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Edited by Charlotte Elisheva Fonrobert and Martin S. Jaffee

Excerpt

[More information](#)

Introduction: The Talmud, Rabbinic Literature, and Jewish Culture

The Babylonian Talmud (Hebr. *Talmud Bavli*) is without doubt the most prominent text of rabbinic Judaism's traditional literature. Indeed, the simple phrase "the Talmud says" often stands as a kind of shorthand for any teaching found anywhere in the vast rabbinic corpus surviving from Late Antiquity. Among Jews, of course, the Talmud has been revered, studied, and commented upon over and over again for more than a millennium. But preoccupation – even obsession – with the Talmud has extended at times beyond the borders of traditional rabbinic communities as well. Christian theologians and historians have on occasion viewed the Talmud, much more than the Hebrew Bible itself, as encapsulating the spiritual and intellectual core of Judaism.

This interest has not always had benign results; it has, at times, turned the Talmud into a target of polemics and even violence. Repeated burnings of the Talmud and its associated writings by Christian authorities in medieval Europe were meant to destroy the intellectual sustenance of Judaism. In modern times, the Talmud has become a target even of Jews: Many secularized Jews of the post-Enlightenment period ridiculed its "primitive" religious worldview; reformers of Judaism sought to move behind it, as it were, to restore the Bible (or certain interpretations of it) as the normative source of Jewish belief; while Zionist Jews, concerned with restoring a vital Jewish culture in the ancient Jewish homeland, belittled the "diasporic" culture of "sterile" learning embodied by the Babylonian Talmud.

It is not the task of this book to rehearse the remarkable history of theological and political attacks on the Talmud. Rather, it aims to address readers for whom the Talmud, and the larger body of rabbinic literature of which it stands as a kind of emblem, is not a threatening presence but, by contrast, a complex cultural puzzle inviting solutions of the vast range of interpretive approaches developed in the contemporary humanities. The Christian and Jewish polemicists, for whom the rabbinic literature represented the "essence" of what they objected to in

Cambridge University Press

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Excerpt

[More information](#)2 *Introduction*

Judaism generally, were blind to literary and cultural dimensions of the literature that, from the perspective of cultural studies and comparative religion, render it immensely interesting.

Unlike most texts in the Western literary and religious canons, for example, and in contrast to later medieval Jewish literature, the texts of the rabbinic canon were not produced by an “author” or by one particular group of authors, unless one considers generations of sages extending at least six centuries to be a coherent group of authors. As a partial consequence of having no authors, rabbinic literature is also difficult to locate clearly in space and time beyond the routine banalities of encyclopedia definitions (e.g., “Middle East, first seven centuries C.E.”). There is virtually no passage in the rabbinic corpus of which we can confidently state that “it was written in such and such a year, in such and such a place, by such and such an individual.” At best, individual passages of rabbinic literature can be dated, on the basis of redactional-critical and tradition-critical criteria, in a merely relative sense. This permits critics to distinguish between earlier and later layers of text within the roughly six centuries of its accumulation and growth, but rarely permits firmer dating in terms of decades or calendar years.

To complicate matters, most texts have a prehistory as orally circulated texts, and may have been edited orally. So we must reckon with an unspecified gestation period separating the text preserved in a medieval manuscript of the Talmud from the milieu of oral transmission in which it found its earliest expression. One of the few traits of the Talmud and other rabbinic writings that appear to be useful for dating the texts is the rabbinic habit of stating laws and other teachings in the names of specific sages and teachers. For the first century of modern talmudic studies, many assumed that securing the dates in which a specific teacher flourished would enable historians to date the composition of his teachings. But it is precisely the “nonauthored” character of rabbinic literature that prevents us from assuming with any degree of historical certainty that Rabbi Akiva or any other rabbinic figure cited in the talmudic discussions “really” said what is attributed to him. Indeed, for most rabbinic sages, we do not have external historical or biographical references, nor do we have extensive internal biographies. In the best case, we know as much about such major rabbinic authorities as Hillel, Rabban Gamaliel, Rabbi Akiva, or Rav as we do about the historical Jesus. Often less. The fragmentary biographical or, rather, hagiographical accounts remaining to us are often in conflict with parallel sources in different contexts, making it extremely difficult to describe any individual sage as a historical figure.

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Excerpt

[More information](#)*Introduction 3*

Finally, the literary processes that produced the surviving copies of most rabbinic texts are entirely unclear. We know next to nothing about the last generation(s) of sages who edited the vast quantities of textual material and gave it the approximate shape in which the manuscripts have come down to us. Those who produced the texts successfully blurred the historical traces of their production. This is not to say that there are not various theories that scholars have advanced over the last century. Yet the gap of several centuries between the assumed redaction of the talmudic and other rabbinic texts and the first actual manuscripts is hard to bridge with any meaningful historiographic account.

THE CONCEPT “RABBINIC LITERATURE”

These texts then defy easy classification, and they fit traditional or Western categories of genre, such as law code, encyclopedia, or even “literature” only with great difficulty, if at all. Indeed, the term “rabbinic literature” itself is a creation of the modern, historical study of the Jewish religious and cultural tradition. It would have been unintelligible to the producers of these writings.

In the first place, the adjective “rabbinic,” employed to distinguish one Jewish group from another, has a medieval, not a Late Antique, genealogy. It would have had no resonance in the community of sages prior to the rise of Islam and the subsequent emergence of polemical exchanges between self-proclaimed “rabbanite” and “karaite” Jewish authors. What contemporary scholars call “rabbinic literature” was known to medieval “rabbanites” as an inheritance of tradition bequeathed to them by an ancient lineage of teachers, as the Talmud has it, *rabbanan*, “our Masters.” While many of these originating teachers bore the honorific title of “rabbi” (my master/teacher), this title in and of itself implied nothing about the social identity of its bearer.

At the same time, many figures cited as authoritative masters of “rabbinic” tradition did not have the title of rabbi. And as archaeologists have learned, the term “rabbi” could designate a landlord or a patron as well as teacher. During the centuries in which the sages’ traditions were gaining classical form, their transmitters did not view themselves as “the rabbis.” The teachers who form the collective voice of rabbinic literature identified as *hakhamim* (“sages,” cognate to the Greek *philosophos* or *didaskalos*), *haverim* (“associates” or “colleagues”), or *talmidei hakhamim* (“disciples”). They constituted themselves as a distinctive group within the larger Jewish community and often took note – at times with dismay and at others with a certain kind of elitist

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Excerpt

[More information](#)

4 Introduction

pride – of the ways in which their patterns of life differed from those customary among other Jews.

The sages developed various strategies of representing other Jews, but one prominent strategy was to claim the term “Israel” for themselves and those who lived by their values and laws, while others were depicted as ignorant (the so-called *‘ammei ha’arez* and the Samaritans [*kutim*]) or sectarian (e.g., *minim* and Saducees [*zedukim*]). At the same time, they believed that the rules by which they lived were the patrimony of all Jews, even if the Jews themselves rejected that patrimony. To that end, they presented themselves as continuers of ancient tradition, rather than as innovative sectarians.

Secondly, as self-conscious “traditionalists,” these sages would not have asserted that the texts issuing from their study circles represented their own rabbinic views and interests. The “rabbinic literature” for them had its origin in the revelation at Mount Sinai, not in the rabbinic study circles or schools. Pre-Islamic Jewish sages knew of two kinds of authoritative texts. There was the revealed text of Scripture, disclosed to Moses, and of the later prophets, and stored carefully in hand-copied scrolls. It was often called *Torah she-bikhtav* (“written Torah”) to distinguish it from the second sort of text. In the rabbinic conception, this second type of text was just as deeply rooted in the revelation at Mt. Sinai. But it had been transmitted in face-to-face oral instruction in an unbroken line of tradition. As one of the most famous and oft-quoted texts has it: “Moses received Torah from Sinai and handed it down to Joshua, and Joshua to the elders, and the elders to the prophets, and the prophets down to Men of the ‘Great Assembly’” (Mishnah Avot 1:1). Torah here designates tradition as a whole, and in particular tradition as the rabbis gave shape to it. The second type of text, then, that emerged from this concept of tradition, was called *Torah she-be’al peh* (“oral/memorized Torah”). No one could claim to have “written” or “composed” texts of Oral Torah since they represented the voice of tradition rather than the opinions of authors. At best, certain sages were credited by their descendants as having “gathered” or “arranged” earlier traditions into compilations in order to facilitate study and application.

So the producers of “rabbinic literature” saw their knowledge as “Torah” rather than as specifically rabbinic tradition and did not advance any claim of authorial responsibility to the works scholars ascribe to them. Indeed, they would not have had the slightest conception that the texts they taught were “literature.” And here we need to problematize this half of our title as well. The academic study of literature is grounded in the early modern humanist conviction that the study of great, classic

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Excerpt

[More information](#)*Introduction* 5

texts could connect contemporaries to the intellectual, moral, and imaginative worlds of those who produced them. Literature was considered to be the written record of the magnificent products of original human minds. When the German-Jewish founders of research in rabbinic literature named their topic, they too meant to develop tools that would disclose the secrets of the minds of the authors of the rabbinic writings, the key to their originality as founders of a unique Jewish culture. They wanted to make the riches of rabbinic writings available for comparison with other great “national literatures,” from the Greek and Latin classics to the emerging vernacular poetry, fiction, and science of the modern European peoples. Well and good. But for the groups among whom the writings known as “rabbinic literature” emerged, it was inconceivable to compare any Torah – written or oral – to anything so mundane as human creativity in communicating law, lore, and, indeed, laughs by means of the written word. Careful readers will find plenty of law, lore, legend, and (even, on occasion) laughs in the pages of rabbinic texts, but those who preserved this material included it because it was Torah, not because they hoped to express themselves in an engaging or unique way.

All this being said – and it will be said again in other forms at numerous points in this book – we are stuck with the term “rabbinic literature” to describe the writings (which are not authored) produced by Jewish teachers (who were not yet “the rabbis”) that became, by the High Middle Ages, the literary patrimony of virtually all the Jewries of Christian Europe and the Islamic Middle East (though it was not recognized by them as anything resembling “literature”). Conventions die hard, especially convenient ones, and the existence of rabbinic literature is an important one for anyone studying the history of Judaism and its cultural offspring in modernity. As long as we remember that the term is a useful fiction that reflects the cultural assumptions unique to European modernity, it will serve us in communicating about our topic.

THE MAIN TEXTS OF RABBINIC LITERATURE

The foundation of the rabbinic literary tradition is embodied in the Mishnah (“repeated/memorized tradition”) and the Tosefta (“supplement”). Composed in elegant Hebrew, and containing the fundamental legal traditions of the earliest generations of rabbinic teachers (viz., the *Tanna'im*, that is, “repeaters of early tradition-texts”), the Mishnah and the Tosefta have traditionally been considered as separate works reflecting diverse selections from a prior oral tradition. However, their contents and structures so deeply interpenetrate and wind around each

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Excerpt

[More information](#)

6 Introduction

other that is has become increasingly difficult to untangle their many knots of connectedness. Medieval scholars normally viewed the Tosefta as a companion to the Mishnah that covered similar ground in its own idiosyncratic way. Among modern scholars the tendency has been to see the Mishnah as the core document and the Tosefta as a kind of rambling commentary. Both are primarily legal in focus, divided like ancient law codes into major topics (*sedarim*, "orders") and subtopics (*masekhot*, "treatises"). The rabbinic tradition itself ascribes the editing of the Mishnah to the Palestinian patriarch Rabbi Yehudah Ha-Nasi, whose work would have occurred in the northern Galilean town of Sepphoris in the early third century C.E. Responsibility for the compilation of the Tosefta is at times ascribed to a younger colleague, Rabbi Hiyya bar Abba. But, in fact, there is little historical or literary evidence to link either text directly to its reputed compiler.

All later rabbinic compilations share the essential anonymity of the redaction of the Mishnah and the Tosefta. Usually ascribed to the late third and early fourth centuries C.E. is a series of compositions of an exegetical character that use books of the Hebrew Bible as their principle of editorial organization. Differing dramatically in style, content, and preoccupations, they nevertheless share with one another and the Mishnah and Tosefta a common language – post-biblical, aramaicized Hebrew – and a common attribution to the Tanna'im, as well as a common universe of rabbinic law (*halakhah*). They are collectively referred to under the generic title *midrash* ("scriptural commentary"), and more specifically as *tannaitic* or *halakhic midrashim*. As running commentaries, they focus primarily on the legal portions of the last four scrolls of the Torah, Exodus through Deuteronomy. The midrash to Exodus has been preserved in two primary recensions, the *Mekhilta de-Rabbi Ishmael* ("the Interpretive Canon of the Tradition of Rabbi Ishmael") and the *Mekhilta de-Rabbi Shimon ben Yohai*. The midrash on Leviticus is known as the *Sifra de-vei Rav* ("the Book of the Master's School"), without specifying the name of a particular sage. Finally, independent midrashic collections associated with Numbers and Deuteronomy are preserved under the common title *Sifrei* ("the Books") and *Sifrei Zuta* ("the Smaller Books"). Most historians of rabbinic literature agree that these appear to have been compiled in Palestine under Roman hegemony, prior to the ascendancy of Constantine. Often, scholars speak of tannaitic literature when referring to the body of texts from the Mishnah to these later midrashic compilations. At times, they also extrapolate from the literature and apply the term "tannaitic" to the period as a whole, as a period in Jewish historiography.

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Excerpt

[More information](#)*Introduction* 7

The reign of Constantine, which resulted in the rise of Christianity to the rank of a dominant state religion, corresponds to an important demarcation in the rabbinic literature. The tannaitic literature discussed so far was most probably compiled, in at least preliminary form, at a time prior to that watershed era; the core material of all rabbinic compositions thereafter is ascribed to a later group of sages referred to as *'Amora'im* ("explainers of tannaitic tradition"). The names of amoraic figures from the middle third to the early sixth centuries fill the surviving pages of rabbinic works produced from the fourth century and beyond in both Palestine and Mesopotamia. Amoraic traditions regarding the text and meaning of the halakhic traditions of the Mishnah and the Tosefta form the basis of the talmudic compilations that stem from Byzantine Palestine and Sasanian Babylonia. We shall say more about them momentarily. Similarly, the great tradition of scriptural commentary begun in tannaitic compilations underwent dramatic enhancement of content, form, and genre under amoraic hands.

The literary work of the *'Amora'im* is both continuous with and an innovation upon the textual canons produced among the *Tanna'im*. At the linguistic level, amoraic texts continue to use the post-biblical Hebrew preferred by the *Tanna'im*, but their texts incorporate Hebrew into a broader literary language that includes various local dialects of Aramaic. There are also continuities and innovations at the level of genre and overall models of textual coherence. Tannaitic tradition yielded, on the one hand, the Mishnah and the Tosefta, that is, highly formulaic, self-enclosed legal texts of a rather arcane sort. It yielded, on the other, scriptural commentaries of a generally line-by-line, expository character. In contrast, the literary work of the *'Amora'im* ranged more widely.

Let's begin with the area of biblical commentary. Belonging properly to the Byzantine world of Palestine from the fourth through the sixth century C.E. is a series of midrashic compilations arranged for study in conjunction with pentateuchal and non-pentateuchal Scriptures. Unlike the tannaitic midrashic compilations, those of the Palestinian *'Amora'im* tend to be less concerned with the legal implications of the Scriptures than with historical and theological topics. They also experiment with new formal arrangements.

Some, like *Genesis Rabbah* ("the great Genesis commentary"), a vast commentary that treats virtually every verse of Genesis, continue a kind of line-by-line exegetical pattern pioneered by the *Tanna'im*. But most, such as *Leviticus Rabbah* on Leviticus, focus upon only a few key words of each Sabbath biblical lection, supplementing them with long series of overlapping interpretive discourses. Others, most

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Excerpt

[More information](#)

8 Introduction

notably *Song of Songs Rabbah*, *Lamentations Rabbah*, and *Pesikta de-Rav Kahana* ("Sections From Rav Kahana"), are compendia of midrashim devoted to fast days or festivals of the liturgical year. Many of these, along with *Deuteronomy Rabbah*, introduce their exegetical discourses with rhetorical compositions – *petiḥta'ot* – that suggest an origin, or perhaps a suggested application, in instructional sermons or lectures. Other well-known Palestinian midrashic works, such as *Pesikta Rabbati* and *Midrash Tanhuma*, seem to stem from the later post-amoraic schools of Byzantine Palestine, although their discourses are filled with well-known amoraic figures.

One of the compilations that has best resisted all efforts to locate it in space, time, and literary genre is the companion to Mishnah Avot itself, *Avot de-Rabbi Nathan*. In form and style it is very much like a tractate of the Tosefta, intertwining its own versions of the mishnaic tractate with additions and amplifications in the names of tannaitic masters known from the Mishnah. But *Avot de-Rabbi Nathan*, of which two independent versions exist, has never circulated within the boundaries of the Tosefta. Moreover, there is still little firm scholarly consensus on the time and place of its compilation, with some critics regarding it as a Palestinian work compiled by the end of the fourth century and others detecting influences from such later texts as the Babylonian Talmud itself.

Palestinian 'Amora'im produced an enormous quantity of biblical commentary, but as the example of *Avot de-Rabbi Nathan* already demonstrates, midrashic composition hardly exhausts the range of literary activity in the last centuries of the Byzantine domination. Indeed, the most characteristic work of rabbinic culture is a pair of commentaries on, or highly structured discussions of, the Mishnah. Both works are identified as *Talmud* ("study," "curriculum"), the term that eventually became a virtual synonym for rabbinic literature as a whole. Like amoraic midrashic works, they are composed in various mixtures of Hebrew and local Aramaic. The earlier of these, most likely edited in Tiberias in the Galilee, is nevertheless often called the "Jerusalem Talmud" (*Talmud Yerushalmi*) in the early medieval commentary literature, where it is also referred to as "Talmud of the Land of Israel," or "Talmud of the West." The title of Jerusalem Talmud, in which Jerusalem has to be understood as a synecdoche for the Land of Israel rather than as an actual place of origin, has gained predominance in Hebrew literature, both traditional and academic. European languages, on the other hand, often refer to this Talmud as the "Palestinian Talmud," after the name of the Roman imperial province instituted by Hadrian, *Syria Palaestina*.

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Excerpt

[More information](#)*Introduction* 9

It is thought to have been redacted in the latter quarter of the fourth century C.E. or perhaps the first quarter of the fifth century, even though we do not have any historical information to make a precise dating possible.

We have already, at the very beginning of this essay, discussed its younger but much larger and more complex counterpart, the Babylonian Talmud, compiled in rabbinic academies in Persia under the Sasanian Empire (early third through early seventh century C.E.). Early medieval authorities refer to it as “our Talmud.” Again, due to the lack of historical information, the approximate date of the edition or redaction of this work can only be established hypothetically. Thus, scholars have dated this process anywhere from the end of the fifth century C.E. to the early seventh century C.E., while most assume that the individual tractates may have been edited independently, each in its own time.

While the Talmud Bavli is filled with the names of Palestinian and Babylonian sages, a crucial literary trait distinguishes it from both the Talmud Yerushalmi and virtually all other amoraic compilations. Orchestrating and commenting upon the various amoraic discussions, there lurks an anonymous redactional “voice” that guides students through complex passages, points out contradictions, adds crucial bits of information, and in sundry other ways serves as a kind of disembodied textual teacher. Traditional medieval rabbinic historiography refers to this voice as that of the *Savora'im* (“Critical Editors”). These are the hypothetical compilers of the amoraic tradition into coherent Mishnah commentaries. Presumably these anonymous compilers – called *Stamma'im* by some contemporary scholars – are the true creators of the Babylonian Talmud in its present form.

It is worth emphasizing here that the Babylonian rabbinic communities did not produce independent midrashic compilations, as the Palestinian rabbinic schools did. Rather, the stammaitic editors of the Bavli worked the entirety of received rabbinic scriptural commentary into their commentary on the Mishnah. Thus, it served as a kind of *summa* of the entirety of the rabbinic Oral Torah – *mishnah* and *midrash*, *halakhah* and *'aggadah*, combined into a single “encyclopedia” of knowledge that subsumed all other textualities within its own corpus. Largely because of the influence of Baghdadi rabbinic leaders in the eighth century C.E. and later, the Babylonian Talmud came to enjoy the high status we noted at the beginning of this Introduction. It is the most widely disseminated and revered rabbinic work, and the one that was and is studied most in rabbinic academies and schools. It includes not only acute discussions of mishnaic and other ancient legal sources, but also vast collections of midrashic tradition of both Palestinian and Babylonian venues.

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Excerpt

[More information](#)10 *Introduction*

THE GOALS OF THE PRESENT VOLUME

The modern study of Judaism began with the study of rabbinic literature in the new contexts of the nineteenth-century German university. Most of the key texts of rabbinic literature have existed in European translations for well over a century now. Nevertheless, in spite of all this interpretive work, the texts remain difficult to access for outsiders to rabbinic culture. Their language, rhetoric, hermeneutic, and logic is often highly encoded and requires a significant amount of training – linguistic, philological, and historical – for one to acquire the skill of decoding them in any meaningful way. Further, a section of text may appear in different edited shapes in two or more compilations of rabbinic texts, making even the question of boundaries between texts extremely complicated. Even within one corpus, within the Talmud for instance, textual sections may appear and reappear, not always verbatim, in several contexts. Centuries of transmission subsequently added to the continued emendation or revision of textual traditions in one corpus due to what might have been considered to be a more authoritative version in another corpus.

In addition to the influence of institutional religious concerns in the past, the structure of modern academic disciplines has also led to rabbinic literature being traditionally dealt with in isolation from other fields in the humanities. Scholars in departments of Semitic literature, for instance, focused on solving difficult textual-philological questions in talmudic exegesis by comparative studies of the languages spoken by communities among whom the sages lived. But such focus on linguistic detail, important as it is, left unexplained the literary “forest” within which the “trees” of the rabbinic lexicon were planted.

One might have expected greater interest in such a forest on the part of scholars engaged in the historical and cultural studies of rabbinic literature. But here, too, pressures in the nineteenth- and early-twentieth-century European and North American academy to produce a “usable,” or “noble” model of Jewish history encouraged the isolation of the study of rabbinic texts from the cultural world of Late Antiquity that nourished them. This is only in part due to the dearth of specific or explicit historical anchors within the texts themselves. To consider rabbinic literature as just one cultural phenomenon among others in the world of Late Antiquity, some feared, might call into question the position of the sages in emerging narratives of Jewish history as the sole legitimate inheritors of biblical tradition. A predominant scholarly practice has therefore been to locate rabbinic textual practices somewhere