

# Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures

*Beth A. Berkowitz*

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**Beth A. Berkowitz : Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures** before purchasing it in order to gage whether or not it would be worth my time, and all praised Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures:

The death penalty in classical Judaism has been a highly politicized subject in modern scholarship. Enlightenment attacks on the Talmud's legitimacy led scholars to use the Talmud's criminal law as evidence for its elevated morals. But even more pressing was the need to prove Jews' innocence of the charge of killing Christ. The reconstruction of a just Jewish death penalty was a defense against the accusation that a corrupt Jewish court was responsible for the death

of Christ. In *Execution and Invention*, Beth A. Berkowitz tells the story of modern scholarship on the ancient rabbinic death penalty and offers a fresh perspective using the approaches of ritual studies, cultural criticism, and talmudic source criticism. Against the scholarly consensus, Berkowitz argues that the early Rabbis used the rabbinic laws of the death penalty to establish their power in the wake of the destruction of the Temple. Following recent currents in historiography, Berkowitz sees the Rabbis as an embattled, almost invisible sect within second-century Judaism. The function of their death penalty laws, Berkowitz contends, was to create a complex ritual of execution under rabbinic control, thus bolstering rabbinic claims to authority in the context of Roman political and cultural domination. Understanding rabbinic literature to be in dialogue with the Bible, with the variety of ancient Jews, and with Roman imperialism, Berkowitz shows how the Rabbis tried to create an appealing alternative to the Roman, paganized culture of Palestine's Jews. In their death penalty, the Rabbis substituted Rome's power with their own. Early Christians, on the other hand, used death penalty discourse to critique judicial power. But Berkowitz argues that the Christian critique of execution produced new claims to authority as much as the rabbinic embrace. By comparing rabbinic conversations about the death penalty with Christian ones, Berkowitz reveals death penalty discourse as a significant means of creating authority in second-century western religious cultures. Advancing the death penalty discourse as a discourse of power, Berkowitz sheds light on the central relationship between religious and political authority and the severest form of punishment.

"This is a splendid project. It is conceived brilliantly to be at the solid cutting edge of rabbinic scholarship. Berkowitz looks at the discourse of the death penalty as a discourse of power, as a way of asserting rabbinic authority, or even of constructing rabbinism itself, over-against its rivals. She goes on to integrate, apply, and interrogate the latest theoretical perspectives on culture and power, from Foucault through postcolonial theory and to ritual theory in a remarkably effective way and simply elucidates issues in a way that has not been done before. We are dealing here with a project that goes far beyond its case study and threatens to illumine the history of Judaism in unprecedented ways."--Daniel Boyarin, author of *Border Lines: The Partition of Judaeo-Christianity*"How a society treats the criminal in its midst can tell us a great deal about that society's ideas of justice, violence, legal authority, and social order. When a society applies the harshest of penalties -- capital punishment -- inevitably, these ideas are amplified and put to the test. Beth Berkowitz's *Execution and Invention* explores how the early rabbis theorized capital punishment, arguing that the ritual of execution preserved in the Talmud served primarily to promote a particular vision of rabbinic authority and to distinguish that authority from the dominant political and legal authorities of the time. This book brilliantly integrates close textual analysis, theories of ritual, and the reception history of late ancient rabbinic codifications of socially sanctioned violence."--Elizabeth A. Castelli, author of *Martyrdom and Memory: Early Christian Culture Making*"Beth Berkowitz's *Execution and Invention* is a highly engaging and persuasive study of the rabbis' views on the death penalty. Although they had no power to impose it, their reflections on the subject are revealing for issues of law, ethics and social identity. Also included are studies of early Christian views on execution. Berkowitz deftly brings out both the common roots of rabbinic and early Christian views on this subject, as well as the dramatic ways in which they differ. I recommend this book enthusiastically to students and scholars alike."--Adela Yarbro Collins, author of *The Beginning of the Gospel: Probing of Mark in Context*"Beth Berkowitz's *Execution and Invention* is a masterful study of discourses concerning the death penalty in early Christianity and, in particular, Rabbinic Judaism. Her readings throughout are extremely strong, avoiding the apologetics that characterized so much earlier writing on this subject. Drawing upon a variety of disciplines to sharpen her critical focus, Berkowitz is especially impressive in her interpretations of the ritual of execution as described in the Mishnah and related traditions. *Execution and Invention* is a pleasure to read, and it should serve as the standard reference for this topic for years to come."--David Kraemer, author of *The Meanings of Death in Rabbinic Judaism*About the Author Beth A. Berkowitz is at Jewish Theological Seminary.