

English Abstracts

Shimshona Eliezer

The Publications Industry

In this article I analyse the growing demand on academics in the faculties of humanities, from PhD students to the candidates for various promotions, to publish more and more every year and at every stage of their career. This is no longer the familiar "publish or perish" policy. It is now not enough to have *some* publications, and a few more at any later stage. Appointment committees are now told what exactly should be the minimal number of new publications at each stage – say, a book and three articles, or six articles, for a first appointment, another book and four articles, or eight-nine articles, for tenure, and the like. Without this minimal number of new publications, a candidate is not even to be considered for appointment, tenure or promotion. Often, the number of required publications is raised while the prospective candidate is at an intermediate stage. He or she is told, say, that, for the next promotion, six new articles should suffice; but when the next promotion comes up, the number has been raised retroactively (!) to eight or nine.

I must stress that such "minimal numbers" have nothing to do with the quality of the publications. A failure to publish at least the required number automatically disqualifies one from being even a candidate for discussion by the appointment committee. This is the charlatan's dream, where priority is given at the initial stage of appointment or promotion to those who are fast with their pens (or computers) and have learned how to produce many articles with the external paraphernalia demanded by periodicals – regardless of quality.

Committees consider not only quantity, but also the standing and reputation of publishers and periodicals; but this is a slippery criterion, especially these days, when even some of the most reputable academic publishers have succumbed to the pressures of "the publications industry", and have published books and articles which they would have rejected out of hand only twenty years (or less) ago. And this is a criterion considered by committees before they decide on the short list of candidates whose CV and publications should be sent to professional readers. Thus, criteria of quantity and appearances determine at the outset which candidates' career and publications will even be submitted for professional adjudication. Again, the cunning charlatans, with good connections and a knowledge of the external manners of impressing editors and publishers, leave hardly any chance to the careful and conscientious scholar, who takes his time checking his theories and evidence, and may not have formed the "right" connections, being too busy doing scholarship.

If, despite all this, some very serious scholars are still being appointed and promoted, it is because they have accepted this gloomy reality and are prepared to compromise their standards for a while – at least until they have tenure. I know some such scholars who feel miserable for having been forced to commit such a *trahison des clercs* in order to be able to enjoy the basic research conditions provided by academic institutions. Some such scholars have left the university in disgust, leaving the field open to charlatans. The results are apparent in some of the less flattering articles published in *Katharsis* and in some professional periodicals.

Shimshona Eliezer

Additions to my article in *Katharsis* 3

In my article in *Katharsis* 3, I described in some detail the growing commercialization of the faculties of humanities, and pointed out some of the results. Since the publication of that article, an official confirmation of my main point has come to light. In a meeting with students of the Faculty of Humanities in Tel-Aviv University, convened in order to explain to them the closure and amalgamation of departments, the Dean told his students: "We live in an age of marketing and post-modernism; once the faculty becomes profitable, nobody will touch it."

In this article, I attempt to understand what sort of profitability the Dean (like many others, on various occasions) is referring to. Faculties of humanities do not, as a rule, produce commodities which make profit in the open and competitive market. The reference is obviously to the amount of money a faculty, through the university, can obtain from the Ministry of Education. This depends entirely on the decisions and instructions of the University Budgeting Committee of the Ministry, the majority of members of which are bureaucrats. They dictate to the minority of academics, and to the universities, the terms and conditions for the amounts of money each of them may get – and their criteria are the purely quantitative and "levelling" ones which I described in my previous article. The "profits" are thus no real profits, but merely government funding conditioned on the universities complying with purely quantitative, bureaucratic standards posited by the politicians and their clerks. No one, to the best of my knowledge, has stood up against this degradation of all the criteria of quality and excellence in research.

Another recent phenomenon is the tendency of the faculties of humanities to force more and more students to start their PhD without the intermediate MA course. This is done, not for reasons of excellence or scholarship, but simply because the university – and through it the faculty – receives more funding from the Budgeting Committee for each PhD student than it does for an MA student. From the point of view of scholarship, at a time when the standards of the BA are plummeting, the intermediate MA course has become more important than ever before. But no academic criteria are even considered where funding is involved.

I also report that the rector of one of the Israeli universities has already declared that, in his university, he will make sure that all doctorate students submit their dissertations within two years of registering. The last Government committee made three or four years the time-limit for submitting a doctorate, but this rector wishes to become even more efficient, "more Catholic than the Pope".

Alon Harel

Skeptical Thoughts on Judicial Optimism

Aharon Barak: *The Judge in a Democracy*, Haifa University Press, Keter, Nevo, 2004.

The book *The Judge in a Democracy* explores the judges' role in a democracy. It is based on the rich experience of its author – Justice Barak – who has served as the President of the Israeli Supreme Court for many years.

Numerous writers and philosophers have argued that the judicial process is ultimately a political process and that judicial decisions reflect the ideological and political convictions of judges. Justice Barak resists this accusation. In this book he defends the claim that the judicial process is an objective process and that its authoritativeness is ultimately justified. *The Judge in a Democracy* can therefore be characterized as an optimistic book, as it defends the integrity and objectivity of the legal process.

The conviction that the judicial process is ultimately justifiable is based on the constraints and freedoms of judges in a democratic system. Judges benefit from institutional and ideological independence accompanied by constraints imposed by a detailed set of rules guiding the judicial decisions. The combination of a judge who, on the one hand, is free of ideological, political or institutional commitments and, on the other hand, is constrained by a set of rules and interpretative principles guarantees, in Justice Barak's view, the objectivity and rationality of the judicial decision and ensures the legitimacy of the court. The review critically investigates two features which, in Justice Barak' view, guarantee the integrity of the legal process: the objectivity of the judicial decision and the "balancing" paradigm.

Justice Barak believes that objectivity can be ensured by the obligation of judges to rely on social norms. When the

"personal values" of the judge conflict with the "social values", the judge ought to yield to the social values and thus guarantee that her own biases and subjectivity will not distort the decision. It is argued that this directive cannot constrain the judicial discretion. There are conflicting social norms with respect to most legal decisions and, consequently, the judge ought to make a decision as to which among the social norms ought to be applied in the particular case. Should a contract discriminating between gay and lesbian couples and heterosexual couples be decided on the basis of the prevailing social norm that gay and lesbian are equal? Or should it be decided on the basis of a libertarian social norm – namely a norm that dictates that the state ought not to interfere in voluntary contractual relations? Given the plurality of conflicting social norms, it seems that relying on social norms and popular convictions as a means of realizing objectivity is bound to fail.

Justice Barak also believes that balancing, in particular balancing conflicting values, is an essential legal device which promotes justice. This argument has two dimensions. Sometimes Justice Barak says that balancing conflicting values **dictates** what the right decision is. At other times, Justice Barak emphasizes that balancing is desirable as a means of **discovering** what the right decision is.

By using real cases, the review challenges both claims. It demonstrates that often values ought not to be balanced against each other. Instead, some values exclude other values from being evaluated at all. Thus, for instance, in examining the legality of torture, Justice Barak argues that dignity ought to be balanced against security. But it seems that dignity is not merely a value that competes with other values but is sometimes used to exclude other values and consequently to annul their relevance in certain contexts. Balancing in such cases is a misguided methodology because it ignores the structural features of the different

values. Finally, the review challenges the claim that balancing is desirable as a tool for discovering what the right decision is. The judge who is faithful to balancing often attributes relevance to considerations which ought not to be relevant just in order to follow the methodology of balancing.

Stripped of some of the most fundamental tools designed to establish the integrity of the legal system, Justice Barak's book fails to establish what he purports to establish, namely the legitimacy of the judicial process. The quest for such legitimacy must therefore come from other sources. Fortunately, the weaknesses of Justice Barak's jurisprudence do not necessarily affect his qualities as a judge. Judge Barak's intuitions often override Professor Barak's jurisprudence.

Lawrence Kaplan

Does Jewish Existentialism have a Special Character?

Jewish Existential Philosophers in Dialogue

By Ephraim Meir, translated and edited by Miriam Meir, Jerusalem: Hebrew University Magnes Press, 2004, 162 pp.

Ephraim Meir's *Jewish Existential Philosophers in Dialogue* seeks to provide the reader with an understanding of "the special character of Jewish existentialism" and the contribution it can make to general existentialist thought. The book is divided into three parts. The first part limns the main features of general existentialism and briefly surveys the lives, works, and leading doctrines of the major existentialists. The second and main part of the book reviews the lives, works, and basic teachings of important Jewish existentialist thinkers and writers. In light of his analyses in the first two parts of the book, Meir in the third and final part identifies "the special character of Jewish existentialism" and the contribution it can make to general existentialist thought as consisting in its emphasis on dialogue and intersubjectivity.

The boldness and scope of Meir's project are impressive, and his study does contain certain individual valuable insights; nevertheless, as a whole, it is seriously flawed. First, his characterization of general existentialism is thin and incomplete; second, his principles of selection are problematic: a number of the particular thinkers and works he chooses to discuss are unrepresentative and his focus on them is difficult to justify, while he ignores entirely or

passes over lightly very important and relevant thinkers and works; third, many of his interpretations of the overall thought of the thinkers he examines as well as his readings of specific texts of theirs are often questionable, if not plain wrong; fourth and finally, the distinction he draws between general and Jewish existentialism is problematic.

The body of the review is devoted to elaborating upon these criticisms. In its conclusion, I tentatively suggest with reference to the last criticism that if there is any broad contrast to be drawn, it is not between Jewish existentialism and general existentialist thought, but between religious and secular existentialism, more specifically between religious and secular existentialist ethics. Secular existentialist ethics as an ethics of reciprocal freedom emphasizes the importance of mutual recognition, acknowledgment, respect, enabling, collaboration, and confirmation. What is missing is mutual love. And, I believe, it is precisely this emphasis on the critical importance of the mutual exercise of the virtues of love, generosity, *hesed* (loving kindness), and sympathy in the sphere of inter-human relationships that characterizes the ethical teaching of the major religious existentialist philosophers of the twentieth century, both Christian and Jewish, from Marcel to Buber to Rosenzweig to Rabbi Soloveitchik.

Bilhah Nitzan

The Hasmonaean Period in Light of the Dead Sea Scrolls

Hanan Eshel, *The Dead Sea Scrolls and the
Hasmonaean State*, Yad Ben-Zvi Press,
Jerusalem 2004.

Eshel's book discusses the historical events which are mentioned in some of the Dead Sea Scrolls, trying to understand the attitude of the *Yahad* sect from Qumran (probably the Essenes) to these events from both the political and the religious aspects. Persons, sects and nations which formed part of these events are not named explicitly in most of the scrolls, but are referred to by typological sobriquets. Their historical identification and the data concerning their activity have to be unravelled by the readers. The sobriquets are based mainly on biblical typology, and the characteristics of the historical events are criticized according to the theological doctrine of the Qumran authors. Considering these qualities, scholars of the Dead Sea Scrolls - and now Hanan Eshel in his new book - have succeeded in deciphering the interesting data concerning the attitude of the *Yahad* sectarians to the Hasmonaean leaders Jonathan, John Hyrcanus and Alexander Jannaeus, and the various categories into which Hellenistic and Roman kings and commanders are classified. Eshel succeeds in throwing new light on some historical data by following the connections between different parts of some Qumran compositions. E.g. (1) the criticism of 4QTestimonia (4Q175) regarding the characteristics attributed to John Hyrcanus analysed in light of the ideal biblical characteristics of prophet, king and priest, and the messianic expectations of the *Yahad*

sectarians; (2) the historical reason for the prayer on behalf of Alexander Jannaeus in 4QApocryphal Psalm and Prayer (4Q448). Very important is the practice of criticizing historical figures and events during the Hasmonaean period in the light of typological models studied in the Bible. Thus, the criticisms of the Seleucid wars against Judaea are seen as a reflection of the Assyrian wars during the First Temple period (4QPesher Isa. A = 4Q161, fragment 5-6, and 4QPesher Nahum = 4Q169, fragment 3-4, column I, lines 1-3). Not all of Eshel's suggestions are acceptable. There is no appropriate biblical basis for a midrashic speculation regarding the death of Pompey on the shores of Egypt (4Q386), and Eshel's suggestion as to the reason for the cessation of writing Pesharim some time before 31 BCE does not fit the historical viewpoint of the *Yahad* sectarians. However, this book is an important contribution to the methodical exposure of the historical enigmatic data concealed in the literature of Dead Sea Scrolls.

Mario Sznajder

Details about the Life of a Mythical Hero: Che
Guevara

Ephraim Davidi, *Che Guevara: The Life of a
Revolutionary*, Tel Aviv, Resling, 2004.

Che Guevara: the life of a revolutionary, by Efraim Davidi, is a short book that tries to summarize the life, deeds and thought of Dr. Ernesto Guevara, better known as Che Guevara, a mythical twentieth century hero of Latin America and the whole world.

From his youth in Argentina, to his travels around Latin America; the meeting with the Castro brothers in Mexico; his joining Cuba's rebels and becoming a central figure of the revolution in that country; to his attempts to bring the 'revolution' to Congo and Bolivia; the life of Guevara is depicted in uneven terms and levels of analysis, as a figure whose influence spread well beyond his immediate spheres of action. This book raises more questions than it answers but provides a certain insight into a very interesting subject.

Avshalom Laniado

The Byzantine Empire in the Early Middle Ages According to a Textbook of the Open University

In 2003 the Open University of Israel published a four-volume textbook in Hebrew bearing the title *The Beginnings of Europe: Western Europe in the Early Middle Ages*. The nine units into which this textbook is divided were written by a team headed by Prof. Ora Limor. The first part of Unit 8 (*Neighboring Europe: The Byzantine and the Islamic Worlds*), is called "The Byzantine Empire in the Early Middle Ages". It consists of an introduction written by Dr. Iris Shagrir as well as of a Hebrew translation of two articles by D. M. Nicol and C. Mango respectively (D. M. Nicol, "Justinian I and his Successors - A.D. 527-610", in Ph. Whitting [ed.], *Byzantium. An Introduction*, 2nd edition, Oxford 1981, pp. 15-38; C. Mango, "Heraclius, the Threats from the East and Iconoclasm – 610-843", *ibid.* pp. 39-60).

Unfortunately, the introduction fails to discuss properly fundamental issues such as the emergence of Byzantium out of the Roman Empire or the success of fifth-century Byzantium in avoiding the fate of the Western Roman Empire, which underwent rapid disintegration from the beginning of the fifth century C.E. until its disappearance in 476. Moreover, the introduction fails to take into account the results of intensive research conducted during the last half-century on fundamental issues such as the status of late Roman and early Byzantine cities or the origins of the middle Byzantine military themes. The introduction also abounds in factual mistakes, misprints and unclear phrasings.

As for the articles of Nicol and Mango, there is no doubt that they were written by first class specialists in Byzantine history, yet these articles, which were published for the first time in 1971, cannot be considered as up-to-date. One may therefore wonder why they were deemed worthy of inclusion in a textbook written and published at the beginning of the 21st century. Moreover, the translation includes inaccuracies, while the footnotes added by the translator are not free from mistakes. This half-unit concludes with a chronological table for the years 324-1056, which is not as reliable as it should be.

The inclusion of a Byzantine half-unit in a textbook whose main subject is Western Europe in the early middle ages should be welcome, but the outcome is disappointing.

Alon Kadish

Remarks on the Military Aspects of Yigal Alon's Biography

Anita Shapira, *Igal* [sic] *Alon: Spring of his Life, a Biography*, Tel Aviv: Hotsa'at Hakibuts Hameuchad, 2004.

Professor Anita Shapira's decision to write the biography of Yigal Alon (1918-1980) can only be described as unfortunate. To begin with Prof. Shapira has decided to end her book with Alon's leaving the Israeli army in 1950 following the War of Independence. In doing so she has confined herself to Alon's military career while assuming, on the basis of general impressions, that as a politician and minister Alon was a failure, mainly because he did not realize his ambition to become Minister of Defense and Prime Minister.

The story of Alon's life up to the age of 31 consists of his childhood in Mescha-Kfar Tavor, education in the Kadouri elitest agricultural school, and the early years of Kibuts Ginosar which he helped found. The rest constitutes a short but important chapter in the early military history of Israel, a subject on which Shapira lacks sufficient technical knowledge.

The book has two major faults which render it largely unusable as an historical reference work. Firstly it contains an unreasonable number of factual mistakes, the worst of which result in a misunderstanding of military developments, battles etc. Secondly, Shapira chose to ignore a large body of research on the 1940's and Israel's War of Independence which has been published during the past two decades and is of direct relevance to her subject.

Consequently much of the book is from the outset out of date.

Rather than concentrate on the biography she was meant to write, Shapira decided to expand on the period and on Alon's generation. The book contains some interesting and insightful observations on the age and on some of its main protagonists. However some of her arguments are based on inaccurate evidence and others are of little relevance to Alon's life. Hence the book, while readable and interesting, cannot be recommended as an adequate biography of Yigal Alon or as an introduction to the 1940's and the story of the generation of 1948.

John Glucker

Herbal Nutrition Squashing the Intellect

Daniel S. Schwartz, *II Maccabees*, Introduction,
Hebrew Translation, Commentary. Yad Ben-Zvi,
Jerusalem 2004, 351 pp.

This lavishly produced volume is part of a new series of texts published by Yad Ben-Zvi, "Between Bible and Mishnah". Its aim is to supply the Hebrew reader and student with new editions – in translation whenever the original is not in Hebrew – of texts written by Jews in what is broadly called the "Second Temple Period". My review does not deal with the historical and literary discussions in the introduction, notes, and commentary. I hope that some expert in these fields will review these aspects of the book. I concentrate on Schwartz' understanding of the original Greek of *II Maccabees* and on his Hebrew rendering of the text.

Schwartz claims that he has tried to stick as closely as possible to the Greek, so as to 'bring the reader close to the original', rather than 'bring the original close to the reader'. I show that, both from the Greek and from the Hebrew aspects of his translation, he has failed to do anything like it.

His insistence on translating every word as closely as possible to the Greek original – as he conceives it – has produced a sort of pidgin Hebrew which the Hebrew reader will find ridiculous, preposterous, or plainly unintelligible. My title here is my attempt to translate literally Schwartz' Hebrew renderings of two Greek expressions, the first meaning 'vegetarian food', and the second 'breaks one's heart'. Other examples, where the peculiar Hebrew can, just about, be translated are 'he left life behind him', 'he

slaughtered twenty-five thousand corpses' – and '[God] flung down Jericho in the days of Joshua'.

Such bizarre Hebrew expressions, which one finds on every page, do not correspond to the style of the Greek original, which is no literary masterpiece, but has hardly anything like the strange and confused style of this translation. This outlandish Hebrew is due both to the translator's imperfect command of the Hebrew language – both ancient and modern – and to his dubious mastery of ancient Greek. It is not an accident that most of the philological notes to this translation deal with the dictionary meanings of individual words and phrases, as if an ancient Greek text were something of a crossword puzzle.

Here are some examples of the translator's understanding of Greek. In a number of places, he makes heavy weather of the particles μέν and δέ, which he invariably translates as expressing a contrast, and regards them as the rhetorical figure *inclusio*. Of course, the contrast is not always there, and sometimes it has to be eked out by force. In two places, he also points out the immense significance of two opposing sides both saying ταῦτα, and bases a whole midrash on the significance of this 'unusual' phenomenon. He translates ζωγραφεῖν literally as 'to paint animals', and ἔσω τῶν θυρωμάτων as 'inside through the openings of the gates'. In a few places, he takes the genitive absolute to be the subject of the main sentence. In one central place, this gives the story a meaning opposite to what we find in the text. On every page, the nuances of the author's Hellenistic Greek are missed. In other cases, plain Classical constructions are misunderstood. I conclude that, as far as the translation is concerned, the Hebrew reader will be better advised to read, or consult, Abraham Kahane's 1937 translation rather than this new effort.

זכרון לראשונים

Remembrance of the Former Generations

This is a section which appears at the end of each volume of *Katharsis*, consisting of a critical article by an Israeli scholar of the first few generations of academic life in Israel. In each issue, this section contains a reprint of the article and an introductory note on the author and his achievements, with a photograph of the author whenever possible.

In vol. 1, pp. 116-127, we reprinted an article by Chaim Wirszubski, 1914-1976, on Hebrew translations from Classical literature. The article was originally published in 1955.

Chaim Wirszubski was Professor of Latin at the Hebrew University of Jerusalem. He was a well-known expert on Roman political thought in the late Republic and early Empire; a translator of Spinoza into Hebrew, and a leading expert on Christian Kabbalah, whose books and articles on the Kabbalah of Flavius Mithridates and Pico della Mirandola laid the foundations of this branch of study. Two pages of the original article were accidentally omitted, and were reprinted in vol. 2, p. 160.

In vol. 2, pp. 149-159, we reprinted an article by Yaacov Fleischmann, 1921-1990, on the problem of objectivity in the study of Jewish history. The article was first published in 1958.

Yaacov (Eugène) Fleischmann was Professor of Philosophy, Tel-Aviv University, and a Researcher at the Centre National de Recherche Scientifique (CNRS) in Paris. He was an expert on Continental philosophy, especially in the nineteenth and twentieth centuries, and on the philosophical background of the social sciences. His two books in French on Hegel's political philosophy (1964) and

on Hegel's logic (1968) are still among the standard books in this field. His Hebrew book on the problem of Christianity in Jewish thought from Mendelssohn to Rosenzweig, published in 1964 and later translated into French, was one of the first studies of this issue.

In vol. 3, pp. 168-184, we printed for the first time, from the author's manuscript, a response by Saul Lieberman to Gedalyahu Alon's review of Lieberman's *Greek in Jewish Palestine*, 1948. The Hebrew periodical *Kiriat Sefer*, in which Alon's review was published, refused to publish Lieberman's response, and it had remained unpublished until now.

Saul Lieberman, 1898-1983, was one of the greatest Talmudists in modern times. Much of his work laid the foundations for a proper critical text of the Jerusalem Talmud. He was also an accomplished Classical scholar, and his two books on Greek and Hellenism in Jewish Palestine were pioneering works in this field. An earlier book of his in Hebrew uncovered the remains of Jewish customs and traditions hidden among the writings of some of the early Greek and Latin Church Fathers. Lieberman taught for many years in Jerusalem, and spent the last thirty years of his career as Professor of Talmudic and Midrashic Literature, Jewish Theological Seminary, New York.

In this volume, pp. 161-168, we reprint a review by Abraham Saltman, 1925-2000, of Joshua Prawer's book on the Crusader's Kingdom of Jerusalem. The review was first published in 1964.

Abraham Saltman was Professor of Mediaeval History and founding head of the Department of General History at Bar-Ilan University. His earlier works dealt with various topics in the history of the mediaeval English Church and monasteries. In his later years, he edited from manuscripts some Latin commentaries on books of the Bible (Samuel, Chronicles, Song of Songs), and showed that they were

based to a large extent on some of the Jewish mediaeval commentators. He was regarded as a leading expert on the mediaeval history of the Church in England and on Christian-Jewish relations in the mediaeval West.