The Corona Crisis in Light of the Law-as-Culture Paradigm

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Imagining Infection in the Babylonian Talmud

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The danger of contaminating infection of a cultural, ritual or medical nature is an important topic of normative Jewish tradition. Of equal importance are ways of avoiding these forms of infection. The Babylonian Talmud lists a number of ways in which the sages would avoid infection with and the spreading of contagious and pandemic diseases. Especially famous is the case of an infectious disease called *ra'atan* that is discussed at length in tractate *Ketubot* 77b:

"It is taught: Rabbi Yosei said: 'A certain elder from among the residents of Jerusalem told me, there are twenty-four types of patients afflicted with boils, and the sages said that to all of them sexual relations are harmful, and those afflicted with *ra'atan* are harmed more than all of the others.' From where does this disease come about? It is taught: One who let blood and afterwards engaged in sexual relations will have weak children. If both of them let blood and engaged in sexual relations, he will have children afflicted with *ra'atan*. [...] What are the symptoms? His eyes water, his nose runs, drool comes out of his mouth, and flies rest upon him. [...] Rabbi Yochanan announced: 'Be careful of the flies on those afflicted with *ra'atan*.' Rabbi Zeira would not sit in a spot where the wind blew from the direction of the afflicted. Rabbi Eleazar would not enter the tent of the afflicted. Rabbi Ami and Rabbi Asi would not eat eggs from an alley in which the afflicted lived. Rabbi Yehoshua ben Levi attached himself to the afflicted and studied Torah with them, saying: 'The Torah is a loving hind and a graceful doe. [Proverbs 5:19]. If it bestows grace on those who learn it, does it not protect them from illness?'"

The disease mentioned in this and other Jewish sources from Late Antiquity has not been definitively identified, and there exist several theories as to its nature (cf. Preuss). Among other things, the medical-historical research literature has suggested that pneumonia (cf. Ostrer) or nasal myiasis (cf. Rosner) could be behind the description of this disease. However, the most likely explanation is that it refers to Hansen's disease because its modern, nosological catalogue of symptoms most closely matches the description in the Talmud (cf. Even-Israel Steinsaltz). Apart from a severe toughening of the skin, this disease also causes a great deal of nasal mucus. It is infectious, but it requires close, prolonged contact for contagion to occur.

Everything that is known about *ra'atan* in the Talmud is declared to be expert knowledge that in addition, in the attribution to a certain elder from Jerusalem, is moved into the realm of unquestionable knowledge secured by far-reaching tradition. Translated into modern terms this would mean that the knowledge about this specific disease had been secured by long-lasting, empirical test series. With regard to the disease's origin, its generational transmission and its

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general ways of spreading, the sages of the Talmud emphasize that physical proximity, whether to the diseased person himself or to secondary carriers of the disease who have been in contact with the diseased person (insects, food, dwellings, even the air itself), plays the decisive role. The most intimate form of human closeness, sexual intercourse, is considered particularly dangerous in the Talmudic 'thought collective' (cf. Fleck); a most perilous time in which the normative rules of everyday life seem to be suspended and the intoxication of ecstasy can open doors to all forms of negativity and abjection that can become haunting realities. Thus, active social distancing is declared the method of choice to prevent infection with ra'atan – not only from the primary carriers of the disease, but also from all conceivable forms of possible secondary infection. At the same time, the sages are aware of the resulting serious problem of social stigmatization and exclusion of the sick – reflected in the Talmudic narrative in the behavior of Rabbi Yehoshua ben Levi, which is diametrically opposed to the behavioral maxims of the other rabbis. It is remarkable that this position is put into the mouth of just this sage, because Yehoshua ben Levi is generally regarded by the Talmud as the personification of character integrity and personal piety, but also as the most important authority on questions of Jewish law in the generation of the sages of the first half of the third century of the Common Era. Thus, it is not just any, marginal or apocryphal voice that speaks here and formulates its position against a radical social exclusion of those suffering from ra'atan or, as can be concluded from the generality of Yehoshua's words, any other disease considered highly infectious. It is hardly surprising that his preferred spiritual remedy, the study of the Torah, was a tried and tested medicine in the sense of ancient normative Judaism, as another passage from the Biblical collection of aphorisms attributed to king Solomon, which is still repeated various times in synagogue worship today, is an almost classical Jewish definition of the living essence of the Torah: "She is a tree of life to them that lay hold upon her" (Proverbs 3:18).

Thus, from the perspective of the Babylonian Talmud, it seems reasonable, in times of increased danger of infection with pandemic diseases, to ask for the knowledge of experts – literally, the nowadays severely deconstructed 'old men' - based on experience and testing and to orient one's behavior by it. At the same time, despite all the necessary orientation on supposedly assured factual knowledge, the dignity of the individual, based on the awareness of the humanity of all, whether (still) healthy, (already) sick, or healed (again), must not be sacrificed on the altar of an excluding community of hygienically sound people. Even in the face of a highly infectious disease that endangers a whole society, Judaism does not allow for the total abrogation of the rights of the individual in favor of the demands of the community - the coexistence of all does not weigh heavier than the existence of the individual, and the latter can therefore not be sacrificed to the former. However, the propriety of visiting people stricken with contagious diseases is discussed in the main Early Modern codifications of Jewish law such as the Shulkhan Arukh. Some Jewish legal authorities hold that there can be no distinction, in respect of this religious duty expressly mentioned in the Babylonian Talmud as an act of emulation of the Divine (Sotah 14a), between ordinary and infectious diseases, with the sole exception of leprosy. Others maintain that nobody can be expected to endanger his own life for the fulfilling of this precept (cf. Jakobovits).

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At the same time, we can see from the conflicting attitudes of the Talmudic sages that positions that shape our discussions and our handling of worldwide pandemics in globalized modernity were already held in the, in its own way, hardly less networked Antiquity of the Mediterranean region. From this it becomes evident once again that supposedly new ideas or ideological patterns often consist not in the invention of new categories or new figures of thought, but rather in a surprising employment of existing ones. As a consequence, the transition from an old to a new theory often is a case of radicalization of already present possibilities of interpretation (cf. Funkenstein).

Suggestions for further reading

Ludwik Fleck: Genesis and Development of a Scientific Fact. Translated by Frederick Bradley and Thaddeus J. Trenn. Chicago 1979.

Amos Funkenstein: Theology and the Scientific Imagination. Princeton 1986.

Immanuel Jakobovits: Jewish Medical Ethics. A Comparative and Historical Study of the Jewish Religious Attitude to Medicine and its Practice. New York 1967.

Koren Talmud Bavli. Vol. 17: Ketubot. Part Two. Commentary by Adin Even-Israel Steinsaltz. Jerusalem 2015.

Boris S. Ostrer: *Ra'atan* Disease in the Context of Greek Medicine. In: Review of Rabbinic Judaism 4 (2001), pp. 234–48.

Julius Preuss: Biblical and Talmudic Medicine. Translated by Fred Rosner. New York 1978.

Fred Rosner: Medicine in the Bible and the Talmud. Selections from Classical Jewish Sources. Augmented Edition. Hoboken 1995 (The Library of Jewish Law and Ethics 5).

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