

CHAPTER I

*Introduction**Why a History of the Talmud?*

The Talmud is *the* Jewish classic, arguably the most influential text in Jewish history. Judaism as we know it would not exist without the Talmud. It is largely on account of the Talmud – its approaches, methods, and assumptions – that the forms of Judaism dominant in the century or so before Jesus’ birth yielded, in the early medieval world and beyond, to the Judaism of the rabbis, a related but utterly transformed religious formulation. To understand Judaism as it has been known for the last millennium and a half, one must understand the Talmud.

It is because of this mighty influence that it is necessary to recount the history of the Talmud, from its origins through its formation, then to its reception and on to the centuries of its fullest influence, even to the present day. It is only by accounting for this full history that one may appreciate the impact of the Talmud on Jewish practice and belief, an impact that is impossible to exaggerate. And because Jews have figured meaningfully in both Muslim and, especially, Christian life, the document that has, to a significant extent, made Jews *Jews* must be understood in order that we may appreciate how Jews, and even the Talmud itself, have loomed so large as symbols in the imaginations of all the Peoples of the Book(s).

Permit me to detail briefly some of the facts that justify these claims. Before the first century of the common era, Judaism was, with variations, biblical Judaism, a Judaism defined by the library of books that had been accepted as canonical not long before.¹ Jews at this time overwhelmingly believed in the one God of Israel, whose will was recorded in the Torah (the five books of Moses, from Genesis to Deuteronomy) and other

¹ For a discussion of the canonization of Hebrew scripture, see Cohen, *From the Maccabees*, pp. 174–192. The key point, for our purposes, is that, whatever “fuzziness” there was around the edges of the limits of the Hebrew canon, apparently all of the books of what would later be called the Tanakh were already recognized as authoritative by the late second century BCE.

inspired scriptures, the most public worship of whom took place at the Temple in Jerusalem.² Many of the observances and even beliefs of rabbinic Jews who lived just a century or two later would have been unrecognizable to Jews of this period.

But after the destruction of the Temple by the Romans in 70 CE, a small group of scholarly men, known as the rabbis, gathered and, based upon received traditions, written and unwritten, began to develop forms of interpretation and practice that would ultimately lead Jews in unforeseen directions. The earliest teachings of these men would come together in the early third century in a document called the Mishnah. Other documents that preserved their unique scriptural readings, called *midrashim* (singular: *midrash*), emerged not long thereafter. But at this early stage of affairs, these men were mostly speaking and enjoying influence among themselves. Few other Jews at this time would have given the rabbis any notice.

The Mishnah soon became the focus of study and elaboration among rabbis in Palestine (which many Jews continued to call “the Land of Israel”) and Babylonia. The laws and practices detailed in the Mishnah, joined by other early rabbinic teachings, were evaluated and further developed, in a process that lasted two centuries or more in the former locale and three centuries or more in the latter. During this period, the rabbis, educated as they were, used their skills to gain some influence in both territories, but they had no officially recognized authority, and their law and teachings continued to define the Judaism of relatively few. But this reality would soon change.

By the mid-fifth century in Palestine and before the Muslim conquest in Babylonia, communities of rabbis had formulated documents known as Talmuds (Hebrew: *talmudim*), perhaps as a product of the creation of new rabbinic institutions, perhaps as an outgrowth of emergent influence and authority. Whatever their source, the Talmuds represented a maturing of the rabbinic estate, making it clear that those who defined their Judaism in relationship to the Talmuds were poised to extend their influence still further.

After the Muslim conquest of the Near East in the early seventh century – and particularly after the capital of Islam moved to Baghdad in the mid-eighth century – both the western (Palestinian) and eastern (Babylonian) rabbinic communities came to be subject to the same power, and in their competition, the Babylonian center had a distinct advantage. During the next several centuries, the rabbinic academies that claimed

² See Schwartz, *Imperialism*, p. 49.

Introduction: Why a History of the Talmud?

3

authority for the Babylonian Talmud – the Bavli – were able to take advantage of the prosperity, power, and possibly official recognition of the authorities in the city in which they found themselves. The rabbis who were located in the backwater that was then Palestine, by contrast, enjoyed primarily the numinous authority of the sacred land with which their Talmud – the so-called Jerusalem Talmud, or Yerushalmi – was associated. Soon, the scholars whose foundation was the Bavli came to be recognized as *the* authorities of rabbinic Judaism – now the dominant Jewish form – and their Talmud became *the* Talmud. From this point forward, the Judaism of the vast majority of the world's Jews would be defined by the deliberations and pronouncements of this document.

Judaism in the Middle Ages was characterized by broad observance of Jewish law – halakhah – and that halakhah, disputed and codified by rabbis in Iraq, North Africa, and finally, Europe, was overwhelmingly derived from and based on the Talmud. Jews broadly accepted rabbis as the arbiters and counselors for how the life of a Jew should be conducted, and they viewed the source of the rabbi's authority as his expertise in Talmud, a document that was beyond the reach of the common person. At the same time, in Christian Europe, Jews were suspected, and even hated, for their stubborn refusal to accept the truth of Jesus, and, as the two faiths shared a common pre-Christian biblical tradition, the Talmud was seen to be the reason for and the symbol of the error of the Jews. Leading Jews astray by taking authority away from the Bible itself, and demanding false loyalty in the face of Christian truth, the Talmud was the target of vituperative polemic, resulting, all too often, in confiscation and destruction.

The Renaissance and Reformation opened Christian eyes to a different kind of consideration of the Talmud, while the printing press made possible the study of Talmud by a far broader audience of students. A work that had been studied by hundreds at any given time was now studied by thousands. In this fertile soil grew the yeshivah culture of early modern eastern European Jewry, with its extreme privileging of Talmud study. But according to the way of the world, each action compels a reaction, and Hasidism asserted a more populist, less scholarly approach. At the same time, printed books of halakhah allowed community rabbis to neglect the more demanding study of the Talmud. Both these developments spurred a counter-reaction, leading to the founding, in the early nineteenth century, of the first genuinely modern yeshivah.

In the modern yeshivah, Talmud study was elevated above almost all else, and the scholars of the yeshivah claimed an authority above all others.

Needless to say, under this regime, “tradition” was privileged absolutely above modernity. But the spreading European Enlightenment had already begun to touch Jews in the latter part of the eighteenth century, and Reform Judaism was already developing in earnest in the first half of the nineteenth. By virtue of the simultaneity of these developments – yeshivah Judaism and Reform – the reforms of the Reformers were, in one way or another, defined in Talmudic terms: so, for example, many reformers sought to put Talmudic “sophistry” into the past, while still valuing the study of law and high intellectual achievement.

At no time did devotion to Talmud disappear, and the twentieth century was characterized by new forms of Talmud scholarship, new translations, new commentaries, and new publications of a variety of sorts, many of which would open Talmud study to students who had earlier been excluded. These included liberal or even secular Jews, who found in the Talmud wisdom and insight that the yeshivah had hidden. It included women, who had been forbidden to study Talmud for most of its history. And it included a variety of other groups who found in the Talmud the empowering authority to promote their own agendas, critiquing that which they found objectionable and finding power in the alternative voices the Talmud had always preserved. Finally, in more recent times, with the added help of new institutions and new technologies, the Talmud has been rendered more accessible than ever, and today more students study the Talmud than ever before. Even today, the Talmud exerts its power.

The history offered in this book will cover all these developments and more. We will begin with the world the rabbis inherited – the world just before the rabbis – trying to make sense of its assumptions, literary expressions, and religious forms. By examining what came before and setting it as the basis for comparison, we will be in a position better to understand the rabbis – the parts of their inheritance they affirmed and the choices they made to forge new paths. We will then focus on the period that gave birth to the rabbis – the period of the wars with Rome, the destruction of the Jerusalem Temple, and the emergence of Christianity. We will trace the formation of the Talmud’s documentary foundation, the Mishnah, asking how it responds to the world in which the rabbis sought, against all odds, to build a new Judaism for a radically changed world. Next, we will consider the history of the rabbinic communities in Roman Palestine and Persian Babylonia, each of which formulated Talmudic commentaries on the Mishnah – two very different formulations responding to very different sets of circumstances. We will then consider each Talmud as a distinct document, defining its characteristics and

Introduction: Why a History of the Talmud?

5

qualities, devoting extended attention to the Talmud that became *the* Talmud, the Babylonian.

We will examine the reception and spread of the Bavli and its influence, considering factors such as the location of its sponsoring academies, the power of those academies in the early medieval world, and the like. We will compare and contrast the ways the Talmud did or did not become authoritative in different communities and locations, as well as the way mastery of Talmud gave authority to the experts who defined Jewish life and practice on the basis of its deliberations. We will consider how the invention of a new information technology, the movable type printing press, increased the size of the Talmud's audience and power, leading to Jewish societies in which Talmud study was the most privileged and admired activity in which one could engage. Finally, we will recount the most recent chapters of the Talmud's history – its effective repudiation by early Reform and secular Judaisms, and the enormous growth in its study and influence in recent decades, with the appearance of new translations, study aids, popular editions, and electronic distribution.

This history breaks into two parts: the first being the history of the development of the Talmud, including its pre-history, and the second being the history of the reception, influence and importance of the book in Jewish society and beyond. Of course, this means that in the first part of the history of the Talmud – a history of how the Talmud came to be – there was no Talmud at all. In fact, the teachings that would develop into the Talmud were, for this entire period, the teachings of a group – the rabbis – who were for the most part insignificant and without influence. If one's interest is Jews in general, then, she or he will have to bear in mind that the first part of this history is, in its way, highly distorted: it highlights a group and a product who only with the wisdom of hindsight should command our focus, who in their own day would have been identified by very few as future authorities and leaders in the Jewish community.

In fact, the distortion of the early part of this history is even more extreme than already suggested. Even within the confines of the limited rabbinic estate there were, as we said above, two Talmuds – first that of Palestine and later that of Babylonia. No one could have predicted, when these works were first formulated and promulgated, that it was the Babylonian that would gain distinction as *the* Talmud. So when we speak of this as a history of *the* Talmud, we are committing a knowing error, one that embeds the prejudice of medieval Jews looking backwards.

Nevertheless, we are still justified in these “misstatements” and distortions of focus because our interest is in the work that would ultimately

make all the difference in the Jewish world and beyond – the Bavli – and not the one that would, until recent times, become an afterthought – the Yerushalmi. We are interested in how the Bavli, the Talmud that ultimately became so influential, came to be what it is. For this, we have to go back to the beginning, admit the narrowness of our focus, and appreciate the power of a small group to persist and ultimately thrive while producing a literature that would itself figure in world history more than most.

In many respects, this history is analogous to a history of the Bible or one of its books. Typically, such a history is an account not of the library known as the Bible once that library was formed, nor of individual biblical books once they existed, but a pre-history of the library or its books – a history of the Bible before there was a Bible. A “biblical history” is, ironically, a history of the period that the Bible’s books recount, a time long before the Bible or its books existed. The people who produced these books and the ideologies they articulated may have represented but a small segment of the ancient Israelite population, and the histories the books narrate are certainly distorted histories, told from the perspective of the ultimate “winners.” The same applies, *mutatis mutandis*, to a history of the Talmud. Nevertheless, it is fair to say that though there was no Bible in the biblical period, and no Talmud in the Talmudic period, because of the ultimate importance of these works, these histories are well worth recounting.

The second part of this book’s history is of a very different sort. After the completion of the Talmuds, they would each command the loyalty of different communities of Jews for some period of time. But it would not take long, in the scope of Jewish history, at least, for the Bavli to emerge as dominant. And though the Yerushalmi did not immediately pass into relative obscurity, and though Jews who refused to accept rabbinic authority continued to live and in some places flourish by the side of Jews who accepted rabbinic definitions of Judaism, it is fair to say that by roughly 1000 CE, Judaism was overwhelmingly to be equated with rabbinic Judaism and when people referred to “the Talmud” they meant the Bavli. So, from this point onward, a history of the Talmud and the community whose practices and beliefs it defines is no longer so narrow a history; it is a history of the majority of Jews and of the work they held to be supremely canonical.³ Again, this being the history of a particular book (or, if you

³ This statement might be taken as hyperbolic, as “everyone knows” that the Tanakh (the Hebrew Bible), and the Torah in particular, is understood to be divinely inspired, and is even viewed as the word of God. How can anything be more “supremely canonical” than that? Nevertheless, I stand by

Introduction: Why a History of the Talmud?

7

will, corpus), we will focus on the Talmud and on the people who studied it, the people who vivified its teachings, and the people who reviled it. We will not examine other Judaic expressions, except as they intersect with the Talmud or its pronouncements. We will not consider the mostly small (until late modernity) communities of Jews who were not subject to its authority, except where they engaged it to reject it. Nevertheless, even such a focus on the Talmud and its adherents will require a broad range of vision, particularly in the latter part of this book, for it is there that we address the centuries of the Talmud's ascendance. Particularly during the High Middle Ages and into early modernity, the overlap of the Talmud's history and the history of Jews was essentially complete, and our discussion of that period, at least, will represent the loyalties of the overwhelming majority of Jews and of the work to which they were loyal.

Of course, history can never be a mere recitation of events or developments or "facts." History is always an inquiry that is, whether acknowledged or not, driven by certain interests and questions. It is crucial, therefore, to enumerate the key questions that will animate the inquiry in this book and justify the choice of these questions as opposed to others.

The rabbis whose descendants ultimately produced the Talmud emerged on the stage of history – a stage on which, as we have already said, they for a long time played a *very* small part – in the aftermath of the destruction of the Jewish Temple in Jerusalem by the Romans in the year 70 CE. This destruction meant that one of the pillars that had, until that point, defined Judaism for the vast majority of Jews (along with their One God and God's Torah) was now gone, making the literal continuity of a tradition very difficult, at best. But this did not mean that the Temple would not be rebuilt, or, alternatively, that the place of the Temple in Jewish consciousness and practice could not be replaced. So, to imagine one scenario, rituals of mourning and memory could be enacted, preserving the hope of the Temple's future restoration, while (in theory at least) everything else could be left essentially as it had been. But this is not what happened, at least not in the precincts of the rabbis' influence. The evidence suggests that the rabbis preferred a different strategy. They developed rituals of mourning and memory, to be sure, but they also adapted and innovated for a post-Temple world in ways that no one before the Temple's destruction could have anticipated. In other words, from the

my formulation and insist that it is not hyperbolic. Documentation of its truth will be found beginning in Chapter 9 of this book.

very beginning, the rabbis – again by the evidence of the earliest record they produced – struggled with the question of where, between the poles of continuity and innovation, Jewish practice and belief should be headed. Their writings reflect judgments concerning the best answer, as they saw it. The question of the balance between these poles suggests itself, therefore, as an important question for the rabbis, and hence to those who study them and what they produced.

In fact, virtually all Jews who lived what they considered Jewish lives during this broad period – both before the Temple's destruction and after it – understood their choices and paths to be defined by the inherited tradition embodied in the Tanakh and other customs and traditions. As a matter of course, they would have assumed that their practices and choices should conform to the dictates of God as recorded in scripture, and innovation, though real, would have been expressly denied, remaining virtually unseen on account of claimed connections to inherited tradition or scripture. But even if they imagined continuity, at least in the things concerning which continuity was possible, changes would have been evident, and Jews – rabbinic or not – would have asked themselves how their path related to authoritative traditions.

What was true for Jews in general was true for the rabbis as well. By virtue of both their historical position and their position as members of a traditional Jewish society, the rabbis from their very earliest stage would have been challenged by questions of continuity and innovation. But in one significant respect, at least, they would have been different from most other Jews. As educated, literate individuals who could compare their formulations to those of scripture, they cannot have been insensitive to the real innovations to which even their earliest documents offer testimony. Because they must have been aware of the real differences that had developed between inherited and rabbinic forms, whether such changes could be admitted and how they could be justified were questions the rabbis must have considered from the birth of their movement. Furthermore, since rabbinic Judaism continued to take shape over the course of centuries, in both Palestine and Babylonia, these questions cannot have disappeared when the Mishnah gave way to its commentaries, nor when its commentaries and the rabbinic deliberations upon them yielded the Talmuds. Hence, one of the questions to which we shall return over and over again in the following chapters will be, how does each stage of the development of the rabbinic movement as expressed in its documents relate to what came before it? Or, if we may imagine rabbinic consciousness at work in the literary developments we observe, to what degree did

Introduction: Why a History of the Talmud?

9

the rabbis fight to preserve the old and to what degree did they imagine a Judaism invigorated by innovation?

As we have said, these questions are relevant, and provide essential insight, at all stages of the development and reception of the Talmud. So we must ask not only how the rabbis' earliest formations of the tradition relate to pre-rabbinic forms, but also how the teachings and approaches of the earliest post-Mishnaic sages relate to those of the Mishnah. What do we make, for example, of the recovery by post-Mishnaic sages of non-Mishnaic teachings (called *baraitot*) contradicting those of the Mishnah, or of the same sages' limiting interpretations of the Mishnah, which sometimes wrested authority for contrary teachings, relegating Mishnaic teachings to the margins? In these as in other instances, we must ask whether the authors of the phenomena we observe were aware of what they were doing (if we can recover the consciousness of the authors at all), or whether it is only we who with hindsight can interpret and characterize successive rabbinic developments.

Moving to a slightly later stage in history, we will be faced with the fact that there are two Talmuds, one (the Yerushalmi) earlier than the other (the Bavli). What can we learn through a thoughtful comparison of these documents? The methodological and stylistic differences between them suggest that they approach the questions of continuity and innovation with very different ideas. What do the nuances of this contrast teach us?

Moving on to the medieval world, we will have to make sense of a variety of shifts in the authority and positioning of Talmudic tradition. For example, medieval rabbinic codifiers transformed the Talmud into a source of settled law, despite the fact that the tendency of the Talmud itself is quite contrary to this. How did they understand this move and how did they justify it? Needless to say, such changes will also be found in early modernity and beyond, as the Talmud is appropriated and re-appropriated by one Jewish group and then another. At each of these stages, the place of the Talmud in any Jewish society will be more deeply understood by asking questions of continuity and transformation – in the status, authority, and contemporary understandings of this work.

Another central question of this book – perhaps *the* central question, already mentioned above – is how did the rabbis, and the works they produced, ultimately come to define Judaism and the Jewish community as a whole? In particular, how did the *Babylonian* Talmud come to be viewed as the ultimate and superior articulation of Judaism as defined by the rabbis, becoming the foundation, focus, and reference for much of Jewish expression to follow? No part of the developing story of rabbinic

Judaism is “necessary,” no subsequent stage a “natural outgrowth” of what came before. It is only hindsight that makes the arc of this narrative seem so “obvious.” To make sense of it, though, we must grasp the unexpected quality of much of what we will be recounting and challenge ourselves to take little for granted.

There are a variety of methodological difficulties that will challenge us as we seek to tell this history, particularly in its pre-medieval stages. The major one emerges from the status of the evidence we have at hand. The Talmud as printed is a well-known and easily accessible text, as it has been from the first half of the sixteenth century. We also preserve medieval manuscripts of the Talmud, mostly fragmentary or partial, so we have a good picture of the “received” canonical Talmud as it would have been known in the medieval world. But we have no physical remain from the time of the Talmud’s “completion” before the spread of Islam to the time of its earliest surviving manuscript fragment, probably from the eighth century,⁴ and it is possible that “official” Talmuds, in any case, were memorized, having no physical form at all.

There is considerable debate among scholars whether rabbis during the period of the Talmud’s formation kept written personal records of the teachings of their colleagues, but virtually all scholars agree that the pre-Talmudic rabbinic tradition was, as a matter of ideology and in fact, oral. Yet the earliest records we have of that tradition, all of them centuries later than whatever the theoretical “originals” may have been, are all written. Separated by both form and time from their first articulations, what is the relationship of the record we preserve and the earlier age and expression for which we would like to use it as testimony? How did subsequent articulations of rabbinic teachings change, despite persistent traditions attributing them to earlier teachers? This is a simplistic statement of a far more complicated problem, which is itself one of several. All these will be treated in greater detail in later chapters, where they are more immediately relevant. But this should make clear the nature and scope of the challenges we will face.

Fortunately, these particular issues make no difference for the history of the Talmud in the medieval age and onward. From manuscripts, as well as from citations in the works of commentators or others using the Talmud’s teachings, we have a very good idea of the shape of the Talmud beginning in the medieval period. Unless we were to be working on a specific

⁴ See Friedman, “The Transmission of the Talmud and the Computer Age,” pp. 147–148, and Zahavy’s comments in “Is the Hullin Scroll the Oldest Talmud Manuscript Ever Found?”