

though a tannaitic source, T. Sanhedrin 2:8, attests to R. Akiva's imprisonment, and even though one of the stories that he attributes to the Bavli (B. Yevamot 105b) in fact occurs only in the Yerushalmi (Y. Yevamot 12:5 [12d]). This story—a tragicomic one in which R. Yoḥanan the Sandal-Maker disguises himself as a peddler to pose a halakhic question to the imprisoned R. Akiva, with the legal exchange interwoven into commercial discourse shouted between the prison and the street—is almost a textbook example of secondary embellishment. The Mishnah tells of a case in which R. Akiva ruled on the validity of a rite performed by an imprisoned husband. The Talmud, knowing of R. Akiva's own imprisonment, infers, with iron-clad narrative (but not, of course, historical) logic: "In prison was the deed, and to prison the question came." Hence the notion that R. Yoḥanan the Sandal-Maker—cited earlier in the same Mishnah pericope—must have conveyed the question to the imprisoned R. Akiva.

Hammer's book largely eschews close analysis of this sort. Insofar as it is as much about the "legend" and "legacy" of R. Akiva as about his life, the inclusion of likely secondary material is not per se objectionable, but insofar as Hammer wishes to distinguish between the life, on the one hand, and the legend and the legacy, on the other, the book falls short. It will be of interest to a popular audience that wishes to have a readable, relatively sober summary of what rabbinic literature can tell us about R. Akiva's life, and the book indeed appears to have been written for such a readership. Because it engages insufficiently with modern scholarship and with the methodological challenges of writing a rabbinic biography, it can offer little to a scholarly audience.

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Christine Hayes. *What's Divine about Divine Law?* Princeton: Princeton University Press, 2015. 412 pp.  
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In this volume Christine Hayes explores the origins of a dilemma that has disturbed Western thought for two thousand years: both the Hebrew Scriptures and the classics of ancient Greek thought make use of the idea of divine law, but these two bodies of thought use the idea differently, in fact incompatibly, and Western civilization, initially in its Christian form but eventually in Jewish thought as well, inherited both versions. The two notions have since uncomfortably coexisted, throughout the Middle Ages and into our own time, and the cognitive dissonance thus produced continues to bedevil both religious communities today.

The book is divided into three parts, embracing a total of eight chapters. Part 1 lays out the discourses on divine law to be found in the Bible (chapter 1) and in Greco-Roman thought (chapter 2). In the Bible one can identify three strands of

thought: “Divine Law as an Expression of Divine Will,” “Divine Law as an Expression of Divine Reason,” and “Divine Law and Historical Narrative,” that is, divine law as the historical product of Israel’s national experience. These vary in their implications. The first has the law rest on the sheer coercive authority of God, while the second presumes that *any* thinking person would see the wisdom of the law and voluntarily seek to live according to its requirements. As for the third, the Bible itself implies narratives that situate the law in a variety of historical scenarios: these involve both the origins of Israel (the patriarchs, the Sinai covenant) and the end of time (the law restored or the law replaced?).

Chapter 2 identifies seven different Greco-Roman conceptions of law, some concerning “natural law” and some addressing the positive law of human communities, and then examines three different arenas in which these types of discourse were brought to bear on one another. All these themes are traced through nearly a millennium of classical thought, but space does not allow a detailed presentation here. None of these conceptions allowed for the key biblical idea that a deity might simply decree a set of rules.

In part 2, Hayes examines Hellenistic- and Roman-era attempts to overcome the dissonance that arose when Jewish thinkers began to work with both biblical and Hellenic conceptions of divine law. Chapter 3 surveys attempts to “bridge the gap” and merge these conceptions into a single coherent perspective. Some identified the Torah with universal divine wisdom (Ben Sira, 1 Enoch, the Qumran texts) others with reason *tout court* (Aristeas, 4 Maccabees, Philo). Such identifications raised further questions that more recent centuries have labeled the issue of “particularism versus universalism,” and Hayes surveys ancient attempts to negotiate that thicket as well.

In a brief chapter 4, Hayes offers an ingenious interpretation of the complexities of Paul’s thinking in light of her presentation thus far. In her view the apostle’s ultimate goal was to preserve an unbridgeable gap between the Torah and Greek conceptions of law. He was led to this determination because (and this seems to be the heart of her innovation here) Paul stood in a line traceable to Ezra rejecting the possibility that one not born of the seed of Israel could join the covenant nation. Thus Paul’s converts could not become followers of the Torah: the Torah was simply not for them and did not want (so to speak) their adherence. They needed something else, which God had now provided. To induce gentile Christians to follow the Torah was thus for Paul an incoherent and a futile position. For Jews the Torah remained the way to holiness, except that Christian faith would enable them to follow its demands without the difficulty and resistance that fleshly life entails. Gentiles could worship Israel’s God another way.

Part 3, on the ancient rabbinic role in this ongoing conversation, occupies fully half the book, but again space compels brevity. Chapter 5 examines the rabbis’ conception of the relationship between divine law and truth, and the author reaches the striking conclusion that the rabbis knew perfectly well that this relationship could be uncertain—Halakhah did not always conform to the strict demands (*din*) of the Torah; the need for compromise, peace, and mercy

sometimes required departure from the apparent implications of the evidence; legal fictions might require abandoning the quest to have the law conform to “mind-independent ontological reality” (243). Similar ideas could be found in Greco-Roman discussions of human positive law, but the rabbis were talking this way about *divine* law (author’s emphasis); this was in sharp contrast to both classical thinking and the Jewish discussions surveyed in chapter 3, and the rabbis knew it.

The remaining chapters proceed along similar lines. Chapter 6 explores “The (Ir)rationality of the Torah.” Here too the rabbis display awareness of the Greco-Roman (especially Stoic) conviction that divine law must stand in conformity with reason and yet they demur; they recognize that parts of Torah law can be criticized as arbitrary and irrational, and decline to rebut such criticism (286). Chapter 7 affirms the flexibility of divine law. In the Torah itself the divine legislator sometimes changes the rule, and the rabbis accordingly dissent from the Greco-Roman insistence that true divine law must be eternal and unchanging. (To be sure Scripture sometimes shares this insistence.) Chapter 8 looks for possible appearances of a natural-law concept in early rabbinic texts and does not come up with much. Of course the Middle Ages saw the rise of widespread tendencies among Jewish philosophers to modify many of these early notions.

This book is a tour de force of erudite and subtle exposition. It opens a new path for examining diverse styles of halakhic thinking that persist to our own day and contributes to our understanding of the intellectual environment in which the early rabbis developed their ideas.

To be sure, two features of the work caused this reader concern. Professor Hayes knows that rabbinic literature speaks with many voices and rarely says only one thing on any given topic, but in order to build her case she often has to identify a voice or viewpoint on the issue under discussion that she can label dominant. In the nature of the situation the reader has to trust the author’s judgment that this identification was correct. I would have appreciated a little more discussion of the method behind this procedure. What is required when one says “the rabbis predominantly thought . . .” on some matter when it is clear that *some* rabbis thought otherwise? Subjective judgment is unavoidable here, but can it be controlled, and if so how?

And finally, the intellectual thread that runs through the entire book is the distinction, essential to legal theory, between *realist* and *nominalist* conceptions of law, where the former expects that law should conform to some “mind-independent ontological reality” (that is, some kind of *truth*), while the latter sees the law as operating by its own lights and rules, in principle answerable to no other enterprise or area of thought. This distinction is fundamental to the book, as various modes of thinking are identified with one or the other approach to the underlying topic. Unfortunately, this reliance on a matter of high abstraction sometimes seemed to produce forced readings of specific source texts, especially when it came to the complexities of certain rabbinic discussions. Any reliance on high abstraction can have this result when the discussion gets concrete, but it ran the risk here of weakening readers’ confidence in the overall project.

*Book Reviews*

These concerns notwithstanding, it should be repeated in closing that Professor Hayes has given us a stunning scholarly achievement. Several fields of historical inquiry will long be in her debt.

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William Horbury. *Jewish War under Trajan and Hadrian*. Cambridge, UK: Cambridge University Press, 2014. 501 pp.  
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William Horbury, professor of Jewish and early Christian studies and a fellow of Corpus Christi College at Cambridge University, is well known for his investigation of inscriptional material and is a coeditor of *The Cambridge History of Judaism*, volume 3. In this book he brings his historical meticulousness to the investigation of the two Jewish uprisings that occurred in the second century, the first under Trajan (115–17) and the second under his successor, Hadrian (132–35). Although these uprisings took place fourteen years apart, Horbury argues in his introduction that they should be treated together.

After the introduction, Horbury moves to a thorough treatment of the sources for the uprisings. He first describes the nonliterary sources—coins and inscriptions as well as contemporary letters, deeds, and other documents—before moving on to the early literary notices in Cassius Dio and Eusebius of Caesarea. He gives a full discussion of the rabbinic materials that mention the uprisings, well aware of their later date but holding that they should not be ruled out for historical purposes. Moreover, he notes the way national messianic deliverance is hoped for in apocalypses, as well as the way Josephus’s writings can “sometimes be used with caution to shed light on the later risings” (40). The last part of this chapter deals with the way the uprisings have been presented and interpreted from Orosius to Martin Goodman and Seth Schwartz. Horbury finds that, even after all previous work, one still needs to investigate whether there was Roman hostility towards the Jews, and whether “the religio-political Jewish entity [is] essentially incompatible with Roman culture” (99).

The third chapter deals with the antecedents to the uprisings, and is divided into two sections: (1) “Rome and the Jews”; (2) “The Jewish Situation.” In the first, Horbury notes a spectrum of views that Romans held towards the Jews, but concludes that what the Romans did was dictated by political concerns. The Romans emphasized the victory of the Flavian rulers, but did not seek the destruction of Judaism; the imposition of a Jewish tax was to help the imperial coffers, and both it and the desolation of Jerusalem were enacted to punish rather than eradicate. The practice of Judaism and synagogue worship continued to be protected. As for the Jews, Horbury shows that the evidence for a strong military presence in Judea and Galilee argues for unrest in these areas, fostered mainly by the loss of