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**ESSENTIAL PAPERS
ON THE TALMUD**

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Introduction

Michael Chernick

No work has informed Jewish life and history more than the Babylonian Talmud, usually referred to simply as the Talmud. Its relative, the Palestinian Talmud—a work I shall discuss later—never achieved the same status. This gigantic collection of teachings and traditions contains the intellectual output of hundreds of Jewish sages, who considered all aspects of an entire people's life from the Hellenistic period in Palestine (c. 315 B.C.E.) until the end of the Sassanian era in Babylonia (615 C.E.). Each Talmud contains two parts, *Mishnah*, the first collection of protorabbinic and rabbinic law and lore (c. 185–220), and *gemara*, loosely, a commentary on the Mishnah or sources related to it.

The Talmud scales the heights of theological speculation and plumbs the depths of human experience. Its stance is one of “religious humanism” rooted in the view that “humanity is precious because it was created in God's image, and even more precious having been made aware that it was created in God's image.”¹ Furthermore, the talmudic sages viewed themselves as the authorized interpreters of the constitution they believed God provided for the Jewish people, the written and oral Torahs. Just as the first five books of the Bible, which constituted the written Torah, contained theology, insights into the human condition, and laws covering the entire spectrum of human activity, so did the Talmud, which contained the oral Torah and the teachings of the sages.² Nevertheless, the Talmud stands apart from the written Torah in the intensity of its legislative and interpretational activities. What the Bible spoke about generally, the Talmud's sages discussed in minute detail, extending the concerns of the Torah to every nook and cranny of Jewish

life. The Talmud thus presents views and regulations about such widely diverse issues as table etiquette and theology, business law and sexuality, ritual obligation and ethical responsibility with equal enthusiasm. It therefore became the repository of protorabbinic and rabbinic thought from the third century B.C.E. until at least the sixth century C.E., perhaps beyond. Once the Talmud was redacted, it served as the constitutional document of rabbinic Jewry and then of world Jewry, until the twentieth century. Clearly, to understand Jewish intellectual and social history and the contemporary Jewish experience one must have at least some acquaintance with the Talmud.

The Talmud's unique form of expression explains its enduring influence and its power to arouse interest perennially. Its style also provides insight into its basic values. The average talmudic page is an intellectual battleground: on it appear the disputes and conflicting views of the Talmud's sages. This indicates a will to preserve "the Tradition" in all its multifacetedness. Varying views appear to have posed no threat to rabbinic Jewry's essential unity, which was based more on shared concerns and interpretational methods than on uniform practice. The formative rabbinic world appears to have espoused considerable pluralism, albeit limited to those who were part of it.³

The Talmud subjects its sages' opinions to intensive scrutiny. It poses questions about them and, where possible, provides answers to those questions. The questions may focus on a detail as small as the formulation of a view or as large as its logic, source, extensions, and analogues, or its relation to other opinions expressed by the same or other sages. I believe this literary convention expresses respect mediated by an unwillingness to accept authority without challenge. No matter how revered the sage, his view must stand the test of consistency with the written Torah, logic, and practicability in order to be defensible. No authority is too great to be challenged, God included.⁴ This "reverent irreverence" marks the Talmud as a work that esteems intellectual probing and restlessness. These values have left their imprint on Jewish culture, and their internalization has been the source of many individual Jews' creativity and contributions to humanity.

Occasionally the Talmud's discussion of various sages' opinions ends in a definitive decision in favor of one view over another. Usually, however, there is no clear-cut conclusion as to which sage or view wins. The Talmud's open-endedness, its commitment to process rather than

product, endears it to those who love the intellectual search as much as—or perhaps more than—its results. Thus, the Talmud directly espouses learning for its own sake as one of its prime values.⁵ The continued stress on learning in the Jewish community is the result of talmudic socialization, which prompted Jews to honor and reward the literate and educated.

Finally, the Talmud, for all its rich discursiveness, does not favor abstraction. It presents its theology and ethics in the form of examples, parables, and didactic tales rather than as dogmatic statements or philosophically framed arguments. It discusses legal issues in the form of cases rather than as general legal principles. This may signal a conscious rejection by rabbinic circles of the more abstract Greek and Hellenistic forms of thought, but it is just as likely to be a peculiarity of Near Eastern expression.⁶ Whatever the case, it conveys the rabbis' preference for the concrete over the "ideal." The Talmud's interest is in human action and deeds rather than in statements of high principle. While the talmudic sages certainly concerned themselves with spiritual, ethical, and intellectual matters, they tried to concretize these concerns in norms and actual "programs" directed to their constituencies. Unfortunately, this has given rise to the incorrect notion that talmudic Judaism was about "deed, not creed," or legalism. In fact, the Talmud reflects the interpenetration of belief, spiritual intention, and action that characterizes rabbinic Judaism and makes it an interesting mix of the religious and the secular.⁷

Debate, questioning, open-endedness, exempla, and case law all characterize the talmudic argument and suggest what its creators valued. These characteristics do not produce the linear arguments or literary formulation we are accustomed to in Western literature. Rather, we find in the Talmud a running investigative and interpretive commentary on a variety of rabbinic sources. As the detailed inspection of these sources progresses, the talmudic argument becomes richer and more intricate. Moreover, the Talmud's penchant for terse expression begs the student to fill in words and ideas, to participate in the talmudic discussion. This makes the Talmud a special challenge to the intellect, logic, and interpretive creativity of its veteran scholars and incoming students alike. Therefore, this volume includes two excellent articles about the talmudic argument, its sources and methods.

Robert Goldenberg's "Talmud" introduces the various literary com-

ponents that, together, form the Talmud. It also provides some basic terms that orient the reader to the various eras of the Talmud's sages and strata. A clear step-by-step "unpacking" and analysis of a talmudic passage follows. Louis Jacobs's "Talmudic Argument" traces the talmudic argument's origin and development and presents key rhetorical phrases that signal different kinds of questions and responses in talmudic discussions. The article concludes with a classification and description of the most common forms of talmudic arguments.

The Talmud we have described until now is the complete Babylonian work as we have it today. Unfortunately, it does not include an editors' preface explaining why and how it came to be. Questions of this sort are called redactional questions, and the proposed answers to them are quite varied and often hotly debated by contemporary talmudic historians and critics.

Jacob Neusner has questioned whether the great debates about the Talmud's redaction are important compared to uncovering the redactors' ideological agenda as expressed in the Talmud's final form. I wonder, however, if one can arrive at any conclusions about that agenda without a theory of the Talmud's redaction history. Different theories have important implications for understanding any given statement or passage in the Talmud and for comprehending the meaning of the Talmud as a whole.

For example, the Babylonian Talmud cites a tradition formulated in Hebrew that states, "The promise the Holy Blessed One made to women is greater than that to men." A biblical proof text, Isaiah 32:9, appears in support of this view. Rav, a first-generation amora, commented to his uncle, R. Hiyya, "By what means do women merit?" The passage continues, "By bringing their children to the synagogue to study Scriptures; by sending their husbands to the study-house to learn the rabbinic traditions; and by waiting patiently until their husbands return from the study-house." The entire comment unit appears in Aramaic.

Given the rise of feminist studies and the study of the history of ideas and religion, this passage is very important. It tells us something about women's position in formative rabbinic Judaism, which, in light of the Talmud's impact on Jewish life, tells us something about their social standing and role in later traditional Jewish societies. But what does the passage actually say? Depending upon how one reads it, it may say that women's appropriate role is that of "service people" or that women are

more spiritually gifted than men. To a degree, each of those readings is the product of the redaction theory one applies to the passage.

Let us say that we accept the most traditional redaction theory, namely, that the Talmud is an actual record of rabbinic discussions. We could then posit that Rav's Aramaic comment was redacted together with its referent, the tradition about women and God's promise to them. This would mean that Rav, or perhaps R. Hiyya, thought that God promised women more, presumably in the world to come, because of the service role they accept during their lives in the here and now. That, then, would be the only view recorded in the Talmud about women's special merits—and their "place."

On the other hand, if we do not accept that redaction theory, Rav's comment may have been an independent unit of thought in a list of views about women and their merits. Given the biblical proof text in the first statement, women might merit more than men because their trust in God is greater. Rav's comment, rather than explaining that unit, asks independently what the source of women's merits is. After all, they are not obliged to participate in some of Judaism's major activities, especially Torah study. He responds that their position as enablers to males who study grants them merit. According to this reading, two independent opinions have been cited in order to show the breadth of rabbinic opinion about women. One views them as spiritually gifted, the other as patiently subservient "home-front" supporters of men.

Clearly, different redaction theories yield different readings and understandings of this talmudic passage. Depending on which we choose, we have two divergent views of women and their spiritual natures and social status. We would then have to decide whether formative Judaism's stance toward women was strongly divided, monolithically misogynist, or mildly sympathetic. We might look to other talmudic sources to decide the question, but they too would inevitably be read from one redactional viewpoint or another.

Obviously redaction theories are important. They are the prism through which we view the Talmud. Why and how the Talmud came to be are not merely antiquarian concerns. They influence contemporary studies of this Jewish cultural treasure.

Why the Talmud came into existence is probably the least knotty redactional question. After all, Jews had been preserving their narrative and legal traditions for centuries before the rabbinic world came into

existence. The Hebrew Bible is the most obvious example of this activity. Intertestamental works like Jubilees and the Dead Sea Scrolls, the New Testament's earliest strata, and the Mishnah—the Talmud's starting point—all continued the ancient Jewish tradition of preserving great teachers' teachings.

The rabbinic world's new contribution to this endeavor is one of form. It departed from the convention of preserving traditions as if they were new revelations or scriptural works. In order to achieve this the rabbis used Mishnaic Hebrew, a dialect distinct from biblical Hebrew. They also used two literary styles for recording important teachings, midrash form and mishnah form. The first appended rabbinic comments to the biblical text;⁸ the second let rabbinic teachings stand totally on their own without reference to Scripture. The latter was completely new.

Mishnah form corresponded especially to the radical rabbinic agenda that minimized prophecy. The rabbis insisted that even during the prophetic age no prophet could add anything to pentateuchal legislation (Sifra, Behukotai 13:7), and they declared the age of prophecy over. Therefore, they regarded human reason as the primary tool for interpreting the Torah's revelation and extending its parameters.⁹ This, I believe, was one of rabbinic Judaism's most important contributions to Jewish culture. As a result, Jewish thought and practice stabilized and developed organically, since no new revelations were expected or, from a rabbinic standpoint, necessary. The shift in rabbinic emphasis to the sphere of human capability flowered into Jewish religious humanism, a view that proposed that serving God honored the Creator and simultaneously perfected humanity and the world.¹⁰

How the Talmud came to be is, however, a more complicated issue. The Talmud itself contains little clear or direct information about its own development. For example, the traditional view that the Babylonian Talmud was redacted by two early fifth-century teachers, R. Ashi and Ravina, is based on the statement, "R. Ashi and Ravina are the end of instruction" (BT Baba Mezi'a 86a). This declaration is a typical source used to reconstruct the Talmud's redaction history on the basis of "internal evidence." No wonder, then, that the question of the Talmud's origins and development remains hotly debated and open.

Given the paucity of direct, internal evidence about the Talmud's redaction, contemporary redaction theories depend on hints that can be culled from the Talmud's formulation, stylistic characteristics, and tex-

tual problems. Variant and parallel texts in the Talmud itself, in related literatures, manuscripts, original imprints, and early talmudic commentaries also play a role in various redaction theories' development.¹¹ Yet the great diversity of views on redaction results, I believe, from division over two major issues: (1) whether traditional material was formulated and transmitted orally or in writing; and (2) whether the paradigm for the Talmud's style and form is essentially Palestinian or independently Babylonian.

One might ask why anyone would imagine that a collection the size of the Talmud might be formulated and transmitted orally. Yet the Talmud itself records a prohibition on writing down rabbinic legal traditions.¹² This reference might have settled matters were it not for the fact that the Talmud also refers to written texts containing rabbinic views, legal and nonlegal.¹³ Thus, the Talmud's "internal evidence" about oral and written traditions is ambiguous, allowing scholars, past and present, to take sides on the issue.¹⁴

The second issue that divides various schools' redaction theories is the question of the degree to which Palestinian models influenced the Babylonian Talmud. According to early medieval traditions the Babylonian Talmud's redactors possessed the Palestinian Talmud. These traditions' roots are in ninth- and tenth-century struggles between Babylonian and Palestinian authorities over supremacy in the Jewish community. There is little textual evidence to support this claim, and very few contemporary scholars consider it factual.¹⁵

Textual evidence shows, however, that Palestine and Babylonia shared and exchanged traditions from Mishnaic times until the fifth century, when the Palestinian center became dormant.¹⁶ The major question for redaction historians and critics is whether they shared redactional methods. Those who answer the question affirmatively use the Palestinian Talmud's typical list-like presentation of traditions as the model for detecting the Babylonian Talmud's earliest strata. They also hold that the Babylonian Talmud's discursive presentation has its roots in the Palestinian Mishnaic and early post-Mishnaic periods. It differed from its Mishnaic and early post-Mishnaic forebears only in its length, richness, and prevalence. Redaction historians and critics try to explain why this form expanded in length and became predominant.

Those who negate major Palestinian influence on the Babylonian Talmud accentuate the difference between the terse Mishnaic and

Palestinian talmudic styles and the Babylonian Talmud's extended discussions. According to them these divergent styles reflect the two centers' differing approaches to the study and analysis of Mishnaic and post-Mishnaic traditions. Palestinian sages were more interested in the application of their traditions to actual Jewish practice. They interpreted sources according to their plain meaning and extended older legal traditions to new situations using strict legal logic. The Babylonians' study methods were more flamboyant. They enjoyed comparing and contrasting traditions, harmonizing them, and testing their logic and underlying theory by application to hypothetical situations, some quite distant from everyday realities or occurrences.

The Babylonians' approach to traditions might be the result of their attempt to apply Mishnah, a Palestinian work, to the Babylonian Jewish world and its established practices. Alternatively, it may be the product of their analysis of Mishnaic material, which was often purely theoretical in Babylonian circumstances, for example, agricultural laws applicable only to the land of Israel. Whatever the case, the Babylonian Talmud's argument style reflects its creators' study patterns and is essentially independent of Palestinian influence.

The proponents of an orally formulated and transmitted talmudic tradition favor an approach to the talmudic text called source criticism, which holds that most textual problems occur because an original source was replaced by a closely related variant. According to its canons both the variant's development and the original source's replacement can best be explained by the fluidity that characterizes oral transmission. Source critics feel their theory and methodology best uncover the Talmud's original formulations and its redaction history.

David Weiss-Halivni, the leading talmudic source critic, views the redaction of the Talmud as a two-stage process. During the first stage Mishnaic and post-Mishnaic sages' teachings were summarized and received extremely brief oral formulation (c. 185–425 C.E.). The original reasoning underlying these summaries was eliminated because it was deemed insignificant. Due to the fluidity of oral transmission, the teachings' recipients often got truncated, modified, or unclear versions of original material.

During the second stage, the redactors clarified unclear traditions, completed fragmented ones, and placed them into the discursive form that characterizes the Babylonian Talmud as we have it. The discussion's

function is twofold. In some cases it seeks to solve the textual problems caused when a variant replaced an original source. In those circumstances we often find forced interpretations. At other times the discussion attempts to restore the reasoning, originally discarded, that generated the Talmud's first stratum of brief dicta.

A different methodology and redaction history emerge when talmudic historians and critics believe the Talmud's sources were literary entities. Written sources come in a fixed form and may be easily arranged formally, for example by author's name, or conceptually, for example by a shared topic. If the work of collection and formulation went on continuously in a particular institution or circle, we might expect chronological lists of attributed sources arranged according to the Mishnah's paragraphs. In the case of comments on extensive Bible citations we would probably find the sages' traditions arranged by verse.

A written source allows its readers to inspect its style and formulation. They can then easily notice significant literary details and formulaic oddities that arouse interest. For example, most attributed statements in the Talmud are in Hebrew. Anonymous comments on them were, however, consistently in Aramaic. This phenomenon persuaded most talmudic literary critics that the Hebrew texts' creators were not the same parties who produced the Aramaic ones.

Using linguistic and other literary criteria, talmudic literary critics like Abraham Weiss, Hyman Klein, and J. Kaplan have concluded that the Babylonian Talmud came into existence in three stages. The first stage was the collection in writing of the Mishnah and its ancillary literature, the baraitot. In the second stage, tradition collectors created lists of baraitot and later post-Mishnaic comments and teachings. They arranged their lists according to the Mishnah's paragraphs, adding to them generation after generation. This arrangement was chronological: baraitot first, first-generation amoraic teachings next, and so on until the traditions of the seventh-generation Babylonian amoraim.¹⁷ Those who hold this view posit that Palestine provided the model for collection and preservation. They point to the Palestinian Talmud's list-like formulation as indicative of the way this second stage proceeded for all rabbinic centers, Palestinian and Babylonian.

In the Talmud's final redactional phase, the redactors' efforts went into making sense of the lists they received. They tried to determine the relationships among various independent teachings and between

comments and their referents. This effort produced the talmudic argument as we know it. The talmudic argument is therefore not a record of actual discourse nor an attempted restoration of original thought processes. Rather, it is, for the most part, the final redactors' creation of a synthetic debate out of the units of tradition preserved in "traditions lists." This debate attempts to account for the presence of all the traditions in the list.

Due to the importance of redaction theories to understanding talmudic Judaism and modern academic Talmud study, I have included selections from Heinrich Graetz's *History of the Jews* and from David Weiss-Halivni's *Midrash, Mishnah, and Gemara*, Meyer S. Feldblum's description of Abraham Weiss's method and redactional theory in "The Talmud: Abraham Weiss's Views," and Baruch Micah Bokser's article, "Talmudic Form Criticism." These studies present the most widely accepted views about the Talmud's redaction, cite the evidence that supports them, and describe each view's methodological foundation. They represent the "state of the art" in traditional and contemporary talmudic academic scholarship.

In our discussion of redaction theories we noted that one of the main issues dividing scholars is Palestinian influence on the Babylonian Talmud's redactional process and final form. The main source for constructing a picture of what Palestinian redactional activity was like is the much-neglected Palestinian Talmud, mistakenly referred to as "the Yerushalmi," the Jerusalem Talmud. During the Palestinian Talmud's development there was virtually no Jewish settlement in Jerusalem, at first because the Roman authorities prohibited it, subsequently because the city's pagan and Christian atmosphere discouraged it.

Disregard of the Palestinian Talmud originates in post-talmudic Babylonian rabbinic authorities' denigrating attitudes toward Palestinian customs and rules and eventually toward the Palestinian Talmud itself.¹⁸ Indeed, the animosity between the two centers' scholars seems to have been well entrenched early on and continued into the ninth and tenth centuries.¹⁹ Babylonia's ultimate domination of the rabbinic enterprise could only result in the Palestinian Talmud's marginalization.

Some scholars have also "blamed the victim." They have pointed to the Palestinian Talmud's elliptical, if not fragmentary, argument structure, unanswered queries, and misplaced pericopes as examples of its

exceptionally poor editing. Though these scholars pardon the editors' sloppiness by blaming it on Byzantine Roman persecution, they nevertheless agree that irreparable damage has been done: the Palestinian Talmud is barely comprehensible.²⁰

Many contemporary scholars disagree with this assessment. The Palestinian Talmud's purported difficulty is more an issue of the reader's failed expectations than of any major failure of the work itself. One expects the Palestinian Talmud to be something like the Babylonian one, but it isn't. Rather, the Palestinian Talmud is probably what the Babylonian Talmud was like before its final redaction: a basically chronological list of individual teachings tightly or loosely related to the Mishnah. When we approach the Palestinian Talmud this way, it presents a simple and lucid, though somewhat disjointed, set of comments on the Mishnah or related material. While there are fragmented and misplaced sections in the Palestinian Talmud, the Babylonian Talmud contains them as well.²¹ In both Talmuds' case one needs to consider whether these flaws arise from the original redaction, later copyists' errors, or our distance from the texts' intentions and mode of discourse.

A short example of a Palestinian talmudic unit should help in understanding its list-like form and commentative style. The Mishnah states: "One who says [as a prayer] 'Your mercies extend to the bird's nest.' should be silenced" (M. Berakhot 5:3). The prayer's text has as its background Deut. 22:6. The verse requires one who takes eggs or chicks from a nest to send the mother bird away. This rule might be interpreted as a sign of God's merciful concern for the mother's instinctual distress at witnessing the plunder of her nest. But why should one who prays this way be silenced? The Palestinian Talmud provides several answers:

1. R. Phineas cited R. Simon: (One who prays thus is) like a person who complains about God's attributes. (Implicitly he says) "On a bird's nest God has mercy, but not on me."
2. R. Yosi cited R. Simon: (One who prays thus is) like a person who limits God's attributes. (Implicitly he says,) "Up to a bird's nest God's mercy extends (but no further)."
- 2a. (Referring to the Mishnah's formulation:) There are those who teach this Mishnah using "on" (Hebrew *'al*) and there are others who teach it using "up to" (Hebrew *'ad*). The one who teaches "on

a bird's nest" supports R. Phineas's citation. The other, who teaches "up to a bird's nest" supports R. Yosi's citation.

3. R. Yosi, son of R. Bun, said, "They who make the sum total of God's attributes merely mercy do not act properly." (I.e., to state that God's commandment is the product of God's mercy is theologically arrogant. No one can state with certainty what motivates God's commandments.)

We might outline the Palestinian Talmud's discussion of the Mishnah thus:

Implied Question: Why does the Mishnah rule as it does?

Answer 1: The "bird's nest prayer" implies a complaint against God.

Answer 2: The prayer implies a limitation on God's mercy.

Gloss: Different Mishnaic formulations underlie these two answers.

Answer 3: The prayer suggests that one can know the reason for God's commands; those who suggest this do not act properly.

The passage comments on the Mishnah in logical and clear fashion. It answers a question that the Mishnah begs us to ask and provides a gloss that explains the the first two views' generative sources. There is no real discussion or argument here. Rather, as stated earlier, there is a list of independent amoraic views. The list of attributed sources is chronological. The first two teachers, R. Phineas and R. Yosi, are fourth-generation amoraim who cite R. Simon, a third-generation amora. The third, R. Yosi, son of R. Bun, was one of two amoraim by that name. The first was a fourth-generation amoraic sage; the other, a fifth-generation one. Either way, the Palestinian Talmud's list remains perfectly chronological.

The gloss in 2a is unattributed and refers to both the Mishnah and comments 1 and 2. Because of the commentator's anonymity the gloss cannot be dated. Furthermore, it appears in Aramaic, unlike the attributed views, which are formulated in Hebrew. Because this phenomenon occurs in both Talmuds, it suggests they shared a common format for preserving attributed and unattributed material.

Most contemporary scholars maintain that the Palestinian Talmud was completed around the mid-fifth century. They also maintain that the Babylonian Talmud's anonymous, mostly Aramaic stratum—the one

most responsible for the Talmudic argument—developed late, from the early sixth century until perhaps the eighth. The presence of a similar stratum in the Palestinian Talmud presents a challenge to these views: either the Palestinian Talmud was redacted later than generally believed, or the anonymous Aramaic stratum developed earlier than commonly held. Possibly an early shared phenomenon developed to a higher degree in Babylonia after the Palestinian Talmud's completion.²²

As we have seen, studying the Palestinian Talmud using methods appropriate to its Babylonian relative made it impenetrable. The fact that it grew in the land of Israel with its own material, social, and intellectual cultures distinct from Babylonia's also made it foreign to those whose starting point was the Babylonian Talmud. These factors make most traditional, prenineteenth-century commentaries on the Palestinian Talmud an exercise in forced interpretations.

Three factors united to create modern commentaries that elucidate the Palestinian Talmud on its own terms: the Jewish "enlightenment" movement (Hebrew *haskalah*), archeology, and Zionism. Haskalah opened the world of late-eighteenth-century and nineteenth-century Western learning to European Jewry. Some became knowledgeable in classical languages, history, the sciences, and philosophical studies and applied these to Jewish texts, thereby creating the "science of Judaism" (*Wissenschaft des Judentums*). Archeology began to uncover the ancient Near East, including the artifacts and inscriptions of later Jewish, Hellenistic, Roman, and Byzantine cultures in the Holy Land. Finally, the Zionist movement, intent on recreating a Jewish state in the land of Israel, had a nationalistic interest in all aspects of historic Jewish creativity, life, and self-government there. The Palestinian Talmud's extensive records and legends of internally autonomous Jewish life in the land of Israel during the first through fifth centuries were, therefore, a natural focus of interest for Zionist historians, religious figures, and academics. They approached it much as Israeli archeologists approach an archeological mound today: looking for the past with an eye to the present and the future.

Modern Palestinian talmudic studies and commentaries appeared beginning in the late nineteenth century. Zechariah Frankel's *Introduction to the Palestinian Talmud*, the first modern study, set the standard for future academic research on the Palestinian Talmud. Frankel's knowledge of Jewish and Roman history, as well as of Greek and Latin,

elucidated many ambiguous terms, stories, and cases in the Palestinian Talmud. He also tried to reconstruct its history and to describe its main features. Louis Ginzberg's *Commentary on the Palestinian Talmud* became the prototype for modern scientific Palestinian talmudic commentaries. Ginzberg's knowledge of Jewish and Roman Palestine's material and social cultures contributed immensely to understanding the Palestinian Talmud's world and frame of reference. Saul Lieberman's *Yerushalmi Kifeshuto* (The Palestinian Talmud according to its plain meaning) and *Talmudah shel Kisrin* (The Talmud of Caesarea) continued Ginzberg's work. Lieberman, a master philologist and an expert in rabbinic and classical languages, literature, and history, elucidated many difficult passages in which Greek and Latin terms were central or where Hellenistic or Roman mores and ideas were referred to. His keen philological observations led him to the conclusion that the Palestinian Talmud included the "talmuds" (collected traditions) of at least two schools. According to Lieberman, the Palestinian Talmud was mainly the contribution of the talmudic academy of Tiberias. The talmudic academy of Caesarea, however, was responsible for the Palestinian Talmud's civil law tractates (Hebrew *nezikin*, literally, damages). The Palestinian Talmud's final redactors appear to have favored the Caesarean talmudic academy's civil law traditions. They may have felt that proximity to Caesarea, Roman Palestine's main political, economic, and administrative center, had endowed its scholars with greater expertise and authority in civil law than their colleagues. Lieberman's views, much argued when they first appeared, are generally accepted today.

With few exceptions, works on the Palestinian Talmud have appeared in Hebrew. This is true of all the modern classics listed above. Consequently, the Palestinian Talmud has remained virtually unknown to the English-speaking public despite the fact that modern studies, introductions, and commentaries have made the work more accessible. For this reason this volume includes Ginzberg's introduction to the Palestinian Talmud from his *Jewish Law and Lore*, Abraham Goldberg's overview of the Palestinian Talmud and contemporary scholarship on it, and Neusner's taxonomy of the Palestinian Talmud in his "Talmud of the Land of Israel and the Mishnah." These three articles and the Palestinian talmudic examples they cite provide an excellent orientation to "the Yerushalmi," an ancient literary tell still being unearthed and explored.

Unceasing study of the Talmud has characterized Jewish learning for

over a thousand years. Yet the modes of Talmud study have been anything but static. A subtle blend of internal Jewish communal need and cultural interaction with surrounding societies molded new approaches to the Talmud's treasure house of Jewish thought.

During the gaonic period, the first post-talmudic era in Babylonia (c. 750–1010), the Talmud became the third constitution of rabbinic Jewry, following the Bible and the Mishnah. The gaonate, the central legislative and academic institution of Babylonian Jewry, consciously used the Talmud in constitutional fashion. Among its activities were establishment of the rules for deciding the disputes that covered the Talmud's pages and production of legal codes based on the Talmud.²³ At a more advanced stage, the gaonate used the Talmud to respond to questions that were sent to it from the Jewish communities it controlled, thereby creating a genre called *responsa*. *Responsa* are still produced today by outstanding Jewish legal authorities, whose advice is sought by those seeking a reply to a contemporary legal, ethical, or religious question.

The gaonic use of the Talmud was clearly pragmatic. Having received the right to autonomy under the Islamic caliphs in Baghdad, the Jewish community had to find a means of self-governance. The Talmud provided the source for the community's legal system. Modeling itself on the caliphate's vision of an Islamic empire united by a uniform Islamic way of life, the gaonate sought to be the single authority for Jewry through its efforts at standardization of Jewish practice. We need to recognize that the gaonic agenda conflicted directly with the Talmud's open-endedness and pluralism, but it was culturally and politically appropriate to its time. While it abandoned the Talmud's implicit ethos, it used the Talmud's explicit dicta to preserve and advance Jewish life. The gaonate's model became paradigmatic for Oriental Jewish culture, whose most famous postgaonic rabbinic figures, Isaac Alfasi and Moses Maimonides, are best known for their codes and *responsa*.

In contrast, Jewish scholars in medieval France and Germany (c. 950 to the fifteenth century) produced Talmud commentaries. The commentaries' function was to clarify and explicate the talmudic text according to its plain meaning. The commentator's task is to grasp both the implicit and the explicit aspects of a text in order to reveal its total message.

Certainly the commentators' close association with the talmudic text and their grasp of its "internal" as well as "external" meanings created

the lively debate and pluralism that characterized the medieval French and German Jewish communities. But I believe they were also influenced by the culture of the principality and the duchy, fairly small, self-governing political units that dotted the medieval map. That culture was characterized by a strong sense of local law, custom, and territorialism, features that describe well France and Germany's early Jewish settlements and the European Ashkenazic Jewry that grew from them. Franco-German Jewish intellectual and political leaders viewed themselves as "children of the King" (M. Shabbat 14:4), the Jewish analogue of the feudal sense of nobility. Their domain was the Jewish community and the Jewish text, and each scholar-"prince" held the right to rule independently in his place. Frequently a single Jewish community had many scholars. In such cases communal governance was shared by a group of elected officials from the scholarly and wealthy classes, which, in Franco-Germany, were frequently the same. This body replicated the Talmud's "seven good men of the city" (BT Megillah 26a-b).

The most famous talmudic commentator, R. Solomon b. Isaac of Troyes, is known by his acronym, Rashi (eleventh century). His work presents a running explanation of the Talmud's discussions, written in the form of short, clear glosses. His grandsons created a talmudic exegetical method that left its mark on all subsequent talmudic study. They were called the Tosafists because they viewed their work as additions (Hebrew *tosafot*), to Rashi's commentary. Initially they sought to critique and improve Rashi's work, but their secondary goal, the harmonization of contradictions within the Talmud, soon became the Tosafists' dominant concern. Ephraim Urbach, the eminent Israeli scholar, viewed their efforts as the Jewish adaptation of medieval scholasticism's unifying and harmonizing approach to secular and canon law and Scripture.²⁴ Later generations spoke of the Tosafists "rolling the Talmud into a single ball." Though this activity was probably somewhat contrary to the actual nature of the Talmud, it was consistent with the traditional view that R. Ashi and Ravina had thoroughly edited the work. If that was so, reasoned the Tosafists, contradictions in the Talmud were merely apparent, and they proceeded to "prove" that view.

The Tosafists' greatest contribution to Talmud study was starting the process of organizing and defining talmudic terms and rubrics. Further, as they brought the Talmud together into a harmonious unity, they noticed important phenomena along the way. Tosafistic phenomenology

led the way to more sophisticated studies of the Talmud's characteristics and, finally, to the modern historical-critical study of the Talmud. In many instances Tosafistic explanations and analyses of talmudic phenomena have not been surpassed by modern scholars.

Most post-Tosafistic exegesis concentrated on the Tosafists' "additions," which, by the fifteenth century, had themselves become a "talmud." A return to the Talmud itself did not occur until the late eighteenth century, and even then very hesitantly. It was as if later authorities felt that the earlier sages had said all that could be said about the Talmud. Nevertheless, R. Elijah of Vilna (Lithuania, 1720-1797), traditionally called "the Vilna Gaon," an immensely creative and probing intellect, renewed direct analysis of formative rabbinic texts, foremost among them the Talmud. His students and continuators, R. Chaim of Volozhin (late eighteenth to early nineteenth century) and R. Chaim Soloveitchik of Brisk (1853-1918), renewed talmudic exegesis and gave it a remarkable new direction. Their method attempted to reduce the Talmud's detailed disputes and discussions to their underlying legal and theological principles. The test used to prove that such principles existed was twofold. The principle had to be a rubric mentioned in the Talmud, and it had to explain neatly and simply major talmudic debates and post-talmudic views derived from them. This method helped organize huge amounts of talmudic discussion into streamlined and usable categories. In sum, the Tosafists made the Talmud's textual data more manageable, and the "Gaon's school" made its range of concepts more easily accessible.

All of these premodern approaches to talmudic learning interpreted the Talmud through itself. Even *responsa*, which were directed toward new issues and questions, reshaped those matters to fit the Talmud's rubrics. With notable exceptions, the sense of traditional Jewry was that all necessary wisdom lay within the written and oral Torahs; hence, the talmudic tradition was self-sufficient. Borrowing from the general culture was either fully unconscious or carefully masked. For example, in the mid-tenth century the fledgling German Jewish community legally prohibited polygamy. This was a radical departure from both biblical practice and talmudic law. Yet, there is no mention whatsoever of the reason for this enactment in the Jewish texts that speak of it. Nevertheless, it seems reasonable to conclude that the Church's attitude toward polygamy and the improvement of noble women's status due to the

Marian cult's development were the social forces behind what ultimately became the norm for most of world Jewry.

All this changed with the liberalization of European attitudes toward Jewry, a process that began in some countries as early as the late seventeenth century. Finally, the nineteenth-century emancipation of Western European Jewry fully opened the ghetto to European culture, which had been renewing itself from the Renaissance on. A Jewish "enlightenment" movement began, which, at its best, consciously sought to illuminate historic Jewish culture by applying Western scientific and academic methods to it. Quickly integration of Jewish and Western learning became the norm even for the most traditionally observant Western European Jew.²⁵ Inevitably, interdisciplinary studies appeared, linking talmudic law and lore with the West's cultural curriculum.

Today, talmudic studies intersect comfortably with archeology, biology, economics, ethics, folklore, history, law, literary criticism, medicine, music, philosophy, political science, the academic study of religion, sociology, theology, and other disciplines. This is an important "new wave" in talmudic learning, which has generated impressive results for nearly one hundred years. Notable examples of successful disciplinary cross-fertilization are works like Julius Preuss's *Talmudic Medicine*, a classic, and Fred Rosner's works on medicine and Jewish law, which are becoming classics; Daniel Sperber's major works combining talmudic studies with archeology, the study of ancient coinage, and seafaring; Yehudah Feliks's scientific botanical and agricultural commentary on the Palestinian Talmud tractate dealing with the seventh year fallow²⁶ and Yonah Fraenkel's literary analyses of the talmudic short story. And the list can easily be extended.

In order to provide a taste of this interdisciplinary feast I have included Jacob Neusner and David Kraemer's debate over the Talmud as a historical source; Aaron Levine and Nahum Rakover on talmudic law, economics, and business ethics; and Geoffrey B. Levey and myself on two contemporary ethical questions, the obligation to die for one's country and the care of elderly parents. Articles by Boaz Cohen and Saul Lieberman, two great luminaries of the last generation, show the results achieved when knowledge of the classical world and the Talmud converge. Cohen's article is on the spirit of the law in Roman and Jewish sources; Lieberman's shows the relationship between the Greek rhetoricians' methods of interpreting Greek literature and rabbinic methods of

biblical interpretation. The volume ends with Ari Elon's "The Torah as Love Goddess," a delightful analysis of a recurring literary theme in talmudic stories.

The Talmud is a huge storehouse of wisdom, experience, history, folklore, and wit. In this volume I have sought to add the insights of modern talmudic scholarship and criticism to the growing number of more traditionally oriented works that seek to open the talmudic heritage and tradition to contemporary readers. In doing so I have intended to build a bridge between past and present, between the familiar map of Western culture, with its disciplines and methods, and the less familiar terrain of ancient Palestinian and Babylonian Jewish learning. I hope this bridge will help those journeying toward an understanding of the Talmud and its significance for Jewry and humanity to reach their goal. Now—*zil g'mor*, go and learn!

NOTES

1. M. Avot 3:14.
2. See Maimonides' *Introduction to the Commentary on the Mishnah* (in Hebrew), pp. 4–5.
3. Examples of rabbinic pluralism appear in M. 'Eduyyot 1:5 and BT Shabbat 130a. The first source discusses preservation of minority opinions in Mishnah. The second records that individual sages' practices, though minority opinions, were observed in their locales and not suppressed. BT Hagigah 15a tells the story of Elisha B. Abuyah, who apostasized. Despite this, his teachings still appear in the Talmud (see Mo'ed Katan 20a). Nevertheless, there were parties to whom the Talmud refers as *minim*, sectarian heretics. These people were "beyond the pale" or, according to the Talmud, did not receive a share in the world to come. See M. Berakhot 5:3 and M. Sanhedrin 10:1–4, BT Megillah 24b, Sanhedrin 37a and 38b.
4. BT Baba Mezi'a 59b.
5. BT Sukkah 49b.
6. Near Eastern legal literature from Hammurabi's Code until the Quran speaks in terms of cases. The narrative and the parable were the major Near Eastern vehicles for communicating theology and ethics. This is true of the Gilgamesh story and the Ugaritic Anat epic, biblical wisdom literature, and Jesus' parables in the New Testament.
7. BT Berakhot 13a, 'Eruvin 95b, Pesahim 114a, and Sanhedrin 106b provide a sample of talmudic passages that discuss the role of intention and "the heart" in carrying out the requirements of Jewish law.

8. The midrash form may not have been original with the rabbis. The *pesher*, "interpretation," found among the Dead Sea Scrolls appended "midrashic" comments to the biblical book of Habbakuk.
9. The rabbis based their right to interpret the Torah on Deut. 17:8-11. They also proclaimed that prophecy had ended and that the sages were greater than prophets (see BT Baba Batra 12a). The equality of Scripture and logic is inherent in the talmudic phrase, "If you wish, Scripture [may serve as proof], . . . if you wish, logic [may serve as proof]." See examples of this in BT Yebamot 35b, Kiddushin 35b, and Sanhedrin 30a.
10. Bereshit Rabbah 44:1.
11. Shamma Friedman, "A Critical Study of Yebamot X with a Methodological Introduction" (in Hebrew), in *Texts and Studies: Analecta Judaica*, ed. H. Z. Dimitrovsky (New York: Jewish Theological Seminary of America, 1977), pp. 301-13.
12. BT Gittin 60b; Temurah 14b.
13. BT Shabbat 6b and 156a; Ketubot 49b, Baba Mezi'a 114a, Horayot 13b, Temurah 14a, and Niddah 68a.
14. It should be noted that the Zoroastrian sacred scriptures, the Avesta, was preserved orally for more than a millennium prior to its being consigned to writing. The Babylonian Talmud is a product of the Sassanian Persian world in which the Avesta was written down. The following prominent traditional and modern scholars believe the Talmud was written: R. Sherira Gaon (*Epistle*, Recension I), R. Hai Gaon, Maimonides, Isaac Hirsch Weiss, Zechariah Frankel, Chanoch Albeck, and Abraham Weiss. The following believe the Talmud or aspects of it were orally transmitted: R. Sherira Gaon (*Epistle*, Recension II), Rashi, most of the Tosafists, Saul Lieberman, and David Weiss-Halivni.
15. See, however, Martin S. Jaffee, "The Babylonian Appropriation of the Talmud Yerushalmi: Redactional Studies in the Horayot Tractates," in *New Perspective on Ancient Judaism*, ed. Alan J. Avery-Peck (Lanham, MD: University Press of America, 1989) 4:3-27.
16. A class of traveling scholars linked Palestine and Babylonia. They are called *nehutei*, "those who travel[ed] down" to Babylonia and then returned to Palestine. The Talmud uses the phrase "when X came . . ." to introduce their traditions. See, for example, BT Berakhot 6b and 21a; Shabbat 7a, 'Eruvin 3a, Pesahim 60b, Rosh ha-Shanah 20a and Sanhedrin 63b.
17. See the glossary of terms for the study of Talmud and halakhic literature, p. 478.
18. "Pirkoi b. Baboi," *Genizah Studies* (in Hebrew), ed. Louis Ginzberg (New York: Jewish Theological Seminary of America, 1929), pp. 544-73; *Teshuvot ha-Geonim* ed. Simcha Assaf (Jerusalem: Darom, 1929), pp. 125-26.
19. PT Pesahim 6:1 (33a); Joshua Schwartz, "Tension between Palestinian Scholars and Babylonian Olim in Amoraic Palestine," *Journal for the Study of Judaism*, vol. 11, no. 1 (1980): 78-94.
20. Zechariah Frankel, *Mevo ha-Yerushalmi* (Breslau: Schletter, 1870; Jerusalem: Amanim, 1967), pp. 136-39; Louis Ginzberg, *A Commentary on the Palestinian Talmud* (New York: Jewish Theological Seminary of America, 1949), pp. xl-xli.
21. Abraham Weiss, *The Talmud in Its Development* (in Hebrew) (New York: Philipp Feldheim, 1954), pp. 233, 375; *Studies in the Literature of the Amoraim* (in Hebrew) (New York: Yeshiva University, 1962), p. 111; David Weiss-Halivni, *Mekorot u-Mesorot*, Shabbat, p. 263, and 'Eruvin-Pesahim (Jerusalem: Jewish Theological Seminary of America, 1982), p. 481.
22. Modern scholars are divided over the Talmud's anonymous Aramaic stratum called in Hebrew *stam* (pl. *stamot*). Chanoch Albeck favors an early, Amoraic period dating for it. See his *Introduction to the Talmud, the Babli and Yerushalmi* (in Hebrew) (Tel Aviv: Dvir 1969), pp. 576-96. Shamma Friedman favors regarding the *stam* as late unless proved otherwise. See his "Critical Study of Yebamot X," pp. 294-96 and n. 42 there. Most modern talmudic critics consider the *stam* late but keep open the possibility of early *stamot*. See also p. 300, n. 57 of "A Critical Study," where Friedman acknowledges the Palestinian talmudic *stam* as similar to, but much more limited than, the Babylonian Talmud's anonymous Aramaic stratum.
23. *Seder Tannaim ve-Amoraim* is a gaonic chronicle of "the chain of tradition." It also contains rules for deciding Talmudic disputes. Geonic legal codes include *Halakhot Gedolot* and *Halakhot Pesukot*. According to Ginzberg, *Halakhot Gedolot* was authored by R. Jehudai Gaon (c. 750), though most authorities attribute the work to R. Simeon Kayyara (c. 840).
24. Ephraim E. Urbach, *Ba'alei ha-Tosafot*, (Jerusalem: Mossad Bialik, 1957) pp. 27-29.
25. Neoorthodoxy, the creation of R. Samson Raphael Hirsch of Frankfurt-am-Main, had as its motto, "Torah with worldly knowledge." This 19th century German Jewish movement produced a number of talmudic critics and historians who were rigorously orthodox and university educated. That combination was virtually unknown in Eastern European Jewish circles until the 20th century.
26. The seventh year fallow is a biblical injunction. See Ex. 23:11 and Lev. 25:1-7.