Bad Cats and Bad Rabbis:
Deconstructing Discourses of Animal Danger in the Babylonian Talmud
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The Study of Animals in Classical Rabbinic Literature

An introduction to the academic study of animals in classical rabbinic literature is, unfortunately, all too easy, since such study has been minimal. The only scholars I can think of who are currently engaged in such inquiry are participating in this workshop (Aaron Gross and Jordan Rosenblum). I will leave it to them to present their own work and will instead outline a few of the challenges that face the study of animals in classical rabbinic literature before describing my own work in this area.[1]

Jacob Neusner's work is a startling illustration of the first challenge facing such inquiry: "Animals form an ideal control [for examining how rabbinic law and narrative relate], because in the Rabbinic setting of late antiquity, the formative documents show that there is little at stake in how they are presented. There is no agenda concerning animals…no narrative… Animals represent little more than themselves throughout. Hence we find at hand an ideal opportunity to examine … a single systemically neutral category-formation: animals."[2] Neusner portrays animals as an extremely low-stakes subject, a neutral tool for exploring the larger dynamics of rabbinic literature. The more that animal studies takes hold in the academy, the less I think we

[1] By "classical rabbinic literature" I mean the multiple literary corpora produced by the Jewish movement known as the rabbis that emerged in the aftermath of the Second Temple's destruction in 70 CE. The earliest of these corpora are legal in character, composed in an elegant Hebrew, come from second- and third-century Palestine, and include the Mishnah, Tosefta, and several collections of what are known as legal midrash or midrash halakhah. In the successive phase of the rabbinic movement, it splits into two, part of it staying in Palestine, part of it moving to Sassanid-ruled Babylonia. The works produced in this period, which runs from the third century to the fifth, sixth, and possibly into the seventh, are largely Aramaic and adopt new literary genres such as homilies, elaborate stories, and extensive legal dialectic. They include two Talmuds, one from Palestine and one from Babylonia, both structured as commentaries on the Mishnah, as well as numerous collections of exegetical and homiletical midrash. A good reference collection on classical rabbinic literature is Steven T. Katz, ed., *The Cambridge History of Judaism: Volume 4, The Late Roman-Rabbinic Period* (Cambridge, New York: Cambridge University Press, 2006).

[2] Jacob Neusner, *Praxis and Parable : The Divergent Discourses of Rabbinic Judaism : How Halakhic and Aggadic Documents Treat the Bestiary Common to Them Both* (Lanham, Md: University Press of America, c2006), xii.

will see statements like Neusner's, but the first challenge is simply raising the stakes so that animals are not seen as incidental.

But even when the scholarship recognizes animals as significant, it tends to deal with animals as objects rather than subjects, such in the laws of sacrifice and kashrut, where animals are species to be categorized and bodies to be slaughtered. The work that does deal with animals as subjects draws upon a very limited pool of passages (i.e., the talmudic discussion of animal suffering; the talmudic story of Rabbi Judah the Patriarch encountering a calf on his way to be slaughtered). My own work is an attempt to address these problems by expanding the pool of texts, and doing so with an eye for texts in which animals are agents and actors. I have found torts law to be fertile grounds for inquiry, since in torts law animals walk around breaking things, eating plants, injuring people, injuring each other, injuring themselves, and generally acting like the fully animate creatures that they are. In a book I have recently completed, I discuss passages in the Babylonian Talmud that reckon with animal subjectivities in a variety of such ways. The themes I cover are animal intelligence, morality, suffering, danger, and the tensions that arise from categorizing animals as things and property. The material I present below is from the chapter on animal danger.

Animal Danger

It used to be bloodhounds that people feared. Harriet Beecher Stowe's best-selling *Uncle Tom's Cabin* did not feature any, but when producers staged the novel, they added a pack of snarling bloodhounds to chase Eliza across the frozen Ohio River, and audiences loved it. Newfoundlands and Saint Bernards replaced the bloodhound, Great Danes and German Shepherds replaced Newfoundlands and Saint Bernards, and Dobermans and Rottweilers replaced them. The pit bull is the most recent dog to be demonized. After some dramatic attacks,

pit-bull bans emerged in the 1980s and 90s throughout cities in the United States and United Kingdom. The drift in perceptions of animal danger suggests that they are something more than a strictly rational response to the (sometimes very real) danger that animals pose. David Grimm speculates that the scare around pit bulls helps to preserve the myth of dog as furry child; the pit bull is the doppelgänger for the "good dog" who can be embraced as a family member.[3] Karen Delise sees the pit bull as the "placebo" for the public's anxiety about dog aggression.[4] Claire Molloy draws upon moral panic theory as she considers the United Kingdom's media discourse about dog danger in light of various social and economic crises and public anxieties about them.[5] In Freud's approach to animal phobias, a boy's fear of an animal attack is a displacement for his fear of the father's castrating anger. In Julia Kristeva's revision of Freud, the fear of the animal expresses the young child's ambivalence towards the maternal body.[6]

This paper turns attention to a passage in the Babylonian Talmud featuring anti-cat legislations and understands it to be offering yet another interpretive model for animal danger. The talmudic passage explores how religious authorities create and capitalize on perceptions of animal danger in moments of crisis. The Talmud tells a story in which rabbis are acting rather badly. Several prominent rabbis are attending the celebration of a baby boy and cannot decide who deserves the honor of entering the room first. While they jostle with each other, a cat attacks

[3] David Grimm, *Citizen Canine: Our Evolving Relationship with Cats and Dogs* (New York: PublicAffairs, 2014), 195.

[4] Karen Delise, *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression* (Sofia, Bulgaria: Anubis Publishing, 2007).

[5] Claire Molloy, "Dangerous Dogs and the Construction of Risk," in *Theorizing Animals: Re-Thinking Humanimal Relations*, ed. Nik Taylor and Tania Signal (Leiden; Boston: Brill, 2011), 107–28.

[6] Kelly Oliver, "Little Hans's Little Sister," *Philosophia* 1, no. 1 (2011): 9–28; Alison Suen, "From Animal Father to Animal Mother: A Freudian Account of Animal Maternal Ethics," *Philosophia* 3, no. 2 (2013): 121–37.

the baby and mutilates his hand. In reaction to the attack, one of the rabbis issues a set of severe legislations on cats that evoke the pit bull bans of our day. In this paper, I will take readers through the talmudic text, and I will suggest that in juxtaposing the legislation with the story of how it came into being, the Talmud aims to provide a critical perspective on discourses of animal danger.

Bad Cats and Bad Rabbis

The story in Bava Qamma 80a-b presents animals as a threat to the intimate spaces and vulnerable members of the household:

> Rav, Shmuel, and Rav Asi happened to come to the house of a "week of the son" (i.e., a circumcision), or some say [it was] the house of a "salvation of the son" (i.e., a *pidyon ha-ben*, redemption of a first-born son). Rav would not enter before Shmuel, and Shmuel would not enter before Rav Asi, and Rav Asi would not enter before Rav. They said, "Who will go behind?" Shmuel should go behind, and Rav and Rav Asi should go [ahead]. But Rav or Rav Asi should have gone behind! Rav was only making a gesture on Shmuel's behalf. Because of that incident where he cursed him, Rav gave him precedence over himself. In the meanwhile, a cat came and bit off the hand of the child. Rav went out and expounded: "It is permitted to kill a cat and forbidden to raise him. Theft does not apply to him, nor does the obligation to return a lost item to its owners."

The story nearly gets derailed at the start. Three rabbis are going to a celebration for a baby boy, and the story pauses to consider what kind of celebration it is, a circumcision, or a celebration that happens somewhat later after the boy's birth, here called the "salvation of the son."[7] From an audience perspective, the appropriate response would seem to be – who cares? The pause's purpose, we might speculate, is to focus our attention on the baby and to contrast the

[7] The Talmud commentator Rashi explains that "week of the son" refers to a circumcision since it occurs after the first seven days of the baby boy's life have passed. There is some disagreement among commentators over the second celebration mentioned within the passage, the "salvation of the son." My translation follows Rashi, who understands it to be referring to the redemption of the first-born son. According to the Tosafot, (s.v. *le-ve yeshu'a ha-ben*), it refers to a party to celebrate a healthy baby being born.

attention we, and the story, shower upon the baby with the relative lack of attention given to him by the rabbis who are the protagonists of the story. There is also an irony in the types of celebration mentioned. The son will be anything but saved at the "salvation of the son," and the possibility that the celebration was a circumcision foreshadows the cat's attack upon the baby's body part.

The main characters, the three rabbis, are concerned not with the baby who is the figure being celebrated but with the rituals of honor that govern their relationships. According to the rules of the rabbinate, no rabbi should enter a room before a rabbi of greater honor. In this case, the rules bring them to a comic standstill. Rav refuses to enter before Shmuel, Shmuel refuses to enter before Rav Asi, and Rav Asi refuses to enter before Rav, his teacher. No one, in short, can move! Realizing the predicament in which they find themselves, the three rabbis ask each other: "Who will hang back?" In posing the question this way, the rabbis portray themselves not as bent on giving the other appropriate honor but each as being unwilling to give up on his own.

The rabbis determine that Shmuel should defer to the others. A challenge to that decision is interjected by the editorial voice ("But Rav or Rav Asi should have gone behind!"). The narrator goes on to explain that Rav had been compensating for a prior incident in which Rav had cast a curse upon Shmuel. That incident is narrated in full elsewhere in the Talmud.[8] In that story, Rav gets a terrible stomachache, and Shmuel "cures" Rav by feeding him great amounts of food and then, somewhat sadistically, preventing him from using the bathroom. Rav's response at the time, unsurprisingly, was to curse Shmuel. We find out now from this editorial interruption that Rav's initial impulse to enter behind Shmuel was a product of his regret over having cursed him ("Because of the incident where he cursed him, Rav gave him precedence over himself").

[8] Shabbat 108a.

Technically, however, Rav's greater honor dictated that Rav should have entered first ("Rav was only making a gesture on Shmuel's behalf"), which is why the three rabbis ultimately decided that Rav should enter first.[9] Once again, we might ask about the rhetorical function of the editorial interruption, which mentions an incident that it does not bother to fully rehearse and which seems not entirely necessary to justify the plot developments here. As before, the interruption seems designed to alert us to an important theme we are soon to encounter in the story. In this case, that theme is Rav's fierce anger and his lack of restraint in expressing it. The interruption also alerts us to the dark side of rabbinic honor, which is the rabbis' hostility towards each other.[10] The honorific gestures, we learn, turn quickly into curses.

While these negotiations are occurring – *adehakhi ve-hakhi* ("in the meantime") – a cat sneaks up on the baby and attacks him, biting off his hand. The rabbinic personages are too preoccupied with their honor, as are, we can imagine, the gathered family and guests, to notice when a cat attacks the baby who is the very object of celebration. Rav emerges from the encounter with legislations that permit a person to kill or steal a cat and that prohibit giving provisions to a cat. The severity of the legislations is brought home by the editorial treatment, which questions why Rav needed to state quite as many legislations as he did:

> And since you say "it is permitted to kill him," why is there further "it is forbidden to raise him"?
> What is it that you would have supposed from "it is permitted to kill him"? There is no prohibition! He teaches us [otherwise].
> They say [another challenge], that since you say "theft does not apply to him," why is there further "nor does the obligation to return a lost item to its owners"?

[9] The commentator Meiri explains that the presence of a third party suspended the promise that Rav had made to compensate for cursing Shmuel.

[10] On shame and violence within Babylonian rabbinic circles, see Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2005), 54–79.

> Ravina said, "For his (the cat's) skin" (which one need not return to the owner).

The talmudic commentary portrays Rav's legislations as redundant. The question the editorial voice twice asks, "why is there further…," highlights Rav's overenthusiasm. Rav's zeal results in cats not *even* achieving the legal status of property, much less the status of a living thing.

The introduction to Rav's legislations, "Rav went out and expounded," is a signal that Rav's legislations should be understood in light of his role in the preceding events.[11] The narrative serves, as is often the case in the Talmud, to provide a counterpoint to the law and to offer a critical stance with respect to it.[12] Rav steps in as an authoritative legislator precisely when he and his rabbinic colleagues seem most impotent. They are literally paralyzed by their preoccupation with the micro-power struggles within their hermetic world. Rav's legislation seems designed to shift attention away from the rabbis' impotence by generating a moral panic around the figure of the cat. As Molloy observes in her study of pit bull laws, it is usually a key event that turns the tone to one of crisis, and it is almost always an event that involves the victimization of a child.[13] Far from being presented as a rational response to animal danger, Rav's legislations appear, through their juxtaposition to the narrative, to be disproportionate, with their purpose being the displacement of Rav's guilt. [14] Rav would rather blame the entire species cat than consider his own accountability or alternative legislative possibilities.

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[11] Despite the Tosafot's explanation that these legislations had in fact been issued beforehand; s.v. *nefaq*. The rationale of the Tosafot is that the Talmud would not challenge the legislation from an early rabbinic teaching if they were clearly issued as a context-specific decree.

[12] See Barry S. Wimpfheimer, *Narrating the Law : A Poetics of Talmudic Legal Stories* (Philadelphia: University of Pennsylvania Press, c2011).

[13] Molloy, "Dangerous Dogs," 123.

[14] On disproportionality as a key feature of moral panic, see Ibid., 127.

Conclusions

This talmudic passage asks us not to take discourses of animal danger at face value. Discourses of animal danger construct a knowledge about animals, and they cast certain figures as the appropriate managers of risk. The talmudic materials I have discussed interrogate the role of the rabbi as manager of risk, ironically exposing the risk that the rabbi himself poses. The crisis in the rabbinic story is shown to be rooted less in the aggressiveness of animals than in the cruelty and competitiveness of rabbinic culture. Rabbinic authority turns out to be the *problem*, not the solution. Standing before his cat naked, Derrida never really wondered what his cat was thinking, as he describes the moment later in his famous lecture on "the animal."[15] Neither does this talmudic passage. It does illuminate, however, what rabbis might be thinking when they make their laws about cats.

[15] Jacques Derrida, "The Animal That Therefore I Am (More to Follow)," trans. David Wills, *Critical Inquiry* 28, no. 2 (January 1, 2002). For a critique of Derrida along these lines, see Donna Jeanne Haraway, *When Species Meet* (Minneapolis: University of Minnesota Press, 2008), 19–27: "But with his cat, Derrida failed a simple obligation of companion species; he did not become curious about what the cat might actually be doing, feeling, thinking, or perhaps making available to him in looking back at him that morning" (p. 20).