

BOOK REVIEW SYMPOSIUM

## Belonging in the Land and the Law: A Reading of Joseph David on Nahmanides's Territorial Exegesis

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### Abstract

Reviewed: *Kinship, Law and Politics: An Anatomy of Belonging*. By Joseph E. David. Cambridge: Cambridge University Press, 2020. Pp. 156. \$110.00 (cloth); \$88.00 (digital). ISBN: 9781108499682.

Joseph E. David's *Kinship, Law and Politics: An Anatomy of Belonging* provides an erudite demonstration of how an analytical approach that directs attention to negotiations of belonging in exegetical and legal thinking can yield crucial insight into how social boundaries are defined and defended in throughout human history in a broad array of contexts. Among the examples he brings to illustrate premodern efforts to delineate belonging is Nahmanides's interpretation of territory based commandments. David shows that Nahmanides made the radical claim that the covenant was firmly linked to the land, so that any people inhabiting the land were obliged to follow it, and complete compliance with divine law could be achieved only in the Land of Israel. This essay examines David's discussion of Nahmanides's interpretation of law in the Land of Israel and considers the implications of extending an analysis of conceptions of belonging into other corners of Nahmanides's career as a commentator, community leader, and teacher.

**Keywords:** belonging; exegesis; Nahmanides; Joseph E. David

Belonging as the subject of psychological, anthropological, and sociological study has largely been solidly rooted in a modern context, interpreted to be a product of individualism that emerges with citizenship in a diverse nation-state, the sense of dislocation that results from fragmented communities, movement and migration, and the lure of the crowd. As such, belonging—specifically, a yearning for belonging—is often understood as a subset of both identity and community that therefore warrants reflection and analysis in that context. In contrast, medieval society, in which the religious authority, family, and political authorities closely regulated freedom of movement, belief, and action, does not register as a setting where individualism was permitted to thrive. Moreover, few texts from this period directly articulate or theorize crises of identity and a need for belonging. In *Kinship, Law, and Politics: An Anatomy of Belonging*, Joseph David makes a convincing case that anxiety about belonging—the “being-longing dialectic” (4)—is a fundamentally human phenomenon that can be traced back to antiquity. David challenges the reader to contemplate well-established assumptions about the nature of religious communities and how those communities use



legal and social mechanisms to manage membership while at the same time sustaining the pull of community ties to perpetuate internal cohesion.

David lays the groundwork for his study by drawing a distinction between belonging and identity. Both belonging and identity describe relationships between individuals; however, only identity, he argues, describes a relationship that is inherently meaningful. Belonging, on the other hand, describes “consciousness-independent relations” or connections (13–14), which are rooted in conditions that may not be significant or even apparent to the individuals in the group or community. David asserts that while the need for belonging is hardwired into human nature, ways of conceptualizing, expressing, and managing belonging have changed over time. His meditation on belonging, contained, as it is, in a slender volume, is not meant to be comprehensive. Instead, in an attempt to correct what he sees as a fundamental shortcoming of most scholarship in the field, he explores the concept of belonging—both as a state of being and as a desired condition—through a series of focused thematic case studies that tease out the problem of belonging in specific historical contexts as it relates to family, social structures and order, and individual self-expression vis-à-vis collectives. The scope of these studies is chronologically varied, ranging from biblical and ancient Greek reflections, to medieval exegesis, to modern politics and science. As such, each of the examples David has chosen to expound upon offers a brief snapshot of a discrete moment when the meaning and significance of belonging came under scrutiny and revision.

In part one, David examines how notions of belonging find expression in philosophical and theological constructions of kinship. In part two, he presents emerging and changing discourses around “religious legalism” and their particular impact on Jewish law and identity. Finally, in part three, which is more directly focused on practical concerns about how collectives are formed and governed, he deals with politics and political theory, primarily in the modern period. While there are clear threads that run throughout this book, David’s argument unfolds in episodic spurts. The test cases he brings draw from close readings of texts, primarily Jewish texts or texts related to Jewish history (though David never explicitly situates the book as a study of Jewish society). The fact that in some instances David does little to introduce or contextualize his case studies means that some readers might feel a bit unmoored among the rapid-fire presentation of examples. But he uses the texts and individuals under discussion to advance a broad argument, not to provide comprehensive studies of the diverse moments or individuals under examination. This method of using case studies to highlight shifts in conceptualizations of belonging taking place in discourses of religious law and communities enables David to focus on interpretations, rather than on more thorny issues of practice or experience. However, David’s drawing from a wide variety of examples to demonstrate his conclusions has mixed results. Chapters 2 and 3, on laws regulating consanguinity in marriage among the Karaites (a sect of Jews that rejected rabbinic tradition and established their own hermeneutic tradition) and on the thirteenth-century rabbi Nahmanides, respectively, provide sustained and in-depth discussions around discrete bodies of interlinked sources. In the remaining chapters, however, David focuses more directly on themes. The result is an impressive but dizzying stream of examples illustrating elements of his broader argument. Many of the case studies cited were unfamiliar to me, so they were both fascinating and instructive. Nevertheless, more sustained focus on specific figures or sources would have enabled him to set each of his examples in a better developed, more clearly defined context.

While questions of identity and authority play a central role in much of my work on Jewish thinkers and Jewish-Christian relations in the Middle Ages, until now, it has never occurred to me to reflect on how the texts I study or the relationships and interactions they record reflect constructions of the social meaning and significance of belonging. David’s argument that premodern thinkers and societies understood belonging “as an organizational idea by which the social order was described, maintained, and controlled” (1) provides

an interesting opportunity to view Jewish–Christian polemics, Jewish exegesis, and Christian responses to Jewish converts in a new light. In what follows, I examine David’s discussion of the thirteenth-century exegete and Jewish community leader, Nahmanides. My own work on Nahmanides focuses on his conceptualization of time and history, and his formulation of leadership and models of authority among Jews in the diaspora. It seems fitting to ask whether Nahmanides’s approach to leadership within the Jewish community and as an intermediary with Christian leaders was also shaped by an organized conceptualization of belonging.

Nahmanides, or Rabbi Moses ben Nahman, also known as Ramban (1194–1270), was among the most influential and significant biblical and Talmudic commentators of his time. In addition to his exegesis—the first body of work to make interpretation according to the mystical tradition of Kabbalah available to a wide audience—and his legal findings, Nahmanides is known today for his participation in a public disputation with a Jewish convert and the text he wrote documenting this event. David focuses on Nahmanides’s understanding of the covenant and its direct link with the Holy Land. He argues that Nahmanides produced a radical theory of Jewish law that linked divine dominion and Jewish settlement in the Land of Israel in a highly innovative fashion. Nahmanides’s hermeneutical approach is systematic. He starts with the assumption that conditions or laws that are directly tied to specific times, places, or people in the biblical text attain “omniscience,” as Yaakov Elman has called it,<sup>1</sup> such that their meaning can be understood to apply to other similar cases should the historical, social, or syntactical circumstances warrant it. A selection of passages that touch on divine dominion and the legal responsibilities it imposes on those who inhabit the Land of Israel, regardless of their ethnicity or religion, provides Nahmanides with the building blocks for a synthetic understanding of the biblical homeland of the Israelites. This approach, which David calls a “legal theology” (59–61), differentiates the people of Israel from other nations that resided in God’s territory because they carry an obligation to follow the law where ever they go, while simultaneously blurring distinctions between nations, since the divine covenant governing proper behavior in the Holy Land, in Nahmanides’s view, does not apply exclusively to the people of Israel.

The chapter on Nahmanides’s exegesis ties together David’s central themes. Nahmanides’s hermeneutics on the covenant and the land introduced a broad conception of kinship rooted in adherence to the halakhah—biblical law as interpreted by the rabbinic tradition—which in turn had a direct impact on the model of government that undergirded Nahmanides’s understanding of Jewish life in the diaspora. Drawing attention specifically to Nahmanides’s interpretation of how the divine covenant defined the terms of inclusion, David tracks a direct line between the medieval exegete’s understanding of history, interpretation of law, and his perception of the world in which he lived. David trains his attention most closely on the conceptual intersection between law and territory. The Land of Israel looms large in Nahmanides’s thinking, not least because he “traveled from this native Spain to the Holy Land, where he developed a strong theological motivation to resettle the land, as well as a new perception of Jewish law containing a new conception of belonging to the law and an innovative approach that revalues the importance of religious identity vis-à-vis the law” (59). The relatively expansive nature of Nahmanides’s conceptualization of the covenant as universally binding on all residents of the Land of Israel marks a radical turn in Jewish commentary. Nahmanides builds his argument from a cluster of biblical prooftexts related to efforts to repopulate the Holy Land following the first exile with peoples of various nations. Each of these nations faced grave challenges and was

<sup>1</sup> Yaakov Elman, “‘It Was No Empty Thing’: Nahmanides and the Search for Omniscience,” *Torah U-Madda Journal*, no. 4 (1993): 1–83.

subsequently expelled from the territory of Israel. In accordance with his standard hermeneutic method when dealing with legal and historical passages, he engages the text at its narrative level and seeks to uncover any layer of meaning that might pertain to precedents relating to practical halakhic principles or theological mysteries hidden within the text. At the foundation of Nahmanides's innovative interpretation of law in the Land of Israel—"God's inheritance," as he calls it—is his interpretation of Leviticus 18, which lays out codes of morality and purity for the Israelites as they prepared to take residence in the land. Based on the precedent established in Leviticus 18:25–26—"Do not defile yourselves in these ways because in these ways were the people whom I expelled before you defiled. And the land was defiled so I punished it for its sin and the land spewed out its inhabitants"—Nahmanides points out that the same rules apply to all nations, as demonstrated in 2 Kings 17:29–33: "[E]ach national group made its own gods in the several towns where they settled, and set them up in the shrines the people of Samaria had made at the high places ... They worshipped the Lord, but they also served their own gods in accordance with the customs of the nations from which they had been brought." Each nation that settled in the land of Israel was bound to worship the God of Israel according to the covenant and destined to suffer the same fate of punishment and exile when they fell short of that expectation. Nahmanides's interpretation of these texts shifts the focus from the Israelites as the chosen (but sinning) inhabitants of the land, directly to God as the rightful guardian of the land. What are the implications of this in this shift for an overarching understanding of history and community—or belonging?

While much has been written about Nahmanides's views on the importance of the Land of Israel for his contemporary Jews and his distinctive interpretation of God's dominion over the land, the bulk of this work addresses how the rabbi's relocation to Israel late in his life directly influenced his interpretations.<sup>2</sup> David, in contrast, is specifically interested in the "God-law-land matrix" (63–64) that Nahmanides asserts. Contrary to much of the previous scholarship, David argues that the rabbi formulated a practical theory (or theology) of law around this the law-land connection that was fully imbricated in his understanding of halakhah long before he resettled in Akko in 1267. This analysis casts the rabbi's conceptions of history and halakhah in a new light. On the one hand, David argues that the political sensibility Nahmanides displays in this interpretation was directly informed by the model of royal sovereignty that undergirded feudal kingship in the late thirteenth century. The clue for David is in Nahmanides's habit of referring to the Holy Land as "the land of the lord" or "God's inheritance," rather than "the Land of Israel." The structural similarity between Nahmanides's highly contextualized or typological exegesis and Christian exegesis is well known.<sup>3</sup> Because he understood historical and social change to fall into patterns set at the time of creation, he expected that the stipulations of the covenant governing morality and purity in God's land would be binding for the people of his time, just as they were for the Israelites who initially settled in the land. But David argues that Nahmanides took this argument one step farther. In practical terms, according to David, Nahmanides's approach was a "reduction of the entire halakhah to territorial law" (67). In other words, Nahmanides

<sup>2</sup> Aryeh Newman, "The Centrality of Eretz Yisrael in Nahmanides," *Tradition: A Journal of Orthodox Jewish Thought* 10, no. 1 (1968): 21–30; Nachum L. Rabinovitch, "Conquest of the Land of Israel According to the Ramban," in *Crossroads: Halacha and the Modern World*, ed. Ezra Rosenfeld, trans. Ezra Bick (Alon Shvut-Gush Etzion: Zomet Institute, 1988), 2:181–97; Shalem Yahalom, "Historical Background to Nahmanides' Acre 'Sermon for Rosh Ha-Shanah': The Strengthening of the Catalonian Center," *Sefarad* 68, no. 2 (2008): 315–42.

<sup>3</sup> Nina Caputo, "'In the Beginning': Typology, History, and the Unfolding Meaning of Creation in Nahmanides' Exegesis," *Jewish Social Studies* 6, no. 1 (1999): 52–82; Amos Funkenstein, "Nahmanides' Typological Reading of History," *Tziyon* 45 (1980): 35–49 (in Hebrew); Miriam Sklarz, "Nahmanides' Typological Interpretation of the Encounter between Abram and Melchizedek (Gen. 14:18–20)," *Journal of Jewish Studies* 70, no. 1 (2019): 68–82.

argued that the rabbis of the Talmud had concealed the truth that the *halakhah* was only fully binding in the Land of Israel, meaning that observing the law in the diaspora could be at best partial. The rabbis hid this truth to protect those who lacked the necessary interpretive tools since this knowledge was, to use David's language, an "explosive truth" (68). By implication, and by logical extension, even the most pious and diligent observer of the law necessarily fell short of perfectly and completely serving God. David observes that "the concepts of sovereignty, legal authority, jurisdiction, and being subject to the law are redefined" (70) in Nahmanides's reformulation of *halakhah* as an inherently territorial body of law. Knowledge that the Jews in the diaspora continued to follow the law primarily as preparation for their return to the land with the messianic redemption was, therefore, reserved for the intellectual elite.

The link between God, the law, and the land shapes Nahmanides's understanding of leadership, belonging, and history in the diaspora. He understood rabbinic legal authority in his own lifetime as being limited by territorial and institutional boundaries during the exile, so that rabbinic authorities in one community, did not, in Nahmanides's view and in keeping with Talmudic precedent, have the authority to define as universally binding a ruling that would cause hardship in another community. Limiting the jurisdiction of rabbinic authority was a practical, even necessary, concession to the challenges of maintaining cultural and ritual cohesion throughout the diaspora, ostensibly to prepare the nation for the messianic redemption. Nahmanides made an argument along very similar lines in his effort to resolve a controversy that involved members of several Jewish communities throughout Europe over the validity of Maimonides's philosophical writings. Nahmanides wrote several letters to individuals on both sides of the dispute calling for a speedy reconciliation. However, the best known and most rhetorically complex was his response to an order by the French rabbis that a *herem* or ban of excommunication be issued against anybody who possessed or taught Maimonides's works. The dispute that precipitated Nahmanides's letter was one that directly involved questions of orthodoxy and the banishment of transgressors. His goal was to protect an expansive interpretation of inclusion in the nation while also preserving the power and authority of the law and those charged with interpreting it. I have argued elsewhere that Nahmanides's approach to leadership in his response to this conflict, but also in his exegesis and in his role as a mediator between the Jewish community and the Crown of Aragon, was rooted in an effort to balance local conditions and practices with universal or mandatory precepts codified in the bible and Talmud.<sup>4</sup> Nahmanides's argument in this letter seems to present belonging as being bifurcated between two social units: local culture and traditions, on one hand, and, on the other hand, the anticipation that the entire nation would someday return as one to the Land of Israel, where they would resume full adherence to the biblical practices. These models of social organization shared a set of common principles, but applied different modes of regulation. In the end, Nahmanides held that belonging at the local level took priority over protecting an orthodoxy that alienated a sizable faction of Jewry worldwide because it helped maintain the integrity and coherence of local diasporic communities.

Examining Nahmanides's conception of leadership through a lens of belonging might have sparked an array of questions that my analysis, which is focused on conceptualizations of authority, history, and rhetoric, does not. I am not entirely convinced that it would have changed my conclusions, but it would have added a layer of more nuanced questions and observations about how the struggle over efforts to centralize interpretative and legal power in the hands of a small faction of rabbis triggered a vigorous debate about how to

<sup>4</sup> See Nina Caputo, *Nahmanides in Medieval Catalonia: History, Community, and Messianism* (Notre Dame: University of Notre Dame Press, 2007), especially 19–51, which deals with Nahmanides's letter to the French rabbis.

define the parameters of belonging. Specifically, it would have led me to focus more deliberately on the conceptualization of belonging that undergirded the French rabbis' actions. David's *Kinship, Law and Politics* offers a thoughtful and broadly researched demonstration that the conceptualization of belonging is both contingent on cultural, social, economic, and theological circumstances and has tangible practical consequences. In that respect, attention to understandings of belonging provides a far better tool for examining the mechanisms that help societies to function as collectives than does a focus on identity.