

Lit'vunah Titein Kolecha
Give Your Voice to Understanding

Hearing and Sharing the Voices of the Talmud



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Just as the rushing waters create a multitude of voices as it is written (Ps. 29) *The Voice of HaShem is over the waters*, so does Torah create a multitude of voices as it says, (Ex. 19) *It was on the third day when it had just become morning that there were voices and thunder.*

-Shir HaShirim Rabbah 1:2

Dedicated to the families and members of Temple HaTikvah, Flanders, New Jersey who have been my generous and compassionate teachers of Torat Chaim

Introduction

Jewish life is a great, freewheeling discussion. Rabbis, lay leaders, congregants and Jews of all levels of background, commitment and knowledge interact with an ever-changing society. Cultural forces, politics, economics, social pressures from the trivial to the profound intersect with the internal dynamics of the Jewish community and somehow, out of this whirlwind, Jewish life is forged. Jews are used to a dialogue in which tradition, modernity and post-modernity, personality, interpretation and a commitment to both personal meaning and continuity all take part.

The Torah in its sense of reservoir of timeless Jewish values, spiritual teachings and culture, is the ultimate touchstone of Jewish authenticity and continuity. Every Jewish voice in the world Jewish community, from Humanistic Judaism to Neturai Karta, from AIPAC to J-Street, J-Date, Birthright and the Jewish Outreach Movement, from *Aleph* to Chabad, all relate to the Torah as the sacred place from which we both take nurturance and return our own experiences and insights.

How does the Torah speak to Jews? The idea that our tradition can be limited to a monolithic single tone, that there is a single normative Judaism is gone, if it ever existed. Even those Jews who see the most important criterion of Jewish authenticity as observance of the Halacha as defined by Orthodoxy find themselves in the most divided and multi-faceted Jewish denomination of all: Young Israel (neo-Orthodoxy), Chasidim and Misnagdim circles, Haredim, Sephardim and Ashkenazim, Agudas Yisroel and more. But no one denomination or division in the Jewish people can claim that there is only one way to live Jewishly without being marginalized and destroying what is perhaps the most fundamental Torah-value of all: the unity of Am Yisrael.

In liberal circles, despite the ongoing foment, ferment and argument out of which Jewish life grows and flourishes, voices fall silent as assimilation ends the sojourn not in flames, but in silence. Rabbis and educators and lay leaders innovate, devote resources and exercise the ingenuity and creativity which have been our forte for millennia but it is difficult to battle the social forces of acculturation. Jewish engagement with Judaism is needed now more than ever.

A millennia and a half ago, Jewry's first great exilic community created a tool for cultivating Jewish identity and commitment, establishing Torah values in the midst of change, providing sources of inspiration and vision and perpetuating and furthering the Jewish ethos. The 2,700 pages of the Babylonian Talmud became the instrumentality through which Jewish civilization could not only survive in strange climes, but could even flourish. Engagement with Talmud created a core of Jewish leadership committed both to Jewish survival and to the values of the Torah, created communal and legal norms and standards and what's

more, enabled individuals to enter and experience their heritage civilization not as a mere national literature, but as life¹.

Has the Talmud run its course as the vessel for the living waters of Torah with which to irrigate a parched world Jewish community? Is its power to inspire and engage finished, at least for non-Orthodox Jews? I believe that it has not. The creativity, spiritual vigor and evocative power of classical Jewish civilization is by no means expended and in fact speaks directly and meaningfully to us right here and right now.

The problem then is not if the Talmud can be meaningful, but how it can be shared so that Jews can hear its messages and accept its invitation to engagement. How has Talmud been taught? In the 1920's, Rabbi Meir Shapiro challenged the world Jewish community to learn just one *daf* each day, completing Shas in seven and a half years. This program is shared throughout the world and recently entered its twelfth cycle. The *daf yomi* approach; an approach which has become widespread throughout the Yeshiva world, follows the Stam of the Talmud, encountering the text linearly, making use of Rashi and Tosafot and referring at times to the Rif, Ran and the Rosh for further analysis. For the most part though, Talmud study is the study of the editorial voice: the *Stama d'Talmud*, with its search for abstraction, digressions and drawing of distinctions.

Is this how the Talmud has always been studied? For those interested in using the Talmud as a source of law, clearly not. Their task was to derive from the thousands of Talmudic *sugyot* clear and normative bases for practical application. Their reading drew distinctions among authorities and sources, making use of established principles of

¹ C. Roth "The European Age" in L. Schwarz ed. Great Ages and Ideas of the Jewish People p. 275

precedence among the Rabbis in different legal areas and developing new ones². The codes of Jewish law, from those of the Geonic period onward reflect this non-linear reading and concern with comparison and resolution among conflicting sides in controversies with an eye to definitive, practical and well-organized presentations of Jewish law³.

But other circles read the Talmud differently still. Rashi and Tosafot's commentaries reveal a profound awareness not only of the different editorial strands within the Talmud but also identified times when the blurring of the different textual layers occurred through design or scribal error. These commentators also compared the Babylonian Talmudic text with parallels in the Tosefta, Jerusalem Talmud and Midrashei Halacha. Rather than a linear reading, the Rishonim clearly favored a nuanced and multi-leveled perspective.⁴

The reality of the Talmud is that it is a text of many voices and many different types of literature. *Halacha* and *aggadah*, *mishna*, *breita*, *memra* and *Stam*, *midrash* and *machloket*, *uvda* and *responsum*; all of these and more comprise the dialogue of generations that is the Talmud. It is this very richness and variety that makes the Talmud so engaging. Beyond the Rishonim, from the 19th century on, generations of scholars, from Zecharias Frankel to Chanoch Albeck to Shamma Friedman and David Weiss Halivni have explored and uncovered ways to allow us to experience and hear the many voices within the text.

The American Jewish community is a community of many voices. Let the Talmud of many voices speak to the Jews of many voices. This essay seeks to make a case for re-engagement of Rabbis and educators with the

² D. Halivni Midrash, Mishnah and Gemara: the Jewish Predilection for Justified Law

³ A. Halkin "The Judeo-Islamic Age" in L. Schwarz ed. Great Ages and Ideas of the Jewish People p. 224

⁴ S. Friedman Al Derech Heker HaSugya p. 13

Talmud as a document of many perspectives and narrative voices. The Conservative Movement, led by the teaching of Rabbi Neil Gillman⁵ often presents itself as an aggadic movement; and this at a time when engagement with Conservative Judaism continues to fade. Perhaps it is time to re-examine that characterization, to move away from the Talmud as a source of a quick *aggadah* or *breita* presented out of context and to invite ourselves and our congregants to engage again in Halacha- in the exercise of *Talmud Torah Lishmah* and to see ourselves not as framers of meaning, but as facilitators to allow the Talmud's voices to speak for themselves directly to Jews.

The first section of the work will present some of the findings of modern scholarship to Rabbis and educators in a way that can be of help in differentiating, identifying and exploring the Talmudic voices in their own study. I have called this section "Freeing the Voices" because my study has led me to the belief that the greatest value that the Talmud has for contemporary Jews is in appreciating it as a inter-generational multi-logue: a meeting place for Jews engaged in Torah across time and space. In the second part, I will present several texts that were prepared using both the linear approach as well as a differentiated approach. Finally, I will share the results of a small study that I undertook recently in which I taught several *sugyot* to a multi-generational group of congregants at my synagogue in western New Jersey. It is to them and the lessons of life and Torah that they have taught me that I dedicate this work.

⁵ Alfredo Borodowski *Gillman: The Master of the Theology of Disturbance* Conservative Judaism - Volume 61, Numbers 1-2, Fall/Winter 2008-2009, p. 58

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Part I: Freeing the Voices

This Talmud of ours was not written to be read. I mean to say, read as one is accustomed to read other books: being able to understand the sense from the meaning of the words and discourse. For this Talmud of ours, even though it is written and set down, it is still Oral Torah- more what it hints at than what it says outright.

-Meir Ish Shalom "About the Talmud" Vienna, 1885

The agenda of the following section is not to provide a general introduction to Talmudic literature. This has been done comprehensively and thoroughly in many places by those far more qualified than I. Nor is the point to provide a curriculum or content-centered analysis of the Talmud in any sense. There are several outstanding works that present Talmudic text articulately and accessibly. Some of these are references opening up Talmudic literature to learners at all levels. Chief of these are Adin Steinsaltz' translation and commentaries which enable the learner to accompany Rabbi Steinsaltz through several volumes of Shas and to benefit from his keen analysis and insight. Other books seek to present learners with a survey of Talmudic literature and thought. A recent publication by Rabbis Michael Katz and Gershon Schwartz, Swimming in the Sea of Talmud, accomplishes this with grace and erudition that are not at the expense of readability.

The goal of this work is to provide Rabbis and Jewish educators with some of the analytical tools that will help them approach and present the Talmud in a way that will make it uniquely accessible to congregants who have had no or very limited previous exposure to the Talmud and to its unique and compelling sensibilities and paradigms of thought that

have made it the leading means of preserving and furthering Jewish civilization for the better part of two thousand years⁶.

In the broadest sense, there are three types of literature in the Babylonian Talmud. They are the Tannaitic literature: Mishnayot and Breirot, Amoraic statements (*Memrot*⁷), and the *Shakla V'Tarya*, the give and take that characterizes the Talmudic voice, called the *Stam haTalmud*. Close reading reveals that there are also additions to these three literatures⁸ and that the Talmud is a work that has undergone considerable and ongoing editing over centuries. Rather than a single voice quoting bits and pieces of older sources to construct a linear argument, the Talmud is a rich and variegated discussion in which thousands of scholars, writers, poets, millers, porters, warriors, bakers, men and women and children have taken part in all focused on one overreaching goal: making the Torah live not only in acts of devotion, martyrdom and in the court of judgment, but in the lives of Jews: in their kitchens and courtyards, bedrooms, bathhouses, fields and forests. Its power comes from its ability not to analyze but to engage, not only to present proofs but to convey a civilization and by the very act of study to transplant and cultivate that civilization in places far removed in time and space from that of its composition.

In order to make effective use of this section as a guide in identifying and differentiating between Talmudic voices, I recommend that the examples given be studied in their original form using the translation as a cue. While the twenty illustrations of characteristics of the three broad types

⁶ For some notes on the Talmud's importance as both world literature and carrier of Jewish civilization, see J. Neusner's general introduction to the Talmud in his The Babylonian Talmud; Translation and Commentary

⁷ A sub-category of the *memra* is the *uvda*, an illustrative story or case law. This form parallels the Tannaitic *ma'aseh*.

⁸ Friedman S. "Al Derech Heker HaSugya" pp. 7

of Talmudic literature and the principles used to reveal them are translated for accessibility and ease of use, they are no substitute for regular and frequent engagement with the original text. They should be seen here as suggestions and commentary.

I. Mishna: The Kindling Spark

In Shabbat 35b, the following *breita* appears (*example 1*):

Our Rabbis taught: Six shofar blasts are blown on erev Shabbat. The first one to cause the nation working in the fields to cease. The second to cause (those working) in the city and stores to stop. The third to (signal) to light the candle- according to Rabbi Natan.⁹ Rabbi Yehuda HaNasi¹⁰ says, "The third blast (was to warn the scholars to) remove their tefilin. Then there would be a period of waiting sufficient to fry a small fish or bake a small loaf in the oven; then the blast would sound, turn into a wailing extended note, sound once more and (all would) cease (and Shabbat would begin).

This is a stirring presentation of how a community comes together to begin Shabbat. Beyond the intrinsic meaning that the text has as a Jewish literature and an expression of Jewish ethos, how is it

⁹ Third generation (Usha) Tanna of Babylonian origin; connected to the family of the Reish Galuta

¹⁰ Fourth generation Tanna (Mishnaic Rabbi), Beit She'arim, Patriarch of the Sanhedrin and editor of the Mishna.

relevant and meaningful to the life of the reader? Or is it meant to be? Is the Talmud purely literature or is it more?

The answer, attested to by the flowering of Talmud-centered Jewish communities in Europe, the Levant and beyond is clearly yes; the Talmud is more than literature: it is law. And more than that, it contains and promulgates the mores, cultural matrices, meaning structures and categories of thinking that characterize an entire great and dynamic civilization. But the question must stand: how does knowing the schedule of Shofar blasts in ancient Jewish cities, connect to the lives of learners?

In order to answer, it is necessary to turn back several pages to the primary source of the oral tradition: the Mishna. The Mishna on folio 34a, to which the *breita* relates to teaches the following:

Three things must a man say in his house on erev Shabbat as darkness falls: "Have you taken tithes? Have you made an eruv? Light the candle!"...

Suddenly, we understand what the *breita* is talking about; not a mere historical/social bagatelle but an issue that every Jew faces every week: the advent of Shabbat. The *breita* is exploring what precisely constitutes the start of Shabbat and how that transition is accomplished in concert by every sector of society- farmers, city folk, merchants, tefillin-wearing scholars and homemakers. The precise implications of the *breita's* message about the Mishna form the basis of Jewish practice and discussion for centuries to come.¹¹

¹¹ cf. the Beit Yosef on Tur, Hilchot Shabbat 263

All of the powerful literature of the Talmud: the dilemma of the two travelers in the desert with but a single canteen¹²- so poignant despite its terse language because of its tragically enduring relevance in a world visited by poverty, social inequality and disaster- the account of Moshe's visit to Rabbi Akiva's classroom¹³ and Rabbi Yehoshua ben Levi's encounter with the Mashiach, covered with leprous sores at the gate of Rome¹⁴ as well as the thousands of *sugyot* (dissertations making up the main body of the Talmud) analyzing moral, legal and practical issues relate back to the Mishna for their context and application to real life. The Mishna that provides the framework of the case of the travelers deals with *ribit*, charging interest, and the nature of our responsibility to our peers,¹⁵ not in dramatic moments of crisis only, but in the daily give and take of commerce and the interplay of mundane human relationships.

Moshe's visit to the lecture hall appears in a discussion of a Mishna defining the integrity of ritual objects, specifically the scrolls of the mezuzah and tefillin, but also of the menorah that stood in the Beit HaMikdash- any part of these objects, including any letter in the mezuzah or tefilin scroll, which is invalid invalidates the whole. Therefore the formation of every letter is of supreme import, for it connects directly with the supreme act of history: *Matan Torah* and *Ma'amad Har Sinai*. To a people whose Temple stood in ruins and whose homeland was rapidly becoming a wilderness, what could be more compelling? The holiness of the *klei kodesh* (holy

¹² Bava Metzia 62a

¹³ Menachot 29a

¹⁴ Sanhedrin 98a

¹⁵ Mishna BM 5:1: "What is interest and what is increase?"

implements) of the Temple was being, via the Mishna and Talmud, imparted to the mezuzuah and tefillin. Judaism was becoming a portable civilization and Moshe's presence in Akiva's classroom and by extension all places where Torah was taught made this message live. Finally, the moving agadata of Rabbi Yehoshua ben Levi's encounter with Mashiach at the gates of Rome and his promise to come appears as a commentary of what seems the most recondite and distant of *mishnayot*: a list of those who have no portion in *Olam HaBah* (the World to Come), one of the few *mishnayot* to discuss issues of doctrine rather than issues of daily life. Here too, the Talmud connects the sacred to the mundane by connecting the Mashiach, personification of the salvation of Israel, to the lowest of the low, the degraded beggar at the gates of Rome, the world's ruling city, despoiler of Jerusalem. And yet it lies in the power of each Jew to transform the world, to cause the beggar to discard his bandages and to rise up and with him, Yerushalaim from its ruins and Israel, exiled and oppressed from darkness to light: *Hayom im b'kolo yishma'u- Today, if you will hear His voice.*

This is the work of the Gemara: to provide a commentary to the Mishna, clarify its opinions, seek order and harmony among its teachings, arrive at the basis for legislation through text, analysis and logic, subject the text to linguistic, legal and textual classifications and especially to seek scriptural basis for statements, laws and decisions.¹⁶

¹⁶ N. Avinoah "Kalmin: The Redaction of the Babylonian Talmud" Jewish Quarterly Review 84 p. 283 *All Derech Heker HaSugya* 33, Weiss, A. *Studies in the Literature of the*

The first task of the learner seeking to discover the voices in the text is to understand how the Gemara is relating to this primary connection. How does the Talmud respond to the Mishna? Is this a search for basic principles? Is one Tanna's perspective being analyzed? Is a difference of opinion of later scholars being connected to that of earlier ones? Are contradictions being exposed and discussed? By answering this question at the outset, even before analyzing the content of the *sugya* in depth, the way is prepared for an understanding of the *sugya* in its context and in its own terms.

Summation: Some Guidelines for Working with Mishnaic

References on the Daf

1. The Talmud, as a wide-ranging commentary and expansion of the Mishna, finds its context and focus in the mishna that serves as its point of origin and impetus. All of the literature of the Talmud needs to be seen in the light of the mishnaic statement. Expansion, elucidation, commentary and illustration are some of the ways that the Talmudic *sugya* serves the Mishna.
2. There is rarely any problem with identifying delineating the Mishna within the text; when mishnaic passages are cited in the Gemara, they are almost always introduced with a textual marker, such as the term *Tanan/Tanina*.
3. It is important to look up mishnaic references and to compare the source in the Mishna to its presentation

Amoraim p. 5, Neusner J. "The Structure of the Babylonian Talmud Sanhedrin" in The Babylonian Talmud: Translation and Commentary

in the Gemara. There are times when the reference in the Gemara is not identical to the Mishna and it is worthwhile to analyze these differences.¹⁷

¹⁷ An example is in Sukkot 35b where there are slight differences between the quoted mishna from Demai 3:1 and the way that it actually appears in the Mishna. Generally these differences are slight and may result from the use of a paraphrase as opposed to a verbatim quote or differences in manuscript. There are also times when references given in the Talmud do not match any known mishna. An example of this is in Pesach 2a where the term *tanan* seems to refer to a mishna that doesn't exist.

II. *The Breita: Invoking the Power of the Tannaim*

I. Overview

Chief of the Gemara's explicit internal divisions is the extensive Hebrew tannaitic literature, some ascribed some anonymous, called *breitot* (*sing. breita*¹⁸), denoted by the terms *tana/tanya/tanei* or *T'nu Rabbanan* (Our Rabbis taught). The Tannaitic voices indicated by the *breita* are some of the most distinctive and memorable in Shas. The three selections mentioned above are all *breitot*. Breitic literature is wide ranging, including collections of decisions (*p'sakim*)¹⁹, teachings of specific Tannaim and their disagreements, legends, Midrashim and many more homiletic and legal forms. *Breitol* can contain more than one voice and even more than one editorial stratum and must be understood structurally as well. While the precise relationship between the *breitol* and the collection of *breitol* called the *Tosefta* is not fully understood, the redaction of all of both of these types of tannaitic literature is meant to shed light on the Mishna- as was said above, this is an important principle of analyzing the text. When demarcating *breitol* in the text, it is helpful also to remember that the *breitol* are written exclusively in Hebrew.²⁰

Identifying and Differentiating Breitol

A. Thu Rabbanan

¹⁸ literally "outside" meaning, "not in the Mishna."

¹⁹ Part of Abaye's collection of these appears on Shabbat 138a as unattributed *piskot*. The collection called *T'nei d'bei Rabbi Yishmael* appears throughout Shas and has a lower halachic status than other *breitol*. Albeck, H. "Mavo L'Talmudim" p. 41 Shabbat 27a. Abaye comments, "this *breita* of the school of Rabbi Yishmael differs from that *breita* of the school of Rabbi Yishmael."

²⁰ P. Hayman, Revadim website "Mishna and Breitol"

In the second chapter of Brachot (*daf* 13a) we encounter a *breita* in perhaps its most familiar setting: at the beginning of a *sugya*²¹ (example 2):

Mishna: One who is reading in the Torah (the parshiot of Shema) and the time to read (Shema) arrived. If he makes it his heart's intention to fulfill his obligation, then he has...

Gemara:...Our Rabbis taught (Tnu Rabbanan), K'riat Shema (is performed) as written (in the Torah). These are the words of Rebbe (Yehuda HaNasi). But the sages say, "In any language."

What is the (scriptural) reason of Rebbe? The scriptures says, "And (these words) shall be..." as they really are (i.e. in Hebrew). And our Rabbis? What is their reason? The scripture said, "Hear (O Yisrael)" implies in any language that you hear (with understanding...

There is little difficulty in locating the seam between the *breita* and the Stama²² of that follows because *breitot* are written in Hebrew. The expression *mai ta'ama- what is the reason-* is an Amoraic technical term asking for either the scriptural or logical source of a teaching.²³ Therefore, the *breita* ends at "in any language."

While the term *Tnu Rabbanan* is the only term of introduction to a *breita* that begins a *sugya*, it does not always do so²⁴. Like other terms indicating *breitot*, its use is more stylistic than specific. Above, the

²¹ I found that more than twenty of the thirty usages of *Tnu Rabbanan* in BT Brachot begin a *sugya*. This generalization is not necessarily applicable to other parts of the Talmud, which may have different styles and divergent terminology. While we tend to view the Talmud as a unified whole, this assumption is not borne out by analysis.

²² The ubiquitous editorial voice, written in Aramaic, which is always unattributed, hence "Stam".

²³ Y. Feigenbaum *Understanding the Talmud* p. 63

²⁴ H. Albeck *Mavo L'Talmudim* p. 23

breita that was introduced by *Tnu Rabbanan* was attributed to Rebbe and the Chachamim. More often, however, the term introduces an unattributed *breita*²⁵. The following example shows an appearance of an unattributed *breita* introduced by *Tnu Rabbanan*.

B. Breitot: Parts and Wholes

Apart from introducing a *sugya*, *breitot* are used to establish the tannaitic credentials of one side or the other in an argument. *Breitot* may appear in truncated form as a short excerpt or in their entirety. This is done in both Amoraic and Stamitic statements. In the *sugya* in Shabbat, 61a, we will see how an Amora excerpts a *breita*. The full text of the *breita* will follow as a sort of conclusion to the *sugya*. To show how the *breita* appears in the *sugya*, it has been highlighted in green.

Following the Mishna describing wearing sandals on Shabbat:

One should not go out wearing nail-studded sandals, or with a single sandal if he doesn't have an injury on his foot...

In the Gemara, a question is raised about the proper way to put on shoes. Various opinions are expressed in terms of showing respect for the right side (as a symbol of divine might) or the left side, since the Tefillin is first placed on the left arm. In the *piska* below, the *breita* concludes an Amoraic interchange which began with Rabbi Yochanon's statement. The Gemara continues (*example 3*):

...Rabbi Yochanon said, "Just as with tefilin do you put on shoes. Just as with tefilin you start with the left, so with shoes do you start with the left." Objection (Meitivi)! "When one puts on shoes, one puts on the right and then puts on the left."

²⁵ Albeck, H. "Mavo L'Talmudim" pp. 23-24. Albeck also points out that disagreements between Beit Hillel and Beit Shamai are often introduced with *T'nu Rabbanan*.

Rav Yosef said, "Now that this is established, and Rabbi Yochanon has said that, one who does this way or that way has done well." Abaye said to him, "Perhaps Rabbi Yochanon had not heard of this breita, and if he had heard it, he would have retracted his statement, or if he had heard it, he may have thought that halacha was not in accordance with this Mishna." (other versions: "with this breita.")

Rav Nachman bar Yitzchak said, "One who is truly Yareh Shamaim²⁶ satisfies both requirements. And who is this? It is Mar, the son of Ravina. How did he do it? He put on his right sandal and didn't tie it, then put on his left sandal, tied it, then went back and tied his right sandal." Rav Ashi said, "I noticed that Rav Kahana didn't pay attention to this (trivial) issue. Our Rabbis taught (Tnu Rabbanan):

~~afterwards removes the right. When he washes, he washes the right and then afterwards washes the left. When he anoints, he anoints the right and afterwards the left. When one wants to anoint his entire body, he anoints his head first since it is the ruler of all of his limbs."~~

²⁶ Lit. "In awe of heaven" - a term evoking the image of one who is sincerely pious and infused with the awareness of God's presence. Note: Rabbi Meir Ish Shalom, when writing about translating the Talmud, states that "words that indicate nature, such as "rock", feelings and mental cognition, such as number, can be translated, but not so with words that come from the character of a nation, its life and history and the special ideas that distinguish it from other nations." "A Word Regarding Whether the Talmud can be Adequately Translated" Vienna, 1885. It is striking how this perspective anticipates Rabbi Max Kiddushin's "value-concept".

In this *piska*, *Tnu Rabbanan* introduces an unattributed *breita* which establishes that indeed, the right sandal is put on first; and so it has played out in the formation of *Halacha*²⁷. The *sugya* contains several other illustrative characteristics:

1. A *breita* or an excerpt from a *breita* can be introduced not only by *tana* (and other forms with the same root) but also by the term *Meitivi*, which comes from the Aramaic "l'meitiv"- to answer back. This term is used to introduce a challenge, usually from tannaitic literature, such as a *breita* or a Mishna, but also from the Torah or Tanach (see the beginning of *Pesachim* for many examples of this). *Breitot* can be introduced by other markers which indicate their role in the argument, such as *Ta Sh'ma* when the *breita* is being brought as a proof. Of course, other forms, such as Mishnayot, memrot and verses from the Tanach can be introduced in the same way²⁸. There are also places, particularly in the Yerushalmi but in the Bavli as well, where a *breita* appears without any indicator that it is a *breita*²⁹.

2. The Amoraim are very aware and involved in establishing the authority and authenticity of a tannaitic ruling. In our *sugya*, Rav Yosef's attempt to harmonize the amoraic *memra* of Rabbi Yochanon with the *breita* is challenged by Abaye, his student. In a similar way, the opening *sugya* following the Mishna in *Pesachim* 99b, seeks to establish the authenticity of a *breita* or an alternative reading. We will examine this discussion later on.

²⁷ Shulchan Aruch, Orech Chaim 2:4

²⁸ Y. Feigenbaum *Understanding the Talmud* p. 72

²⁹ H. Albeck, *Mechkarim B'Veita V'Tosefta*, Mossad HaRav Kook, 1944, p. 4, citing, among other examples, Brachot 41b with a saying by Ben Zoma appearing without indicating that he is a Tanna.

In our *piska*, the short excerpt brought by the Talmud as an objection is followed by the entirety of the *breita*. Aside from the teaching about which shoe one puts on first, the *breita* contains additional information that is not needed by the *sugya*. This inclusion of material not needed by the line of the argument occurs in both *breitot* and *memrot*, and speaks to the nature of Torah She'ba'al Peh as collections of teachings that were memorized and recalled and recorded as complete units. This may be confusing when analyzing the structure of the *sugya* and seeking to understand its individual units in their own terms as well as in relation to its other parts.³⁰

3. Finally, while *Thu Rabbanan* may not always begin a *sugya* (as we see here), it is the only formulation used when beginning a *sugya* with a *breita*.

C. Invoking the Power of the Tannaim

The term *Thu Rabbanan* tells us little about the role of the *breita* in the *sugya*. Other terms, like *meitivi* (objection) and *ta shma* (test case) may tell us the role played by the reference, but it doesn't specify what the reference is. In *example 3*, from Shabbat 61a, if we didn't have the full text of the *breita* before us, there would be no way of knowing that the objection was tannaitic. The appearance of some terms does provide a bit of information. For example, the Amoraim themselves do not use *Thu Rabbanan*. It doesn't appear in any *memra* and therefore may be used to demarcate the Stam³¹.

³⁰ Professor S. Friedman points out that it is those places where *breitot*, *memrot* and the *Stama* don't correspond in their relationship to each other: where the *Stama* asks a question, for example, and the adjacent *memra*'s plain meaning doesn't provide an answer that demonstrates the existence of editorial layers added at different times. (Al Derech Heker Hasugya p. 22)

³¹ H. Abeck, *Mavo L'Talmudim* p. 24

There are, however, terms that usually give more information. *Tanya*, for example, is frequently used to introduce either an ascribed *breita*, or an unascribed *breita* used in an argument.³² There are, however, exceptions to this, as in nearly all generalizations regarding the Talmud³³. This being said, there is one clear guideline: invoking the power of the Tannaim through the use of one of the indicator words is intended to establish authority and validity. Using the term *tanna* itself when introducing a teaching gives it a higher legal status. This explains the distinctive phrasing used by the Talmud at times such as that in *Yoma*, 24a (example 4)

Mishna: At first, whoever wanted to lift the ashes from the altar would do so. When there were many (who wanted to perform this service), they would run up the ramp. Whoever preceded his fellow by four cubits would win.

Gemara:...Rav said, "For four ritual acts a stranger (non-Kohen) incurs the death penalty: sprinkling (the blood of the sacrifice), offering incense, water-libation and wine-libation. And Levi said (Amar), 'even for removing the ashes.'" And so did Levi teach on Tanaitic authority (T'nei) in his Mishna: "Even for removing the ashes."

³² Ibid. p. 23

³³ Sherira Gaon (in his *Iggeret* and responsa) provides a great deal of information about the meaning of the various terms used to introduce *breitot*. He states that *breitot* introduced by *Thu Rabbanan* were the ones taught in the academies of Rabbi Chiya and Rabbi Oshiah and were therefore seen as normative by all- hence the term "Our Rabbis taught." Other *breitot*, however, which may have been derived from a variety of sources: individual collections, *midreshei halacha*, versions of the *Tosefta* and others are introduced by the other terms. (quoted by H. Albeck in *Mavo L'Talmudim* p. 21) However, Professor Albeck pointed out that identical *breitot* are introduced by different terms in different places in *Shas*, making any broad generalization very difficult. (ibid.)

Why does Levi, a fifth-generation Tanna, seem to speak twice- once using the term “Amar” and the second the term T’nei. Locating the boundaries is more difficult than in the case of the previous selections. Specifically, how does “And Levi said,” fit into the *piska*? In this case, looking carefully at the structure of the *sugya* and at the switch of language, we can place the “and Levi said” statement into Rav’s *memra*. The statement is then repeated by the Stama, this time invoking Levi’s authority as a Tanna, using *t’nei*.³⁴

The term, *in his Mishna (b’matnitei)* indicates that Levi had his own personal collection of Tannaitic teachings. There are fascinating hints in both the Mishna and Talmud that this was normative for the different academies and scholars, both tannaitic³⁵ and amoraic³⁶.

D. Shibushim- Scribal Errors

There are places in Shas where markers do not fit the material. An example occurs in Pesachim 2a with the marker *Tannan*- “We learn (in a Mishna).” (*example 5*)

Mishna: At first light on the fourteenth, we search for Chametz.

Gemara: ...starlight is also called “light”. So what?

(What is the practical meaning of this teaching.) It refers to one who has taken an oath that he will not benefit from light as it is taught in a Mishna (D’Tannan): “He

³⁴ Friedman S. “Talmud Aruch: Perek HaSocher” p. 4.

³⁵ The existence of the different tannaitic academies having their own collections of teachings explains the half dozen or so repetitive statements in the Mishna. An example of this is the repetition of the delineation of the four types of guardians in Bava Metzia chapter 7:8 and Shavuot 5:1. In his redaction of the Mishna, Rebbe included the traditions of different schools, some of which were identical with each other. (Based on a conversation with Rabbi Pinchas Hayman of Bar Ilan University, January ’10)

³⁶ This will be explored below during the discussion of *memrot*. See the comment by Ravina in the next selection. Collections of mnemonic acronyms for remembering the sequence of breitic teachings occur throughout Shas, cf. Megillah 25a (passages that are read and translated or not translated).

who takes an oath not to benefit from light is forbidden to make use of the light of the stars.”

About this reference, Tosafot's version indicates that this reference is a *breita*, while Rabbi Ya'acov Landau (15th century Germany) comments, "This is neither a Mishna nor a *breita*." Different manuscripts use other markers for this reference, some using *tannan* and others *tanya*. Is this strange case about one who has foresworn the use of light part of a mishnaic collection that has not survived? For the purposes of demarcating voices, we might say it is not a true source, but an echo whose origin and authenticity is not known.

E. Tanna or Amora?

Far more common than indeterminate sources is a phenomenon where an Amora is cited using *tana/tanei/tanya etc.* In *example 4* above, Levi's opinion is given the imprimatur of tannaitic authority. He is, after all, a student of Rebbe and one of the editors of the Mishna.³⁷ However, he comes from the post-Mishnaic generation of Tannaim whose status may not be as solidly acknowledged.

In perhaps a similar way, first generation Babylonian Amora Rav Yechezkel appears to invoke tannaitic authority in Brachot 11a (*example 6*):

³⁷ S. Schechter) "Levi b. Sisi" in The Jewish Encyclopedia. Schechter cites a breitic collection called "Kiddushei d'bei Levi" quoted in Kiddushin 76b.

Mishna: Beit Shammai says, "In the evening everyone should lie down and recite Shema and in the morning stand...and Beit Hillel says, "Everyone should recite as they are accustomed..."

Gemara:...Rav Yechezkel taught on Tannaitic authority (Tanei): "If you act in the manner of Beit Shamai, or if you act in the manner of Beit Hillel, you have done well."

Scholars such as Levi and Rav Yechezkel may have had ambivalent authority and thus the term *t'nei* may be applied to them for this reason. What are we to say, however, when a Rabbi who is unquestionably an Amora is accorded this marker of tannaitic authority? (*example 6 below*) Formulations like the one that we find in Bava Batra 157b are not uncommon. The discussion there centers on an exploration of the Mishna's teachings regarding the status of debts of someone who has died in an accident. An issue of related case law is raised (*example 7*):

Mishna: If a house falls upon a man and his father (so that both are killed)...

Beit Shammai says, let them (the heirs of the father and the creditors of the man) share the man's estates.

Beit Hillel says, let the property retain its former status (i.e. in the hands of the father and is thus inherited by the surviving children).

Gemara:...One who borrows from one and then another and then buys land what is the case? Does the first

creditor own the mortgage (and may collect from the sale of the land in case of death or default) or does the second?

Rav Nahman said, we received an inquiry about this issue and they sent word from there: the first creditor has acquired (the mortgage).

Rav Huna said, "They (the creditors) should divide it."

And so did Rabbah bar Avuha teach on tannaitic authority (Tanei): "They should divide it."

Ravina said, "In the first edition of Rav Ashi, it says to us that the first has acquired (the mortgage). In the later edition of Rav Ashi it tells us that they should divide it.

And the decided law is, they will divide it up.³⁸

Note that Ravina, a later Amora and one of the scholars (the other is Rav Ashi) traditionally attributed to be the editor of the Bavli, attests to different editions of collections³⁹ of even the teachings of a single scholar. The existence of different traditions both in the the Mishna and the Gemara as well as the testimony that different teachers and editors give to their acknowledgement of these differences and the attempts to

³⁸ Original reference to this piska is in S. Friedman Talmud Aruch HaSocher p. 4; subsequent discussion and expansion is mine.

³⁹ A. Weiss indicates that the use of the term "mahadura" is limited to the self-review of a scholar's notes later in life. *Hithavut HaTalmud B'shleimuto* p. 245 (quoted in Shamay Kanter's "Abraham Weiss: Source Criticism" from J. Neusner The Formulation of the Babylonian Talmud)

harmonize and delineate different sources is the heart of understanding that the Talmud is a symphony of voices and not a single narrative⁴⁰.

Relevant to our topic of identifying and analyzing breivot is the use of the cue for a tannaitic statement: *And so did Rabbah bar Avuha teach on tannaitic authority (Tanei): "They should divide it."* The problem here is that Rabbah bar Avuha is not a Tanna or even near the Tanna/Amora horizon line, but a second-generation Amora. There are multiple places in Shas where evoking tannaitic authority is not identical with being a Tanna⁴¹.

This may have to do precisely with the internal evidence that we have seen for the existence of different collections of breivot. The Amora- in this case, Rabbah bar Avuha- is not claiming tannaitic authority, but the statement he is making is drawn from his tradition's breivic reservoir. In other words, places where an Amora's statement is introduced by one of the tannaitic markers may indicate a single school's (or scholar's) breivic tradition.⁴²

⁴⁰ H. Albeck Mavo LaTalmudim p. 41, citing Shabbat 27a where Abaye comments, "this *breita* of the school of Rabbi Yishmael differs from that *breita* of the school of Rabbi Yishmael," indicates a critical view by the Amoraim of differing levels of authority of breivot.

⁴¹ H. Albeck Mavo LaTalmudim p. 29

⁴² *ibid.*

Summation: Some Guidelines for Differentiating and Analyzing

Breitot

1. Structure: The single most important guideline in analyzing a *sugya* is to understand that every *sugya* has its unique character and that understanding the structure of the *sugya* overall must proceed any kind of analysis. This is true not only of differentiating breitot, but also when dealing with any other literary form on the *daf*. The other hints and analytical tools are subsidiary to this essential first step.

2. Markers: Terms with the shoresh generally indicate a *.א.ל.נbreita*. In a minority of cases, they indicate the invocation of tannaitic authority. *T'nu Rabbanan* is the strongest term for evoking breitot with the others possessing less indicative force⁴³.

3. Language: Breitot always appear in mishnaic Hebrew. This makes the demarcation between the *breita* and the literary form that follows fairly straightforward. An exception is when the *breita* is invoked by an Amora in a *memra*, which is also in Hebrew.⁴⁴ While the Amoraim are less formulaic in their invocation of the breitot- using other terms to designate tannaitic sayings- than the Stam, it is not difficult to delineate between them because of the Amoraim themselves using demarcations to indicate the end of the

⁴³ H. Albeck, *Mechkarim B'breita U'v'Tosefta* Jerusalem 1944, p. 15

⁴⁴ Cf. Baba Kama 6a where Rav Ada bar Ahava quotes a *breita* in a *memra* is a typical example.

breita and the beginning of a *memra*, attack (*meitivi*) or other form.

Amoraic dialogue appears in Aramaic, so *breitot* appearing in such contexts are similarly straightforward.⁴⁵

4. Geneology- Identifying the names and lineages of the Tannaim and Amoraim is essential in being able to accurately analyze the sources of *breitot* and other forms of Talmudic literature.⁴⁶

5. Parallel Sources To be thorough in analyzing *breitot* and other tannaitic literature, it is important to see if parallels exist in the Tosefta, Yerushalmi and Midreshei Halacha. Use of Tosafot, the Rishonim and especially of digitized, searchable versions of these sources facilitates this task.⁴⁷

III. *The Memra: The Amoraim Live the Text*

Overview

If the Mishna and *breitot* are the seeds of the Talmudic *sugya*, the *memra*, or Amoraic statement, is the stalk that grows from the seed. The *memra* is a record of the Amoraic interpretations, teachings, challenges, case law and emendations that accrue around an earlier source;

⁴⁵ Cf. Baba Metzia 106a where Mar Zutra asks Ravina about a Mishna, switching languages to show where each end and begin.

⁴⁶ Cf. examples from Yoma and Brachot above (*examples 4 and 6*). Rabbis who taught at the end of the tannaitic or beginning of the amoraic periods may have both declensions applied to them more frequently.

⁴⁷ When preparing a study of the beginning of Baba Batra, I found that the terminology of *Avot Nezikin* and *Toledot Nezikin* was present in the Mechilta d'Rabbi Shimon and that study of the two sources together provided useful insight into the point of departure of the *sugya*.

generally the Mishna, but also around *breitot* or even earlier *memrot*.⁴⁸ *Memrot* appear in different forms including collections of sayings by a single sage (a *kovetz*), *midrashim* and topical treatises.⁴⁹ *Memrot* are the building blocks of the *sugya* and appear consecutively or nested one in the other⁵⁰.

As challenging as it is to tease them out, *memrot* comprise individual voices within the text and may originally been taught as discreet teachings rather than as woven together in *sugyot*. *Memrot* are almost always quoted in the name of their author, since this establishes their halachic authority.⁵¹

We have already had a chance to examine *memrot* in the previous section. In example two above, from Shabbat 61a, we saw how statements by Rabbi Yochanon, Rav Yosef, Abaye, Rav Nahman bar Yitzchak and Ravi Ashi are woven together to form the narrative of the *sugya*. In tracing the genealogy of the narrative, we notice that the thread of the discussion shifts from the first Israeli Amoraic generation (Rabbi Yochanon) to successive generations of the Pumbedita tradition (Rav Yosef and Abaye) to Abaye's student Rav Nachman bar Yitzchak and right down to Mar bar Ravina in the final Amoraic generation. In example three, from Yoma 24a, we saw from Rav's *memra* that the Amoraim transit other *memrot* and *breitot* within their teachings. Example 5a from Baba Batra demonstrates another chronology following the Mehoza and Sura traditions (Rabbah bar Avuha and Rav Nahman of Mehoza and Rav Huna of Sura) down to Rav Ashi of Sura. In every case,

⁴⁸ Goldblatt, David "Abraham Weiss: The Search for Literary Forms" in The Formation of the Babylonian Talmud, by Jacob Neusner (1970)

⁴⁹ Strack, Hermann Leberecht and Stemberger, Gunter Introduction to the Talmud and the Midrash (Forest Press, 1996) pp. 203

⁵⁰ Ibid.

⁵¹ "The Editing of Amoraic Statements" Revadim Website, The Society for the Advancement of the Oral Tradition in Israel, 2003 (Rabbi Pinchas Heyman)

the body of the *memra* appears in Hebrew, just as do the *breitot*. They usually introduced by *Amar Rav*... “Rabbi Ploni said...” or another distinctive marker like *itamar* “It is said” and are generally brief, focused statements.⁵²

While these are general characteristics of *memrot*, there are many varieties, special cases and exceptions that are both challenging to analyze and rewarding in what they reveal about the Amoraim and their teachings as well as the editorial process that created the Talmud.

A. Basic Memrot

Just as in the case of *breitot*, sometimes a *memra* will appear with another marker indicating not its source but rather its role in the discussion (proof text, test case or other) or missing a marker altogether. In order to get a sense of the Amoraic forms, we will examine a *sugya* in which different types of *memrot* appear in close proximity.

In Pesachim 100b, a discussion arises regarding the practice of saying Kiddush in the synagogue. This *memra* does not relate directly to the Mishna, but rather to a *breita* which follows. In keeping with the centrality of the Mishna, an excerpt will be presented first:

Mishna: Erev P’sachim near Mincha, one should not eat until it gets dark...

In the opening *sugya*, the mishna is compared to a *breita* which presents a difference opinion between two students of Rabbi Akiva: Rabbi Yehuda and Rabbi Yosse. Rabbi Yehuda prohibits eating not only on Erev Pesach, as in the mishna, but on Erev Shabbat and Yom Tov. Rabbi Yosse permits eating on Erev Shabbat and Yom Tov. This disagreement leads to a second *breita* that raises

⁵² The opposite formulation *Rav...amar* generally appears within a *memra*, introducing successive Rabbis’ opinions.

another area of disagreement between the two Tannaim: whether it is necessary, while eating on Friday afternoon (if the meal was begun before Mincha so that Rabbi Yehuda could partake), to stop eating and do *birkat hamazon* and *Kiddush* when the sun sets and Shabbat begins (Rabbi Yehuda's view), or whether one can continue eating and do *Kiddush* before concluding the meal (Rabbi Yosse's view).

1. Alternate Introduction (*example 8*): The narrative continues with another case:

(As for) those people who say Kiddush in synagogue. Rav said, "they have not fulfilled their obligation to say the blessing over the wine (so that they must say the benediction over wine they drink at home) but they have fulfilled their obligation to say Kiddush (and do not need to repeat the liturgy at home). Shmuel said, "they haven't even fulfilled their obligation to say Kiddush."

This *memra* doesn't begin with the customary *Amar Rav* but by mentioning the case in point and then the differing opinions of two Amoraim. There are other examples of this same form throughout Shas, particularly as introductions to important controversies⁵³. However, the use of Hebrew and the attribution to first-generation Amoraim Rav and Shmuel leave no doubt that it is Amoraic.

2. Amoraic Dialogue: The continuation of the *sugya* includes a different kind of Amoraic material (*example 9*):

Rav Anan bar Tachlifa said to them, "Many times when I was attending Shmuel, he would go down from the roof to the ground and say Kiddush again."

⁵³ Cf. Baba Metzia 21b: *Automatic Renunciation of Ownership of Lost Items: Abaye said there is renunciation and Rava said there isn't renunciation.* There follows one of the most famous and extended amoraic controversies in Shas.

This paragraph as well as the ones that follow it are in Aramaic. When the Amoraim speak with each other, they use Aramaic. In this case, we are not told who the direct object refers to, but it is clear that Rav Anan bar Tachlifa's audience are Amoraim.

3. The Uvda: Finally, a third type of Amoraic literature occurs just a few lines later (*example 10*):

Rav Huna made Kiddush. The candle fell over and went out. He brought his assemblage to the wedding-chamber of his son Rabbah where there was a candle, said Kiddush and tasted a morsel.

This description of the deeds of an Amora demonstrating a halachic principle- in this case, that Kiddush can only be said in the place where you intend to eat- is called an *uvda* and corresponds to the tannaitic *ma'aseh*. It often appears with a marker: *Hahu* "There was a..." but just as often is lacking any demarcation.⁵⁴

B. K'vatizim- Collections

A straightforward set of memrot appear in Shabbat 141a (*example 11*) following a Mishna describing various Shabbat prohibitions:

Mishna: The straw that is on a bed (in the public domain): one may not move it with his hand rather he moves it with his body...

The Talmud then explores this idea of being able to move objects in the public domain indirectly. A set of related teachings is introduced, first in the name of Rav Yehuda, then in the name of Rava:

Rava said, a person shouldn't sit on the top of the stake marking the Shabbat boundary, lest

⁵⁴ Cf. Baba Batra 167a *Hahu buzina* for a cautionary tale of contract fraud or Baba Metzia 24b *Hahu dayo* for a case involving a thieving vulture.

something of his fall and roll past the stake and he ends up retrieving it (and violating Shabbat). Rava said, a person shouldn't tip over a cask (that's standing on the ground) onto its side lest he come to make divots in the ground (and violate Shabbat). Rava said, one shouldn't stuff a cloth stopper into the mouth of a jug lest he come to squeeze it out (and violate Shabbat).

In this example, the *memrot* are preserved without emendations or additions by the Stama d'Talmud, the editorial voice of the Talmud. While most *memrot* are in Hebrew (see above) the *memrot* in this series are in Aramaic. How are these Aramaic *memrot* different from the more prevalent Hebrew *memrot*? Here is one possibility: in Hebrew *memrot*, broad halachic principles are presented⁵⁵. *Piskei halacha*, in contrast, are not principles but decisions related to cases and thus share as much with case-law- *uvdot*- as they do with principles of the more formal Hebrew *memrot*. Much more research is necessary before this principle can be proven even in a general way.

Beginning with Rav Nahman, this collection moves down amoraic generations of different lineages and concludes with teachings of Rav Kahana (sixth generation and teacher of Rav Ashi). As we have seen above, this chronological ordering is typical of many amoraic *sugyot*. This collection may represent various *piskei halacha* memorized as a set. The analysis by the Stama d'talmud focuses only on the last teaching, that of Rav Kahana. This raises a question: if the Talmudic editor only required Rav Kahana's teaching, why would the entire collection be

⁵⁵ A few examples: Baba Metzia 21b *Ye'ush shehlo mi'da'at* (automatic renunciation of lost property) is presented as a *memra* as is *Ein kiddush elah bimkom se'udah* (Kiddush can only be recited in the place where the Shabbat meal is eaten) in Pesachim 100b. *Malacha L'gufo* (FIND THIS ONE)

included? Different approaches to *sugyot* like these which appear throughout Shas lead to different theories about the editorial process of the Talmud. For our purposes, just exposing and different voices within the text enables us to access and explore its many levels of meaning and diversity of perspectives.

C. Nested Memrot: Brachot 31a

As we have seen, there are times when a term usually reserved for *breitot* introduces a *memra*. Here is a *sugya*, presented using different graphics to show different literary forms. The *breita* is presented bolded to set it apart from the *memrot*. *Memrot* in Hebrew are highlighted in yellow with Aramaic material left unhighlighted. The *sugya* (example 12) begins with a *breita*:

Our Rabbis taught: "One does not stand up to say Tefila in a sad or idle frame of mind or when immersed in conversation or frivolity or when concerned with trivialities but rather from a mindset of the joy of the Mitzvah. And similarly, a person should not part from his companion from a mindset of idle conversation or joking or frivolity or trivialities but rather with a word of halacha..."

For so taught (Tana) Rav Mari, the son of the son of Rav Huna the son of Rabbi Yermiah bar Abba: "A person should not part from his companion except with a word of halacha, so that by doing so he remembers him."

For thus was it when Rav Kahana accompanied Rav Simi bar Ashi from Pumbedra to the palm district in Babylon. When they arrived there he

said to him, "Master, do people really say that these palm trees of Babylon have been here from the time of Adam the First Human to the present?" He said to him, "You have reminded us of the teaching of Rabbi Yosi son of Rabbi Chanina for Rabbi Yosi son of Rabbi Chanina said, "What is the meaning of the verse (Jer. 2:6) 'In the land that no man has passed through and no man dwelled there.' If no one has passed through, how could anyone have dwelled there? Rather this tells you that any land that Adam the First Human decreed should be for habitation is inhabited and any land that Adam the First Human did not decree for habitation is not inhabited."

Rav Mordechai accompanied Rav Simi bar Ashi from Hegronia to Bei Kipi and others say to Bei Dura.

This *sugya* contains several literary forms which can be explored individually. The initial *berteita* forms the seed of three *memrot*, one of which (the last one) has not been preserved aside from the name of its source- Rav Mordechai. Since Rav Simi bar Ashi appears in both *memrot*, perhaps they represent the remnant of a collection of Rav Simi bar Ashi's travel tales.⁵⁶

Like the *beraita*, the first *memra*, that of Rav Mari, is written in Hebrew, indicated by the yellow highlight, as is the second *memra* brought by Rav

⁵⁶ Torah learned while on the road serves as the literary frame for many of the Talmud's mystical traditions as well as later literature such as the Zohar. (see the Gemara in Chagiga 12b: *Ma'aseh b'Rabbi Yochanon ben Zakkai*...

Simi bar Ashi. This is consistent with their types: concise memrot teaching halachic principles introduced by *Amar Rav*... The frame-stories, on the other hand, are entirely in Aramaic and characterize dialogue and *uvdot*⁵⁷. Of the third *memra*, only the beginning of the Aramaic frame-story remains. By analyzing the switches of language, it is possible to demarcate the editorial lines.

This *sugya*, like the other amoraic forms that we have seen, also contains a descending chronology. Following the unattributed beraita, the earliest stratum, the *sugya* presents a *memra* of Rav Mari, the grandson of Rav Yermiah bar Abba, a second generation Amora. The second *memra*, whose scholars are difficult to locate by date, but are perhaps younger contemporaries of , taught by Rabbi Yossi bar Chanina, an Israeli Amora, is transmitted by fourth-generation Babylonian Amora Rav Simi Bar Ashi to his junior, Rav Kahana. The *sugya* progresses from *breita* to second generation (Sura, Rav Yermiah's academy) to fourth generation Nahardea (Rav Simi's academy, although Rav Kahana is a teacher of Rav Ashi, fifth generation leader of Sura.

Although it is not justified to treat the lines of transmission and ascription as absolutes,⁵⁸ there are many *sugyot* that demonstrate generational descent and even a sense of locale, with Suran traditions generally being presented first, followed by others.⁵⁹

E. Showdowns

⁵⁷ Ibid.

⁵⁸ Rubenstein, J. *Talmudic Stories* (Johns Hopkins, 1999) pp. 24. Professor Rubenstein reminds us that the Talmud is a literary creation and his challenging presentation of figures such as Bruria as literary and not historical is a warning not to take everything in the Talmud at face value. Be that as it may, Bruria is someone whom I, and I know many, many others, feel that we know personally!

⁵⁹ Hayman, P. "Learning Amoraic Literature" Revadim Website, 2003

While arguments and controversies are common in all forms of Talmudic literature- Beit Hillel and Beit Shammai, Rabbi Akiva and Rabbi Yishmael, Abaye and Rava to name just a few of the leading disputants- sometimes analyzing these disputes can provide a window into not only the content of the dispute but the context.

As we saw above (*example 3*) the Amoraim are very concerned about the transmission of authentic traditions. One of the most accessible areas of analyzing and opening the Talmud's voices lies in understanding and identifying the editorial seams where the text makes reference to itself. In this work, it is especially important to address the two central questions of who says what to whom⁶⁰, and precisely what is being discussed. An example of an encounter between two traditions occurs in Pesachim 99a where two different versions of the same *breita* appear (*example 13*). Following the *sugya*, the Shas characteristically introduces a *breita* (bolded) that contrasts with the mishna:

Mishna: Erev Pesachim close to Mincha: One should not eat until it gets dark...

*Gemara: Why does it specify Passover eve? Even Shabbatot and holidays also as it is taught in a breita (d'tanya)⁶¹: **One should not eat on Erev Shabbatot and Holidays from mincha on in order to enter Shabbat when he has an appetite. These are the words of Rabbi Yehuda, but Rabbi Yose says, he may eat continually until it gets dark.***

Successive generations of scholars, beginning with Rav Huna (second generation Sura), and proceeding to Rav Pappa (third

⁶⁰ I. Haut "The Talmud as Law or Literature" Beit Sha'ar Press NY 1982 p. 5

⁶¹ As we saw above, this form of breitic introduction generally indicates its use in countering a different text. (H. Albeck *Breitot V'Toseftot* 1944 p. 4

generation Nahardea) try to harmonize the *breita* with the *mishna*. The inter-generational dialogue appears in Aramaic. The conclusion reached is that the difference between the *mishna* and the *breita* is that on Erev Pesach, the expression “close to Mincha” means before mincha on, while the *breita* says only “from Mincha on”. Therefore, the difference between Pesach and Shabbat/Chagim is that on Erev Pesach, the prohibition of eating begins earlier, at nine hours from sunrise.

This explanation is upset by the introduction of an alternate form of the *breita*:

Wasn't it taught in the breita (V'ha'tanya): One shouldn't eat on Erev Shabbatot and Holidays from nine hours on...?

Mar Zutra (sixth generation Nahardea) and his contemporary Ameimar (or Rav Yemar- both sixth generation Sura) engage in a brief discussion trying to establish which *breita* is authentic:

Mar Zutra said, “Who tells us that (this version) is satisfactory?⁶² Perhaps it is distorted?”

Merimar- others says Rav Yemar- said to him, “I was visiting the session of Rav Pinchas, the son of Ravi Ami when a Tanna⁶³ stood and declaimed (this version) and it was accepted.”

By being sensitive to editorial seams and demarcations, we are provided with a glimpse into some of the editorial processes of the teachings of the Talmud.

Summation: Guidelines in Delineating Amoraic Literature

⁶² translating *mitratzta* as in Jastrow “a sustained version the objections to which have been met successfully.”

⁶³ Not to be confused with a mishnaic Rabbi, the term refers to a scholar who acted as a living archive of breirot.

1. All of the guidelines (structure, language) given above for working with *breitot* apply even more strongly to delineating *memrot*, *uvdot* and amoraic dialogue which can easily become confused with the voice of the Stam in certain places. This will be more thoroughly explored in the final section. In general, if Hebrew and Aramaic are mixed in a *sugya*, try removing the Aramaic. If the Hebrew that remains is a cogent and consistent narrative, it is safe to assume that this is the original *memra*.⁶⁴

2. Chronology can be helpful in providing indications about the development and sources of the *sugya*. Identifying the Amoraim by lineage and generation can guide us in understanding how perspectives were added which changed the interpretation and application of the *halacha* over time. On the other hand, if the *sugya* does not break down in order of generation but they appear mixed together, indications are that the *sugya* is not amoraic, but a composite assembled by the Stam.⁶⁵

Excursus: The Authenticity of Amoraic Literature

Do the ascriptions, biographies, lineages, teachings and discussions recorded in the Gemara reflect historical reality? Are they the creation of later writers? Just as the sources and authenticity of the Bible are frequently discussed in liberal Jewish circles, this topic will occur in Talmud study. A literature of inquiry and research into this topic presents findings for both points of view, from Jacob Neusner and his students' argument that evidence of internal development and lack of any extra-textual corroboration argues for the literary nature of the Gemara to Richard Kalmin's defense of a

⁶⁴ S. Friedman, *Al Derech Heker HaSugya* p. 20

⁶⁵ P. Hayman, "Amoraic *Sugyot*" in the Revadim Website, 2008

historical basis. It seems clear that merely collecting all of the material connected to an Amora provides an accurate depiction of his biography and teachings is not necessarily truthful or accurate. At the same time, it is similarly not truthful or accurate to consign the Talmud to being a purely literary work in which the Amoraim are invented characters⁶⁶.

This having been said, and as important as it is to investigate the historical development and scientific authenticity of the Talmud, it is the task of synagogue leaders and educators to focus on Jewish continuity and renewal. The Talmud is a part of our heritage whose great contribution to Jewish life has been the ability to implant and cultivate Jewish civilization.

Whatever the outcome of research, the Talmud has internal integrity and clearly represents the work and editorship of generations. Using the findings of research for the goals of Jewish continuity allows us to share the Talmud as a document not of recondite legal reasoning but of the voices of human beings who stand at the nexus of Torah and life.

Scholarly research provides techniques and tools that can be crucial in making Jewish sources accessible to Jews. It can also shut Jews off from sources. The documentary hypothesis of biblical editorship is a case in point. In Schechter and Community (RAVSAK) day schools, teaching this approach is always bound up with controversy and sharp opposition.

Beyond denominational doctrinaire lines, I believe that what underlies this opposition is that this methodology is often presented in such a way that it alienates readers from the text

⁶⁶ A.M. Gray, *The Amoraim*, Encyclopedia Judaica, Second Edition

by the very tools of scholarship that are intended to make the text intelligible as a literary creation. In academia, the question must be, “what does the text say?” In the lives of Jews who are confronting the challenges of life, the question must be, “what does the text say *to me?*”

Is it legitimate to use the findings of research in this way? If our goal is to present scientific truth- and the essence of science is that all of its truths are conditional on no contrary evidence being yet found- then probably not. However, if our goal is to encourage Jews to study Talmud as a source of truth; that is, *meaning*, and to provide them with the cognitive tools to do so authentically, then there is only one answer: *hineni*.

Escape from the Stam

Overview

Up to now, we have only dealt with those parts of the Talmudic text that are easy to distinguish. As we’ve seen, *breitot* and *memrot*, even when they are not introduced by a formal marker, are relatively straightforward and can be identified by attribution, language and other cues. However, all of this material comprises less than half of the corpus of the Talmud. The material that makes up most of the Talmud, appears in Aramaic, is focused more on general principles, abstractions and argumentation rather than practical applications of *halacha* to life clearly represents a different editorial layer.⁶⁷ Beyond these characteristics, the most singular attribute of this material is that it is unattributed. Hence its name: the *Stama d’talmud* or the Stam.⁶⁸ But the Stam is more than unrecorded opinions and arguments: it is the great organizing editorial

⁶⁷ P. Hayman, Revadim Website, “Characteristics of the Talmudic Layer”

⁶⁸ *S.T.M.* has the connotation of “closed” or “undifferentiated” (Jastrow).

force, the Voice of the Talmud that guides and mediates every text aside from the Mishna itself.

For most *Oskim BaTorah*, those who engage in Torah study, the Stam, the editorial voice of the Talmud, is like a museum curator, leading the student among the features of the *daf*, in and around the beraitot and memrot, presenting each in accordance with its agenda⁶⁹. To the linear textual reader, following the Stam's often redactive and highly casuistic narrative is the essence of Talmud study. Scholars from the Geonim and on have noted that the Stam's use of the other literary forms of the Talmud does not always match the content of those forms. This has led some scholars to the conclusion that the Stamic layer is an overlay on an earlier collection of breitic and memric material that the Stam ingeniously binds together through questions, discussion and analysis⁷⁰.

In order to impose its interpretations, the Stam will sometimes intermesh with the *memra* to the point where the seam between them becomes very difficult to distinguish⁷¹. There are also instances where the Stam adopts the methodology and approaches of the earlier literary forms- in effect, masquerading as a *memra* outright. It is as if the Stam wishes to be the ubiquitous background narrative of the Talmud- the lens through which everything else is viewed.

⁶⁹ There are many theories about the origin of the Stamic layer. Professor Hanoch Albeck (1880-1972, professor of Talmud at the Hebrew University) and others posulated an "ancient Stam" that was coeval with the Amoraim, while Professor Shamma Friedman (JTS and Bar Ilan) believes that the Stam was a creation of the Savoraim who overlaid this layer upon the collection of memrot and beraitot that followed and interpreted mishnayot, creating a sort of continuous narrative. Composition of the Stam required great ingenuity to connect disparate texts, making them seem like one whole. The Stam was not always successful in this endeavor as many classical scholars have noticed. (Friedman, S. *All Derech Heker HaSugya*, pp. 12)

⁷⁰ *ibid.*

⁷¹ S. Friedman "Perek HaSocher et HaOmanim" Talmud Aruch p. 16

If our goal is to reveal the different voices within the text, we must develop tools for separating the Stamic voice from that of the *memrot*, *breitot* and other literary forms in the Talmud. This work of separation allows us to accomplish three tasks:

1. If the original goal of the Talmud was to more fully understand the Mishna upon which it is based, distinguishing *memrot* and *breitot* from the Stam allows us to explore their relationship to the Mishna on their own terms,⁷² and not only in accordance with the structure imposed by the Stam.
2. Identifying and separating the Stam from the other literary forms allows for the identification of other principles of organization in the *sugya* beyond that of the Stam. This means that, once the Stam has been identified, other relationships between sources become discernable as well as organizing principles that are not necessarily identical with those of the Stam.
3. Finally, the Stam itself becomes more intelligible and its line of argumentation clearer when it is distinguished from the other forms. We can more clearly see how the Stama constructs its arguments and makes use of the other forms if we have examined and understood them first as discreet entities.

These three points can be illustrated by examining the *sugya* which appears in the beginning of chapter five of Baba Metzia. On *daf* 61b,

⁷² This essay examines the Talmud as a uniform creation overall. It is important to point out that the different tractates of the Gemara may well have different editorial histories. Sanhedrin, for example, follows the Mishna quite closely, while Brachot the *sugyot* of tractate Brachot frequently go far afield in exploring themes not covered in the Mishna.

(example 14) there is a discussion about the definition of *ribit* (interest) and *tarbit* (increase: commodity interest- based on speculation). For ease of distinguishing sources in this reading, the Mishna is bolded, memrot are highlighted in green and the Stam is highlighted in yellow⁷³. I have also added parentheses to demarcate parts of the Mishna:

Mishna: **(A.) What is “interest”?...the one who takes three se’ahs of wheat (in return for lending) two...**

(B.) What is “increase”? Profiting through interest on produce. How? If one buys wheat at a golden dinar per kur ...(i.e. through speculation)⁷⁴

But isn't everything that was said up to now

(A) also interest?

Rabbi Abahu said, “up to here falls under the Torah’s prohibition. From here on the prohibition is Rabbinic.

Likewise, Rava said, up to here falls under the Torah’s prohibition. From here on, the prohibition is Rabbinic. Up to here⁷⁵ it is written (this applies): (Job 27:17) “The wicked prepares it and the righteous wears

⁷³ The reading here follows that of Rabbi Chaim Klein (quoted in Freedman, S. *All Derech Heker HaSugya* p. 35)

⁷⁴ The Mishna describes a case where interest may be taken in produce through exploiting rises in market prices.

⁷⁵ It would be interesting to compare manuscripts of this *sugya* and to see if the *r’shei taivot ayin kuf* (*ad kahn*-up to here) could in this case signify *alav katuv*- about (this case) it is written. This reading would solve the textual problem of why a violation of Rabbinic usury law apparently carries a more severe penalty than a Torah ordinance. With the second reading (*alav katuv*), it would not. This reading would also obviate the Stam’s “correction.”

it.” (i.e. that interest obtained illegally may be bequeathed to one’s heirs).

“Up to here” and no further? (i.e. doesn’t the rule that interest needn’t be returned by the heirs of the usurer apply to usurers who violate Rabbinic decrees as well?) Rather the *memra* should read: “EVEN here this applies.”

Up to here (A) refers to direct (lit. “cut”) interest, from here on refers to indirect (lit. “the dust of”) interest.

If we read this *piska* linearly, our focus is on the Stam’s questions. The learner focuses on the apparent textual difficulties raised by the Stam as well as the answer which the Stam provides rather than on the meaning of the *memra*. Even though the Stam’s contributions are small, they are enough to wrest the focus away from the *memra*.

If we excise them and examine the *memrot* on their own, we can see how the Amoraim drew significant distinctions and derived meaningful principles from the language of the *mishna*. The first *memra* establishes that the Torah’s prohibition is confined to interest proper; additional money specified to be paid on a loan when the loan is taken, while the Rabbis’ definition is broader and includes money gained against another through sales and speculation. By defining the prohibition in this way, the Rabbis both extend and delineate its application since Rabbinic and Torah prohibitions involve different penalties. *Ribbit Ketzutza*-interest as defined by the Torah- is recoverable in court,

while *Avak Ribbit*- Rabbinically defined interest- is not. In addition, Rabbinic prohibitions allow for leniencies in the case of doubt while Torah prohibitions require stringency⁷⁶.

While these are the areas that engage the Amoraim, the Stam is focused on semantic distinctions and textual consistency. Rava's stipulation that only Torah-defined interest needn't be returned by the heirs- a principle set out in the Tosefta (Baba Metziah 5:9)- may have valid practical reasons, such as that Rabbinically defined interest may fall under the prohibition of *gezel* which must be returned even by the heirs- or that as a practical matter, the Rabbis reserved the power to extend prohibitions to combat abuses. The Stam is not concerned with such practical considerations but only seeks consistency: if a Torah prohibition allows a certain leniency, how much more should the less powerful Rabbinic prohibition.⁷⁷

From a consideration of the memrot, we also understand that this distinction was shared by the Jewish communities of both Babylonia (Rava-the Mehoza/Pumbedita lineage) and Eretz Yisrael (Rabbi Abahu-Rava's contemporary, student of Rabbi Yohanon).⁷⁸

Finally, if we adopt the approach that the Stam was overlaid upon a collection of Tannaitic and Amoraic statements that was organized chronologically and by academy, we can see how the Stamic questions in this *piska* are inserted between pre-existing teachings in a way designed to recast the sources as parts of an ongoing argument.

⁷⁶ Mishneh Torah, Hilchot Malveh V'Loveh

⁷⁷ Y. Reisman The Laws of Ribbis quoting the Ritva Mesorah 1995 p. 342

⁷⁸ The continuation of the *sugya* contains a series of memrot debating the conflicting opinions of Rabbi Yochanon and his disciple-colleague Rabbi Eleazar ben Pdat and concluding with the famous *breita* of the two travelers with the single canteen.

By understanding the ways that the Stam interacts with the other sources, it becomes easier to distinguish and separate the different sources. Doing this allows us to see the Talmud as a rich and varied textual community.

Here are some of the major ways in which the Stam interacts with the earlier sources:

A. Interweaving with a Memra

Here's an example, from Shavuot 25a, of the Stam's interweaving with a *memra* in which the Stam binds itself to a *memra* and by so doing interprets the *memra* along its own lines.⁷⁹ The context is exploring if one is held to an oath made about a past event that is morally neutral (*example 15*):

Mishna: (Oaths apply) equally if they refer things belonging to oneself or things belonging to others , things which are significant and things which are insignificant ...Rabbi Yishmael says, "He is only liable for (oaths concerning) the future... Rabbi Akiva said to him,... "If the Torah includes these (oaths taken about future events) it also includes those (oaths taken about past events).

Gemara: It is said (Itamar- one of the markers of a memra): One who says, "I take an oath that so-and-so threw a clod into the sea" or that he didn't throw, Rav said he is liable for the oath and Shmuel said he is exempt. Rav said he is liable since oaths are binding if expressed in either a

⁷⁹ Ibid. pp. 14

positive or negative way. Shmuel said he is exempt since oaths cannot apply to a future event (and events over which one has no control- i.e. whether or not so-and-so will throw a clod into the sea). Shall one say that that the argument between them is the same one as that between Rabbi Yishmael and Rabbi Akiva in our mishna?

At first glance, it may seem that Rav and Shmuel- two first-generation Amoraim- are explaining their positions regarding what seems to be an idle oath. However, what is really going on is that the Stam has explained their positions in line with its own understanding which is developed further on. This is how the *piska* (selection) looks with the Stam highlighted:

It is said (Itamar-a marker of a memra): One who says, "I take an oath that so-and-so threw a clod into the sea" or that he didn't throw, Rav said he is liable for the oath and Shmuel said he is exempt. Rav said he is liable since oaths are binding if expressed in either a positive or negative way. Shmuel said he is exempt since oaths cannot apply to a future event (and events over which one has no control- i.e. whether or not so-and-so will throw a clod into the sea)⁸⁰. Shall one say that that the argument between them is the same one as that between Rabbi Yishmael and Rabbi Akiva in our mishna?

⁸⁰ Point by Point summary by Rabbi P. Feldman, *Kollel Iyun HaDaf*, Yerushalaim, ShemaYisrael.com

The Tosafot, a collection of medieval commentaries on the Talmud deriving from Western Europe based on extremely close reading and comparison includes this short comment on the *piska*: “...and if you ask if Shmuel said that the reason for his opinion is because oaths cannot apply to the future, then it can be said that these are not the words of Shmuel but rather the *Shas* (acronym *Shisha Sidrei Mishna*- the Six Orders of the Mishna, i.e. the Stam) interprets in this way according to its own lights, and in like manner this pertains to several places in the Talmud.” In other words, these commentators are aware that the Stam is itself a commentary on the other forms of the Talmud.

While the Stam connects directly to the *memra*, it is still possible to detect the seam between the two by the switch of language from the formal Hebrew of the *memra* to the colloquial Aramaic of the Stam. The term *itei b’lav*- it is (it applies) to a negative statement following Rav’s terse statement and *litei b’l’haba*- it does not (apply) to a future statement, following Shmuel’s statement, are both in Aramaic. The Stam tries to present Rav and Shmuel as arguing over the same principles as Rabbi Yishmael and Rabbi Akiva are in the Mishna. In fact, there may be no such correspondence between the two arguments.

B. Stamic Rephrasing

Sometimes the Stam will even go farther than adding an interpretation that might be confused with the *memra*. A recurring expression appears in the Gemara: “If this is said, it should be said this way (*Ee itamar, hachi itamar*)” This

introduces a case where the Stam will not only interpret, but actually rephrase a *memra*. In Eruvin, 88b, a *memra* appears connected with a *bereita* about the disposal of waste water on Shabbat. The question dealt with in Mishna is based on the prohibition of carrying an object between domains or over four cubits in the public domain. Specifically, the case before us is this: is a fictive fusive boundary⁸¹, an *eruv*, necessary to dispose of slops and waste water? (example 16):

Mishna: Two two-storied houses one across from the other (with a shared courtyard between them). Some of them have floor-drains⁸², some don't. The chambers which have floor-drains may be rinsed out on Shabbat, the ones that don't have floor-drains may not be rinsed out on Shabbat.

*Gemara: Rava said, "Even if they have made an *eruv*." Abaye said, "What is the reason? If you say because of the large amount of water (Rashi: which is more likely to wash items down and cause people to carry them back up, thus violating Shabbat) wasn't it taught in a *breita*: 'It is all one to me if there is a floor-drain and the same if there is a broken clay vessel or a tank or a dingy (all of which catch the water from the drain). Even if they are filled with*

⁸¹ Neusner, Jacob, translation of Eruvin. I could find no better concise explanation of an *eruv*.

⁸² Which drain down to a trough in the common courtyard

*water from Friday, water may be poured
into them on Shabbat”?*

When Amoraim conversed with each other- as opposed to presenting formal teachings- it was in Aramaic⁸³ and this makes it difficult to separate a *memra* from a comment of the Stam. The next line of the *sugya* highlights this ambiguity:

*Rather, **if you are going to say it then**
say it like this: (Rava said,) This was only
taught (that each apartment needed a drain)
in the case where an eruv had not been
made. But if there was an eruv in place, it
was permitted (to drain water and slops
even from an apartment without a drain).*

The term *ee itamar hachi itamar*, *if you say it, say it like this* represents a revision by the Stam of the *memra* of Rava. In effect, the *memra* is being rewritten and Abaye's question to Rava is being erased. Perhaps we are seeing a case where only the first half of a *memra* has been preserved: Abaye asks Rava why he holds that even if there was an *eruv* in the courtyard that it would still not be allowed to drain the apartments lacking regular floor-drains. Rava's answer is not preserved, requiring the Stam to, in effect, unask the question and amend the source.⁸⁴

C. The Stamic *Sugya*

⁸³ "Amoraic Dialogue" in the Revadim website (The Society for the Advancement of the Oral Tradition in Israel, Elkanah, Israel)

⁸⁴ Halivni, David Weiss, *Mekorot U'mesorot: Bava Metzia* Hebrew University press, 2007, pp. 5

One of the most prevalent appearances⁸⁵ of the Stam in the Talmud is in the presentation of entire *sugyot*. Some of these Stamic *sugyot* contain *breitot* and *memrot* while others do not. Unlike Amoraic *sugyot* which follow a chronological descent, Stamic *sugyot* use a topical rather than a chronological organizing principle.⁸⁶

While unattributed *sugyot*- analyses of mishnayot, aggadic essays and halachic give-and-take (*shakla v'tarya*)- are all a part of the Stamic edifice, there are texts where it appears that the Stam seems, if not to actually seek to impersonate Amoraim (as we saw above in the overview), then at least to represent their viewpoints with a great deal of verisimilitude. One striking example of this is comes at the very beginning of Pesachim (*daf* 2a-2b), with the presentation of what seems to be an argument between two students of Rav, Rav Huna (Sura) and Rav Yehuda (Pumbedita) (*example 17*):

Mishna: At first light⁸⁷ (*Ohr*) of the fourteenth, one searches for Chametz⁸⁸ by the light of a candle...

Gemara: What is "ohr"? Rav Huna said: "(day)light", and Rav Yehuda said, "night." Do you imagine that the one who said (day)light meant it literally, and the one who said night meant it literally? Objection⁸⁹! (In the Joseph

⁸⁵ P. Hayman, Revadim Website, Topical Talmudic *Sugyot*, 2008

⁸⁶ *ibid.*

⁸⁷ Although the meaning of "*Ohr*" will be revised by the Gemara, I have kept the original meaning of the Mishna.

⁸⁸ Following M. Ish-Shalom's recommendation to not translate proper nouns.

⁸⁹ Lit. "(we can) respond"- technical term for an objection from a stronger source (contrast with *Rami*, an objection from an equivalent source).

cycle, as the brothers rise to leave Egypt, Gen. 44:3, it says:) “*The morning was light (haboker ohr) and the men were sent.*” Accordingly, “ohr” means day! But is it (actually) written that “ohr is morning”? (Rather) it is written that “the morning grew light” as in the (Aramaic) expression⁹⁰ “the morning brightens,” and this is as Rav Yehuda said that Rav said that “one should always enter (a city) at ‘ki tov’ (during daylight) and leave at ‘ki tov.’

From a first reading of this *sugya*, it seems that Rav Huna quotes a verse from Genesis indicating that “ohr” means daylight, which Rav Yehuda counters through an alternate explanation, adding a point of sensible practice.

However, the *sugya* does not contain the classic formulation for *memrot* aside from the first line. Analyzing the phrase, “ka silka de’atcha- did you really imagine that the the one who said light meant it literally and the one who said dark meant it literally” reveals that this is not a continuation of the *memra*, but an insertion of the Stam. This is bolstered further when the author of the section above, who is presumably Rav Yehuda, quotes Rav Yehuda! A close look at the formulaic phrasing of the *sugya*, as well as its language (Aramaic)⁹¹ indicate that the *sugya* is a creation of the Stam. Evidence for this is strengthened by what follows; six additional anonymous objections (five favoring the

⁹⁰ Lit. “as one who says”

⁹¹ While Aramaic is also used by the Amoraim when in dialogue with each other as opposed to formal *memrot*, this *sugya* does not take the informal tone of such a dialogue but is instead highly formal.

reading of *ohr* as light and one for reading it as night) along with their responses. Each one takes a usage of the word *ohr* in the Tanach and tries to establish that it means daylight. Each is countered by an alternate interpretation that go farther and farther from the literal meaning of the passage, invoking halachic, aggadic and grammatical readings. The use of the number seven, like that of three or ten, in a *sugya* are indications that the material is an edited and reworked literary piece rather than the record of an elucidation of a point of law.⁹²

Following the seven arguments and counters, the *sugya* concludes with a single conclusive proof for the other side, that in this context, “*ohr*” means night.

...Rabbi Yehuda⁹³ (in the Mishna) says, “We search (for chametz) at light (ohr) on the fourteenth, and in the morning of the fourteenth and at the time of removal (of chametz).” This means that since Rabbi Yehuda says to search at “ohr” of the fourteenth and in the morning of the fourteenth, therefore, “ohr” is evening. This proves it.

Rather than continuing the analysis of scriptural sources, the author simply looked ahead to the next *mishna* where the context proves that *ohr* means night. The obviousness of this conclusion testifies to the artificiality of the *sugya*: the meaning of the term was never in doubt. This example is by no means exceptional. A great deal of Stamic material

⁹² *All Derech Heker HaSugya* p. 40

⁹³ This is a Mishna which appears a few pages ahead (folio 10b). Rav Huna seems to have run out of biblical sources. Now Rav Yehuda ends the argument with a Mishna quoting Rabbi Yehuda bar Illai, one of the most prominent students of Rabbi Akiva. As a Tanna appearing in the Mishna, his authority outranks all other sources apart from scripture.

seems to be focused on literary excursus rather than the elucidation of *halacha*.⁹⁴

Why this is so is a matter of speculation. Is the Stam one voice or many? What sources were available to the Stam and what was the precise relationship in time and space between the Stam and the Amoraim? Some researchers argue that *sugyot* like this one served as a training exercise⁹⁵ in legal thinking and interpretation, requiring the learner to examine contexts and to develop exegetical tools. Others argue that the Stam's agenda is complex and includes harmonization of sources, a search for unifying principles and even aesthetic and artistic exploration.⁹⁶ This agenda links directly to the question of the identity/identities of the Stam.

To return to our *sugya*, the seven arguments are only a prelude to a larger examination of the underlying reason for the use of *ohr* as a euphemism for night:

*Come and hear: the school of Rabbi Yishmael⁹⁷ taught:
Leili (the night) of the fourteenth, we search for chametz
by candlelight. Therefore ohr (in our Mishna) is night!
Actually, both Rav Yehuda and Rav Huna agree that by
all accounts, ohr means night; they don't disagree. Why
then use different words? Each master is using the
terminology of his locale! In Rav Huna's locale, they*

⁹⁴ Revadim "Characteristics of the Talmudic Layer."

⁹⁵ Hayman, P. "On the Teaching of Talmud" from Religious Education Bar Ilan University (1997)

⁹⁶ S. Friedman *Al Derech Heker HaSugya* p. 317

⁹⁷ Rabbi Yishmael was a contemporary of Rabbi Akiva. The two great Tannaim (early Rabbis) established radically different approaches to deriving halacha; each founded a school which continued and expanded the teachings of the founders.

*called night “nogei- light” and in Rav Yehuda’s locale,
they called night “leili- night”.*

*But why didn’t our Tanna (in the Mishna) use that term
(leili)?*

*Because he (the Tanna) chose to use refined terminology
(for night)!⁹⁸*

In other words, since the word “night” may have negative, fearful connotations, the Tanna used the word “light”. The Talmud then brings a collection of illustrative stories expanding on the point that one should phrase everything in positive language.

In this *sugya*, apparently the record of a disagreement between two Babylonian academy deans, we can conclude from the use of formal terminology, the language employed, numerically-bound structure, conclusion and a close reading that we are not witnessing an actual Amoraic argument, but a literary creation of the Stam.

D. Travelling *Sugyot*

We saw above (*example 2*) that *breitot* are generally quoted in the Talmud in full, whether or not extra information is included that is not needed by

⁹⁸ The next *sugya* (section) declares that the scripture itself uses refined terminology to avoid using words like “impure” instead saying (in the account of the flood) that Noah took seven pairs of pure creatures and one pair of each creature that was “not pure” rather than the shorter term “impure”. The Rabbis, acutely aware of the power of words, always demonstrate great sensitivity in the use of language and strive to ensure that their words do not bring pain, even to enemies. Since the term “night” has evil associations- look in the *sugya* we just finished!- the Mishna chose to use the word “light.” In a similar way, the Rabbis will refer to the “destruction of the enemies of Israel” when they really mean the destruction of Israel to avoid using this distressing phrase.

the *ba'al hasugya*- whether amoraic or Stamic- bringing the *breita*. When trying to analyze and identify the editorial seams of the *Stama*, it is important to keep in mind that entire *sugyot* may be transferred from one place in the Talmud to another to serve the argument in a similar way, or only the relevant sections may be moved.

It is very common to find literary units- be they *breitot*, *memrot* or complete *sugyot*- appearing in several places in the *Shas*, as attested to by the admirable indexing system of *Mesoret haShas*.⁹⁹

An example of a short *sugya* that appears in no less than six places in the Talmud appears in Sukkot, 35b: (*example 18*):

Mishna: An etrog that is damai¹⁰⁰ (What is its status?)

Beit Shammai disqualifies and Beit Hillel certifies.

Gemara: What is Beit Hillel's reason? Since if he wishes, the farmer may renounce all of his property, become a pauper and become eligible to use the etrog, Beit Hillel allows its use. Now also it could be called "yours"¹⁰¹ (as in the verse from Leviticus 23:40 "You shall take as yours on the first day [of Sukkot] fruit of a citrus...") as it says in the Mishna (Damai 3:1): "One feeds damai to the poor and to the transient"¹⁰². Rav Huna¹⁰³ said, "It says in a breita: 'Beit Shammai says that one does not feed damai to the poor and the

⁹⁹ According to Rabbi Pinchas Hayman, between one quarter and one third of the material in the Talmud appears in several places.

¹⁰⁰ All produce grown in Israel must be tithed and offerings taken from it. Produce from which it is not known if these have been taken is called *damai*. (origins unknown- perhaps "*da- ma*"- this, what is it?- or from Greek *demus*- the multitude.

¹⁰¹ The Rabbis learn that "take as yours" means that the Etrog must be owned by the one using it to fulfill the Mitzvah.

¹⁰² Rashi reads this as, "the billeted soldier" whom one is obligated to feed. Tosafot adds that Rabbi Yehoshua is quoted in the Yerushalmi that they are non-Jews.

¹⁰³ Second generation Amora, head of the Academy of Sura, student of Rav.

transient and Beit Hillel says that one does feed damai to the poor and one feeds damai to the transient.”

The *sugya*’s purpose is to connect Beit Hillel and Beit Shamay’s views of the permissibility of using an etrog that is damai to their views, quoted from Mishna Damai and a *breita*, on whether or not one may give damai to the poor. Beit Hillel, which allows the poor to consume damai, allows the use or sale of a damai etrog since the farmer can, theoretically, renounce his property and become a pauper and thus be eligible to make use of produce of doubtful status. This possibility is enough for Beit Hillel to allow the use of the damai etrog. Before exploring how the *sugya* “travels” to other places in shas, it is instructive to consider it structurally..

The *sugya* contains, in a very concise presentation, nearly all of the literary forms that we’ve examined. It opens with a Stamitic question, “What is Beit Hillel’s reason?” and then, after bringing a mishna, presents a *memra* and a *breita*. The full mishna in Damai (3:1) reads:

One feeds the poor damai and one feeds the transient damai. Rabban Gamliel would feed his workers damai. Administers of Tzedaka funds: Beit Shamay says, give that which is tithed to those who do not tithe and that which is not tithed (i.e. damai, which holds a doubtful status) to those who tithe and that way, everyone eats food which is befitting. The wise say, “One collects produce as is and distributes it as is and whoever wishes to render it befitting, let them do so.”

The mishna, in contrast to the terse *breita*, presents Beit Hillel's statement anonymously and expands Beit Shamay's statement to include its explanation before giving the majority opinion which is identical to the Tanna Kama's¹⁰⁴, but which also contains an explanation which takes Beit Shamay's viewpoint into account.

To return to our *sugya*: Why wouldn't it be enough to simply quote the mishna in full? What does the short *breita* provide that the mishna doesn't? The mishna could not have served the *sugya*'s purposes, because it didn't mention Beit Hillel specifically as being the source of the teaching that the poor and transient may eat damai; nor does the mishna categorically state that Beit Shammay opposes the poor eating damai. In the mishna both issues- that the Tana Kamma is like Beit Hillel and that Beit Shammay opposes the poor eating damay- are implied rather than stated outright.

But the opposite question needs to be asked as well: why must the mishna from Damai be brought at all? Why isn't it sufficient to quote Rav Huna's *breita* to establish a parallel between Beit Shamay and Beit Hillel's attitudes toward both damai etrogim and the poor eating damai? Perhaps this is because the editor of the *sugya* wishes to establish the internal harmony of the Mishna as much as possible, quoting a mishna to comment on a mishna.

¹⁰⁴ The "first Tana"- the first viewpoint expressed.

Note that the above analysis focuses on the structural points of the *sugya* rather than on content. When looking for editorial seams, consideration of structure are the single most important element of analysis; more so even than looking for the linguistic cues and other signs of editing.¹⁰⁵

Using the Mesoret HaShas index reference, we can locate another appearance of the *sugya* in Brachot 47a. The *sugya* is highlighted:

Mishna: Three who ate together are (obligated to) appoint (one of their number) to invite (the rest to say birkat hamazon). One who ate damai...may invite others (to say birkat hamazon).

Gemara: But this is unbefitting food for him! (So why should the one who ate damai be able to say birkat hamazon on behalf of others?) Since if he wanted he could abandon his property and become a pauper and then it (damai) would be befitting for him as it is said in the Mishna: "One feeds the poor damai and the transient damai."

Rav Huna said: "It says in a breita: Beit Shamai says, 'we don't feed the poor and the transient damai.'"

In this context, the *sugya* is brought to show why one who has eaten damai is still fit to lead the *zimun* (invitation to say *birkat hamazon*); because they can become eligible for eating damai by renouncing their property. But only the first part of the *sugya* has

¹⁰⁵ S. Friedman Talmud Aruch p. 3

any connection to the issue at hand. The material about Beit Shammai has no relevance to the mishna in Brachot. Why then is it included? And if Beit Shammai's viewpoint is present, why is the reference to Beit Hillel missing? Finally, why is the line from the mishna paraphrased rather than quoted in full? (See the *mishna* from Damai above).

We saw that in Sukkot 35b, the contrast between Beit Hillel and Beit Shmai was relevant to the discussion and that there the mishna was quoted correctly. This leads to the conclusion that the *sugya's* original place was in Sukkot 35b and that it is quoted here only in partial form to explain why one who has eaten damai may lead the blessing after meals. An examination of the other appearances of the *sugya* confirms that only in Sukkot is the entire *sugya* relevant. This shows that, just as we saw in our discussion of *breitot* (*example 3* from Shabbat 61a), entire *sugyot* may be transferred to different contexts intact for the most part. To someone studying Brachot, the mention of Beit Shammai in our *sugya* would be confusing and misleading- but by comparing appearances of the *sugya*, we understand that a the *sugya* is being treated as a literary unit and is therefore imported in its entirety, including information that is irrelevant to the new context.¹⁰⁶ Knowing this and keeping an eye on Mesoret HaShas is therefore useful in analyzing and distinguishing the voices in the *sugya*.

E. Late Additions:

Finally, there are times when, after analyzing the structure and getting a sense of editorial strata, we encounter what seem to be additions to the Stam. In Bava Metzia 37a, a case is brought and

¹⁰⁶ A. Weiss "L'sheilat M'korot HaSugyot" Warsaw 1925 p. 5

commented upon by the Amora Rava¹⁰⁷. I have added the terms *reisha* and *seifa* (first clause and second clause) to make Rava's *memra* more accessible as well as emphasized certain qualifying terms (example 19):

*Mishna: (Reisha) "One who says to two others,...
"The father of one of you deposited a maneh (one hundred zuz) and I don't know which one. He gives each one a maneh since he has admitted (his mistake) himself..."*

(Seifa): Two who deposited money to one person; one of them (deposited) a maneh (one hundred zuz) and the other two hundred zuz. One says, "The two hundred is mine" and the other says, "The two hundred is mine." He gives to each one a maneh and the rest is left until Elijah comes. Rabbi Yosse said, "If so, what has the (depositor who is a) deceiver lost? Rather, let all of it be left until Elijah comes."

*Gemara: Rava said, in the reisha (the first clause), like one (**k'mi**) to whom two people had made deposits in separate packages. He would have been expected to have checked and been sure (whose package was whose). In the seifa (second clause), it was like one (**k'mi**) to whom two people had made a deposit in a single package; he wouldn't have been expected to check and make sure (whose was whose). For example (**kagon**), if two had deposited an amount together at one time so that he would tell them, "You yourselves didn't*

¹⁰⁷ Fourth generation, Mechoza (student of Rav Nahman of Nahardea and Rabbah bar Nahmani of Pumbedita).

pay attention to each other's (doings); how was I supposed to pay attention?"

If we are reading this *piska* linearly, little seems unusual. Rava describes the circumstances of the mishna in terms of how the deposits are packaged and organized, assigning responsibility to the trustee for mistakes in filing and to the depositors for carelessness in failing to clearly demarcate ownership of the deposit.

However, if we look deeper at the structure of the *piska*, several things seem out of place:

1. The term, "for example" (*kagon*-literally "of this tint"), seems redundant, for the entire *memra* is presented as (*k'mi*- like one to whom..) an example of what the mishna might be describing. It is as if there is an example within an example.
2. Reviewing what we learned about *memrot*: aside from *uvdot* and dialogues, Amoraic statements are almost always concise and in Hebrew. In this paragraph, longer and more descriptive than most *memrot*, the Hebrew is interspersed with Aramaic. The languages break down in this way (Hebrew will be highlighted in yellow, Aramaic in green):

Rava said, in the reisha (the first clause), it is done as if two people had made deposits in separate packages. He would have been expected to have checked and been sure (whose package was whose). In the seifa (second clause), it was done like two who make a deposit in a single package; he wouldn't have been expected to check and make sure (whose was whose). For example, if two had deposited an amount together at one time so that he would tell them, "You yourselves

[REDACTED]

We have already seen how the Stam inserts itself into *memrot*; one voice suddenly becomes two- a source and a commentary. The Stamic additions are symmetrical and relate directly to the *memra*. But the *Kagon* paragraph comments on the Stam, not the *memra* and adds a third layer, indicated it red:

Rava said, in the reisha (the first clause), it is done as if two people had made deposits in separate packages.

~~He would have been sure (whose package was whose).~~ In the *seifa* (second clause), it was done like two who make a deposit in a single package; he wouldn't have been expected to check and make sure (whose was whose).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This comment disrupts the structure of the *piska* and adds several interpretative elements about the circumstances of the deposit in the *seifa*. This must, therefore, be a later voice than the Stama.¹⁰⁸

Whether or not comments on the Stam are the work of a final editor or added on generation by generation, their presence makes it clear that the Stam itself is not only one voice, but many.¹⁰⁹ Signs of this supercommentary are by no means rare and are often demarcated by terms that shift the focus of the

¹⁰⁸ Early researcher Zechariah Frankel called this voice, *Rabbeinu Savorei*- Our Rabbis, the Savoraim.

¹⁰⁹ S. Friedman *All Derech Heker HaSugya* p. 3

sugya one remove outward, which seek to reverse the direction of the argument or which seek to bring closure or a decision.

Three terms which may indicate this additional voice commenting on the Stam are *Hilchata* ("accepted practice is...") *b'mai k'miflagei* ("what is the subject of the disagreement") and *v'lo hee* (it is otherwise). However, it is important not to see these terms and others¹¹⁰ as hard and fast regulations but more in the nature of guidelines. As in all *sugya* analysis, understanding the structure of the *sugya* is the single-most important critical tool.¹¹¹ We will examine one of these terms as an example of a possible late addition on top of the Stama stratum.

In Sanhedrin 6a, there is a discussion of how many arbitrator/judges are needed when the parties in a dispute have agreed to arbitration rather than a trial. Rav Ashi asks whether or not parties who have agreed to binding arbitration must formalize their agreement (through an act of acquisition-*kinyan*). If there are only one or two arbitrators, a formal agreement by both parties that they will abide by the outcome of arbitration is needed. However, what if there are three arbitrators, as required by Rabbi Meir? Since the opinion of three arbitrator/judges is legally binding, why require an act of formal agreement? (*example 20*)

*Breita: Rabbi Meir says that arbitration
requires three, but the wise say that arbitration
can be done by a single arbiter/judge.*

¹¹⁰ For example, *v'lo hee*- "it is otherwise."

¹¹¹ S. Friedman *Al Derech Heker haSugya* p. 3 The guidelines are derived from the source; the individual cases are mine.

Gemara: Rav Ashi said, "From this (that Rabbi Meir requires three to arbitrate), we learn that no formal agreement to abide by arbitration is necessary, since if you had thought that a formal agreement was necessary, why require three (whose opinion constitutes a binding verdict with or without an agreement). Let him suffice with two and make a formal agreement! But the Halacha is that arbitration requires a formal agreement (even with three arbiters/judges).

Why would Rav Ashi present an argument that when there are three judges acting in an arbitration no formal agreement is necessary on the part of the disputants to abide by their decision and then suddenly reverse his own argument? Note also that Rav Ashi is the last Amoraic head of the Academy of Sura and, according to a traditional view, the editor, along with Ravina, of the entire Shas. It follows that the highlighted comment is an addition, possibly by the Stam, but with a different agenda than the Stam's comments that we've seen before. Rather than analysis and a search for principles, this comment seeks to establish accepted practice, showing that it's a voice that is distinct from the Stama.¹¹²

Using the same analytical/structural approach, the other terms presented above may indicate the presence of additional editorial voices commenting on the Stam. This may indicate

¹¹² Rappaport, S.Y. in *Kerem Hemed* vol. 6 p. 250 While it is important to remember that *Kerem Hemed*, *Bikoret Halitim* and other sources from the *Haskalah* were only the first attempts in modern Hebrew literature to analyze the text of the Talmud and need to be read with an eye to later revisions of their viewpoints by more contemporary scholars, their insights and ideas are the fruit of profound knowledge of the subject matter and deserve, *l'aniyut de'ati*, great respect and close attention.

that, rather than a clear *chatimat hatalmud*, a final redaction of the Talmud, extra material was added in subsequent generations, perhaps “migrating” from commentaries and other extra-textual sources.¹¹³

Summation: Some Guidelines in Delineating the Stam

If we wish to explore the content of the Talmud in greater depth and open the *breitot* and *memrot* to a consideration of their meaning in their own terms and not as part of a formal argument, it behooves us to learn how to separate the Stamic interpretation from the original language. This does not mean to simply extract units of Amoraic literature from their context in the *sugya*. Rather it means a restoration of the *sugya* to its original form and original purpose: to explore the meaning, sources, connections to other sources and implications of the Mishna.¹¹⁴

Below are the principles that have guided the material prepared for this essay. As always, the golden mean of Talmudic analysis continues to be the understanding the structure of the *sugya* before applying any other technique. Our goal is to create a differentiated text in which the different voices of the Talmud can be heard and appreciated individually. Not all of the techniques listed here necessarily need to be applied in every case to achieve this goal.

1. Look carefully at Tosafot, Rashi and the Rishonim who often pick up difficult phrases and interruptions of the

¹¹³ A. Weiss, *Hithavut HaTalmud Bishleimuto*, p. 242

¹¹⁴ Neusner, Jacob “The Center and Source of Judaism” Commentary and Translation of the Babylonian Talmud (Hendrickson, 2006) pp. 2

narrative which they sometimes refer to as *shibushei sofrim*.

2. When you encounter a mixture of Hebrew and Aramaic in a *memra*, it is generally safe to assume that the Hebrew is the original mema and the Aramaic represents Stamic additions. Example 15, from Shevuot 25a, is an example of this principle.
3. If the sentence is divided into a core and its explanation, the latter is the Stam. This evident in the selection from the beginning of Avodah Zarah, presented in the next section.
4. Run on sentences, wording that is forced and that unbalances the *sugya* indicate Stamic editing and additions. Example 19, from Baba Metzia 37a shows how a late addition unbalances the *sugya*.
5. Presenting a question and then repeating it after a tangent indicates a Stamic insertion.¹¹⁵ The repetition of the question that returns the *sugya* to its previously stated agenda is common and can be called a “resumptive repetition.”
6. Removing a section creates a smoother, clearer reading and context. Example 14 from Baba Metzia 61b demonstrates that, once the Stam has been removed, the *sugya* becomes more clear and readable as an attempt to clarify practical law.
7. When an Amora appears to refer to a *sugya* further ahead in the *masechta*, this generally represents a

¹¹⁵ For example, the beginning of Baba Kama begins with a question whether or not the derivative causes of damage are identical with the primary causes from which they originate. This question is followed by a Stamic analysis of other occurrences of primary and derivative dinim in Shas, and then a resumptive question returning to the theme.

Stamic rephrasing or interposition. In example 5 from Pesach 2a, the conflict between Rav Huna and Rav Yehuda is resolved by simply looking ahead to the next mishna. This is one more sign that the *sugya* is a creation of the Stam.

8. Scribal emendations, alternate texts in the repetition of the *sugya* elsewhere in Shas and
9. In order to test the reading without the Stam, see if the amended version resolves the problems raised by Rashi/Tosafot. In creating the examples above, it was observed that many of the problems mentioned by Tosafot in particular didn't exist when the Stam was excised.
10. Comparison between different manuscripts and variant versions of the Talmud is a tool that is more useful to researchers than to Rabbis in the field; however if the opportunity arises it could be instructive to see and compare these primary sources.

These may help us to identify one of the central questions in all research of the Talmud: who is speaking to whom? By being able to differentiate sources, we can obtain a more nuanced, accurate and deeper perception of the text and hear its constituent voices more discerningly.¹¹⁶

¹¹⁶ All of the guidelines for working with the Stam are taken from Shamma Friedman's *Al Derech Heker HaSugya Perek Halsha Rabbah* pp. 27-32

Part II: Halacha L'Ma'aseh- Preparing Differentiated Texts

The texts presented below were prepared for use in a four part Talmud class that included twelve participants ranging in age (high school through senior adult) and Jewish background (from very little to none to graduates of Jewish afternoon programs, summer camps and youth movements. None had a formal Yeshiva or Day School background)..

Aside from *talmud torah lishma*, my focus was to see if a non-linear, differentiated approach to the text, emphasizing the different layers- voices- of the Talmud made the experience of study more engaging and meaningful. My goal in contrasting a differentiated reading with a linear was to find out whether the transformative power of the Talmud as a means of engaging and including Jews in the ancient dialogue of bringing Torah values to life would be enhanced by a more sophisticated, nuanced reading. By hearing the many voices expressed in the text, I hoped that my students would be more empowered to enter the oeuvre of the Talmud. Accordingly, I chose texts, one halachic, one aggadic, that had no particular topical theme to current events or issues. I wanted to see primarily the effect not of what was studied, but of how it was studied.

The translations reflect the approach that I adopted as does the ancillary material that I included. After much consideration, I originally chose the four texts that a pioneer of Jewish studies, Meir Ish Shalom (1831-1908), presented as demonstration pieces in his article, *Al Odot HaTalmud* (Pressburg, 1885)¹¹⁷. I found this work, which focused on the special problems presented in translating the Talmud, particularly useful in dealing with the aggadic *sugyot* than with the halachic ones.

¹¹⁷ A side note: I learned about this work from a footnote in Professor S. Friedman's *Al Derech Heker HaSugya* which mentioned how difficult it had been for him, writing in 1978, to find it. A visit to the Hebrew wikipedia entry on Meir Ish Shalom and then to Hebrewbooks.org had the book in front of me in less than a minute...things have changed.

The linear halachic presentation consisted of the first two amudim of Masechet Pesachim, with the long Stamitic *sugya* proving, in effect, that day was night and night was day- an apropos introduction to the Stam's analysis and challenge of assumptions! The aggadic presentation was the *breita*- with Stamitic insertions- describing the destruction of Jerusalem (Kamtza and Bar Kamtza) in Gittin 55a.

Initially, I followed Meir Ish Shalom and prepared the beginning of Baba Batra (Arba'a Avot Nezikin) but found the material to be very challenging and difficult to identify its strata using the tools that I had learned. I also thought that it would be too long for use in the allotted class time. Accordingly, I used as a differentiated halachic *sugya* one that came from Baba Metzia, 93a (Four Shomrim).¹¹⁸ For an aggadic *sugya*, I used the Rabbi Simlai's description of confrontation between Israel and the nations before God's judgment, (Avodah Zarah 2a-3a).

I used footnotes in all of the material to provide background information. I also highlighted the different editorial layers in different colors and provided guide questions. I also placed an open Vilna Shas in the center of the table to show the original versions of the material that we were studying and to hopefully provide some of the ambiance that the traditional text may evoke.

Order of Texts:

5. Linear: Pesachim 2a- Night and Day
6. Linear: Gittin 55a- Kamtza and Bar Kamtza

¹¹⁸ This is one of two places in Shas where this mishna appears (due to the editor's concern for preserving the integrity of the different traditions incorporated in the Mishna). Aside from here in Baba Metzia, the *mishna* appears in Shavuot as the first mishna in chapter eight (49a). Another version of the *sugya*, significantly shortened, appears there as well. Because of its lack of some of the ascriptions and material that appear in the version of the *sugya* in Baba Metzia, I determined that Baba Metzia was the *sugya*'s original place and it had been copied over to Shavuot. When I presented these arguments to Rabbi Pinchas Hayman, he agreed that my surmise was made on valid grounds.

7. Differentiated: Baba Metzia 93a- Arba'ah Shomrim
8. Differentiated: Avodah Zarah 2a- Israel and the Nations Before God's Judgment¹¹⁹

¹¹⁹ Rather than using highlighting to indicate different editorial voices in this text, I used different fonts in order to invoke something of the different scripts and fonts used in the Vilna Shas. The operational consideration in these presentations is to try to reconstruct some of the aesthetic features of traditional Talmud study.

Mishna:

At first light¹²⁰ (*Ohr*) of the fourteenth, one searches for Chametz¹²¹ by the light of a candle. Every place where Chametz is not brought, searching is not required.

Then in what case did they rule two rows of the wine cellar?

This means a place where Chametz is brought.

Beit Shamai says: two rows of the entire surface of the wine cellar.

Beit Hillel says: The two outer rows that are uppermost.

Gemara:

What is "*Ohr*"?

Rav Huna¹²² said: (day)light.

And Rav Yehudah¹²³ said: "*leil*" night.

Do you really think that the one who said 'light' meant (morning) light literally and the one who said 'night' meant night literally?

What follows is an attempt to prove from scripture that the term "*ohr*", usually translated as "light", means "day."

I. Objection!¹²⁴ (that "*Ohr*" means night and trying to establish that it means day) from this quote from the Torah (Beresheet 44):

¹²⁰ Although the meaning of "*Ohr*" will be revised by the Gemara, I have kept the original meaning of the Mishna.

¹²¹ Following M. Ish-Shalom's recommendation to not translate proper nouns.

¹²² Amora (later Rabbi) of the second generation (3rd century) Sura. Student of Rav, one of the two founding fathers of the Babylonian Yeshivot .

¹²³ Amora of second generation (3rd century), Pumbedita, student of both Rav and Shmuel the other founding father.

(in the Joseph story, when Joseph filled his brothers' bags with grain and put his goblet in Benjamin's bag): **HaBoker ohr- the morning was ohr (light) and the men were sent.** Therefore, *ohr* means daylight.

A. (Response): Really? Does it specify that the *ohr* (light) was morning? Rather, it says, "the morning was light." Doesn't this mean "the morning was *ohr*" really mean "the morning grew light"¹²⁵? as in the (folk Aramaic) saying, "*morning has broken.*" (Therefore, "*ohr*" doesn't necessarily mean morning.)

*RASHI*¹²⁶: All that this objection has proven is that "*ohr*" when used as a verb means, "*grew light.*" But Rav Yehuda still contends that "*ohr*" used as a noun, like in the Mishna, means "*night*".

B. Aside: This (verse about the brothers leaving at morning light) is like what Rav Yehuda said in Rav's name: A person should always enter a city at "That is was good- *ki tov*" (that is, during daylight¹²⁷) and leave the city at "*ki tov.*"

According to the first line of the Gemara, Rav Huna is trying to prove that *ohr* means daylight and that therefore, the Mishna is saying that the search for Chametz takes place at daylight. Rav Yehuda, on the other hand, is saying that, in this case, *ohr* means night and that the Mishna is saying that the search for Chametz takes place at night.

- Who is doing the objecting and who is doing the responding?
- How does Rav Huna's side use scripture?
- How does Rav Yehuda's side use scripture?

Rav Huna and Rav Yehuda were contemporaries and both students of the great teacher of Babylonian Jewry, Abba Aricha (known as Rav). After Rav died, Rav Huna became the Rosh Yeshiva of his academy at Sura (identified with Shushan, the old capital of

¹²⁴ Meitivi: this is a formulaic term that means that the Talmud is going to quote a source stronger than the one before us. The order of precedence of sources goes like this:

1. Torah- strongest of all.
2. Elsewhere in the Tanach
3. Mishna (early Israeli Rabbis, called "the Tannaim" who lived and labored in the first and second centuries C.E. and whose teachings were redacted in the Mishna by Rabbi Yehuda HaNasi around the year 200)
4. *Breita* (teachings of the early Rabbis not included in the Mishna)
5. *Memra* (tradition of the later Rabbis, the Amoraim).

¹²⁵ In other words, the word *ohr* is not used here not as a noun, but as a verb: "grew light."

¹²⁶ Rabbi Shlomo ben Yitzchak: 11th century commentator, living in southern France. His commentaries on the Torah, Talmud and other texts are the gold standard of Rabbinic interpretation.

¹²⁷ In the Torah, when each day is created, the Torah narrates, "...and God saw that it was good." In Hebrew: *Ki Tov.*

the Babylonian Empire, about fifty miles south of Bagdad in modern-day Iraq). Rav Yehuda, considered by many the most brilliant student of Rav, left Sura to found his own academy at Pumbedita, now modern-day Fallujah, 40 miles west of Bagdad.

II. Objection! (that *ohr* means night and establishing that it means day), (from Shmuel Bet, Second Samuel, 23:4, David's last words as he describes God's promise to establish his dynasty): **"U'ch'ohr boker- as the morning light, when the sun rises."** (note- notice how in the first objection the order of the words is *boker ohr- morning light-* and in the present objection the order is *ohr boker-light of morning*, trying to prove conclusively that *ohr* means "morning.") Therefore, *ohr* means daytime!

- A. (Response): Really? Does it say *ohr boker-* light is morning? It actually says, "*U'ch'ohr boker- AS THE morning light.*"
- B. Aside: David means, AS THE morning light in this world will be the dawn in the world to come (and my Messianic kingdom will be established).

RASHI: At dawn, the sky is still dark and dim. So will the redemption be- starting slowly and rising out of darkness and growing brighter and brighter until even the morning star in the world to come is as bright as the full day in this world.

-
- What are the two interpretations of this verse?
 - How does R. Yehuda's side avoid the conclusion that light implies day?
 - Contrast R. Yehuda's side in the interpretation of this verse with the previous one.
-

III. Objection! (that *ohr* means night and establishing that it means day). (From Beresheet, Genesis, chapter 1, the creation of the world): **"God called (Vayikra) the ohr (light) day"**! Therefore, *ohr* means daytime.

- A. Response: This is what it means: the growing illumination is called day. And in the same way, continuing the verse: "and darkness he called night" means that the growing darkness was called night. Isn't day considered by us to last until the stars come out? (Therefore, *ohr* doesn't mean day, since part of the day, from sunset until when the stars come out is dark- Therefore, *ohr* only means light.)
- B. Note: Rather, this is the sense of the Torah: The Merciful One **called** (vayikra) the light and appointed its duties by day. The Merciful one **called** darkness and appointed its duties by night. (therefore the day isn't really called "*ohr*").

Rashi: In other words, the day was not called i.e. NAMED as light nor was the darkness called i.e. NAMED as night but instead, the radiant creation, ohr- light, which was created from the Glory of God's woven garment¹²⁸, was assigned (called) to serve during the day.

- Who are A and B?
- Is there a similarity in B's responses? Is there an interpretive perspective here?

Rav Huna has taken his shot at proving that *ohr* means daylight. Now, Rav Yehuda is going to try to prove the opposite, that it *ohr* means night).

IV. Objection! (That *ohr* means daylight and trying to establish that it means night). (Tehillim- Psalms- 148:3): **"Praise Him, sun and moon, praise him, all stars of ohr- light."** Therefore, *ohr* is evening! (Since "stars of night" is what is meant)..

- A. Response: This is what it means: All of the stars which give off light- *"Stars of Light"* praise him!
- B. Note: But isn't the sense now that the stars which give off light are to praise Him, but the stars that don't give off light don't have to praise Him? But doesn't the same Mizmor (Psalm) say: **"Praise Him all His Army** (i.e. the stars)"? Rather, this is its meaning: the light of the stars is also considered light. So what? What is the practical side of this teaching? It relates to one who has taken an oath not to benefit from light as it is taught in the Mishna (*no Mishna currently exists for this teaching- R. Ya'acov Landau, 15th century Germany. Tosafot: it's a breita (unique to this text): "He who takes an oath not to benefit from light is forbidden to make use of the light of stars."*

- This is the first time since the Mishna that our *Sugya* (Talmudic passage) seems concerned with Halacha.
 - What kind of strange oath is "not to benefit from light?" Can you think of any possible application? (Tosafot does suggest one based on the principle that "People take oaths in terms that are familiar to them" (Arachin 19:))
-

¹²⁸ Rashi is quoting from the Midrash (6th century Israeli literary creation based on the Torah: Rabbi Shimon ben Yehotzadak asked Rabbi Shmuel bar Nachman: "Because I heard that you were a master of Aggadah (sacred lore): From where was the light created?' He said to him: 'The teaching is that the Holy Blessed One wrapped Himself in light like a mantle and the radiance of His glory shined from one end of the world to the other.' Rabbi Shmuel told him this teaching in a whisper. Rabbi Shimon said, 'But this is said openly in the scriptures: (Psalms 104): **"Bless HaShem, O my soul. HaShem my God, You are very great: You are clothed with glory and majesty, who covers yourself with light like a garment, spreading out the heavens like a curtain."** Rabbi Shmuel said, "As I heard it, I teach it to you."

(Now the Gemara turns back to Rav Huna's side: trying to prove that *ohr* means day)

V. Objection! (Job 24:14- Job decries the evils that God tolerates):

"These are the ones who rebel against the light, who do not know its ways nor abide in its paths.) At light (*ohr*), there rises the murderer who will slay the poor and the needy; and at night, he is like a thief." (END OF SIDE A of FIRST FOLIO). And since it says, **"at night he is like a thief"**, therefore (from the first part of the verse, **"at light (*ohr*), there rises the murderer"**) Light (*ohr*) means day!

A. (Response) This is what it means: If it is clear to you as the light (*ohr*) that the murderer has come to take life, you may save (the victim's life even if it means) the murderer's life. But if you are in doubt dark as night, let him be in your eyes "like a thief" and you may not save (the victim at the cost of the thief's) life.

- How does this response cast doubt that *ohr* means day?
- What is the implication about the use of a scriptural verse? Can it bear more than one meaning?

VI. Objection! (Job 3:9- Job curses the night of his birth): **"...let the stars of its twilight go dark! Let it hope for the light (*ohr*) and have none. Let it not see with the radiance of the morning!"** Since it says, "let it (the night I was born) hope for light (*ohr*) and have none...and not see the radiance of morning". Since *ohr* is equated with the (time of radiance of the morning) therefore *ohr* means day!¹²⁹

A. Response: There, Job certainly curses his luck (*mazalei*- his "stars" or destiny). He said, "May it be God's will that that man (himself) searches for the light but doesn't find it. (Therefore the direct object in the verse ("Let IT hope...") doesn't refer to the day that Job was born, but to Job himself ("Let HIM hope for light and have none.") and the word *ohr* means light, but not day.)

- The Rav Yehuda side uses a grammatical ambiguity to prove its point.

VII. Objection! (Tehillim- Psalms- 139:11- David proclaims how God's presence is everywhere) **"Darkness envelopes me and the light (*ohr*) around me turn night."** Therefore, since *ohr* opposed to night, *ohr* means day!

A. (Response) This is what David meant: I thought that darkness would overwhelm me in the world to come, which

¹²⁹ The translation

resembles day. But now, even in this world, which resembles night, light (*ohr*) is around me. (Therefore, *ohr* means light, but not day!)

VII. Objection! Rabbi Yehuda¹³⁰ (in the Mishna) says, “We search (for chametz) at light (*ohr*) on the fourteenth, and in the morning of the fourteenth and at the time of removal (of chametz).” This means that since Rabbi Yehuda says to check at “*ohr*” of the fourteenth and in the morning of the fourteenth, therefore, “*ohr*” is evening. This proves it!

Note: The Gemara now brings seven even more difficult proofs the other way: that “*ohr*” means evening! The discussion concludes (folio 3a):

Come and hear: the school of Rabbi Yishmael¹³¹ taught: Leili (the night) of the fourteenth we search for chametz by candle light. Therefore *ohr* (in our Mishna) is night! Actually, both Rav Yehuda and Rav Huna agree that by all accounts, *ohr* means night; they don’t disagree! Why then use different words? Each master is using the terminology of his locale! In Rav Huna’s locale, they called night “nogei- light” and in Rav Yehuda’s locale, they called night “leili- night”.

But why didn’t our Tanna (in the Mishna) use that term (leili)?

Because he (the Tanna) chose to use refined terminology (for night)!¹³²

¹³⁰ This is a Mishna which appears a few pages ahead (folio 10b). Rav Huna seems to have run out of biblical sources. Now Rav Yehuda ends the argument with a Mishna quoting Rabbi Yehuda bar Illai, one of the most prominent students of Rabbi Akiva. As a Tanna appearing in the Mishna, his authority outranks all other sources apart from scripture.

¹³¹ Rabbi Yishmael was a contemporary of Rabbi Akiva. The two great Tannaim (early Rabbis) established radically different approaches to deriving halacha; each founded a school which continued and expanded the teachings of the founders.

¹³² The next *sugya* (section) discusses that the scripture itself uses refined terminology to avoid using words like “impure” instead saying (in the account of the flood) that Noah took seven pairs of pure creatures and one pair of each creature that was “not pure” rather than the shorter term “impure”. The Rabbis, acutely aware of the power of words, always demonstrate great sensitivity in the use of language and strive to ensure that their words do not bring pain, even to enemies. Since the term “night” has evil associations- look in the *sugya* we just finished!- the Mishna chose to use the word “light.” In a similar way, the Rabbis will refer to the “destruction of the enemies of Israel” when they really mean the destruction of Israel to avoid using this distressing phrase.

**Kamtza and Bar Kamtza: Babylonian Talmud Seder Nashim,
Masechet Gittin, Daf 55b-56a**

(This *sugya* follows a discussion of the legal status of the *sikrikon*- the usurping occupant. This is one who seizes Jewish holdings by force during times of oppression. The occupation of Israel by the Roman Empire lasted for centuries; the very prevalence of acts of mass murder, oppression and genocide required the development of a legal status for properties seized and the need for them to be reacquired by Jews in order to maintain Jewish autonomy in our own land.)

Rabbi Yochanon¹³³ said, "what is the meaning of the verse (from Mishlei-Proverbs 28): "Happy is the person who is always afraid, but the one who hardens his heart will fall into evil"?

Because of Kamtza and Bar Kamtza was Jerusalem destroyed. Because of a rooster and a hen was Tur Malka¹³⁴ destroyed. Because of a palanquin shaft was Betar¹³⁵ destroyed.

Because of Kamtza and Bar Kamtza was Jerusalem destroyed. There was a man whose friend was Kamtza and enemy (literally- informant) was Bar Kamtza. He made a banquet and said to his servant, "Go, bring me (i.e. invite) Kamtza."

The servant went and brought him Bar Kamtza. The man who was his enemy came and found him as he (Bar Kamtza) was sitting and, since he was his enemy, said to him, "What do you want here? Get up and get out!"

(Bar Kamtza) said to him, "Since I came, leave me alone and I'll give you the cost of my food and drink."

He said to him, "No!"

(Bar Kamtza) said to him, "I'll give you the cost of half of your banquet."

He said to him, "No!"

He said to him, "I will give you the cost of your entire banquet!"

¹³³ Israeli Amora of the first generation (mid-third century CE)

¹³⁴ Literally "the King's Mountain"- the administrative district of Jerusalem during the time of the Second Temple.

¹³⁵ The last stronghold of the Bar Kochva revolt (132-135 CE), the last great rebellion against Rome. Betar is southwest of Jerusalem.

He said to him, "No." He seized him by the arm, forced him up and threw him out.

Bar Kamtza thought, "Since there were Rabbis sitting nearby who didn't protest about it, I figure they were perfectly happy about what had been done. I will go and inform against them to the government."

He went and said to Caesar, "The Jews have rebelled against you."

(Caesar) said to him, "How shall I know (if this is true)?"

He said to him, "Send them a sacrifice and see if they offer it."

He went and sent it by (Bar Kamtza's) hand a prime calf. But on the way, he inflicted upon it a blemish in its upper lip- some say in the fine tissues of the eye, a place where we consider it a blemish but they do not.

The Rabbis thought to offer it (anyway) in the interests of civil amity.

Rabbi Zechariah ben Avkulus said to them, "They will say that blemished animals are offered on the Mizbeach¹³⁶!"

They thought to kill (Bar Kamtza) so that he wouldn't go and tell.

Rabbi Zechariah ben Avkulus said to them, "They will say that one who inflicts a blemish upon consecrated animals be punished by death!"

Rabbi Yochanon¹³⁷ said, "The excess of scruples¹³⁸ of Rabbi Zechariah ben Avkulus destroyed our home, burned out Temple and exiled us from our land."...

...Tannaitic Statement: Rabbi Elazar said, "Come and see how great is the power of humiliation, for behold, the Holy Blessed One assisted Bar Kamtza and destroyed Jerusalem and burned His Temple."

¹³⁶ The altar of the Temple; strict standards are set for appropriate offerings.

¹³⁷ The original teller of the story!

¹³⁸ "Anvatnuto"- Neusner

M There are four types of shomrim (guardians)¹⁴¹: An unpaid guardian¹⁴², a borrower¹⁴³, a paid guardian and a renter¹⁴⁴. (In the case of loss or damage to the property) The *shomer hinam* (unpaid guardian) takes an oath in all cases¹⁴⁵. The *sho'el* (borrower) pays (for loss or damage) in all cases. The paid guardian and the *sokher* (renter) take an oath (and are exempted of liability) concerning an animal that has broken a bone or one that has been rustled (by force) or that has died¹⁴⁶. But they pay compensation for the one that was lost or stolen.¹⁴⁷

"Four Shomrim (guardians): Which Tanna¹⁴⁸ said this teaching? Rav Nachman¹⁴⁹ said that Rabba bar Abuha¹⁵⁰ said: This is (the teaching) of Rabbi Meir.¹⁵¹

¹³⁹ As in the text from Avodah Zarah the operational consideration in using different fonts is to try to reconstruct some of the aesthetic features of traditional Talmud study using some of the differentiation techniques of the Vilna Shas.

¹⁴⁰ Note that each "voice" or editorial layer in the Talmud is marked with a different color. These layers can be seen as a different tradition, some responding to each other, some independent, that were eventually combined into the present text.

¹⁴¹ Of one's property, especially, in this context, one's animals.

¹⁴² Hebrew: *shomer hinam*

¹⁴³ Hebrew: *sho'el* (lit. "asker")

¹⁴⁴ Hebrew: *sokher*

¹⁴⁵ of loss or damage and is exempt from liability.

¹⁴⁶ All of these circumstances are based on Exodus 22:9

¹⁴⁷ Individually by stealth

¹⁴⁸ Early Rabbi (*Tannaim*- the Rabbis of the Mishna)

¹⁴⁹ Third generation (end of 3rd-4th century) Amora, head of the great Academy of Nahardeah (near modern Fallujah). Husband of Yalta, daughter of Rabba bar Abuha, Exilarch of the Jewish community of Babylonia.

¹⁵⁰ 2nd generation (3rd century CE) Babylonian Amora (Talmudic Rabbis). Rabbah may have been the Exilarch (Head of Babylonian Jewry).

¹⁵¹ Greatest of the students of Rabbi Akiva, Rabbi Meir was one of the teachers of the third generation of Mishnaic Rabbis (*Tannaim*). He lived in northern Israel.

says that there are not four *shomrim*? Rav Nahman answered, 'This is what I meant to tell you: Which Tanna holds that a renter has the same responsibility as a paid guardian? It is Rabbi Meir.'"

"How does a renter pay?"

Rabbi Meir says, 'Like a *shomer hinam*¹⁵³ (an unpaid guardian).'

Rabbi Yehuda¹⁵⁴ says, 'Like a *shomer sachar*¹⁵⁵ (a paid guardian).'

Rav Nahman bar Yitzchak¹⁵⁶ said, "There are four types of guardians, but there are only three legal categories."

¹⁵² 4th generation Amora, head of Academy at Mehoza, student of Rav Nahman.

¹⁵³ Who takes an oath that they took all reasonable precautions and are exempted from liability.

¹⁵⁴ Yehuda bar Ilai, contemporary of Rabbi Meir and fellow student of Rabbi Akiva.

¹⁵⁵ Who are exempted with an oath in the case of broken bones, rustlers (by force) or natural death but are liable for cases of loss or theft.

¹⁵⁶ Student of Rava (fifth generation Mehoza)

Order: Damages. Tractate: Middle Gate Chapter: 7 Mishna: 8
First Layer: Mishna (edited 3rd century)

Four Types of Guardians

There are four types of *shomrim* (guardians)¹⁵⁷: An unpaid guardian¹⁵⁸, a borrower¹⁵⁹, a paid guardian and a renter¹⁶⁰.

(In the case of loss or damage to the property) The *shomer hinam* (unpaid guardian) takes an oath in all cases¹⁶¹. The *sho'el* (borrower) pays (for loss or damage) in all cases. The paid guardian and the *sokher* (renter) take an oath (and are exempted of liability) concerning an animal that has broken a bone or one that has been rustled (by force) or that has died¹⁶². But they pay compensation for the one that was lost or stolen.¹⁶³

Second Layer:

In the Babylonian Academy of Nahardeah (3rd-6th century, the Mishna was taught with the addition of this comment:

Rav Nachman¹⁶⁴ said that Rabba bar Abuha¹⁶⁵ said: This is (the teaching) of Rabbi Meir.¹⁶⁶

¹⁵⁷ Of one's property, especially, in this context, one's animals.

¹⁵⁸ Hebrew: ***shomer hinam***

¹⁵⁹ Hebrew: ***sho'el*** (lit. "asker")

¹⁶⁰ Hebrew: ***sokher***

¹⁶¹ of loss or damage and is exempt from liability.

¹⁶² All of these circumstances are based on Exodus 22:9

¹⁶³ Individually by stealth

¹⁶⁴ Third generation (end of 3rd-4th century) Amora, head of the great Academy of Nahardeah (near modern Fallujah). Husband of Yalta, daughter of Rabba bar Abuha, Exilarch of the Jewish community of Babylonia.

¹⁶⁵ 2nd generation (3rd century CE) Babylonian Amora (Talmudic Rabbis). Rabbah may have been the Exilarch (Head of Babylonian Jewry).

¹⁶⁶ Greatest of the students of Rabbi Akiva, Rabbi Meir was one of the teachers of the third generation of Mishnaic Rabbis (Tannaim). He lived in northern Israel.

Note: What difference does the authorship of a Mishna make?¹⁶⁷

Third Layer:

Later, Rav Nahman was asked a question clarifying this point by a young student, Rava.

~~says that there are not four shomrim.~~ Rav Nahman answered, "This is what I meant to tell you: Which Tanna holds that a renter has the same responsibility as a paid guardian? It is Rabbi Meir."

Note: What difference does this make to the interpretation of the Mishna? What is being called into question?

Fourth Layer:

Years pass and the Academy of Nahardea has been destroyed in the wars between Byzantium and Persia and moved to Mehoza where different influences and teachings appear. The following bereita¹⁶⁹ is added to the list of teachings following the Mishna:

How does a renter pay? Rabbi Meir says, 'Like an unpaid guardian¹⁷⁰.'

Rabbi Yehuda¹⁷¹ says, 'Like a paid guardian¹⁷².'

¹⁶⁷ Shmuel HaNagid (10th century Spanish-Jewish Halachist and communal leader) in his Introduction to the Talmud: "When Rabbi Meir is named in a source, and his decision is disputed, either by Rabi Yehuda, Rabbi Yose, Rabbi Shimon or Rabbi Eliezer ben Ya'acov, the halacha is like his opponent."

¹⁶⁸ 4th generation Amora, head of Academy at Mehoza, student of Rav Nahman.

¹⁶⁹ A statement by the *tannaim* (early Rabbis) but not included in the Mishna

¹⁷⁰ Who takes an oath that they took all reasonable precautions and are exempted from liability.

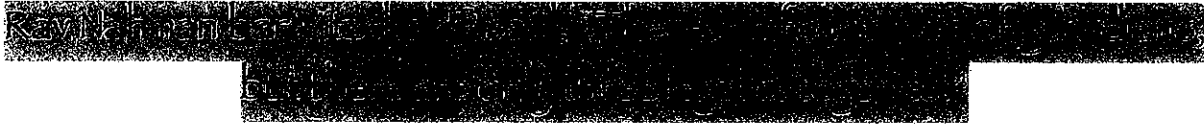
¹⁷¹ Yehuda bar Ilai, contemporary of Rabbi Meir and fellow student of Rabbi Akiva.

¹⁷² Who are exempted with an oath in the case of broken bones, rustlers (by force) or natural death but are liable for cases of loss or theft.

Note: What problem does this raise about the entire Mehozan tradition as well as about the status of our Mishna?

Fifth Layer:

The student of Rava, Rav Nahman bar Yitzchak, adds this comment:



Note: How does this comment harmonize the *breita* with the mishna?
What problems remain between the *breita* and the mishna?

Sixth Layer:

Finally, a later editor- the *Sama D'Gemara*- the "anonymous teaching" added a narrative over the collection of layers, tying them together and harmonizing differences. This is what appears in the Talmud that we have today.

¹⁷³ Student of Rava (fifth generation Mehoza)

A Legal Case

Note: this is from the Pumbedita¹⁷⁴ Tradition

There was a shepherd who was pasturing animals on the banks of the Papa River.

One of them slipped and fell into the water (and drowned). He came before Rabbah¹⁷⁵ who acquitted him of liability. Rabbah rule, "What was he supposed to have done? He guarded him in the way that people ordinarily guard."¹⁷⁶

Abaye (his student) said to him, "What if the case had been that he entered a town at the time that people ordinarily do (leaving the sheep on their own for a while?), in that case also would you have acquitted him?"

He said to him, "Yes."

"And if he had taken a nap the way that people ordinarily do? In that case would you also have acquitted him?"

He said to him, "Yes".

Abaye responded with a quote from the Tosefta:¹⁷⁷

These are the unavoidable accidents in which a paid guardian is free of liability, like the case as it says in the book of Job (1:15): *"And the raiders fell upon them and took them captive and slew the servants with the sword."*

Rabbah said, "That is referring to the city guardians (and not ordinary guardians who are not expected to give their lives for what they are guarding.)"

...

A Second Case

Bar Ada the porter was leading animals across the bredge of Nersh. One pushed the other and threw it in the water (where it drowned). He came before Rav

Papa¹⁷⁸ who held him liable.

He said to him,

¹⁷⁴ Babylonian Academy established by Rav Yehuda (the Rabbi who taught that "light" means "night!"), fourth century.

¹⁷⁵ Head of the Academy of Pumbedita, teacher of Ravah (along with Rav Nahman) and Abaye who succeeded him as head of the academy.

¹⁷⁶ And therefore, this cannot be called a loss but an accident.

¹⁷⁷ Baba Metziah, 8:6 The Tosefta is a collection of early Rabbinical teachings that was assembled after the Mishna. Often, it supplements the Mishna, but just as often, it diverges from it. Therefore, while its teachings are often seen as normative, it is overruled by the Mishna and may be overruled by *breitot*.

¹⁷⁸ Fifth generation Babylonian Amora, student of both the Pumbedita and Mehoza lineage (Abaye and Rava).

“What should I have done?”

He said to him, “You should have brought them over one by one.”

He responded, “Would an ordinary person¹⁷⁹ be able to cross them
one by one?”

Rav Papa said, “Others have pled the same way and no one paid
attention to them.”

¹⁷⁹ Lit. “your sister’s son”

Avodah Zarah

Mishna:

Before the appointed days¹⁸⁰ of idol worshippers, for three days it is forbidden to do business with them, to lend to them and to borrow from them; to lend money to them and to borrow money from them; to remit a debt to them or to have a debt remitted from them.

Rabbi Yehuda says, "They may remit a debt because it distresses him."

They said to him, "Even if he is distressed now (at the repayment), he is happy about it afterwards (from being out of debt).

Gemara: Rav and Shmuel¹⁸¹: One taught that the language of the Mishna is אִידִּיקָן (implies their calamities) and the other taught עִידִּיקָן (implies their appointed days of gathering). The one who taught *their appointed days* was not mistaken and the one who taught *their calamities* was not mistaken.

The one who taught *their calamities* was not mistaken as it is written (Deut. 32:15 in the context of God's punishment of Israel for abandoning the Torah) "...for the day of their calamity-עָוֶן - is at hand..."

And the one who taught *their appointed days* was not mistaken as it is written (Isa. 43:9 in the context of the future judgment): "*All the nations are gathered together, and the peoples are assembled. Who among them can tell it, and make heard to us tidings of the first days? Let them give their testimony¹⁸²-עִידִּיקָן- and be justified, let them hear and say 'true!'*"

What is the reason that the one who said *their calamities* not teach the word to be *their appointed times*? To say to you that "calamity" is the better word (for idolatry)

What is the reason that the one who said *their appointed times (of testimony)* not teach the word to be *their calamities*? To say to you what causes calamity to befall them? The testimony that they testified to themselves. Therefore, *testimony* is the better word.

But is the verse from Isaiah, *let them give their testimony and be justified* in reference to idol worshippers? Surely it is written in reference to Israel as Rabbi Yehoshua ben Levi¹⁸³ said, all of the Mitzvot that Israel does in this world will come and testify on their behalf in the world to come as it is said, "...let them come and testify and be justified" - this is Israel' "*they will hear and say 'true!'*" – these are idolaters.¹⁸⁴

¹⁸⁰ I.e. Festivals

¹⁸¹ The leaders of the first generation (third century) of the Amoraim (later Rabbis) in Babylonia.

¹⁸² Translated as "appointed times" to imply gatherings.

¹⁸³ First generation Israeli Amora (later Rabbi), contemporary of Rav and Shmuel.

¹⁸⁴ Since the verse has been "used up" by this interpretation, another verse must be found to justify the reading of "their appointed times."

Rather, Rav Huna the son of Rav Yehoshua¹⁸⁵ said, (the proof-text) of those who say (that the Mishna is referring to) *their appointed times of testimony* is (Isa. 44:9): ***“Those who fashion an idol are all emptiness and that which they value shall not benefit them; they are their own witnesses but they neither see nor know- and thus shall they who make them be ashamed.”***

(Second source)

Psalms 2:

1: Why are the nations in an uproar and the peoples, why do they mutter in vain?

2: The kings of the earth assemble and the rulers take council together against HaShem and His Mashiach.

3: “Let us break their bonds and throw their binding-cords from us!

4: The One who dwelleth in heaven laughs, HaShem derides them.

Rav Hanina bar Papa¹⁸⁶ or some say Rabbi Simlai¹⁸⁷ darshaned¹⁸⁸ (on this verse):

In the future to come, the Holy Blessed One will bring a Sefer Torah¹⁸⁹, lay it upon His breast¹⁹⁰ and say: “Let whoever has occupied themselves with it come and take their reward.”

Immediately, the idolaters will come and gather in a mob as it is said (Isaiah 43:9): *“all the nations gather together...”* The Holy Blessed One said to them, “Do not come before me in a mob; rather let each nation and its scribes enter one at a time.” (2b) as the verse continues: *“...and let the peoples assemble...”* The word “nation” means nothing other than kingdom as it is said, (Gen. 25:23 in reference to the prophecy given to Rikva of the birth of her children, Ya’acov and Esav): *“and one kingdom shall be stronger than the other kingdom.”*

Can there be a mob before the Holy Blessed One?¹⁹¹ Rather it is in order that they may not appear as a mob before each other and be confused and not able to hear what God is saying to them.

¹⁸⁵ Fifth-generation Babylonian Amora

¹⁸⁶ Perhaps the son of Papa, a fourth century (fifth generation) Babylonian Amora

¹⁸⁷ Well-known Agadist (expounder on Jewish lore rather than Halacha- law) of the third century. Early Israeli Amora (later Rabbi)

¹⁸⁸ *Darash*. Expounded, preached, interpreted, framed, presented Agadah- more than a verb, this is a genuine Jewish value-concept that cannot be fully translated. It is one of the primary interactions with text.

¹⁸⁹ Torah scroll

¹⁹⁰ This daringly anthropomorphic phrase is missing in some manuscripts.

¹⁹¹ I.e. can HaShem be overwhelmed and confused by a mere crowd?

At once, the Empire of Rome entered before Him first.

What is the reason? Because of its primary importance and how do we know that it is so important? As it is written (in the prophecies of Daniel 7:23 of the four great beasts, representing four empires): "...and it devoured all the land and trample it down and break it into pieces." And

Rabbi Yochanon¹⁹² said, "This Empire of Rome is filled with guilt, for it has imposed itself upon the entire world."

And how do we know that the most important ascends first? In accordance with Rav Hisda¹⁹³:

Rav Hisda said, "Between the king and the public, the king goes first into the court of judgment as it is said, (1 Kings 8:59, King Solomon's prayer when the Temple is completed): '*...let these, my words...be close to HaShem our God day and night: to plead the cause of His servant (Solomon) and the cause of his people Israel*'¹⁹⁴..."

What is the reason? If you like, I can say that it is not good manners to seat the king outside (while others are being judged). Or, if you like, I can say that in order to (allow the king to plead his case) in order to assuage the Wrath.

The Holy, Blessed One said to them: 'With what have you busied yourselves?'

They say before Him, "Master of the World! Many markets have we established! Many baths have we made! Much silver and gold have we accumulated! And all this we have only done for Yisrael so that they might occupy themselves with Torah!"

The Holy Blessed One said to them, "Worldly Fools!¹⁹⁵ All that you have done, you have done only for your own needs. You have established markets only to seat whores in them, baths to pamper yourselves, silver and gold is mine as it is said, (Hagai 2:8): '*Mine is the silver and mine is the god, saith Adoshem Tzva'ot.*'

(Returning to the source-text: '*All of the nations are gathered together, and the peoples are assembled. Who among them will say this?*' And God continues:) "Who among you will say 'this'? And 'this' can only mean Torah. (i.e. Who among

¹⁹² First generation Israeli Amora (early third century), living under Roman rule.

¹⁹³ Third generation (fourth century) Babylonian Amora (later Rabbi).

¹⁹⁴ I.e. the king precedes the people in God's judgment.

¹⁹⁵ Neusner translates this term *shotim she'ba'olam* as "world class idiots!" This nicely captures the nuance of the insult: that the world-conquering Romans, for all their dominance, are nothing more than fools. However, it feels to me to be overly informal for this aggadata.

you will study Torah?) as it is said, (Deut. 4:44): *'and THIS is the Torah which Moshe brought.'* At once, they will leave, humiliated.

Once the Roman Empire has left, the Persian Empire enters after it.

What is the reason? Because it is second in importance. And how do we know this scripturally? As it is written (in the Prophecy of Daniel 7:5): "And behold, another beast, a second one resembling a bear..." Rav Yosef cited a breita: "These are the Persians that eat and drink like bears, and are round-fleshed like bears, and are hirsute like bears, and are restless like bears."

The Holy, Blessed One said to them: With what have you busied yourselves? They say before Him: "Master of the World! Many bridges have we built and many cities have we conquered and many wars have we made and all of them we did for none other than for Yisrael that they may occupy themselves with Torah."

The Holy, Blessed One said to them, "All that you have done you have done for your own needs. You have erected bridges in order to collect taxes for them, cities from which to exact forced labor. Wars are for me to make as it is said, (Exo. 15:3, Song at the Sea) *"Adonai is a man of war..."* Is there not one among you who can "tell this" as it is written, (Isaiah 43:9): *"Who among you will tell this?"* And there is no "this" except for Torah as it is said (Deu. 4:44), *"This is the Torah which Moshe presented..."*

At once, they go out from before Him, humiliated.

But since the Empire of Persia saw that the Empire of Rome did not benefit in any way, for what reason did they come up? Because they said to themselves, "they destroyed the Beit HaMikdash¹⁹⁶ and we built it¹⁹⁷".

And likewise for each and every nation

and since they see that the one before them does not benefit in any way, what is the reason why they come up? They think, "These enslaved Israel and we did not enslave Israel¹⁹⁸".

And what is the difference between those nations, which are named, and the rest of the nations that are not named? Because they (Rome and Persia) will continue until the Messiah comes.

¹⁹⁶ The Romans destroyed the Temple following the Great Revolt (66-70 CE).

¹⁹⁷ The Persians allowed the exiles of Judah to return to Jerusalem and Judah upon the ascension of Koresh (Cyrus the Great) and sanctioned the rebuilding of the Beit HaMikdash (the Second Temple).

¹⁹⁸ Persia and Rome both occupied Judah.

They say before God, "Master of the World, did You offer to give us the Torah and did we refuse it?"

How can they say that? For it is written (Deut. 33:2, Moshe's blessing of Israel before his death): "He said, 'HaShem from Sinai has come and shines forth from Se'ir. HaShem has appeared from Mount Paran...'" and similarly it is written, (Habakuk 3:3): "HaShem will come from Teman..." What does HaShem seek in Seir and what does he seek in Paran? Rabbi Yochanon said, "This teaches that the Holy Blessed One went on rounds among all the nations and languages and no one was willing to accept the Torah until He came among Yisrael and they accepted it. (Therefore, they had a chance to accept the Torah.)"

Rather, this is what they said: "Did we accept it and then not carry it out? And to refute this it is only necessary to ask: "Why did you not accept it?"

Rather, this is what they say: "Master of the World, did you cover us with the mountain like a basin and did we refuse it like you did for Yisrael as it is written (Exodus, 19:17 at the Utterance of the Ten Commandments): "...and they were positioned beneath the mountain." Rav Dimi bar Chama¹⁹⁹ said, "This teaches that the Holy Blessed One inverted the mountain like a basin upon Israel and said to them, "if you accept the Torah, it is well, but if not, here will be your graves." Immediately, the Holy Blessed One says to them, "Let the truth of the first things be told!" as it is said, (Isa. 43:9): "...who among them will say this and tell the first things?..." The Seven Mitzvot²⁰⁰ that you accepted- when did you fulfill them?

And how do we know scripturally that they didn't fulfill them? Rav Yosef taught a *Breita*: (Habbakuk 3:6): "...He stands and measures the earth, sees and cedes to the nations."²⁰¹ Sees- means that God sees that the children of Noach did not fulfill the Seven Mitzvot that they accepted upon themselves (and "cedes" means removes the Seven Mitzvot.).

Since they did not fulfill them, God formally released them from the commandments. Are they then rewarded?! If so, this is a case of a sinner receiving a wage for sin!

Mar bar Ravina²⁰² said, "That is to say that even if they (the nations) fulfill them, they will no longer receive a reward for them." Is that the case? Isn't it taught in a *Breita* that Rabbi Meir²⁰³ said, "Where do we learn that even an idolater who occupies themselves with Torah is like the Kohen Gadol²⁰⁴? The teaching says (Lev. 18:5): 'You shall keep my statutes and my ordinances which a human being shall do and live by them. I am HaShem.' Kohanim, Levites and Israelites is not said, rather 'a human being.' Thus you learn that even an idolater who busies themselves with Torah is like a Kohen Gadol."

¹⁹⁹ One of the Nechutai- Fourth-century Rabbis who traveled between Babylonia and Israel and disseminated the teachings of both centers of Jewish life. Rav Dimi made transmission of the Israeli Rabbis his special mission. (Jewish Encyclopedia)

²⁰⁰ These are the *Sheva Mitzvot B'nai Noach*, the Seven Noahide Laws, given to Noah and his sons when they left the ark and binding upon all humanity. They are: 1. No idolatry (believe and worship only HaShem). 2. Incest/adultery forbidden 3. Murder is forbidden 4. Cursing God's name is forbidden 5. Theft is forbidden 6. Eating the flesh of a living animal is forbidden. 7. Establishment of courts of justice

²⁰¹ This is the Rabbinic, interpretive meaning of this verse. The more straightforward meaning might be: *He stands and the earth shakes. Looks, and the nations tremble.*

²⁰² Fourth century Babylonia Amora (last generation of Amoraim, son of Ravina, traditionally cited as one of the editors of the Gemara.

²⁰³ Third generation Tanna (second century early Israeli Rabbi), student of Rabbi Akiva and one of the most famous of all of the Rabbis of the Talmud. His stature is such that a well-known dictum has it that a Mishna that is not attributed was taught by Rabbi Meir.

²⁰⁴ High Priest- holiest of all mortals.

Rather, this (the passage from Habbakuk) tells you that they would not receive the same reward as one who is commanded and does the Mitzvah, but rather like one who is not commanded and does the Mitzvah. As Rabbi Chanina said, "Greater is the one who is commanded and does the Mitzvah than one who is not commanded and does the Mitzvah."

Rather, this is what the idolatrous nations say before the Holy Blessed One:
"Master of the World! Israel may have received the Mitzvot, but how do we know that they fulfilled them?"

The Holy One of Blessing said to them, "I testify on their behalf that they have fulfilled the entire Torah!"

They say before Him, "Master of the World, is a father ever allowed to testify on behalf of his son, for it is written (Exo. 4:22): *"...Israel is My first-born son."*

The Holy One of Blessing said to them, "Heaven and earth will testify on their behalf that they fulfilled the entire Torah."

They say before Him, "Master of the World, heaven and earth are not eligible to testify since they have an interest as it is said, (Jer. 33:25): *"...if not for My Covenant, day and night, then the statutes of heaven and earth I would not have appointed."* As Rabbi Shimon ben Lakish²⁰⁵ said, "Why is it written (Gen. 1:5): *"...and there was evening and there was morning the sixth day"*²⁰⁶."? This teaches that the Holy Blessed One made the Work of Creation conditional and said, "If Israel accepts the Torah²⁰⁷, well and good, but if not, I will return you to "unformed and void." ...

The Holy Blessed One said to them, "From amongst you let them come and testify on behalf of Israel that they fulfilled the entire Torah. Let Nimrod²⁰⁸ come and testify that Avraham didn't worship idols. Let Lavan come and testify that Ya'acov wasn't suspected of thievery. Let the wife of Potiphar come and testify on behalf of Yosef that he wasn't suspect of transgression. Let Nebuchadnezzar

²⁰⁵ Leading third century (second generation) Israeli Amora.

²⁰⁶ Rather than "a sixth day" as was the case with the other days of creation.

²⁰⁷ Which was given on the sixth day of Sivan: hence, "the sixth day."

²⁰⁸ The Midrash teaches that Nimrod the "mighty hunter before HaShem", mentioned briefly in Genesis 10, is the paradigmatic god-king whom Avraham opposed at the risk of his life.

come and testify on behalf of Hananiah, Mishael and Azariah²⁰⁹ that they did not bow before an image. Let Darius come and testify on behalf of Daniel that he did not annul Tefila! Let Bildad the Suchite and Tzofar the Na'amaite and Eliphaz the Temanite and Elihu ben Barchael the Buzite and testify on behalf of Israel that they fulfilled the entire Torah" as it is said (Is. 43): "...*let them give their witnesses and justify!*".

They said before him, "Master of the World, give it to us in the first place and we will do it."

The Holy One of Blessing said to them, "Worldly fools, only the one who has labored on Erev Shabbat will eat on Shabbat. The one who has not labored of Erev Shabbat, from what will he eat on Shabbat? Rather, even still, I have a simple Mitzvah. "Sukkot" is its name. Go and do it."

But how can you say this? Didn't Rabbi Yehoshua ben Levi say, "Why is it written (Deut. 7:11): ***'You shall keep the Mitzvah and the statutes and the ordinances which I command you this day to do them'***? "Today" means- do it today and not tomorrow. "To do them" means to do them today and not to receive a reward for them today." Rather, the Holy One of Blessing does not act despotically with his creatures.

And why is this called a simple Mitzvah? Because it is inexpensive.

At once, each and every one takes materials and goes and makes a Sukkah on his roof. The Holy One of Blessing causes the sun of the summer solstice blaze down on them and each and every one knocks down his Sukkah and goes out as it is said (Tehillim 2:3), ***"The kings of the earth stand up and the rulers meet together against HaShem and against His anointed: 'Let us break our bonds and throw our binding cords from ourselves.'*"**

Blazing sun? Didn't you say that the Holy One of Blessing doesn't act despotically with His Creatures? Because for Israel also there are times when the heat of the summer solstice extends to the Chag (Sukkot) and causes them distress.

But didn't Rava say that that one who is in distress is absolved from the Sukkah? Given, absolved- but knocking it down?

²⁰⁹ From the Book of Daniel; three martyrs who miraculously survived being thrown into a fiery oven.

At once, the Holy One of Blessing sits and laughs at them as it is said,
(continuing the above quote from Psalms 2:4) *"The Dweller in the Heavens
laughs."*

Part III: Investigating Congregant Responses

Following the pilot Talmud classes, I sent a survey²¹⁰ consisting of ten open-ended questions to the twelve participants. Rather than attempting to conduct a detailed analysis, I will present a selection of the questions with some representative responses and trends:

Question: Please share a few phrases/ideas about your impressions of Talmud study before you attended either session.

Most of the respondents indicated that they thought that study would be difficult:

- *“I pictured it as something only scholarly people studied and that it consisted of lots of arguing.”*
- *“I imagined Talmud study would be confusing and difficult. All that Hebrew in different sections on the page...”*

I was surprised to see that some of the canards about the Talmud still persist, at least as perceptions:

- *“I think the media portrays it as something evil when it comes to sensitive subjects.”*

Question: Please share a few overall impressions and ideas about Talmud study now that you have attended several sessions.

²¹⁰ Using SurveyMonkey.com

I asked this question without differentiating between the two approaches to find out how the learners felt about their studies overall²¹¹.

- *I don't think you have to be as "scholarly" as I had originally thought to study Talmud.*
- *Study was uplifting. It challenges your thoughts and ideas, challenges you to question meaning of everyday events and seek deeper meaning of our actions.*
- *It is very interesting because it refers back to Torah and Tanakh*
- *I think it is an ongoing discussion which takes place over space and time. It is an ongoing debate which is completely fascinating*

When I asked for responses about the Stam's *sugya* in Pesachim, I received similarly thoughtful reactions. This one is typical:

- *I thought the first discussion was treated like a conversation, with each point counter-pointing the previous one. I thought some of the points made were a stretch, but generally speaking some were cogent, some were not as cogent. I thought the point was to show that as each authority presented its case, the interpretation changed.*

Responses about the differentiated *sugya* in Pesachim focused more on the content rather than on the approach:

- *Already, a second lesson was more clear and interesting to adapt to modern situations, showing how timeless this line of thought is.*

²¹¹ I know that it goes beyond the tone and scope of this work, but I need to share that the first time I read these responses, coming after the ambivalence and even hostility of the responses to the first question, I was very moved. Beyond giving evidence of the power of the Talmud to speak to all sorts of Jews, it gave me renewed hope for Jewish continuity.

While some lines indicated 4 types of guardianship and some 3, most interesting was the final idea of reconciling the two.

- *I felt that the point here was to identify the different levels of responsibility associated with cases of guardianship. There were really three, even though there were four types of guardians.*

Up to this point, it appeared that there was no real difference in how the learners perceived the two lessons. The linear lesson had taken much less time and effort to prepare, being more an exercise in translation than in analysis, while the differentiated lesson had been very difficult and time-intensive. Did it make any real difference?

Question: An effort was made in the first session to teach the text in a linear, straightforward manner, not pointing out the different editorial layers of the text. In the second lesson, the different times, places and identities and circumstances of those mentioned was explored and the selection was presented chronologically (i.e. which "layer" came first)²¹² rather than linearly (how it appears in the text). Please comment on how the different approaches impacted on your experience of the Talmud in the two sessions.

- I much preferred the second sessions approach. The "quality" of the source was missing from the first session. I also preferred the more logical, layered view of each point of the second session.
- I liked the second session more because even though the first one was presented in a linear manner, it struck me as very one dimensional. These passages were made over time and distance so looking at the linearly kind of ignore the point that the original

²¹² Upon reflection, this question should have been phrased: "in a way that emphasized the different layers of the text which in turn leads one to realize its chronological development."

teachings were done over great distances where people might talk or tell the story differently.

- I preferred the second way. It made more sense to me.

I asked for more of the learners' thoughts comparing the two approaches:

Question: Of the two varieties of study (linear/chronological) which sort of Talmud study do you think is most appropriate for congregants like ours? Please add a sentence or two explaining your answer- this is a particularly important one!

- *I believe that the chronological method highlighting the sources and their "quality" is my preferred method. I think it's more logical in general and lets you consider the source - which is a good lesson in and of itself.*
- *I like to understand the history and influence over time, for that reason - I would say that the second variety is most appropriate*
- *Again I think it is chronological with a twist which is understanding what parts of the world the teachings come from because different environments would have people focus on different aspects of the laws.*

True to form in Jewish life, there were dissenting views. I was actually glad to see that not everyone agreed that a differentiated approach was best. As a proponent of this view, I was concerned that I would inadvertently give short shrift to the linear approach. I believe, however, that the Stam's *sugya* in the beginning of Pesachim is a good one to present in this way, since it does most likely reflect a single editorial voice:

- *Not sure which is most appropriate. Both sessions generated thought and good discussion. Perhaps the first session (linear) yielded*

greater participation from more congregants. If so, this may indicate it's appropriateness.

Another cogent response suggesting a way to convey the sense of the multiple voices of the Talmud:

- *Generally speaking, I think the way to integrate Talmud into our congregation is to relate to topics and events. However, in lieu of a D'Var Torah - perhaps getting congregants to "act out" the different points might work. This would require prep for everyone so that it doesn't seem like they're just reading from a script.*

It is not possible to draw any meaningful and scientifically valid conclusions from such a small-scale and highly subjective study. What was meaningful, however, and promising, was the engagement, interest and pleasure evinced to me by the learners.

As challenging as it was to prepare material that I hope met the high standards of the scholars and researchers that I had studied, being able to share it in a meaningful way with Jews who face the daily struggles of Jewish identity and continuity and the challenges of life confronting all human beings was not only personally rewarding but fulfilling in the sense that this is what I believe that the Rabbis of the Talmud wanted. Whether Tanna or Amora, anonymous Stamim editor or Rabbi Yehuda HaNasi, the great souls behind the Talmudic voices sought to have Torah live, inspire, flourish and bring Am Yisrael closer to their heritage, to each other and to the awareness of the presence of God.

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I would like to note the following online resources as extremely valuable and readily available reference tools:

Hebrewbooks.com- a reservoir of out-of-print and rare scholarly books scanned in full, fully searchable and downloadable at no cost; thanks to the vision and generosity of the Society for the Preservation of Hebrew Books.

Mechon-Mamre.org- searchable and downloadable versions of the Talmudim and Tosefta as well as other works of *Torah She'bichtav* and *Ba'al Peh*. This website is created and maintained by a group of Yemenite scholars (hence the inclusion of the Mishneh Torah among the most venerated texts) with new projects being planned.