar-Illan University Press & The Johns Hopkins University Press, Ramat-Gan, Baltimore and London, 2002:
- 35 *Inventio*, in terms of Roman schools of rhetoric
- 36 Enthymeme, rhetorical argument, in terms of Aristotelian schools of rhetoric, or rather *deliberatio*, in terms of the Latin schools.
- 37 (Margel 2015) Margel, Serge. *La Mémoire Du Présent: Saint Augustin et l'Économie Temporelle de l'Image*. Paris: Hermann, 2015.
- 38 That means memory is certain about present incorporeal things *Memoria . . . de praeteritis incorporealis rebus*
- 39 Mundane literature, that is.
- 40 Thus, "did not slip in oblivion"
- 41 Thus literary: the memory of the things past (*praeterite*, imperfect) is recalling and recording them in their passing. By contrast, the memory of the things present (importantly, these things are intelligible (lines 4, 9–10) and incorporeal [and thus have no image, not even as a spooky], any present thing are intelligible ones, and *mens* is a present thing, which, unlike other present intelligible things is only intelligible via memory that is neither recalling nor recording.
- 42 McKenna, Stephen *Augustine On The Trinity Books 8–15:153* (McKenna 2002, p.153) Boldfacing, cursive, and underlining highlight focal points addressed in analysis.
- 43 In this, Augustin differs from the post-Ciceronian theories of mind, in which mind is present to itself insofar as it intellects the things there-in. Knowing and knowing that "I" (=mind) know (=knows) is the kernel of that post-Ciceronian theory, of which the Cartesian certitude of the *ego cogito* is also a part. Augustin, by contrast, takes another path: the present, the *mens* is remembered, is the memory of itself, and as such neither depends nor is concurrent to the cognition of imageless intellectual objects (let alone of the corporeal object-images).
- 44 Margel: 8.
- 45 Unless, of course, G-d is jester, Descartes contends—an assumption he cannot allow for, because he does not belong to the tradition of Gnosticism, in which "the Biblical g-d of creation was a poet not knowing in advance what creation process brings afore.
- 46 The line-up of prudence in Augustin's Cicero is of course less linear than it seems. Cicero's memory of things past (*praeteritis*) is memory of corporal images. The corporal images extend into corporal things that are present as well; except that the corporal things before the corporal eyes are (not unlike corporal images in the memory) not totally certain. The certain corporal images of the past and the uncertain ones in the present as well as of the future occupy the whole spectrum of corporal images. The truly present, however, are things open to nothing but intellection; only such things are both certain and present. It also means, however, that Augustin's memory of the present, as opposed to the by definition certain intellection of the incorporeal things is the memory of the incorporeal present, which is not exactly certain.
- 47 The *b'rith*-having-become-*ius* is thus never given; surely not in full. Instead, it must be en-acted, en-visionsed, e-videnced, and established (14). The never resolved dialectical tension between the bond and the contract becomes the structural foundation of the "we"-presence (14). If, in the dialectics above, a bond is becoming a contract and the contract always threatens to revert to a bond, the codification or spelling out the procedures in the contract becomes an unattainable must.
- 48 Margel: 8.
- 49 *Idem*.
- 50 Marcus Victorinus, *Adversus Arium*, 1A.30.21 in *Theological Treatises on the Trinity*, trans. Clark. Cited from *The Dictionary of Untranslatables*: 301.
- 51 Marcus Victorinus, *Candidi Epistola*, 1.2.19–23; *idem*.
- 52 See: Wofson, Harry Austryn, 1976. *The Philosophy of church fathers: faith, trinity, incarnation*. (Cambridge (Mass.): Harvard University Press: 1976).
- 53 See: Philo, *On the Creation*: LXI: 170–172.

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