Since Dr. Zuesse frames his comment in a sequence of details, let me begin with one detail and only then turn to the comprehensive issues that require attention. The passage in T. San. 13:2 seems an appropriate starting point in response to Zuesse’s thoughtful, if somewhat diffuse, essay. He several times refers to the following (T. San. 13:2):

R. Eliezer says, “None of the gentiles has a portion in the world to come, as it is said, ‘The wicked shall return to Sheol, all the gentiles who forget God’ (Ps. 9:17). ‘The wicked shall return to Sheol’—these are the wicked Israelites. ‘And all the gentiles who forget God’—these are the nations.”

Said to him R. Joshua, “If it had been written, ‘The wicked shall return to Sheol—all the gentiles,’ and then nothing further, I should have maintained as you do. Now that it is in fact written, ‘All the gentiles who forget God,’ it indicates that there are righteous people among the nations of the world who do have a portion in the world to come.”

What makes a gentile righteous is that he does not forget God. But remembering God entails acknowledging him and that makes the gentile into an Israelite. That is in line with the prophetic vision, recapitulated in the Alenu prayer, that in the end of days the whole of humanity will know God as Israel does now. All Israel has a portion in the world to come (M. San. 11:1) yields, “All who have a portion in the world to come are Israel.” And that is in line with Eliezer’s view in the cited passage but also congruent with Joshua’s.

My account of eschatological matters is in Theology of the Oral Torah Chapters Thirteen and Fourteen, the one for the community of Israel, the other for the individual Israelite.

As to the children of Noah, that topic comes into systematic discussion in Theology of the Hatakhah Chapter Six and in the counterpart entry on Abodah Zarah in the Encyclopaedia. The matter fits in its context. Taking a second look, Zuesse will find what he thinks I
have ignored. But this is a detail. Why have I omitted the passage from my systematic account in both the *Encyclopaedia* and the *Theology of the Halakhah*?

The main issue before us concerns how the Halakhah is to be described, analyzed, and interpreted: as a rigorous, coherent and cogent, philosophical system or as a collection of incoherent and confused sayings about this and that. Zuesse has drawn the issue clearly, and I appreciate the opportunity to clarify matters as best I can.

*The Halakhah: Encyclopaedia of the Law of Judaism* presents matters as portrayed in the Mishnah, Tosefta, Yerushalmi, and Bavli, with the proviso that the system as a whole is at stake: how matters cohere. Later on in this response, I spell out the rules for adducing one passage in evidence of the logic and norms of the system and omitting reference to another passage. The larger problem seems to be Zuesse’s confusion concerning the framework of my account of matters, which is the Mishnah, with Tosefta’s, Yerushalmi’s, and Bavli’s presentation of the Halakhic category-formations of the Mishnah. I do not claim to present the Halakhah as it evolved beyond the Mishnah and its continuators. The Halakhic canonical documents of the formative age, Mishnah through Bavli, form a continuous, coherent statement, a highly systematic and rigorous exposition: that is my point. Part of the confusion manifest in Zuesse’s response derives from the confusion of history and phenomenology. Systemic analysis of documents yields the documentary history of ideas, not an account of how things really happened, to which we do not have access for late antiquity. (Social history of the Halakhah in medieval and modern times has produced striking successes.) I also do not offer a history of how things actually were done, only an account of a system laid out in its canon. The treatment of criminal law is accurate to those documents, which in the normative Halakhah do not address the abrogation of capital punishment. What concerns me is the systemic message, a detail of which is revealed in the exposition of capital punishment.

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1 I demonstrate that the generative category-formations of the Mishnah are definitive for the Tosefta, Yerushalmi, and Bavli, no evidence of category-formations beyond those of the Mishnah being contained in the Tosefta, Yerushalmi, or Bavli. See *Halakhic Hermeneutics* (Lanham, 2003), which leads to *Why This, Not That? Ways Not Taken in the Halakhic Category-Formations of the Mishnah-Tosefta-Yerushalmi-Bavli* (Lanham, 2003).

2 See my *The Idea of History in Rabbinic Judaism* (Leiden, 2004), where I spell out, also, why I do not share his positive view of Joseph Yerushalmi’s chapter on history and memory in Talmudic Judaism in his *Zakhor*.