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Anthological Dimensions of the Babylonian Talmud

THE BABYLONIAN TALMUD DEFIES ATTEMPTS to categorize it according to the standard literary genres of Western literature. Even when we take care to define it on its own terms, the undertaking is likely to be frustrated by the realization that the classification is susceptible to many different possibilities, depending on the vantage from which it is approached. To complicate our efforts even further, talmudic scholarship itself is often in disagreement over fundamental issues related to the Talmud's purpose and composition.

Let me begin by surveying the principal models that have been proposed as frameworks for understanding the Talmud's distinctive literary character, taking note of the divergent scholarly approaches that have been applied to them.

The Talmud As Commentary

The fact that the Talmud is not an independent work, but arranged as a commentary on an earlier work, the Mishnah, sets obvious limits to its contents. It has no real structure of its own, but follows the order of the Mishnah, adding comments by later authorities or comparative material from earlier sources, provided that these sources relate directly or indirectly to matters mentioned in the Mishnah.[1] Nevertheless, it is immediately apparent that the rabbinic conception of a commentary is a much more flexible one than we are used to in the Western tradition. The

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straightforward elucidation of the meaning and intention of the commented texts is only one of the purposes of the Talmud's commentary on the Mishnah, and not necessarily the most prominent among them. The talmudic *sugya* tackles an infinite spectrum of topics that bear only peripheral or indirect connections to the Mishnah, including comparisons with (apparently) conflicting sources and new applications of legal principles.

The Talmud As Legal Literature

Since legal literature knows its own distinctive literary forms,[2] it is not necessary to evaluate the Talmud according to the aesthetic and formal criteria that would be applied to more conventionally "literary" genres. In particular, a long-standing dispute has focused on whether the Mishnah was intended to serve as a normative *codex* or *corpus iuris,* or as digest or encyclopedia of sources for theoretical instruction. Though it would have to be reformulated,[3] a corresponding argument could be applied to the Talmud as well.

Viewing Talmud through this lens as a type of legal literature might allow us to understand and appreciate heretofore inexplicable or unrecognized features. For example, legal literature is universally renowned for its hairsplitting casuistry and careful logical argumentation. Although we do not customarily value such dialectic as literary activity, there is no prima facie reason not to do so. There is an undeniable aesthetic enjoyment involved in the experience of a beautifully crafted mathematical theorem or scholarly thesis.[4] The authors of the Talmud appear to have been conscious of the aesthetic dimension of their undertaking.

The Talmud As an Anthology

The Talmud assembles material from diverse schools and over many generations. The sources preserved in the Talmud are distributed between the two major Jewish population centers of Palestine and Babylonia. The citations and stories attributed to Babylonian Rabbis appear to have undergone simultaneous redactions in several different schools.[5] This situation suggests the existence of synchronic parallel redactions that were afterward combined into a unified Babylonian Talmud.[6] Further, the citation of traditions of Rabbis from successive generations suggests an image of each generation adding its newer stratum to a literary heritage left by its predecessors.[7] Clearly, these two models for the

Talmud's evolution, one synchronic, the other diachronic, are not mutually exclusive.

To appreciate the two preceding models, it is also important to understand that the Talmud was studied orally and not set to writing until much later in the history of its development. Whatever the original grounds for the Rabbis' prohibition against writing down the teachings of the Oral Tradition (referring, essentially, to anything other than the Bible and *Megillat ta'anit*), it is clear that the prohibition remained in force throughout the talmudic era,[8] and the transmission of the sources was through memorization. Other than some discernible effects on the rhetorical character of talmudic expression, it is not immediately clear how this fact affected the literary character of the Talmud. Although it is possible that the Talmud's redaction was carried out in writing, there is considerable evidence to the contrary.[9]

Our understanding of the redactional process has been altered decisively by recent scholarship. Until well into the present century, research into the study of the Talmud's redaction remained bound to an agenda that had been formulated by Sherira and Maimonides, who had perceived the redaction of rabbinic compendia as the work of individuals. Basing themselves on questionable anecdotal traditions, scholars continued to rehash old attempts to identify the Rav Ashi and Ravina mentioned by the Talmud as "the end of instruction."

Twentieth-century research has preferred to concentrate on careful analysis of the contents and structures of individual *sugyot*.[10] Assisted by a clearer understanding of textual transmission, and enriched by newly available geonic texts and manuscripts from the Cairo Geniza, it has become evident that the text of the Talmud remained fluid for centuries after the traditional dates of its redaction.[11] A new paradigm emerged that emphasized the distinction between formal statements in Hebrew attributed to specific Rabbis, and anonymous Aramaic explanatory materials in which the dicta are embedded. According to the prevailing theory, the anonymous Aramaic sections are the work of the Talmud's redactors. Although some scholars have reserved judgment on the precise chronological provenance of these texts, allowing for the possibility of continuous redactions, the widespread opinion is that they are the contribution of the saboraim, an obscure group of Babylonian sages whom Sherira located between the talmudic and geonic eras and whose activities had been hitherto perceived as confined to a few minor additions to the Talmud text.[12] In light of the vastness and importance of the anonymous stratum, it would now appear that these saboraim should actually be credited with shaping the Talmud into its present form.

A radically different formulation of the relationship between the redactors and the individual traditions that make up the Talmud has been

proposed by Jacob Neusner.[13] With respect to the issue of the Talmud's composite nature, Neusner's most far-reaching assertions are the ones that deal with the relationships between individual traditions, dicta and stories, and so on, and the works in which they are contained. Beginning from the premise that the units were included only in order to serve the agendas of the completed documents, and taking into account that many of those units have no historically verifiable or recorded existence outside those completed documents, Neusner arrives at the conclusion that any attempt to deal with the units is futile and ultimately misleading. According to Neusner, the focus of study must be the "document" as a whole—in the case of the Babylonian Talmud, for example, the entirety of the Talmud.

In response to this assertion, the following can be said: While there can be no denying the importance of examining the incorporation of the units into their respective "documents,"[14] Neusner fails to convince that this is an either-or proposition. The certainty that *no* attributed dictum is reliable is as dogmatic as the certainty that *all* of them should be believed uncritically—and there seems to be less plausibility to an approach that views the entire Talmud as no more than a sixth-century work of fiction. At all events, philological method has long recognized that the *meanings* of texts can be studied without prior commitment to their historical veracity.[15] Furthermore, in the specific instance of the Babylonian Talmud, the many attempts by current talmudic research at interpreting attributed dicta independently of their redacted, anonymous contexts have produced an impressive and consistent body of evidence demonstrating that the original authors of those dicta meant something different from what emerges from the context of the redacted talmudic *sugya*. The original meanings of the dicta are frequently found to correspond with the simple sense of the Mishnah, with the interpretations of the Tosefta or with the Palestinian Talmud.[16] Furthermore, it seems entirely inconceivable that the supposed authors of cogent and consistent documents would have knowingly introduced into their works indications of discrepancies between the whole and the parts.[17]

Finally, Neusner is less than persuasive in his assumption that the main agendas of the various documents, which dictated the criteria for inclusion of their component materials, were ideological or theological. As we shall see, this view largely runs counter to the common-sense reading of the documents themselves, which are, after all, compendia of technical legal argumentation directed to specialized judges and jurists (in the case of the Talmud) or of Bible-based homiletics (in the case of the aggadic midrash)—not of theology or philosophy.

Neusner himself contends that to posit a non-ideological program for the publication of a religious work would relegate that work to triviality.

But this argument is no more compelling. Once we have accepted the fact that a given body of tradition (such as halakhic argument or midrashic homiletics) was deemed valuable by the community that produced it, then the preservation of those traditions can also be accepted as a fully legitimate purpose in its own right. It follows from this that purely literary or functional considerations can provide adequate criteria for the structuring of rabbinic compendia. And despite Neusner's arguments, there is no reason to warrant an abandonment of investigations into the composite structure of the Babylonian Talmud, or of any other rabbinic collection.

In the remainder of this essay, I wish to elaborate upon the anthological model by considering some talmudic material that did not originate as Mishnah commentary. It is this type of material that best highlights the anthological dimension of the Talmud, and that we shall be focusing on in the present study.

Since all works in the rabbinic corpus present themselves to us as collections of opinions and dicta ascribed to several generations of Rabbis, it follows that the redactors of each of these works were acting as anthologists when they assembled the particular traditions that were to be included in a given compendium. This applies not only to the final products, the compendia that were acknowledged by posterity as completed works worthy of study and authoritative standing, but also to whatever earlier collections might have been utilized by the redactors of later works.

In most instances, modern rabbinic scholarship regards that process of assembling traditions as a creative one: the selected sources and traditions were not only gathered together as they would be according to the conventional definitions of the anthologizing process, not merely juxtaposed to one another in order to elicit new associative meanings; but it would appear that the redactors took a more dynamic role in rewording the received traditions, or in deconstructing them and reassembling them into original literary creations.

The anthological character of the Talmud must also be understood from within the context of amoraic literature in general. The surviving literature of the amoraim suggests that the rabbinic curricula of the time were more varied than what came to be reflected in the overriding structures of the completed Palestinian and Babylonian Talmuds. Although both Talmuds are organized as commentaries on the Mishnah, giving the impression that the Mishnah was the sole subject of amoraic study and that all other types of material were included by virtue of their direct or indirect bearing on the exposition of the Mishnah, it is evident

that much of the material that came to be included in the Talmud did not originate in Mishnah study, but developed elsewhere. Allowing that some extraneous tannaitic compilations (*baraitot*) might have been integrally connected to the elucidation of the Mishnah,[18] it is very hard to make such arguments convincingly with respect to large "foreign bodies" whose links to the Talmud are indirect or nonexistent. Some of my own research has focused on two such nonmishnaic components of the Babylonian Talmud, namely, the anecdotal records of rabbinic legal decisions and court cases,[19] and the units of aggadic midrash.[20] With respect to both those instances, it is likely that most of the material was originally collected and arranged in separate venues (perhaps through the court system or synagogues, respectively) and was incorporated into the Talmud at an advanced stage of its development. The formal links that connect such passages to the main body of the Talmud are rarely to the Mishnah or to its direct explanations, but usually to peripheral topics that were introduced associatively in the course of the amoraic discussion. Similar methods characterize the editorial inclusion of several other types of talmudic passages, such as lists of practical legal decisions, anecdotal aggadah, and magical recipes.[21]

Whereas the tannaitic era has bequeathed us a rich and multifaceted "library" of distinct Oral Torah compendia, covering all conceivable permutations of the fundamental categories of halakhah/aggadah and midrash/mishnah,[22] the amoraic era in the Land of Israel, especially its earlier, "classical" phase, seems to have produced only two genres of rabbinic literature: the Talmud embodied the tradition of scholastic halakhic discourse as applied to the Mishnah, while the aggadic midrash (to books from the Pentateuch, "five Scrolls," and special readings) were principally related to the homiletical exposition of the Bible in the synagogues. Whatever additional categories were considered worthy of preservation had somehow to be connected to one or the other of these two genres.

The situation of Babylonian Oral Law literature was, of course, even more limited. The single literary monument that was left of their religious learning was the Babylonian Talmud,[23] and it was into this work that the redactors chose to include all that was to be preserved of the Babylonian Rabbis' contributions to rabbinic scholarship. Underlying this decision was their conviction, probably self-evident to them, that the intricacies of talmudic legal debate constituted the most valuable form of religious discourse.

There are several indications that this description of the Talmud's scope reflects a deliberate policy on the part of the Babylonian Jewish sages to produce a veritable "encyclopedia" of the Oral Law. It is particularly discernible in their treatment of materials for which no

obvious bond can be found with either the Mishnah (or, at least, with those sections of it that were selected for inclusion in the Babylonian Talmud).[24] Thus, special mini-tractates, as it were, were incorporated into artificially chosen locations in order to deal with topics like Hanukkah, mezuzah, and tefillin, for which traditions existed, but which had no natural home in the Mishnah. Several scholars have observed how, when confronted with mishnayot or baraitot from tractates that lack an amoraic commentary (e.g., Zera'im and Toharot), the Talmud makes a point of assembling as much material as it can find on the topic, well beyond the requirements of the current pericope.[25]

A similar pattern may be perceived in connection with biblical interpretations and homiletical expositions. Unlike their Palestinian colleagues, the Babylonian Rabbis never composed separate compendia of aggadic midrash, and consequently they sought all manner of intricate and devious ways to justify linking their biblical commentaries to the talmudic Mishnah commentary. With respect to the above source types, as with other nonmishnaic components of the Talmud, we often find that their formal connection to the larger body of the Talmud is not to the Mishnah, or even to the exposition of the Mishnah, but rather to extraneous issues and sources that were themselves drawn in through circuitous chains of reasoning.

All this leads us to the view that the inclusion of these materials in the Talmud was part of an overall redactional project belonging to the later strata of its literary evolution. As such, it can be characterized as a *sort* of anthologizing, designed to expand the scope of the Babylonian Talmud from its narrow definition, as a record of the amoraic discussions of Rabbi Judah the Prince's Mishnah, and to make it a repository of the full heritage of Babylonian rabbinic lore. If we adopt the prevailing view of current talmudic scholarship, the lion's share of the Talmud's anonymous Aramaic dialectical framework (the *setama digmara*) can be ascribed to post-amoraic (saboraic or "stammaitic") redactors, and the redactors themselves were dynamic and creative anthologists. Only on rare occasions were the Talmud's editors satisfied merely with gathering materials and juxtaposing passages in appropriate locations. Rather, they expended considerable imagination in creating literary links to the host pericopes. In keeping with the dialectical character of talmudic discourse, this was frequently done by invoking the external source, or a portion of it, as a prooftext in a debate or in the clarification of a halakhic question.

In the following pages, I wish to survey some representative passages from Ketubot in which the editors have incorporated elements that do not relate directly to the local mishnah, and presumably did not originate in the study of that mishnah. My principal interest will be in reconstructing the process of the incorporation: we shall be attempting to determine

where (i.e., in what institutional setting or literary context) the material originated; why it was included in its current setting; and what literary techniques the editors employed in order to connect it to the new setting.

EXAMPLE 1: TRANSPOSITION OF MATERIALS RELATING TO OTHER MISHNAYOT (KETUBOT 2A–3A)

The structure of the opening pericope of Ketubot is peculiar. Ostensibly, it comes to elucidate the ruling in Mishnah 1:1 that:

> A virgin is married on Wednesday and a widow on Thursday.
> Because on two days of the week, the courts convene in the towns: on Monday and on Thursday.
> For if he should have a charge to bring regarding her virginity, he would proceed early to the court.

At the outset of the talmudic passage attached to that mishnah, we find the following passage:

> Says Rav Joseph: Says Rav Judah: Says Samuel: For what reason did they say "A virgin is married on Wednesday"?
> Because we have learned in the Mishnah (Ketubot 5:2): If the time[26] arrived and they were not married, they are entitled to support from his property and from *terumah*.[27]

Rav Joseph is thus reported as citing a tradition of Samuel that interpreted the Mishnah (which assigns specific weekdays for the holding of weddings) in light of Mishnah 5:2, where a twelve-month deadline was established for the betrothal period (by which time, in other words, the man had to complete the marriage ceremony), with the bridegroom-to-be becoming subject to various obligations if he failed to meet that deadline. This leads the Talmud to a series of discussions that would have been more plausibly attached to Mishnah 5:2 (57a–b in the Talmud).

Our current pericope, then, is not primarily concerned with the elucidation of the local mishnah, but with a quite unrelated matter, a lengthy examination of the conditions under which an unavoidable delay would be accepted as a valid reason for not fulfilling a time-defined obligation.[28] This examination leads in turn to a discussion, cited in two versions, that is based on a dictum of Rava, which draws a comparison between cases of marriage and of divorce. According to the first version, Rava states that, although unavoidable delay is taken into consideration where it involves the postponement of a wedding, it is not accepted as an excuse for nonfulfillment of a condition attached to a divorce. According to the second version, Rava does not differentiate between the cases of marriage and divorce and allows the plea in both cases. An identical

series of tannaitic and amoraic prooftexts is adduced for each version. As applied to the first version of Rava's statement, the texts are presented as attempts to identify the source on which Rava based his ruling; all are rejected as incomplete, and the Talmud concludes that Rava did not base his opinion on any source, but on logical considerations. As applied to the second version, the same prooftexts are treated as contradictions to Rava's opinion, each of which is ultimately resolved.

It appears, then, that the main elements of this passage were indeed transposed from an original location in chapter 5. Conversely, the talmudic commentary that is currently attached to 5:2 deals with the exegetical roots of the twelve-month deadline and with the issue of the fiancée's rights to partake of *terumah*,[29] but not with any of the topics that are discussed in our opening pericope. This situation indicates that the final redactors made a decision to expand the tractate's opening pericope at the expense of the pericope on 5:2, a practice that is consistent with the acknowledged "saboraic" tendency to construct elaborate introductory passages in which tannaitic and amoraic dicta from diverse parts of the tractate, or of the Talmud, are woven into a complex dialectical fabric.[30] Although the present passage, founded on attributed sayings of Samuel, Rav Joseph, Abaye,[31] Rav Aḥai,[32] and perhaps Rav Ashi,[33] does not fully conform to that model, it is nonetheless possible to discern features of the typical saboraic introductory pericope in the redactors' linking together of diverse sources and themes.

If the intention of the redactors had been merely to elucidate the local mishnah and to collect the relevant tannaitic and amoraic sources, the passage would have been considerably more compact and focused, skipping over all the discussion that now intervenes between Rav Joseph's initial comment and the dictum of Rav Samuel Bar Isaac at the bottom of folio 3a. However, by thus choosing to divert the pericope away from a narrow interpretation of the prescribed dates for weddings, as defined at the beginning of Ketubot 1:1, the redactors fashioned a flexible framework that permitted them to assemble a diverse selection of sources that would otherwise not have been included in the Talmud.

The editors, then, were guided by a wish to connect and include as many sources as possible in the pericope. The product of such editorial activity can legitimately be regarded as a modest form of an "anthology."

In the discussion that follows these passages about the legal consequences of unavoidable delays on the fulfillment of contractual conditions, some twelve talmudic sources are adduced. In an appendix, I have listed these sources, and the reader is invited to refer to them. The first source records an attempt by Rav Joseph to reformulate the initial version of Samuel's tradition that he had earlier traduced, and following several other passages that respond to this reformulation, a pericope is cited that

relates a comment by Rava to M. Ketubot 5:2. Following this, the Talmud records seven additional passages in its quest for a source for Rava's ruling, drawing these passages from various texts connected mainly to Mishnah Gittin 7:7–8.

We see then, that by means of inventive manipulation of a brief original pericope to M. Ketubot 1:1, which in its original form might well have consisted of no more than Rav Joseph's citation of Samuel's dictum, the talmudic redactors provided an intricate literary framework in which they were able to embed a remarkable range of talmudic sources, including mishnayot, baraitot, amoraic statements and a case precedent. In most of the instances, the individual source units had already been incorporated into composite pericopes prior to their being utilized by the redactors of the present passage.

A number of different objectives were achieved by this tactic, not the least of which was the desire to assemble and analyze all the known talmudic materials that bear on the question of deadlines missed because of unavoidable delay. However, the beginning of Ketubot still strikes us as an implausible place in which to situate such a discussion.[34] Probably, the redactors were simply determined to have Ketubot open with a suitably elaborate opening pericope.

Beyond this, however, one of the important objectives that guided the redactors of our pericope was precisely their urge to "anthologize." In the present context, this meant to collect as much material as they could reasonably conjoin to the text from the Mishnah. Characteristic of the organizational aesthetics of the Babylonian redactors is their preference for devising intricate paths that incorporate the sources as part of the argumentation (e.g., as evidence for an objection, in order to illustrate a halakhic principle, or to demonstrate a fine legal distinction that resolves an apparent contradiction), rather than merely cataloging sources that have a straightforward connection to the topic matter of the local mishnah. In our example, which is typical of the more advanced ("saboraic") stages of the redactional process, the editors have enhanced the specific pericope, but have not augmented the total quantity of materials that are included in the Babylonian Talmud, since all the components are being copied from other locations in the Talmud, and all of them have natural affinities to topics raised by the Mishnah. Moreover, it seems that the redactors of our pericope were making use of material that had already been incorporated into composite passages in their previous locations. Nevertheless, the understanding of the sources was substantially enriched by their juxtaposition and by their inclusion in a novel setting.

EXAMPLE 2: AN ANTHOLOGY OF AGGADIC SAYINGS (KETUBOT 5A)

As we saw above, Mishnah Ketubot 1:1 stipulated that weddings of virgins should be scheduled for Wednesdays so as to shorten the time between the couple's first act of intercourse and the traditional Thursday session of the court, in case a question should arise concerning the bride's virginity. In connection with this ruling, the Talmud inquired anonymously (using the *ibba'aya leho* form) whether the Mishnah understood "Wednesday" literally, i.e., even before sundown, or if it actually referred to the following evening, which would normally be considered part of Thursday, but which would better satisfy the Mishnah's concern for shortening the interval before the convening of the court. In connection with this query, the Talmud cites the following tradition:

> Come and hear: For Bar Qappara teaches [*de-tanei*]:[35]
> A virgin is married on Wednesday and has intercourse on Thursday, since that is when the blessing was said for the fish.[36]
> A widow is married on Thursday and has intercourse on Friday, since that is when the blessing was said for humans.[37]

The Talmud proceeds to discuss in an anonymous passage the implications of Bar Qappara's teaching with respect to the question under discussion. In typical rabbinical fashion, they examine the validity of the arguments and their consistency with other rulings. Now having introduced one teaching of Bar Qappara that has obvious relevance to the interpretation of the Mishnah, the Talmud goes on to cite additional traditions in his name that have no such relevance:[38]

> Bar Qappara expounded [*darash*]: The deeds of the righteous are greater than the creation of the heavens and the earth, for with regard to the creation of the heavens and the earth it is written, "Mine hand also hath laid the foundation of the earth, and my right hand hath spanned the heavens" (Isa. 48:13), whereas concerning the deeds of the righteous it is written, "The place, O Lord, [which] thou hast made for thee to dwell in, [in] the Sanctuary, O Lord, [which] thy hands have established." (Exod. 15:17)

The Talmud appends to this tradition an objection raised by "a certain Babylonian, Rabbi Ḥiyya by name," and a final resolution of the difficulty by Rav Naḥman bar Isaac. Afterward, it brings a third tradition of Bar Qappara:

> Bar Qappara expounded: What is it that is written, "And thou shalt have a peg upon thy weapon" (Deut. 23:14)? Do not read *azenekha* ("weapon"), but rather, *oznekha* ("ears"), implying that if a person should hear anything improper, he should insert his finger in his ears.

To this exposition the Talmud also attaches a number of related traditions, in the names of Rabbi Eleazar, the tanna of the school of Rabbi Ishmael and an anonymous baraita (*tannu rabbanan*).

As is true with several talmudic lists of aggadic dicta, it is not clear why these particular items were grouped together. Evidently, they were so grouped in an original list that was utilized by our pericope's redactors. The mere fact of Bar Qappara's authorship does not provide a satisfactory criterion, since rabbinic literature contains many other traditions introduced by the formula "Bar Qappara expounded." Nor are the three statements grouped together anywhere else in the literature.

The first tradition is, however, cited in Palestinian sources in connection with our mishnah in Ketubot:[39]

> Bar Qappara says:[40] Because in connection with them [i.e., Wednesday and Thursday] a blessing is written.
> But the blessing is written only in connection with the Thursday and the Friday, on Thursday for the birds and the fish, on Friday for Adam and Eve.[41]
> R. Yosé says: Bar Qappara's reasoning is that[42] Wednesday [means] the evening of Thursday, and Thursday [means] the evening of Friday.[43]

A tradition similar to the second of the Talmud's three homilies is found in the Mekhiltas of R. Simeon ben Yohai[44] and of Rabbi Ishmael,[45] though without the attribution to Bar Qappara:

> "The sanctuary, O Lord, which Thy hands have established"—Beloved is the Holy Temple before Him Who spoke and the universe came into being. For when the Holy One created His universe, He created it by means of only one of His hands, as it is said: "Yea, My hand hath laid the foundation of the earth." But when He came to construct the Holy Temple, as it were, it was with both His hands, as it is said: "The sanctuary, O Lord, which Thy hands have established."[46]
> "The Lord shall reign"—When?[47]—You shall construct it with both your hands. This is expressed in a parable . . .

In spite of the striking general resemblance between the two traditions, it is evident that Bar Qappara's dictum is not identical to the passages in the Mekhiltas, and the precise relationship between the two traditions remains obscure.[48] Are they to be viewed as two versions of a single tradition, or are we to suppose that Bar Qappara was familiar with the Mekhilta's homily in praise of the Temple, which he was consciously expanding in a slightly different direction?

The third of Bar Qappara's expositions, about insulating one's ears against inappropriate talk, appears to be unique to our pericope.

The obvious question that arises here is, how did these three disparate traditions come to be linked together?[49] There is no clear answer to the question, but a number of possibilities can be considered.[50] For example, we may note that all three dicta have a common connection to the biblical Creation story, though in the last instance, the connection is very indirect.[51] The juxtaposition of Isa. 48:13 and Exod. 15:7 in the second dictum suggests that it might have originated in a proem structure (*petiḥta*), according to which the homilist opens from a passage in the Prophets or Hagiographa to conclude with the opening verse of the day's scriptural reading (usually from the Pentateuch). However, such a reconstruction involves some difficulties, seeing as none of the pentateuchal verses cited in our passage are actually known to have introduced lection units in either the annual (Babylonian) or triennial (Palestinian) cycles, and hence would not have served as appropriate proem verses.

In many similar instances in the Talmud, we have grounds for surmising that the dicta were originally parts of a single homily.[52] In principle, that premise is applicable here. However, since no actual homily of that sort has been preserved in the literature, any attempt at reconstructing such a lost homily would necessarily involve us in unverifiable speculations. One likely possibility is that the dicta belonged to a wedding discourse that dwelled upon the creation of man and woman as the culmination of Creation, and focused on the couple's obligation to uphold the purity and holiness of their marriage.

However we might choose to reconstruct the evolution of the pericope, there is no escaping the fact that the straightforward elucidation of the Mishnah, no matter how liberally we perceive such an elucidation, would not have required the inclusion of any but the first dictum in the series. That all three are in fact found in the Babylonian pericope, which is further enhanced by additional talmudic materials, provides us with further evidence of the redactors' concern for turning their Talmud into a framework for anthologizing a broad and diverse spectrum of rabbinic oral tradition.

EXAMPLE 3: CASES AND JUDICIAL MATERIALS (KETUBOT 91B–93A)

Anecdotal traditions and case citations, virtually by definition, cannot have originated in a literary context. Insofar as they record actual events (or at least preserve a "historical kernel"), we must accept that they arose in connection with the random developments of actual life, and only afterward were appended to the literary works in which they are now found. In a previous study,[53] I proposed as a plausible working hypothesis that most of the cases involving Babylonian Rabbis that came to be included in the Talmud had initially been recorded in court archives, after

which they were collected into straightforward lists arranged in accordance with a variety of different organizational criteria.[54] Their incorporation into the Talmud occurred at an advanced stage of its evolution, as is evidenced by the facts that (a) many of them connect formally to the dicta of later amoraim; and (b) relatively few of them are discussed or analyzed in the Talmud, and of those almost all are dealt with only by the anonymous redactors or (in rare instances) by amoraim from the fifth generation and later.

Ketubot 91b–93a contains a list of decisions and legal dicta by several Babylonian amoraim. Although, as we shall see, the items in the list are heterogeneous, the mnemonic "siman" that introduces them indicates that the Talmud's redactors viewed them as a single, integral collection.[55]

Of the nine items in the list, only the first three have the appearance of cases, formulated according to the common *hahu gavra* ("a certain man") pattern.[56] The remainder are theoretical halakhic dicta. However, closer inspection raises some questions about whether even the first three ought to be perceived as actual cases rather than theoretical formulations, since none of them contains the usual clause "He came before [*ata leqammeh*] Rami bar Ḥama," which would indicate beyond question that the case had been adjudicated by the Rabbi in question. Although it is not common for the attributed legal dicta of amoraim to be worded in Aramaic, there are exceptions to that rule, including some lists of halakhic rulings that originated in contexts other than the amoraic interpretation of the Mishnah.[57] The construction "Rami bar Ḥama considered saying, etc." (according to which the proposed verdict was refuted while still under consideration) seems more natural to an academic than to a judicial setting.[58]

Within the collection of nine items we may discern various smaller groupings of two or more units that have some common features. The similarities relate to their content,[59] the identities of the presiding judges or sages,[60] of the auxiliary or junior scholars who question the original rulings,[61] or of the participants in subsequent discussions that focused on the original sources, etc.[62] The presence of such patterns suggests that the present collection evolved from a smaller original list, to which additional units were later attached by virtue of associative affinities to the original units.

In spite of its daunting heterogeneity, there are a number of general observations that can be made about the collection as a whole:

1. The items in it all deal with a similar theme: namely, the legal position of those who acquire property (whether through purchase or inheritance) vis-à-vis the creditors who wish to seize the properties in payment of debts incurred by the original owners.

2. The above theme is not mentioned at all in the local mishnah.[63] The formal link to the mishnah is contained in the fact that it was cited by the Rabbis who adjudicated the first two cases in the sequence. None of the other units have any connection to the mishnah.[64]

3. The above considerations support the conclusion that the collection did not emerge from the study of the Mishnah. On the contrary, it evolved in the domain of judicial institutions, and was afterward incorporated into the Babylonian Talmud's commentary on the Mishnah. The Talmud preserves many examples of materials that appear to have been generated by the judiciary, or at least in a context of legal study that was not directly related to the Mishnah. Such materials are frequently collected into series of cases, halakhic rulings,[65] or—as in the present instance—combinations of both types. As with the other rabbinic genres described above, since no separate compendia were created in which to collect them, the editors of the Babylonian Talmud sought ways in which to embed them, through associations of form and content, into the main body of the Talmud.

The limited observations I have made in this essay regarding the dynamics of the Talmud's redaction are consistent with the structural and historical models that have emerged from recent work in rabbinic philology. Talmudic scholarship in the last generation has become increasingly aware of the fact that the redactional process was a protracted one, extending over several centuries.[66] Much of what we conventionally characterize as belonging to the "redactional strata" is the result of later students examining preliminary versions: comparing, contrasting, and resolving discrete traditions from their received text. Although in practice, it might not always be possible to confidently assign particular passages to identifiable editorial stages, we should at least acknowledge the basic theoretical distinctions, noting that large portions of the Talmud as we possess it do not reflect a unified or systematic editorial policy, but evolved unpredictably through the academic give-and-take of the *beit midrash*.[67]

The later phase of editorial activity, usually ascribed to the saboraim, involved the comparison and rearrangement of materials that were already included as part of the corpus,[68] and hence should not be perceived as an anthologizing activity. It is to an earlier stage of redaction that we should ascribe the intentional and programmatic assembling of rabbinic traditions that was evident in the examples described above. Moreover, the most distinctive achievement of the Talmud's anthologizing program was not directly associated with its selection of texts for inclusion—as one might imagine would be the case with most

anthologies—but rather with the skill and inventiveness with which the individual units were incorporated into the total work.

In the present article, I have focused upon instances where heterogeneous elements were grafted onto the main trunk of the amoraic commentary on the Mishnah. Although the techniques are more readily discernible in such examples, it is clear that similar procedures were employed in other contexts as well, with a view to combining the various classes of rabbinic sources, dicta, and pericopes from different schools or localities into unified literary entities—*sugyot*. As I have noted elsewhere,

> there appears to have existed "a general tendency among the redactors and formulators of the Talmud (and we are thinking here of a process which continued for centuries after the official *sof hora'ah*, and finds expression in variant readings in manuscripts and medieval citations) not to leave unconnected units, but rather to weave all the sources into a unified fabric."[69]

If we limit our investigation of the Talmud's anthological character to the most limited criteria, it will focus on three areas of editorial activity: (a) the criteria for exclusion and rejection; (b) the criteria for inclusion of additional traditions; and (c) the manner of organization of the material.

As regards the first of these areas—namely, the selection process—in most respects the surviving data prevents us from fully reconstructing what traditions might have been rejected from the Talmud, and on what grounds. We have been left with a final product, with no preliminary versions against which to compare it.[70] Of course, it is not unreasonable to assume that a more selective and exclusive process of editing traditions was a primary concern during the amoraic era itself, as individual schools favored specific authorities or halakhic positions.

The more advanced stages of the redaction, as exemplified in the passages that were examined in this study, appear to have striven for the opposite result, namely, the assembling of the greatest number of teachings of the previous generations. Perhaps this was done in the assurance that the winnowing of earlier schools had successfully eliminated all the chaff. The dogged determination of the later editors to juxtapose variant versions of the traditions attests to their desire to broaden the corpus of talmudic sources beyond the commentaries to the curricular tractates from the Mishnah.

Yet the assertion that the Talmud's editors may have been striving for comprehensiveness and inclusion does not mean that they intended to produce "little more than a scrapbook, a compilation of this and that."[71] A measure of literary Darwinism must have played its part in ensuring that the only traditions to survive the channels of transmission were the ones that were able to withstand the rigorous logical analysis and challenges of consistency to which traditions were subjected as they were studied in the amoraic schools.[72]

Even so, the question of what it was that the editors were trying to collect is not really as daunting as it may initially appear to be. No doubt what was ultimately preserved represented what was supposed to be preserved, and the most direct way to reconstruct the selection criteria of the Talmud is by summarizing what actually came to be included in the final product. While the Talmud contains a sampling of diverse genres of rabbinic discourse, it is evident that preference was given to scholarly dialectical argumentation in the area of halakhah, as exemplified in the discussions surrounding the study of the Mishnah.[73] As we have noted, the editors took upon themselves the additional task of anthologizing other areas of rabbinic activity, such as biblical interpretation, legal decisions, and aggadah. In doing so, it appears that their concern was more with structural appropriateness (i.e., whether the elements could be fit into the talmudic context)[74] than with their contents. All the examples that were analyzed in the present study remind us that the standards of thematic and topical uniformity that guide our current classification systems cannot be imposed upon the editors of rabbinic collections. For those editors, formal analogies or incidental citations of a common biblical verse provided equally valid grounds for grouping texts together.[75]

The most successful undertakings in talmudic research are those that have built upon this theoretical foundation. Because each unit of talmudic tradition exists in at least two contexts—as it was originally intended by its tannaitic or amoraic author, and as it functions in the context of the redacted *sugya*[76]—it follows that a full appreciation of the Talmud must deal with both the parts and the whole. Although we might initially be skeptical about the possibility of recovering the pristine *ipsissima verba* of the talmudic Rabbis,[77] an impressive body of research has by now provided valid grounds for optimism: careful analysis of specific *sugyot* and tractates has indicated with remarkable consistency that the Talmud's editors refrained from tampering with the wording of the original (usually, Hebrew) statements. Similarly, sophisticated typologies have been formulated for distinguishing between "authorial" and editorial strata.[78]

Our readiness to classify the above examples, and the Talmud as a whole, as an anthology is obviously vulnerable to valid objections. The recognized literary definition of "anthology" is a straightforward one, denoting a collection of sources (in ancient literature, it would usually consist of epigrams or poems) selected according to some criterion, such as quality, genre, place, or time.[79] The classic anthologies of the past have tended to limit the editor's involvement to selection and arrangement or, at the most, the composing of introductions to the individual selections or to the volume as a whole.

If the Talmud's intricate and ingenious literary intertwining goes beyond the typical borders of the anthological genre, perhaps the literary lexicon requires a literary term that better expresses the kind of dynamic anthologizing that is exemplified in the Talmud. Certainly, world literature knows of many other instances of such works. Virtually all "higher criticism" or synoptic theories posit analogous paradigms of redactors stitching together antecedent documents or oral traditions so as to render the seams indiscernible to all but the most alert of redactional critics.[80] The Talmud may simply be more candid in owning up to its composite origins and identifying its constituent baraitot, *memras*, and so on.[81]

It follows from this that when we come to define our scholarly objectives in studying the Babylonian Talmud, the alternative topics need not be restricted to *either* the individual parts *or* to the whole.[82] Indeed, one of the most fascinating areas of rabbinic study is the subtle and dynamic process by which the parts undergo transformation through their incorporation into the whole. That process may be the very nature of the anthologizing process that stands behind the Talmud, and ultimately, by understanding that process in the Talmud, we may also learn something more about the possibilities of anthologizing in general.

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APPENDIX
Talmudic Sources Cited in Ketubot 2b–3a[83]

[1. "Says Rav Joseph: Lord of Abraham! He makes something which has been taught dependent upon something which has not been taught![84] . . . Rather, if it was stated, it was stated as follows."[85]

The alleged logical difficulty that provoked Rav Joseph to reformulate the initial version of Samuel's tradition is unwarranted, since the two texts are clearly dealing with different questions. Mishnah 1:1 provides a reason (albeit an inadequate one)[86] for the establishment of Wednesday as a preferred day for weddings; whereas Samuel is inquiring "teleologically" about additional halakhic implications that result from the choice of a specific day.[87] Under the circumstances, it is conceivable that Rav Joseph's objection and the ensuing emendation of Samuel's statement are all pseudepigraphic, the work of later redactors, modeled after the similarly structured pericope in Shabbat 22a or Bava Batra 134b.][88]

[2. Possibly: Tosefta Ketubot 1:1: "If so, then let her be married on Sunday! —Rather, in order that he might make preparations all week, they ordained that he should marry her on the Wednesday."

As noted above (see previous item), it is not clear whether the Talmud is attributing this passage to Samuel (according to Rav Joseph's emendation), or proposing it as a new synthetic reformulation, in which the pericope's redactors combined Rav Joseph's original statement with the Tosefta and structural elements from Shabbat or Bava Batra.]

3. M. Ketubot 5:2, along with a talmudic discussion involving Rav Aḥa[89] that might subsequently have been excised from its original location.[90]

4. A pericope built around Rava's comment to M. Ketubot 5:2.[91]

In its quest for a source for Rava's ruling, the Talmud cites several additional talmudic texts, all of which deal with cases in which a husband is prevented by uncontrollable circumstances from fulfilling a condition attached to a divorce.

5. M. Gittin 7:8: "This is your divorce if I should die . . ." (with explanatory material that is apparently copied from the pericope in Gittin 76b).

6. M. Gittin 7:7.

7. A baraita attached to M. Gittin 7:7: "But our Rabbis permitted her to remarry." The source is in Tosefta Gittin 5:9,[92] though it is cited in other talmudic passages in which the mishnah is cited.[93]

8. A brief talmudic passage related to the preceding: "Who are 'our Rabbis'? —Says Rav Judah: Says Samuel: The court which permitted oil." The text is most likely being quoted from Gittin 76b.[94]

9. The view of the tanna Rabbi Yosé, that the inclusion of a date on a document implies its retroactivity. Here as well, the tradition is being cited from the talmudic pericope to M. Gittin 7:7 (Gittin 76b).[95]

10. The continuation of M. Gittin 7:8: "From now if I do not come twelve months from now."

11. The case of "that man who said to them: If I do not come thirty days from now," which was adjudicated by Samuel. This case had already been cited in connection with the appropriate mishnahs in Gittin.[96]

12. The discussion between Rav Ashi and Ravina about the conditions under which the Rabbis might retroactively invalidate a betrothal was probably copied here from one of several places in the Talmud where it also appears, most likely from Yevamot 110a.[97]

NOTES

1. An extensive discussion on the broad possibilities of "commentary" in rabbinic and other literatures is contained in Baruch M. Bokser, *Post Mishnaic Judaism in Transition: Samuel on Berakhot and the Beginnings of Gemara* (Chico, Calif.; 1980). Cf. my review of Bokser's book in *Tarbiz* 51 (1982): 2:315–18.

2. For a useful overview of the fundamental types of Western legal literature, including some suggested equivalents in Jewish jurisprudence, see Menachem Elon, *Jewish law : history, sources, principles*, transl. from the Hebrew by B. Auerbach and M. J. Sykes (Philadelphia, 1994), pp. 228–30, 1017–19 (where Elon surveys the principal scholarly opinions concerning the codificatory purpose of the Mishnah), pp. 1057–58. Note in particular the citation from Salmond on p. 1018 n. 3, which deals with the fine distinctions between primary historical or legal sources of law, and literary sources, including commentaries and textbooks.

3. The Talmud's evident encouragement of argument for its own sake, its insistence on arguing for and against *all* the recorded opinions, and its reluctance to disprove any of the recorded opinions, attest to its generally non-codificatory purposes, which engendered the need for the post-talmudic Codes literature. There are, however, a significant minority of passages that are concerned primarily with practical decision making (and these are not limited to the many interpolations from geonic sources).

4. This undoubtedly accounts in part for the appeal of the detective story and kindred genres, including the ideal of "elegance" in computer code.

5. For purposes of the current question, it is not necessary to take a stand on the precise institutional nature of these "schools"; see D. Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Leiden, 1975).

6. This theoretical model was explored with particular zeal by my late teacher E. S. Rosenthal, who saw himself as continuing a program initiated by Israel Levy of Breslau.

7. The classic description of the Talmud's gradual evolution "generation after generation" was formulated by R. Sherira in his *Epistle*. D. Rosenthal, "Early Redactions Embedded in the Babylonian Talmud," *Meḥqerei talmud* 1 (1990): 155–204, contrasts this approach with that of Rashi, who rejects explicitly any redactional activity prior to Rav Ashi and Ravina (in phraseology that bears an uncanny resemblance to Maimonides' description of Rabbi Judah the Prince's role in compiling the Mishnah).

8. A concise survey of the literature and main arguments may be found in H. L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash* (Minneapolis, 1992), pp. 35–49. The most exhaustive collection of arguments in favor of the writing of the Oral Tradition during the talmudic era is probably that of J. N. Epstein, *Mavo lenosaḥ hamishnah* [Introduction to the text of the Mishnah] (Jerusalem and Tel Aviv, 1964), pp. 692–705. In spite of his determination to assemble even the most dubious and indirect references to written sources, Epstein acknowledges that such documents were rare exceptions and were not permitted for use in the schools. The widespread claim (which still appears in most textbooks and popular introductions) that Rabbi Judah the Prince rescinded the prohibition in publishing the Mishnah has no basis in the ancient sources, nor is it found in the unabridged text (the so-called French recension) of Sherira's *Epistle*, or among the medieval Franco-German commentators. Its main proponents were Saadia and Maimonides, whose readings of the

sources were presumably influenced by the need to defend the authority of the tradition against the Karaites and Muslims in a culture that venerated written over unwritten traditions.

9. E.g., the need for mnemonic abbreviations to organize units, and the testimony of the geonim that as late as the eleventh century manuscripts of the Talmud could not be used or cited in the Babylonian academies.

10. See the summary in Strack-Stemberger, pp. 219–227.

11. Ibid., p. 225:

> As its history of redaction shows, BT was not edited by a specific editor or a group of editors at a precisely datable time. Hence we cannot assume a uniform and universally accepted BT text at any time. Not only is it impossible to draw a clear boundary between redaction and text criticism, but the coexistence of two geonic academies will also have prevented the standardization of the textual shape of BT.

12. Ibid., p. 224. Halivni, in particular, has argued that he has yet to find a talmudic passage whose reconstruction would require the positing of an amoraic *setam*.

13. A recent summary of his views (written partly for my benefit), along with a bibliography of his previous writings on the question, is included in his *The Documentary Foundation of Rabbinic Culture* (Atlanta, 1995).

14. Neusner's division into individual documents does not always seem consistent. On what grounds, for example, must we treat *Leviticus Rabbah* and *Pesiqta deRav Kahana*, or the individual halakhic midrashim from the "School of Rabbi Ishmael" as separate documents, while we regard "Mishnah-Tosefta" or individual talmudic tractates as belonging to single units?

15. This principle was applied to the domain of rabbinic textual criticism in Saul Lieberman's oft-quoted distinction between "textual truth and historical truth"; see his review of L. Finkelstein's edition of the *Sifrei* to Deuteronomy, *Kiryat sefer* 14 (1937): 323–24. Neusner is guilty of similar credulousness when he accepts that the sixteenth-century printings (or even their thirteenth-century prototypes) are faithful records of documents composed in the fourth or fifth century.

16. As far as I can tell, Neusner makes no use of the Hebrew-language research that makes up the bulk of current rabbinic scholarship. One consequence of his limited research is that he seems unaware of the liberties that scribes and commentators were allowed to take with the *setama digmara* sections, which constitutes strong evidence against the view that the Talmud text was revered as a canonical document. Such a consistent and widespread phenomenon cannot be facilely written off as inconsequential. Until Neusner produces detailed commentaries on specific passages that take into consideration the details of text, redaction, and historical context, his arguments must be treated more as opinion than as scholarship.

17. The closest analogy I can find for Neusner's reasoning is the claim by some fundamentalists that God intentionally left fossils, complete with their Carbon-14 attributes, when He created the world 5,000 years ago. Intentional pseudepigraphy and forgery never fail to give themselves away through linguistic, chronological, or biographical bloopers (cf. the case of the Zohar)—none of which is evident in significant proportions in talmudic literature.

18. This could apply not only to collections like the Tosefta and analogous (no longer extant) works that were explicitly devised as supplements to the Mishnah, but also to midrashic passages that would have naturally and routinely been cited in connection with relevant sections of the Mishnah.

19. *Case Citation in the Babylonian Talmud: The Evidence of the Tractate Neziqin* (Atlanta, 1990). See "Example 2" below.

20. *The Babylonian Esther Midrash: A Critical Commentary*, 3 vols. (Atlanta, 1994).

21. In *Case Citation*, pp. 6–8, 220–21, I survey some of the traditional and modern scholars who have addressed the question of the heterogeneity of the amoraic curriculum and the incorporation of diverse materials into the Talmud-qua-Mishnah commentary.

22. I.e., Mishnah and halakhah converge in the Mishnah and Tosefta; midrash and halakhah in the halakhic midrashim; Mishnah and aggadah in the tractate Avot; midrash and aggadah in *Seder ʿolam* or in the tannaitic midrashim in which the nonlegal material far outweighs the legal (e.g., Sifré Deuteronomy).

23. The only possible exception that comes to mind is the Babylonian-Aramaic ("Onkelos") Targum.

24. The phenomenon is noted and described in Strack-Stemberger, p. 210. This leads to the conclusion that "the overall character of BT is encyclopedic. Everything was included which was taught in the rabbinic schools and considered worth preserving. . . . Thus BT is less a thematically closed book than a national library of Babylonian Judaism whose structure emulates M." It seems to me that the "encyclopedia" model brings us substantially closer to the "anthology" being explored in the present volume. For an analogous assessment of an aggadic compendium, see Marc Hirshman, "The Greek Fathers and the Aggada on Ecclesiastes: Formats of Exegesis in Late Antiquity," *HUCA* 59 (1988): 155–58. (Thanks to David Stern for directing me to this article.)

25. J. Sussman, *Sugyot bavliyot lasedarim zeraʿim vetoharot* [Babylonian sugyot to the orders Zeraʿim and Toharot] (Diss., Hebrew University of Jerusalem, 1969); B. M. Bokser, *Samuel's Commentary on the Mishnah: Its Nature, Forms, and Content* (Leiden, 1975).

26. I.e., the time referred to in the preceding clause of the Mishnah there: "A virgin is given twelve months from the time when her husband has proposed marriage to her, in order to prepare her belongings. And the same period that is given to the woman is also given to the man to prepare his belongings."

27. Normally, only priests and their households may eat *terumah*. If the twelve-month deadline has elapsed owing to the fiancé's delay, the woman is treated as his wife for purposes of entitlement to *terumah* (when the fiancé is a priest), or to support (in all cases), even though the wedding has not actually taken place.

28. The instances that are considered include: (a) the groom fell ill; (b) the bride fell ill; (c) the bride had her menstrual period. According to one version of the passage, all three are accepted as legitimate causes of delay, exempting the husband from financial obligations. A second version deals with each of the instances as a separate and distinct problem, to which a collective solution is proposed by Rav Aḥai (see below).

29. If the fiancé is a *kohen*.

30. See the references to N. Brüll, A. Weiss, and others in Strack-Stemberger, p. 24.

31. Abaye is quoted as objecting to the initial formulation of his teacher Rav Joseph's tradition, on the grounds that the Mishnah contains an explicit reason for its ruling (because of the days of the court sessions), and hence there would have been no need for Samuel to seek an explanation in Mishnah 5:2. In consequence, a revised version of the tradition is offered, in which Samuel is not giving a reason for Mishnah 1:1, but extending its indirect implications. Thus, it is explained that Sunday was excluded by rabbinic enactment as a day for weddings, even though courts convene on Mondays, out of concern for the bride's presumed desire for an elaborate wedding celebration, in order to allow plenty of time for preparations after the Sabbath. Because this delay is based on a rabbinic ordinance, the groom is not held financially responsible if it should take him beyond the twelve-month deadline.

32. Rav Aḥai claims to prove from a precise reading of the Mishnah's wording that the groom would be held responsible if the delay were caused by anything less than a rabbinic ordinance, as in the cases of illness and menstruation discussed above in connection with the version of the passage that presented the issue as a question. The Rashbam's attempt to

argue on form-critical grounds that this Rav Aḥai is a post-talmudic figure was justly refuted by his brother R. Jacob Tam (see Tosafot). It is possible that Rashbam's mention of Rav Aḥa of Shabḥa, the author of the *She'iltot*, was inspired at least in part by the fact that the structure of this inquiry conforms to that of a typical *She'ilta*, branching off as it does into various hypothetical possibilities until the normative solution is determined on the basis of a talmudic citation.

33. In the printed Talmuds, Rav Ashi refutes Rav Aḥai's attempt at answering the above question. However, his name is missing from several manuscripts, including two Geniza fragments; see M. Hershler, ed., *Masekhet ketubot 'im shinnuyei nusḥa'ot* [The Babylonian Talmud with Variant Readings: Tractate Ketubot] (Jerusalem, 1972–77), 1:4 lines 7–8, and n. 5. Presumably, if the name were contained in the early French manuscripts, that fact would have been adduced by Rashbam and R. Tam in connection with the identification of R. Aḥa (see below). Cf. Ḥ. Albeck, *Mavo latalmudim* [Introduction to the Talmud, Babli and Yerushalmi], p. 514; J. Z. Dünner, *Ḥiddushei hariza"d* [Novellae] (Jerusalem, 1983) ad loc.

34. It would have been far more reasonable to attach it to the mishnayot in Ketubot 5:2 or Gittin chap. 5.

35. This is the reading in all witnesses (Hershler, p. 21 line 14), though the subsequent statements are introduced as "Bar Qappara expounded."

36. Gen. 1:22.

37. Gen. 1:28.

38. Thus, Rashi: "It brings it here on account of Bar Qappara, who was quoted previously in connection with an aggadic tradition."

39. TP Ketubot 1:1 (24d); the passage is also found with variants in *Genesis Rabbah* 8:12 (p. 66).

There is a virtual consensus among modern Talmud scholars that Bar Qappara's positing a different reason for the law in the Mishnah proves that the Mishnah of the Palestinian Talmud, at least in its earliest strata, did not include the current rationale about juxtaposing the wedding to the court sessions, the latter explanation being introduced there by R. Eleazar. A similar implication was discerned in Samuel's (unemended) tradition at the beginning of the Babylonian tractate (see above) and in the fact that the Mishnah's explanation is included in the Tosefta (1:1, p. 56). See the discussions in Ḥ. Albeck's Mishnah Commentary (3:345); Lieberman's long commentary, p. 185; Halivni, pp. 129–30 n. 4; and literature cited in these works.

While there is little room for doubt that tannaitic literature knew of several optional explanations for the ancient customs that governed the days of weddings, the extension of this situation to the amoraic era is at best circumstantial, and is contradicted by the unanimous testimony of the Mishnah manuscripts, including those whose Palestinian traditions are considered superior. The Tosefta's practice of including and explaining long lemmas from the Mishnah is well known, as is the Talmud's inclusion of *baraitot* that dispute the positions of the Mishnah. Bar Qappara, in particular, has been accused of maintaining a conscious independence of the Mishnah (see S. Lieberman, *Sifrei Zutta* [New York, 1968], pp. 11–13, 64, 114ff.). The most explicit of the proofs remains TP's report about R. Eleazar citing the Mishnah's rationale for the Mishnah as his own, and the Talmud's subsequent adducing of a baraita in support of his—rather than the Mishnah's—explanation. However, Epstein (*Introduction to the Text of the Mishnah*, p. 294) is able to argue that this is merely one of several instances in which R. Eleazar defends the version preserved in the Mishnah against that of a baraita.

40. *Genesis Rabbah* does not cite this explanation in the name of Bar Qappara, but merely asks: "Why?" The attribution is attached only to the revised interpretation, below.

41. The explanatory comment "On Thursday . . . and Eve" is missing in *Genesis Rabbah*.

42. "R. Yosé . . . is that"—In *Genesis Rabbah:* "Bar Qappara says."

43. The TP passage continues to examine the implications to Bar Qappara's dictum of the fact that Gen. 2:3 also contains a blessing. The pericope leads to a discussion of the question of deflowering a virgin on the Sabbath. The subject of that passage is analogous to the B. passage that commences immediately following the three expositions of Bar Qappara.

44. Ed. Epstein-Melamed, pp. 99–100.

45. *Shirah* 10; ed. Horovitz-Rabin, p. 150; ed. Lauterbach, 2:29.

46. Cf. *Aboth de Rabbi Nathan,* end of chap. 1 (ed. Schechter, 4b): "An alternative explanation: 'And laid thine hand upon me' (Ps. 139:5)—From this [it follows] that when Adam and the Temple were created, they were created by means of both his hands. Whence do we know that the Temple was constructed with both his hands?" See the editor's notes there with references to problems in the order of the passages. Rabbi Josiah Pinto (the "Rif" to the *'Ein ya'aqov*), who was evidently unaware of the Mekhilta version, protested: "Seeing as the works of the righteous are equated with the Temple, then it ought to have said 'Great is the Temple!'"

47. The text and translation are difficult to reconstruct. See the text-critical notes in the respective editions. See also *Midrash haggadol 'al ḥamishah ḥomshei torah: Sefer shemot* [Midrash Haggadol on the Pentateuch: Exodus], ed. M. Margulies (Jerusalem, 1956), p. 311.

48. The Mekhiltas stress a contrast between the Temple and the created universe, whereas Bar Qappara speaks instead of "the deeds of the righteous." Nor is it clear how Bar Qappara read that theme into the biblical text. (Cf. Rashi's suggestion that the midrash is alluding to the fact that the sanctuaries were actually erected by righteous mortals, presumably with divine assistance. However, if that were true, there would be no symmetry between the two elements of the comparison.) Maharsha refers us to the midrashic traditions (which he reads through a kabbalistic framework) about how Bezalel and Aholiab employed supernatural skills in fashioning the Tabernacle. Pinto emphasizes the role played by the righteous King Solomon in the building of the Temple: "Once the Temple had been erected by the righteous, it was a simple matter for the Holy One to establish it, since the merit of the righteous established it in part, and the Holy One completes its establishment. Nevertheless, he had to apply both hands to this task." It strikes me as possible, though admittedly contradicted by all the textual evidence, that the references to the works of the righteous were introduced here mistakenly under the influence of the discussion later on the theme of "Who shows the handiwork of the righteous" (expounding Ps. 19:2). There, too, the plain sense of the grammatical object of the verse is diverted to refer to the righteous.

49. There are many parallels and similarities between the opening pages of B. Ketubot and the equivalent pericopes in the Palestinian Talmud. This would normally lead us to suppose that the Babylonian editors were expanding upon material that had already undergone a literary redaction in Palestine. Although this possibility is not to be ruled out here, the fact is that both the Yerushalmi and *Genesis Rabbah* cite only the first tradition. Thus, the issue is not where (in Palestine or Babylonia) the link was made, so much as how and why.

50. This question is posed by Rabbi Jacob Reischer in his *'Iyyun ya'aqov* commentary to the *'Ein ya'aqov.* He devises an ingenious, though unconvincing, explanation connected to the linking of wedding days to the blessing of Adam and Eve, rather than that of fish.

51. It assumes that we read it in the light of R. Eleazar's comment about why human fingers were created with a peg shape.

52. I discuss several such examples in my *The Babylonian Esther Midrash: A Critical Commentary.* See, e.g., 2:265–309; 3:121, 221–23.

53. *Case Citation in the Babylonian Talmud: The Evidence of Tractate Neziqin.*

54. There, as here, I evaded the question of whether these collections were oral or written. In favor of an oral model, we must note that the general halakhic prohibitions against writing down Oral Torah appear to have been observed consistently throughout the

amoraic era, and that the Aramaic dialect in which the cases were preserved is substantially identical to that of the rest of the Talmud, without the tell-tale signs of written texts (as found, e.g., in legal documents or geonic writings). In favor of a written model of transmission, we may observe simply how unlikely it seems that a formal mechanism for oral collection of court decisions (parallel to the tannaim who were charged with the memorization of baraitot) should have existed without it being mentioned anywhere in our sources.

55. For textual variants, see Hershler, 2:346, to lines 1–2. The siman is found in several manuscripts, though the printed editions seem to preserve the most complete version, and is supported by the readings of *Halakhot pesuqqot*, *Halakhot gedolot*, and other geonic works. See E. Hildesheimer, *Sefer halakhot gedolot* (Jerusalem, 1980), 2:278. Noteworthy is the reading of MS Vatican 130 in which the siman is subdivided into two discrete units of six and three units.

56. On the distinction between the two main literary types of cases in B., see *Case Citation*, pp. 14ff.

57. As noted by Rashbam to Bava Batra 150b (*Case Citation*, p. 89).

58. The structure is also found in item no. 4 in the sequence, adjudicated by Rami bar Ḥama, as well as in no. 2 (involving Rav Joseph and Abaye).

59. See below. Units nos. 1 and 2 are virtually identical but for the names of the participating Rabbis and the values of the disputed properties. Some of the traditional commentators (see *Shittah mequbbetset*) expressed surprise that the Talmud should have included two identical cases. For that reason, several of them (see Meiri, Naḥmanides, Ishbili, Ditrani, etc.) considered the possibility that the two cases were dealing separately with instances where the properties were acquired by a single purchaser, or by two separate purchasers. Dünner sees the two cases as variant traditions (*lishana aḥarina*). The MSS that read Rami bar Ḥama's name, rather than Rav Joseph's, in unit no. 2 are clearly mistaken, since he would not have engaged in an exchange with Abaye. See Hershler, 2:345 n. 44.

60. E.g., the prominence of Rami bar Ḥama in units nos. 1, 4, 5, and 6. Rami died c. 350. For biographical overviews, see Albeck, *Introduction to the Talmud*, pp. 379–80; Strack-Stemberger, p. 105. The other main participants are Rava, who decides no. 7 (this reading is probably more reliable than "Rabbah" in the printed editions; cf. Hershler, 2:352, n. 25), and Abaye in nos. 3, 8, and 9.

61. Rava fulfills this role in nos. 1, 4, and 5 (some texts have "Rav Dimi" in the latter; see Hershler 2:344, line 7 and n. 24); Abaye in no. 2.

62. All but no. 4 have some discussion attached. In nos. 3, 5, 7, and 9, the comments are anonymous (in the last two, variants are presented introduced by the *ikka de'amerei* formula). Each of the first two units is followed by an identical dispute between Ravina and Rav 'Avira. Presumably, this is the sixth-generation student of Rava. This Rav 'Avira appears in a dispute with Ravina on Bava Batra 131b. See Albeck, *Introduction to the Talmud*, p. 416. On the identity of that Ravina see ibid., pp. 420–21.

63. On the other hand, the right of a creditor to collect from property sold subsequently to the contracting of the debt is an issue that crops up in many places in the Mishnah, including Ketubot.

64. Cf. Dünner: "From here [no. 3] on, the cases were included here only by virtue of two incidental similarities: a) that they all begin with the formula 'a certain man'; and b) because of the involvement of Rami bar Ḥama, Abaye and Rava in the discussions." As we noted here, the similarities in form and content are actually somewhat more substantial.

65. A complex and methodologically instructive example of such a hybrid collection is analyzed in *Case Citation*, pp. 94–113.

66. See above. Basic bibliographies for research into the related questions of the development of the *sugya* and the contribution of the saboraim may be found in Strack-Stemberger, pp. 221–23. Note in particular the contributions of A. Weiss, M. S. Feldblum,

S. Friedman, Z. A. Steinfeld, and D. Weiss-Halivni. The apparent impossibility of pinpointing the transition from redactional to textual history has been noted in many studies by E. S. Rosenthal, S. Friedman, D. Rosenthal, and others.

67. In view of the length and complexity of the process that gave birth to the Babylonian Talmud, it seems to make a singularly inappropriate candidate for the application of Neusner's documentary theory (see above), which presupposed a unified editorial policy. Neusner seems to be reverting to a traditionalist religious view of a quasi-personified Talmud, or at least to the simplistic nineteenth-century attempts to identify a particular "redactor."

68. See S. Friedman, "A Critical Study of *Yevamot* X with a Methodological Introduction," in H. Z. Dimitrovsky, ed., *Texts and Studies: Analecta Judaica*, vol. 1 (1977), pp. 275–441.

69. *Case Citation*, p. 125.

70. Even if we were to assume that the Talmud's redactors had before them the same independent compendia of baraita, talmudic debates or midrashic homilies that have come down to us in the extant collections of halakhic midrash, Tosefta, Palestinian Talmud, or classical aggadic midrash, it is hard to pinpoint essential differences between what is contained in those sources and the material that was accepted for inclusion in the Babylonian Talmud. The elimination of certain tractates from the final scope of the Talmud does not seem to have been a direct reflection of the quality of those tractates' contents, so much as it was a pragmatic way of dealing with the paucity of usable material—a situation that presumably resulted in turn from those tractates' exclusion from the academic curriculum of the later amoraim. See Strack-Stemberger, pp. 209–10.

71. Formulations of this sort are employed frequently by J. Neusner in order to characterize what he sees as the inevitable consequences that follow from rejection of his "documentary" approach to rabbinic literature. See above.

72. The typically laconic formulations in which the amoraim transmitted their teachings, which may have been forced upon them by the requirements of memorization, must have impelled them to pay meticulous attention to what should be included and what excluded from the material to be handed down to future generations.

73. Neusner's singling out of the theological element as constituting the main purpose underlying the Talmud's composition flies in the face of its obvious concern for the mechanics and theory of religious law.

74. Admittedly, some of the "acceptable" connective links are so ingeniously contrived as to raise doubts about whether *any* unit could not have been provided with a link. In two of our examples, it was sufficient to establish a valid association with one item in a series in order to justify the inclusion of the complete series.

75. The rabbinic work that conforms best to Western notions of systematic organization, the Mishnah, contains precisely the same kinds of digressions that we have described, in which a sequence of topically unrelated sources are inserted into a tractate because one of the items in the list is relevant to the context (e.g., Megillah 1:4–11). See H. Albeck, *Mevo hamishnah* [Introduction to the Mishnah] (Jerusalem and Tel Aviv, 1967), pp. 88–99.

76. The "at least" qualification alludes to instances in which redacted pericopes were utilized subsequently by even later redactors and introduced into newer contexts. Such instances are not uncommon.

77. As is Neusner; see above.

78. The most complete of these is Shamma Friedman's in "A Critical Study."

79. See S. H. Steinberg, ed., *Cassell's Encyclopedia of Literature* (London, 1953), 1:23–24.

80. One striking ancient parallel to the talmudic aesthetic of anthologizing is a work that in other respects belongs to a polarly different universe. I am referring to Ovid's *Metamorphoses*, whose author has strung together a representative sample of the Greek and Latin mythological heritage by means of an elaborately contrived sequence of associative

links. It is granted that Ovid's work, carefully crafted by a single author, is not in itself an anthology. Nevertheless, there are some striking literary similarities in the way the individual units relate to one another and to their respective totalities.

Some of the classic controversies of Ovid criticism offer uncanny and instructive parallels to questions raised in talmudic literary scholarship. To cite just a few of the features that enhance our appreciation of the Talmud's literary form, we might refer to: difficulties that confront scholars in their attempts to find thematic consistency in Ovid's selection of legends (see Joseph B. Solodow, *The World of Ovid's Metamorphoses* [Chapel Hill and London, 1988], p. 11; all the following page references are to Solodow], and the poem's general impression of "shapelessness" (13); lengthy digressions based on formal similarities frequently are often interposed between units that logically belong together (14); like the Talmud's redactors, Ovid consistently eschews the presentation of separate units in favor of formal literary transitions (15), no matter how artificial those transitions sometimes appear (26); while the juxtapositions of some legends can be justified on grounds of thematic similarities (16), these similarities (including the metamorphoses themselves) can sometimes be merely incidental or peripheral to the main purpose of the unit (28); like the Babylonian Talmud, the *Metamorphoses* strives for comprehensiveness in its historical range, breadth of subject matter, and in its variety of literary genres (17–18), and its author frequently collates sources belonging to different genres (24–25); in both collections, the resolve that was invested in the fashioning of literary transitions between the units was felt to be as important as the content of the units.

Indeed, to stretch the comparison only a little bit further, we might justly submit that the relationship between the Talmud and a conventional anthology is equivalent to the one that exists between Ovid's *Metamorphoses* and Bullfinch's *Mythology*.

81. In this respect, it bears some resemblance to the *maqamas* or picaresque novels of later generations, allowing always for the essential differences between single-author and multi-author works. To a more limited degree, this is true of a medieval midrashic "anthology" like Rabbi David Adani's *Midrash hagadol*, which so often exasperates modern scholars with the liberties it takes in its presentation of the ancient sources (see Strack-Stemberger, pp. 386–87).

82. The delimitation of the "whole" is open to varying interpretations. Scholarship has been focused largely on the individual *sugya*, though other units can reasonably be used, such as a chapter, tractate, or the entire Talmud. At this stage of scholarship, it would seem that the more ambitious the scope, the less likelihood there is of reaching conclusions that are both well-founded and meaningfully specific.

83. Sections are enclosed in square brackets when there exists an ambiguity about their status as "talmudic sources."

84. The formula *davar telei bidla telei* is found in tannaitic midrashic texts. See *Sifré Numbers* 91 (p. 91); *Deuteronomy* 312 (p. 353) and 333 (p. 383).

85. Rashi insists that the "corrected version" of Samuel's tradition on 2a ("Rather, if it was stated, thus was it stated") is being presented as the words of Rav Joseph himself. There are several considerations that recommend this view, including the facts that Rava appears to be responding to it, and that the emended tradition is formulated entirely in Hebrew, after the manner of authentic amoraic traditions (cf. Dünner: "The style of the emended dictum follows that of a baraita"). Neither of these factors constitutes irrefutable proof, and Dünner has noted that the ruling that appears to be assumed by Rava is, at any rate, challenged by later amoraim.

The textual evidence seems to suggest that it is the redactors who are citing the emended version of Rav Joseph's tradition, since the older texts, as attested by the medievals, read "Rather, if it was stated, thus was it stated: *Says Rav Joseph:* Says Rav Judah: Says Samuel" (see the evidence collected in Hershler's edition, p. 2 n. 13). Most of the

manuscripts have incorporated the emendation of Tosafot—often in a garbled form—and therefore cannot be relied upon as proof for the original reading here. However, the *i itamar* formula is a stereotyped one, and we should not attach too much weight to it.

A similar ambiguity attaches to the fact that the Talmud has Rava refer explicitly to Rav Joseph's emended version when he states either "And with regard to divorce it is not so" (2b), or "it is so" (3a). Here, too, it is conceivable that Rava's original statement did not allude so explicitly to that tradition.

The central item of new content that was added in the "revised" version of Samuel's dictum, the statement about how "the Rabbis were concerned for the welfare of the daughters of Israel," is being cited verbatim from the Tosefta Ketubot 1:1 (Lieberman, p. 56) as found on folio 3b below, a fact that would also account for its Hebrew formulation. It is thus not entirely unreasonable to view the revision as the "anonymous Talmud's" typical creative rearrangement of existing materials. This possibility is strengthened by the questionable logic of the objection, and by the possibility that the literary structure of the passage might have been copied from a pericope elsewhere in the Talmud, as will be discussed below.

We should also note that the tradition about Rav Joseph suffering from a memory loss, though cited as a biographical "fact" by Albeck, *Introduction*, p. 293; Halivni, *Meqorot umsorot—Seder nashim* [Sources and Traditions—on Seder Nashim] (Tel Aviv, 1968), p. 131; and others, is an invention of Rashi, based on a number of instances when Rav Joseph's traditions were challenged by Abaye (e.g., ʿEruvin 66b, 73a; 75b; 89b; Pesaḥim 13a).

86. It does explain why Sunday is not considered a legitimate day for weddings.

87. What is the rule when waiting for Wednesday prevents the groom from complying with the twelve-month deadline? The artificiality of Rav Joseph's objection was aptly noted by the Tosafot ad loc.

88. Such a reconstruction was proposed by Halivni, though his objections against the present form of the pericope are somewhat different. He notes that Bava Batra 134 has a similar structure, but "in Shabbat it is smoother." Apparently, he is alluding to the fact that in Shabbat, there is a clearer delineation between "what was taught" (i.e., in a baraita) and "what was not taught" (i.e., is found only in an amoraic dictum). At any rate, the question is not entirely clear.

89. See above. The current version of the pericope in which Rav Aḥa appears alludes explicitly to the emended version of Rav Joseph's tradition, particularly to the fact that the delay mentioned there was in order to comply with a rabbinic enactment. However, the passage could make sense without that reference.

90. There does not seem to be a consistent redactional policy for such cases. The Talmud sometimes leaves duplicated pericopes in the same tractate, and it is not obvious why it chose not to do so in the present instance.

91. The principle "there is [no] plea of *force majeur* in connection with divorce," worded in Hebrew, has the earmarks of an allusion to a tannaitic or amoraic dictum. It is found in Gittin 30a and 34a, but in both those passages, it is part of an anonymous comment attached to Samuel's ruling in the case (below in our passage) of the husband who was prevented from keeping his thirty-day deadline. Rashi to Gittin 30a surmises plausibly that the Talmud there is actually referring to our Ketubot passage and its two opposing versions of Rava's comment.

92. Ed. Lieberman, p. 267. See his discussion in *Tosefta kifshutah*, p. 881.

93. Gittin 72b; 76b; ʿAvodah Zarah 37a; cf. Gittin 7:3 and parallels.

94. The passage, its historical dimensions and its implications vis-à-vis the text of M. ʿAvodah Zarah have been discussed at great length in the course of modern rabbinic scholarship, from the time of S. J. Rapaport. Some recent studies (containing references to earlier works) include Lieberman, *Tosefta kifshutah*, loc. cit.; David Rosenthal, *Mishnah*

'avodah zarah—Mahadurah biqqortit [Mishnah 'Aboda Zara—A Critical Edition] (Diss., Hebrew University of Jerusalem, 1980), pp. 166–74; Z. A. Steinfeld, "Gentile Products That May or May Not Be Eaten," *Sinai* 86 (1980): 83–84. The Babylonian and Palestinian sources (TP Gittin 7:3 [48d]) agree in ascribing the enactment to Rabbi Judah Nesi'ah, the grandson of the Mishnah's redactor.

95. Rabbi Yosé's position is stated in Mishnah Bava Batra 8:7 in connection with a father's ability to will his property to his son while retaining the rights of usufruct. However, the explanation of Rabbi Yosé's view on the grounds that the date implies retroactivity is supplied by Tosefta Ketubot 8:4 (ed. Lieberman, p. 85; *Tosefta kifshutah*, p. 319). The reason is also cited in TP Gittin 7:3 (48d). Its primary location in the Babylonian Talmud is in Bava Batra 136a, as noted by Rashi here, and from there it came to be cited in several pericopes that deal with posthumous fulfillment of conditions.

96. Its primary location in B. is Gittin 30a, where it is included in a sequence of cases. Mishnah 3:6 there deals with an agent for delivery of a *get* who finds himself unable to deliver the document, and the case brought immediately before this one in that talmudic passage also involves the questions of agency and unavoidable delay in meeting a stipulated deadline. The current case appears to have been attached to the previous one by virtue of the fact that it also deals with delays, even though it has no tangible connection to the issues of interrupted agency that are dealt with in the local mishnah. As I have demonstrated elsewhere (*Case Citation in the Babylonian Talmud*, especially pp. 90–125, 215–16; and see below), this situation is entirely consistent with the manner in which cases were generally incorporated into the Talmud, indicating that they were originally assembled into simple collections and afterward attached to existing pericopes at a relatively advanced stage in their redaction. The case is adduced by Rava in Gittin 34a.

97. D. Halivni, p. 530 n. 2, aptly summarizes the question: "[The text] is found six times in the Talmud . . . and it is unlikely that Rav Ashi would have failed to reply to Ravina's question in all those instances. Rather it is the Gemara that copied the question and answer from its original location to the other places. Where did it originate? It would appear that it was in Yevamot 110a." Halivni goes on to observe that Ravina's argument does not constitute a strong objection if directed against the principle "All who betroth do so subject to the approval of the Rabbis," and hence it probably did not originate in any of the passages where it is appended to that principle. See also Shamma Friedman, "A Critical Study," pp. 356–57, and the extensive literature assembled in nn. 57–58 there. Friedman notes that in Yevamot 90b the conversation is evidently a later addition to a pericope that originated with a dispute between Rabbah and Rav Ḥisda. The discussion there deals with the validity of the divorce, not the betrothal, as is stated in Ravina and Rav Ashi's comments. In Yevamot 110a, by contrast, Ravina and Rav Ashi are responding directly to a case (of the *hava 'ovada* type) involving students of Rav, to which Rav Pappa had already commented. In Gittin 33a, Rav Ashi and Ravina are directly interpreting a baraita (the same one that was cited as a prooftext in Yevamot 90b); however, there too, the issue at hand is the annulment of the divorce, not of the betrothal.