COMPOSITIONAL COMPLEXITY IN THE PALESTINIAN TALMUD

AGGADAH, TRACTATE BERAKHOT

by

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Abstract

The goal of this thesis is to contribute to the scholarship investigating the Aggadah in the Palestinian Talmud. This study confirms the presence of carefully constructed and deliberately redacted portions of the Palestinian Talmud within the first chapter of tractate *Berakhot* (Blessings). Contrary to claims that the Palestinian Talmud has a very thin redactional layer, this dissertation argues that earlier traditions were subjected to an active interventionist editorial process by the Amoraic composers/redactors. The results of this study are that creative composition and a high degree of literary sophistication can be ascertained within the Amoraic layers of the Palestinian Talmud in the portions of tractate *Berakhot* that I analyze.

The complexity of aggadot within the first chapter of tractate *Berakhot* is confirmed with the application of literary and genre based analysis which reveals that literary constructs widespread throughout the Greco-Roman world were adapted by the composers/redactors of the Palestinian Talmud. The Greco-Roman literary constructs that are employed in these narratives serve to thematize efforts by sages to establish rabbinic prayer practices—and establish their own leadership— in the aftermath of the vacuum left by the destruction of the Second Temple. Furthermore, contextual/historical analysis indicates that these aggadot reveal a nuanced and varied set of responses to the Roman Empire, demonstrating that these narratives were produced by a highly sophisticated compositional and editorial hand.

Redactional analysis highlights the extent to which reinterpretations of earlier Tannaitic and biblical material were utilized by composers/redactors to assert their theological and ideological views in a way similar to that which is usually ascribed to the Stammaitic editors of the Babylonian Talmud.

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List of Abbreviations

TANAKH:

Deut	Deuteronomy
Eccles	Ecclesiastes
Lev	Leviticus
Num	Numbers
Mal	Malachi
Neh	Nehemiah

RABBINIC TEXTS:

A Z	Avodah Zarah
Ber	Berakhot
Git	Gittin
Hag	Hagigah
Lev R	Leviticus Rabbah
Maas	Maaserot
Pes	Pesachim
Qid	Qiddushin
Sanh	Sanhedrin
Shab	Shabbat
Sheq	Sheqalim
Suk	Sukkot
Taan	Taanit
Yad	Yadayim
Yev	Yevamot

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I thank Dr. Gregg Gardner who read and commented on my manuscript, giving insightful suggestions regarding rabbinic literature. My work also benefitted from the input of Dr. Michael Griffin, who was helpful with every question I asked of him relating to the Greco-Roman context relevant to my research. He also read and commented on my work. I also owe thanks to Dr. Suzanna Braund and Dr. Leanne Bablitz, who both offered valuable suggestions relating to the Greco-Roman context of my research.

Dedication

To my husband, Les Ames, who inspired me, learns Talmud with me, and supports me in every way possible.

My dissertation is also a sign of appreciation and love for my parents, Arnold Steele, of blessed memory, and Goldie Steele, who created an atmosphere that motivated academic pursuits in our family.

I also dedicate this work to my father-in-law, Dr. Clifford Ames, of blessed memory, and my children, Danielle, Jonathan and Benjamin.

Foreword

Translations of the Hebrew Bible contain my own modifications, but are generally according to the *JPS Hebrew-English Tanakh: The Traditional Hebrew Text And The New JPS Translation*. Edited by The Jewish Publication Society. Philadelphia, 1999.

All Hebrew and Aramaic texts from the Palestinian Talmud mentioned in my study are based on the *Synopse zum Talmud Yerushalmi* produced by Peter Schäfer and Hans-Jürgen Becker. Tübingen: J. C. B. Mohr, 1991. The English translations of these and other rabbinic texts covered in my study are based on translations of their printed editions with my modifications unless otherwise acknowledged.

I use the following abbreviations when citing rabbinic texts: for general references to the Palestinian Talmud I use the designation PT, for general statements about the Babylonian Talmud I use the designation BT. When citing specific texts I use the following accepted designations preceding each tractate, chapter, and pericope: *y.* for the PT, *b.* for the BT, *m.* for the Mishnah, and *t.* for the Tosefta.

I have made use of the following electronic transcriptions for some of the rabbinic texts I have cited: *Bar-Ilan's Judaic Library* (Upgraded Version 17; Monsey, N.Y.: Torah Educational Software, 1972). All Mishnah texts that are cited are based on the Kaufmann Mishnah Manuscript, for which I have relied on Martin G. Abegg, Jr. and Casey A. Towes, eds., Mishna: *Based upon the Kaufmann Manuscript* (Altamonte Springs, Fla.: Accordance 9.1 Bible Software, Oak Tree Software, Inc., 2010).

Chapter One: Introduction

1.1 Research Problem

Although the Palestinian Talmud[1] constitutes a significant corpus of rabbinic literature, traditionally it has received far less scholarly attention than the Babylonian Talmud. Many questions regarding the literary development and redaction history of the PT have not been adequately investigated or resolved.[2] The existence of only one complete manuscript of the Palestinian Talmud, MS Leiden dating to 1289 CE, along with numerous incomplete manuscripts of varying lengths, has contributed to the lacunae in scholarship.[3] The *Synopse zum Talmud Yerushalmi*, by Peter Schäfer and Hans-Jürgen Becker, containing the Hebrew and Aramaic texts of the various manuscripts of the Palestinian Talmud within one publication has made the PT more accessible to scholars.[4]

The PT was composed and redacted during the formative era of rabbinic Judaism, when rabbinic circles engaged in a process of shaping cultural, religious, ritualistic, and ethical patterns. Martin Jaffee suggests that the PT represents a major innovation in Galilean

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[1] The Palestinian Talmud was produced in Israel. It has several names: Jerusalem Talmud; Yerushalmi; Talmud of the Land of Israel; Talmud of the West; and the Palestinian Talmud. The term "Palestinian" derives from the fact that the province of Judea was renamed *Syria Palaestina* by Hadrian, following the failure of the Bar-Kochba revolt *c.* 135 CE. Martin Goodman, *Rome and Jerusalem: the Clash of Ancient Civilizations* (London: The Penguin Group, 2007), 494. Seth Schwartz, *Imperialism and Jewish Society, 200 B.C.E. To 640 C.E.* (Princeton: Princeton University Press, 2001), 107.

[2] Leib Moscovitz, "The Formation and Character of the Jerusalem Talmud," in *The Cambridge History of Judaism the Late Roman Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 671. Leib Moscovitz, "Sugyot Muhlafot in the Talmud Yerushalmi," *Tarbiz* 60, no. 1 (1990): 24 (Hebrew). Yaacov Sussman, "Pirkei Yerushalmi," in *Mehqerei Talmud 2: Talmudic Studies Dedicated to the Memory of Professor Eliezer Shimshon Rosenthal* ed. Moshe bar-Asher and David Rosenthal (Jerusalem: Magnes Press, 1993), 220-282 (Hebrew).

[3] Baruch M. Bokser, "An Annotated Bibliographical Guide to the Study of the Palestinian Talmud," in *Aufstieg und Niedergang der Römischen Welt*, ed. Hildegard Temporini and Wolfgang Haase (Berlin and New York: Walter De Gruyter, 1979), 153-163. For a further discussion of PT manuscripts see page 35 of this chapter of my study.

[4] Peter Schäfer, and Hans-Jürgen Becker, *Synopse zum Talmud Yerushalmi* (Tübingen: J. C. B. Mohr (Paul Siebeck), 1991).

Amoraic[5] literary culture[6] in the third and fourth centuries CE because it is the first text that

distinguishes itself from the earlier rabbinic texts, the Mishnah[7] and the Tosefta,[8] dating from

the Tannaitic period *c.* 70 CE to 220 CE.[9] Jaffee suggests that the PT approaches the

Mishnah and the Tosefta from a position beyond Tannaitic discourse, displaying an

awareness of Tannaitic traditions as cogent sources that are distinct from its own unique

literary voice.[10] At the same time, the PT tends to cite the Mishnah to a greater extent than it

cites the Tosefta.

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[5] The Amoraic period lasted from approximately the middle of the third to the early sixth centuries CE. The division of different periods in the rabbinic era is known exclusively from the Talmuds. H. L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash*, trans. Markus Bockmeuhl (Minneapolis: Fortress Press, 1996), 7. Amoraic rabbinic sages or Amoraim (lit. expounders) lived in Palestine and Babylonia. Their traditions are recorded in both Talmuds.

[6] I adopt the definition of "culture" employed by Carol Bakhos. "Culture is socially transmitted knowledge and behavior patterns shared by a group of people. It is the set of ideas, rituals, beliefs, and attitudes that underlie the various relationships that make up society." Regarding the term "society," Bakhos states, "society implies a set of interrelationships amongst people and institutional structures, whereas "culture" includes all those institutions but also implies a set of traditions about those very institutions." Carol Bakhos, "Methodological Matters in the Study of Midrash," in *Current Trends in the Study of Midrash*, ed. Carol Bakhos, *Supplements to the Journal for the Study of Judaism* (Leiden, Boston: Brill, 2006), 182 note 166.

[7] The Mishnah is organized into six orders and sixty-three tractates, each composed of chapters. "Mishnah" refers to the entire compilation and to the individual units, pericopae, or *lemmata* within each chapter. According to rabbinic tradition, the Patriarch, Judah ha-Nasi was responsible for the compilation of the Mishnah *c.* 200 to 220 CE. Current scholars maintain that the Mishnah's final redaction may have been later. Strack and Stemberger, *Introduction*, 108-148. Martin Jaffee, "Rabbinic Authorship as a Collective Enterprise," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 21-33. Catherine Hezser, "The Mishnah And Ancient Book Production," in *The Mishnah in Contemporary Perspective Part One*, ed. Alan J. Avery-Peck and Jacob Neusner (Leiden: Brill, 2002), 167-192.

[8] Tosefta means supplement. It may have been compiled as a commentary on the Mishnah. Sections of it may also predate or be contemporaneous with the Mishnah. The circumstances and purpose of its compilation are unknown. Paul Mandel, "The Tosefta," in *The Cambridge History of Judaism The Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 316-335. Harry Fox and Tirzah Meacham, eds., *Introducing Tosefta: Textual, Intratextual and Intertextual Studies* (Hoboken N. J.: Ktav Publishing House, 1999).

[9] Tannaitic sages are known for having memorized large portions of traditional material which they transmitted by repeated oral recitation. Strack and Stemberger, *Introduction*, 12.

[10] Martin Jaffee, "The Oral-Cultural Context of the Talmud Yerushalmi: Graeco-Roman Rhetorical Paideia, Discipleship and the Concept of Oral Torah," in *The Talmud Yerushalmi and Graeco-Roman Culture I*, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 1998), 27-61. See also Elizabeth Shanks Alexander, "The Fixing of Oral Mishnah and the Displacement of Meaning," *Oral Tradition* 14, no. 1 (1999): 100-139. At the same time, a number of studies are now focused on understanding the literary complexity of the Mishnah. Scholars seek to distinguish the Mishnah from its antecedent texts and from the meanings it has acquired through its interpretations in the Talmuds. Elizabeth Shanks Alexander, "Recent Literary Approaches To The Mishnah," *AJS Review* 32, no. 2 (2008): 233-234. Avraham Walfish, "The Nature And Purpose Of Mishnaic Narrative: Recent Seminal Contributions," *AJS Review* 32, no. 2 (2008): 263-289.

In this dissertation I engage in a close reading of four aggadic[11] stories contained within the first chapter of tractate *Berakhot* in the PT, along with parallel passages located in other tractates within the PT, the BT, and other works of rabbinic literature. In order to conduct a careful analysis that adequately demonstrates the complexity and high degree of purposeful redaction of each story, the scope of this study is limited to four aggadot. I employ the following intersecting methods of analysis: literary analysis; historical/contextual analysis; and the identification of genres of the aggadot. These all contribute to several interrelated main findings: creative literary intervention occurred at the Amoraic level of the PT within the first chapter of tractate *Berakhot*; some aggadot in the PT constitute more complex compositions than have been generally acknowledged; PT composers/redactors freely edited earlier Tannaitic and biblical traditions; and they creatively employed Greco-Roman literary genres in the construction of these complex narratives. The term "composers/redactors" is used because it is often impossible to determine if a tradition entered the text of the PT at the stage(s) of composition, or during the stage(s) of redaction.[12]

The particular characteristics that indicate the complexity of these stories include the following: the stories exhibit the significant use of modes of literary repetition and wordplay; the redeployment of earlier traditions is organized in specific tripartite structures; and the

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[11] Aggadic passages account for approximately one-sixth of the PT, and about one-third of the BT. Aggadah includes narrative stories, philosophy, wisdom, folklore, rabbinic biographies, history, moral exhortation, theological speculation, and much more. To completely and definitively categorize Aggadah as a genre is a complicated matter. One of the most comprehensive treatises on the subject is Eugene Borowitz, *The Talmud's Theological Language Game: A Philosophical Discourse Analysis* (Albany: State University of New York Press, 2006). Scholars are increasingly recognizing that a sharp distinction between aggadic/narrative and legal/halakhic passages is a false notion. Daniel Boyarin, *Socrates and the Fat Rabbis* (Chicago and London: The University of Chicago Press, 2009), 19. Moshe Simon-Shoshan suggests that rabbinic material should not be specifically characterized as Halakhah or Aggadah, since halakhic and aggadic elements are often interwoven in rabbinic tales. This is the case with the narrative stories that I analyze in this dissertation, and it is another feature of their complexity. Moshe Simon-Shoshan, "Halakah lema'aseh: Narrative and Legal Discourse in the Mishnah" (University of Pennsylvania, 2005), 1-4. Avraham Walfish argues that there are still importance differences between Halakhah and Aggadah. Walfish, "The Nature And Purpose Of Mishnaic Narrative: Recent Seminal Contributions," 264 note 265.

[12] Strack and Stemberger, *Introduction*, 172.

stories are well integrated with the literary contexts in which they are found. These are some of the characteristics that scholars have identified as particular features of stories redacted by the Stammaim in the BT,[13] and also, mutatis mutandis of the Bible, Mishnah and Tosefta. In addition, the PT stories and their parallel versions that I analyze provide a heuristic focus for the examination of redactional questions related to the PT.

The advantage of the approach I am employing is that the compositional and redactional complexity of these narratives will be readily apparent. At the same time, the themes and motifs in the stories that I analyze appear consistently in the stories and their literary contexts throughout tractate *Berakhot.* That is, the stories in my study are paradigmatic of stories in the entire tractate. The themes that run through many of the stories are the following: emerging rabbinic self-definition; sages' attempts to establish prayer practices and to institute respect for and among sages; the determination of the parameters of various prayers and blessings; future redemption; nuanced attitudes towards the Roman Empire, including criticism of Greco-Roman ritual practices.[14] I suggest that the consistent themes and motifs that I have identified within tractate *Berakhot* in the PT attest to the didactic goals and leading concerns of the composers/redactors of these stories.

My method is to view narratives in the PT in their own context, prior to considering their retellings in the BT. Many scholars who have conducted literary studies of talmudic Aggadah have primarily concentrated on Aggadah in the BT. The majority of these studies

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[13] Jeffrey Rubenstein, *Talmudic Stories* (Baltimore: Johns Hopkins University Press, 1999), 246-256. Jeffrey Rubenstein, ed. *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada* (Tübingen: Mohr Siebeck, 2005), 11. Jeffrey Rubenstein, *Stories of the Babylonian Talmud* (Baltimore: John Hopkins University Press, 2010). See also the Prior BT Scholarship section of this chapter.

[14] Some or all of the above themes are found within the following individual stories in the tractate in addition to the stories covered in my study: *y. Ber* 1:1; 2c, 1:1; 2d, 1:2; 3a, 1:8; 3c, 1:9; 3d, 2:1; 4b, 2:8; 5b, 2:8; 5c, 3:1; 6a, 4:1; 7a, 4:2; 7a, 4:3; 8a, 5:1; 8d, 6:1; 10a, 8:6; 11b, 9:1; 11d, 9:1; 13a, 9:1; 13b, 9:2; 13d, 9:2; 14a, 9:3; 14a, 9:5; 14b, 9:5; 14d. The majority of these stories are clustered in the first and last chapters of the tractate. There are also a fair number of stories involving biblical figures, in particular Kig David, and creation aggadot which are primarily found in the first and last chapters.

have tended to investigate parallel passages of Aggadah in the PT only to the extent that they demonstrate the compositional changes in BT Aggadah.[15] In contrast, the main goal of my study is to display the distinct compositional methods and techniques of PT composers/redactors.

I have chosen stories in tractate *Berakhot* because it primarily concerns rabbinic prayer. The development of prayer was one of the foremost pursuits of the nascent rabbinic movement following the destruction of the Second Temple, and the discontinuation of the sacrificial system. *Berakhot* is the name of the first tractate in the Mishnah, Tosefta, PT, and BT. Tractate *Berakhot* in the PT has thus far received minimal attention from scholars. One exception is Richard Hidary's recent analysis of a lengthy narrative in the first chapter of *y. Berakhot* not covered in my study. Hidary concludes that PT redactors employed classical Greco-Roman rhetoric and oratory composition common in their environment.[16] I make similar conclusions about the stories that I analyze in the first chapter of *y. Berakhot*.

The halakhic/legal context of the aggadot that I analyze pertains to the correct time and proper method for the daily recitation of *Shema*—one of the central and most important elements of Jewish liturgy. The aggadic stories also discuss the formative development of rabbinic prayer through narratives that describe the activities of named sages. In their attempts to establish rabbinic forms of prayer and consolidate their own leadership roles, the composers/redactors of the PT appear to have employed a sophisticated combination of features, some of which have often been attributed to Stammaitic editors of the BT. I suggest that it is also possible that the sections of tractate *Berakhot* covered in my study might have

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[15] Rubenstein, *Talmudic Stories*. See the "Prior BT Scholarship" section of this chapter.
[16] Richard Hidary, "Classical Rhetorical Arrangement and Reasoning in the Talmud: The Case of Yerushalmi Berakhot 1:1," *AJS Review* 34, no. 1 (2010): 33-64.

received a greater amount of editing and reworking than some other parts of the PT due to the importance of the development of rabbinic prayer.

This dissertation is in line with recent studies that seek to contextualize formative rabbinic Judaism by emphasizing that the composers/redactors of the PT were in dialogue, in a variety of ways, with cultures and traditions different from their own.[17] For my study, I draw on insights from the field of cultural studies. Even though cultural studies have largely grown out of efforts to understand the processes that have shaped current societies and cultures—such as industrialization, modernization, urbanization, and mass communications[18]—it is not anachronistic to apply a theoretical model from cultural studies to the PT. Cultural studies have been successfully applied to diverse contexts where the common denominator is "significant social, political and cultural disruption."[19] During the period when the PT was produced, the Roman Empire had control of the land of Israel. Following Seth Schwartz, I maintain that the rabbinic sages who produced the PT were "profoundly affected by the imperial powers under which they were constrained to live."[20]

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[17] Rivka Ulmer, ed. *Discussing Cultural Influences Text, Context, and Non-Text in Rabbinic Judaism* (Lanham: University Press of America Inc., 2007), vii. Galit Hasan-Rokem, *Tales of the Neighbourhood: Jewish Narrative Dialogues in Late Antiquity* (Berkeley, Los Angeles, London: University of California Press, 2003). Yaron Z. Eliav, "Viewing the Sculptural Enviornment: Shaping the Second Commandment," in *The Talmud Yerushalmi and Graeco-Roman Culture III*, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 2002), 411-433. Regarding rabbinic narratives in dialogue with their biblical past, see Gregg Gardner and Kevin L. Osterloh, eds., *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World* (Tübingen: Mohr Siebeck, 2008), 1-23.

[18] Lawrence Grossberg, Cary Nelson, and Paula A. Treichler, eds., *Cultural Studies* (New York, London: Routledge, 1992), 5.

[19] Ibid, 8.

[20] Schwartz, *Imperialism and Jewish Society*, 1; Seth Schwartz, *Were the Jews a Mediterranean Society? Reciprocity and Solidarity in Ancient Judaism* (Princeton and Oxford: Princeton University Press, 2010), 110-165. See also Martin Goodman, *State and Society in Roman Galilee AD 132-212* (Totawa, New Jersey: Rowman & Allenheld, 1983), 374-386. See also Seth Schwartz, "Political, Social and Economic Life in the Land of Israel 66-c. 235," in *The Cambridge History of Judaism The Late Roman-Rabbinic Period Volume Four*, ed. Steven T. Katz (Cambridge: Cambridge Univeristy Press, 2006), 23-52. Hanan Eshel, "The Bar Kochba Revolt, 132-135," in *The Cambridge History of Judaism: The Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 105-127.

According to Grossberg, Nelson, and Treichler cultural studies also applies to "interrelationships between supposedly separate cultural domains."[21] Similarly, Fergus Millar draws our attention to the contrasting cultures and traditions that would have mingled, collided, or accommodated each other in a Greco-Roman city in Israel in the third and fourth centuries CE when the PT was produced.[22] In fact, the variegated nature of rabbinic responses to Greco-Roman culture constitutes a significant component of the complexity of the stories that I analyze. James Clifford's notion of culture as travel provides a useful model for this phenomenon. Clifford suggests that we rethink the term "culture" away from the notion of a stable rooted entity, and think of culture as a developing entity that is impacted by the points of contact it experiences with other cultures through "travel."[23] Employing the term "travel" in relation to the notion of culture identifies the "sites" of constructed historicity—"displacement, interference and interaction"—for a given culture and brings such sites more sharply into view.[24] Beth Berkowitz applies Clifford's work in her study relating to capital punishment discourse in rabbinic literature. Berkowitz concludes that rabbinic discourse on criminal execution played a part in "rabbinic self-creation during a formative period."[25] She sees this process "as a dialogue with rabbinized Jews, non-rabbinized Jews, and with the pagan[26] Romans who dominated the Rabbis culturally and

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[21] Grossberg, Nelson, and Treichler, *Cultural Studies*, 11.

[22] F. Millar, *The Roman Near East: 31 BC-AD 337* (Cambridge: Harvard Univeristy Press, 1993), 386-387. See also Jürgen Zangenberg, Harold W. Attridge, and Dale B. Martin, eds., *Religion, Ethnicity, and Identity in Ancient Galilee: A Region in Transition* (Tübingen: Mohr Siebeck, 2007). There is vast scholarship relating to the interaction between Jewish communities and Greco-Roman culture prior to the time period covered in my dissertation which is beyond the scope of this study.

[23] James Clifford, "Travelling Cultures," in *Cultural Studies*, ed. Lawrence Grossberg, Cary Nelson, and Paula A. Treichler (New York, London: Routledge, 1992), 101.

[24] Ibid.

[25] Beth Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures* (Oxford, New York: Oxford University Press, 2006), 11.

[26] I discuss this problematic term later in my dissertation.

politically."[27] In my study of PT narratives regarding rabbinic prayer, I likewise determine

that sages conducted a dialogue with Greco-Roman culture and authority, and engaged in

their own process of self-definition, and attempted to influence other Jews.

1.2 Historical Background

Rabbinic literature attests to rivalry between the Babylonian and Palestinian centres

during the talmudic period. Isaiah Gafni conducted a study of Palestinian and Babylonian

literary sources that refer to confrontations regarding emigration from Palestine, the holiness

of the Land of Israel, allegiance to Israel on the part of the Babylonian Diaspora community,

burial in Israel for Jews living outside of Israel, Babylonian Jewish self-identity, and issues

relating to the authority to intercalate the calendar.[28]

The following text demonstrates an attitude of superiority on the part of the

Babylonian rabbinic sages in relation to other Jewish communities, including Israel.

> Rav Yehudah said in the name of Samuel, "all countries are dough
> in comparison with Israel and Israel is as dough in comparison to
> Babylonia." (Bavli *Qiddushin* 69b, 71a)

Dough serves as a metaphor for impure lineage in this passage. Intermarriage which results

in the mixing of genealogies and impure lineage is like dough which must be produced by

mixing several different ingredients together. The talmud claims that there is a hierarchy of

genealogical purity by asserting that there was less intermarriage in Israel than in other

countries, but even less in Babylonia. Therefore, according to the self-representation of the

Babylonian sages the Babylonian Jewish community was more genealogically pure than the

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[27] Berkowitz, *Execution and Invention*, 11.

[28] Isaiah Gafni, *Land, Center and Diaspora Jewish Constructs in Late Antiquity* (Sheffield: Sheffield Academic Press, 1997), 58-117.

community in Israel.[29] Bavli *Qiddushin* 71b carries this notion further as it defines the

geographical boundaries of "pure" Jewish Babylonia. Gafni concludes:

> Ultimately the Babylonians seem to have redefined the essence of
> what constitutes "Zion" or "the Land," by attaching to themselves all
> the attributes previously linked to the Palestinian center. It was only
> left for the post-Talmudic Babylonian leaders to go the extra distance,
> by claiming that Palestine had been bereft of true Torah for
> centuries.[30]

This picture can be complicated and nuanced. Ze'ev Safrai and Aren Maeir

conclude that:

> Despite their attempts to emphasize their independence, on a certain
> level it was important to the Babylonian sages to see themselves as
> dependent on the Land of Israel, or as deriving their authority from the
> sages of Israel.[31]

The Geonim, the heads of the Babylonian rabbinic academies,[32] sought to establish

the authority of the BT in legal matters and to downplay the significance of the PT even

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[29] See Moulie Vidas, "The Bavli's Discussion of Genealogy in *Qiddushin* IV," in *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World*, ed. Gregg Gardner and Kevin L. Osterloh (Tübingen: Mohr Siebeck, 2008), 296 and the scholarship cited in note 225.

[30] Gafni, *Land, Center and Diaspora*, 120. See also Joshua Schwartz, "Tension Between Palestinian Scholars and Babylonian Olim in Amoraic Palestine," *Journal for the Study of Judaism in the Persian Hellenistic and Roman Period* 11, no. 1 (1980): 78-94. Joshua Schwartz, "The Patriotic Rabbi: Babylonian Scholars in Roman Period Palestine," in *Jewish Local Patriotism and Self-Identification in the Graeco-Roman Period*, ed. Siân Jones and Sarah Pearce (Sheffield: Shieffield Academic Press, 1998), 118-131.

[31] Ze'ev Safrai and Aren M. Maeir, "("An Epistle Came from the West"): Historicial and Archaeological Evidence for the Ties between the Jewish Communities in the Land of Israel and Babylonia in the Talmudic Period," *Jewish Quarterly Review* 93, no. 3/4 (2003): 509.

[32] The Geonic era lasted from approximately the sixth to the eleventh centuries CE. Gideon Libson, "Halakhah and Law in the Period of the Geonim," in *An Introduction to the History and Sources of Jewish Law*, ed. N.S. Hecht, et al. (Oxford: Clarendon Press, 1996), 197.

though the BT contains a large number of sources with Palestinian provenance.[33] With the

spread of Islam and the establishment of the caliphate at Baghdad, the Geonim of Babylonia

enjoyed privileged positions. The Babylonian Jewish community and its institutions were

recognized by the caliphate, which allowed limited autonomy for religious minorities.[34]

Some have concluded that this autonomy allowed the Exilarch and the Geonic academies to

attempt to influence the Jewish populace in the area that roughly encompasses present-day

Iraq and Iran to accept the authority of the BT.[35] A letter found in the Cairo Genizah,[36] which

had been sent by Pirkoi b. Baboi to the Jewish communities of North Africa and Spain, is

evidence of such efforts.[37] The author identifies himself as a figure in the rabbinic

establishment by stating that he is a disciple of a disciple of Yehudai Gaon, head of the Sura

academy *c.* 760 CE. Scholars assume that this letter was written around the turn of the ninth

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[33] Shamma Friedman, "Literary Development and Historicity in the Aggadic Narrative of the Babylonian Talmud: A Study based upon B. M. 83b-86a," in *Community and Culture: Essays in Jewish Studies in Honor of the Ninetieth Anniversary of the Founding of Gratz College*, ed. N. Waldman (Philadelphia: Gratz College, 1987), 75. Yaacov Sussman, "Ve-Shuv Li Yerushalmi Nezikin," in *Mehqerei Talmud I*, ed. Y. Sussman and D. Rosenthal (Jerusalem: 1990), 98 (Hebrew). Alyssa M. Gray, *A Talmud in Exile The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli Avodah Zarah* (Providence: Brown Judaic Studies, 2005), 1-39, 242. Martin Jaffee, "The Babylonian Appropriation of the Talmud Yerushalmi: Redactional Studies in the Horayot Tractates," in *The Literature of Early Rabbinic Judaism: Issues in Talmudic Redaction and Interpretation*, ed. Alan J. Avery-Peck (Lanham MD: University Press of America, 1989), 23-24.

[34] Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven and London: Yale University Press, 1998), 123.

[35] The Exilarch was the recognized political head of the Jewish community in the Sasanian Empire, and later in the Muslim caliphate. The office was, usually but not always, hereditary. Ibid, 67-82. Seth Schwartz, "The Political Geography of Rabbinic Texts," in *The Cambridge Companion to The Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 90-92. Berachyahu Lifshitz, "The Age Of The Talmud," in *An Introduction To The History And Sources of Jewish Law*, ed. N.S. Hecht, et al. (Oxford: Clarendon Press, 1996), 173-175.

[36] The term "Cairo Genizah" refers to the collection of documents dating from the eighth to sixteenth centuries CE that were discovered in a synagogue in Fustat (Old Cairo), Egypt in the nineteenth century. These documents contain significant sources of medieval Jewish history relating to the Mediterranean region.

[37] The Pirkoi texts began to be published in 1903 based on a number of manuscripts. Louis Ginzberg, *Genizah Studies, 2* (New York: Jewish Theological Seminary of America, 1929), 504-573 (Hebrew). S. Spiegel, "On the Affair of the Polemic of Pirkoi ben Baboi," in *H .A. Wolfson Jubilee Volume*, ed. S. Lieberman (Jerusalem: American Academy for Jewish Research, 1965), 243-274 (Hebrew); Gafni, *Land, Center and Diaspora*, 96-120. Isaiah Gafni, "How Babylonia Became "Zion": Shifting Identities in Late Antiquity," in *Jewish Identies in Antiquity: Studies in Memory of Menahem Stern*, ed. Lee Levine and Daniel Schwartz (Tübingen: Mohr Siebeck, 2009), 333-348.

century CE.[38] Pirkoi attempts to persuade his readers of the supremacy and exclusive

legitimacy of Babylonian legal traditions, claiming that Christian persecution of the Jewish

Palestinian community around 400 CE had compromised Palestinian rabbinic traditions.

Although Pirkoi's letter seems designed to undercut the authority of the PT,[39] it is difficult to

assess whether the views expressed in the letter represent a generally accepted or a marginal

Babylonian position at that time.

Hai Gaon (d. 1038 CE) argued that the PT was to be disregarded when it conflicted

with the BT.[40] On the other hand, S. D. Goitein found that the Cairo Genizah housed many

documents coming from, or referring to, the Land of Israel. This seems to indicate a vibrant

rabbinic centre in Israel.[41] For the Jewish communities in Palestine, Egypt, Kairouan, and

southern Italy, the PT may have remained the primary Talmud for some time.[42] Mordecai

Margaliot disagrees, and suggests that in the tenth century, the BT and its legal traditions

became authoritative in Israel.[43] Isaac Alfasi, the eleventh-century talmudic scholar from

North Africa who became the leading authority of Spanish Jewry, initially incorporated much

material from the PT into his digest of the BT. However, at the end of his codification of the

BT's tractate *Eruvin*, Alfasi claimed that the BT should be accepted as authoritative since it

postdated the completion of the PT.[44]

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[38] Brody, *The Geonim of Babylonia* 113.
[39] Ibid, 116.
[40] Responsum of R. Hai Gaon, in Simha Assaf, *Teshuvot ha-Geonim* (Jerusalem: Darom, 1929), no. 21 (Hebrew).
[41] S. D. Goitein, *A Mediterranean Society* (Los Angeles: University of California Press, 1999), 21.
[42] Abraham Goldberg, "The Palestinian Talmud," in *Essential Papers on the Talmud*, ed. Michael Chernick (New York and London: New York University Press, 1994), 236-237.
[43] Mordecai Margaliot, *Hilkhot Erets Yisra'el min ha-Genizah* (Jerusalem: Mossad haRav Kook 1973), 14 (Hebrew).
[44] Isaac Alfasi, *Hilchot Ha-Rif Eruvin*, 104b. Martin Jaffee and Alyssa Gray discuss the advisability of using this source as historical evidence for the knowledge that the BT sages were familiar with the PT. Jaffee, "The Babylonian Appropriation of the Talmud Yerushalmi," 3-5; Gray, *A Talmud in Exile*, 9-11.

The Babylonian rabbinic community and its legal traditions achieved preeminent status in the wake of the destruction of Palestinian Jewry in the crusades.[45] In fact, Medieval rabbinic authorities seldom referred to the PT.[46] One exception was Moses Maimonides, the Rambam (1135–1204), who relied extensively upon the PT in his comprehensive legal code, the *Mishneh Torah*, and for his commentary on the Mishnah to the order *Zeraim*.[47] This may have been out of necessity since the only tractate from the order *Zeraim* to warrant discussion in the BT is tractate *Berakhot,* while the other tractates in the order *Zeraim* are covered by the PT.[48] In addition, Isadore Twersky suggests that Maimonides sought to increase the awareness and influence of the PT.[49]

1.3 Previous Scholarship on the Redaction of the PT

Early studies of the PT's redaction tended to conclude that the PT was incomplete because it underwent a minimal and hasty final redaction following the religious persecution and economic problems that beset the Palestinian community in the fourth and fifth centuries CE.[50] The view that this period marked a time of impoverishment for the Jews of Palestine

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[45] Lawrence A. Hoffman, "Jewish Liturgy and Jewish Scholarship," in *Judaism in Late Antiquity: The Literary and Archaeological Sources Volume One*, ed. Jacob Neusner (Boston and Leiden: Brill Academic Publishers Inc., 2001), 250.

[46] The eleventh-century French biblical and talmudic commentator Rashi (acronym for Rabbi Shlomo Yitzchaki), and Joseph Karo, the 16th century codifier of the law (*Shulchan Aruch*), rarely mentioned the PT. Richard Cohen, "The Yerushalmi and its Critics," in *New Perspectives on Ancient Judaism*, ed. Jacob Neusner et al (Lanham: University of America Press, 1987), 22.

[47] Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven and London: Yale University Press, 1980), 10-12.

[48] The PT covers 39 of the 63 Mishnah tractates. The BT comprises 36 and a half of the Mishnah tractates, although the BT tractates are considerably longer than the PT tractates. Strack and Stemberger, *Introduction*, 166.

[49] Twersky, *Introduction*, 10.

[50] Moscovitz, "The Formation and Character of the Jerusalem Talmud," 671.

was primarily advanced by the historian Heinrich Graetz.[51] Zacharias Frankel, who

conducted one of the pioneering studies of the PT, also accepted the narrative that the PT was

incomplete and that it underwent a hasty final redaction.[52] Isaac Halevy denied that the PT

was redacted at all, maintaining that it was preserved in an unedited state.[53] However, Saul

Lieberman, who pioneered twentieth-century study of the PT, rejects Halevy's conclusions.[54]

According to Lieberman, the PT was redacted. He argues that following its initial

composition, an editor had transferred material from one place to another because it was

relevant to the secondary context, even though the transferred material originally referred to a

different matter.[55] Lieberman attributes contradictions and inconsistencies to later scribes

who condensed the expanded version of the PT by refraining from inserting the entire text of

the transferred material each time it appeared, relying instead on abbreviated citations that

led to errors by subsequent scribes.[56] Louis Ginzberg accepted the traditional narrative that

external difficulties led to the cessation of work on the PT.[57] He also concluded that it

underwent many redactions:

> It is clear that this Talmud [the PT] is not of one cloth. The editor of
> *Berakhot* is not the editor of *Yevamot* and the editor of *Shabbat* is not
> the editor of *Sanhedrin*, and therefore there is not before us a single

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[51]Heinrich Graetz, *History of the Jews: From the Reign of Hyrcanus 135 BCE to the Completion of the Babylonian Talmud 500 CE*, Reprinted 1956 ed. (Philadelphia: The Jewish Publication Society of America, 1893), Volume II 560-561, 612-613. For a subsequent scholar who accepted this view see M. Avi-Yonah, *The Jews of Palestine: A Political History from the Bar-Kochba War to the Arab Conquest* (New York: Schocken Books, 1976), 179. This book was originally published in Hebrew in 1946, 1952, 1962 and 1969 with the title *Bi-Yemey Roma U-Vizantion*. A German edition was published by W. Gruyter and Company in Berlin in 1962 under the title *Geschichte der Juden im Zeitaler des Talmud.*

[52] Zacharias Frankel, *Einleitung in den Jerusalemischen Talmud* (Breslau 1870), 48a (Hebrew).

[53] Isaac Halevy, *Dorot Ha-Rishonim*, vol. 2 (Berlin and Vienna 1923), 526-536 (Hebrew).

[54] Saul Lieberman, "The Talmud of Caesarea: Jerushalimi Tractate Nezikin," *Supplement to Tarbiz* 2, no. 4 (1931): 20-21 (Hebrew).

[55] Ibid, 22.

[56] Ibid, 23-25.

[57] Louis Ginzberg, *A Commentary on the Palestinian Talmud*, vol. 1 (New York: Jewish Theological Seminary, 1941), xxxviii (Hebrew). I refer to Ginzberg's commentary throughout this dissertation.

problem [regarding] the editing of the Yerushalmi, rather there are many problems [and many] redactions of the Yerushalmi.[58]

Recent scholars have also remarked on the problems of utilizing the PT. David Halivni, who greatly contributed to the understanding of the redactional stages of the BT, concluded that the PT is:

> simple, narrow in focus, responding to the question at hand and without a unique style, whereas the argumentational [sic] in the Gemara of the Babylonian Talmud is colorful, pulsating, outreaching, often presenting an interwoven and continuous discourse with a distinct, identifiable style of its own. For the purpose of tracing the various modes of Jewish learning, the Babylonian Talmud is more pivotal than the Palestinian Talmud.[59]

Similarly, Robert Goldenberg maintained that the PT received insufficient editing, so that transitions within arguments and between different sections are incomplete.[60] Likewise, Uzi Leibner concludes that the PT was never properly edited; rather it was compiled imprecisely and in haste.[61] Leib Moscovitz concurs:

> Explicit abstract concepts and legal principles of broad scope are generally not found in the PT (in contrast to the BT). Accordingly, the PT seems more primitive than the BT, conceptually speaking.[62]

Moscovitz does not attribute the final redaction of the PT to external difficulties, but he still concludes that it received negligible redaction:

> The general impression conveyed by the study of the PT is that this work developed through the essentially mechanical aggregation of

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[58] Ibid, Hebrew Introduction, 81. For similar observations about the BT see Eliezer Segal, "Anthological Dimensions of the Babylonian Talmud," in *The Anthology in Jewish Literature*, ed. David Stern (Oxford: Oxford University Press, 2004), 82.

[59] David Halivni, *Midrash, Mishnah, and Gemara: the Jewish Predilection for Justified Law* (Cambridge, Mass.: Harvard University Press, 1986), 82.

[60] Robert Goldenberg, "Talmud," in *Essential Papers on the Talmud*, ed. Michael Chernick (New York and London: New York University Press, 1994), 31. Schwartz, *Were the Jews a Mediterranean Society*, 110-11

[61] Uzi Leibner, "Settlement Patterns in the Eastern Galilee: Implications Regarding the Transformation of Rabbinic Culture in Late Antiquity," in *Jewish Identites in Antiquity: Studies in Memory of Menahem Stern*, ed. Lee Levine and Daniel Schwartz (Tübingen: Mohr Siebeck, 2009), 269-295.

[62] Moscovitz, "The Formation and Character of the Jerusalem Talmud," 676. See also Moscovitz, "Sugyot Muhlafot," 27 (Hebrew).

additional layers of discourse with the passage of time: the teachings
of each generation of sages were passed on to the next generation,
apparently with little or no redactional intervention.[63]

Many scholars have abandoned the old lachrymose conception of Jewish history and

now conclude that the time period when the PT was completed was not one of unmitigated

disaster for Palestinian Jewry. The traditional narrative positing that work on the PT ceased

when the Romans destroyed Jewish settlements in the fourth century CE, following the revolt

by Galilean Jews against the government of Gallus, has been largely but not entirely rejected.

There is also no consensus regarding the effect(s) of the earthquake in 363 CE.[64] A review of

literary, archaeological, and epigraphic sources has led to conclusions that the Roman and

Byzantine periods actually saw fruitful literary productivity in Israel.[65] Although many

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[63] Moscovitz, "The Formation and Character of the Jerusalem Talmud," 671. In another article, Moscovitz suggests that the PT's earlier editors relied on differing sources and the final editor(s) left the text as it was so that future generations could see the different views expressed by the numerous sages who worked on the PT. Moscovitz, "Sugyot Muhlafot," 60 (Hebrew).

[64] Saul Lieberman, "Palestine in the Third and Fourth Centuries," *The Jewish Quarterly Review* New Series, Vol. 36, No. 4(April 1946): 341-342. Günther Stemberger, *Jews and Christians in the Holy Land Palestine in the Fourth Century*, trans. Ruth Tuschling (Edinburgh: T & T Clark, 2000), 161-184. Peter Schäfer, *The History of the Jews in Antiquity* (Luxembourg: Harwood Academic Publishers, 1995), 182. Brody, *The Geonim of Babylonia* 101. David Goodblatt, "The Political and Social History of the Jewish Community in the Land of Israel C. 235-638," in *The Cambridge History of Judaism The Late Roman Rabbinic Period* ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 408. Barbara Nathanson, " Jews, Christians, and the Gallus Revolt in Fourth-Century Palestine," *Biblical Archaeologist* 49, no. 1 (1986): 34. Dennis E. Groh, "Jews and Christians in Late Roman Palestine: Towards a New Chronology," *The Biblical Archaeologist* 51, no. 2 (1988): 80-96. Lee Levine, ed. *The Synagogue in Late Antiquity* (Philadelphia: The American Schools of Oriental Research, 1987), 4. Leibner, "Settlement Patterns," 269-295. Jodi Magness, "Did Galilee Experience a Settlement Crisis in the Mid-Fourth Century?," in *Jewish Identites in Antiquity: Studies in Memory of Menahem Stern*, ed. Lee Levine and Daniel Schwartz (Tübingen: Mohr Siebeck, 2009), 269-313.

[65] Doron Bar, "Was there a 3rd-c. Economic Crisis in Palestine," in *The Roman and Byzantine Near East*, ed. J. H. Humphrey (Portsmouth, Rhode Island: 2002), 54. Eric M. Meyers, "Ancient Synagogues: an Archeological Introduction," in *Sacred Realm the Emergence of the Synagogue in the Ancient World*, ed. Steven Fine (New York: Oxford University Press, 1996), 3-20. Jodi Magness, "Did Galilee Decline in the Ffith Century: The Synagogue at Chorazin Reconsidered," in *Religion, Ethnicity, and Identity in Ancient Galilee: A Region in Transition*, ed. Jürgen Zangenberg, Harold W. Attridge, and Dale B. Martin (Tübingen: Mohr Siebeck, 2007), 259-274. Günther Stemberger, "Jewish-Christian Contacts in Galilee (Fifth to Seventh Centuries)," in *Sharing the Sacred: Religious Contacts and Conflicts in the Holy Land First-Fifteenth Centuries CE*, ed. Arieh Kofsky and Guy G. Stroumsa (Jerusalem: Yad Izhak Ben Zvi, 1998), 131-145. Jeremy Cohen, "Roman Imperial Policy Toward the Jews from Constantine until the End of the Palestinian Patriarchate," *Byzantine Studies/Etudes Bzyantines* 3(1976): 1-29. Eric M. Meyers, "Judaism and Christianity in light of Archaeology," *The Biblical Archaeologist* 51, no. 2 (1988): 69-79. Günther Stemberger, "The Impact of Paganism and Christianity," in *The Oxford Handbook of Jewish Daily Life in Roman Palestine*, ed. Catherine Hezser (Oxford: Oxford University Press, 2010), 514-517.

scholars now agree that the PT was redacted in Tiberias, a paucity of evidence precludes

certain conclusions relating to the date or reason for its completion.[66] Suggestions for the

date of redaction range from *c.* 370 CE[67] to the latter part of the fourth century,[68] or the early

part of the fifth century CE.[69]

1.4 Literature Review

Study of the PT is increasingly becoming a focus for scholars of rabbinic literature.

Richard Cohen concluded that the PT is a systematic document adhering to a distinct mode

of argumentation characterized by the interdependence of Greco-Roman rhetoric and logic.[70]

Moreover, Baruch Bokser demonstrated that the thematically related materials in PT tractate

Pesachim were the result of comprehensive redactional activity.[71] Catherine Hezser's

monograph *Form, Function, and Historical Significance of the Rabbinic Story in Yerushalmi*

Neziqin[72] is one of the most thorough studies of narrative stories in the PT to date. Hezser

examines the redactional context, parallels, and literary forms of Amoraic Aggadah in the

order *Neziqin*. The PT emerges as a carefully constructed text, exhibiting a fair amount of

editorial work. Hezser plausibly argues that the editors of the PT utilized material from pre-

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[66] Schwartz, *Were the Jews a Mediterranean Society*, 110. Cohen, "Roman Imperial Policy Toward the Jews ": 25-27. Nathanson, " Jews, Christians, and the Gallus Revolt in Fourth-Century Palestine," 32.

[67] Sussman posits that the end of the Palestinian Amoraic period 360–370 CE marked the completion of the PT. Sussman, "Ve-Shuv Li Yerushalmi Nezikin," 1:132 note 187 (Hebrew). Epstein also concluded that redaction coincided with the end of the Palestinian Amoraic period 410 to 420 CE. J. N. Epstein, *Introduction to Amoraitic Literature* (Jerusalem: Magnes Press, 1962), 274 (Hebrew).

[68] Schwartz, *Imperialism and Jewish Society*, 145. Schwartz, *Were the Jews a Mediterranean Society*, 110.

[69] For the suggestion of the end of the fourth, or the early fifth century CE see Charlotte E. Fonrobert and Martin Jaffee, eds., *The Cambridge Companion to the Talmud and Rabbinic Literature* (Cambridge: Cambridge University Press, 2007), 8-9.

[70] Richard Cohen, "The Relationship between Topic, Rhetoric and Logic: Analysis of a Syllogistic Passage in the Yerushalmi," in *New Perspectives on Ancient Judaism Volume 3*, ed. Jacob Neusner and Ernest S. Frerichs (Lanham: University Press of America, 1987), 87-125.

[71] Baruch M Bokser, *Trans The Talmud of the Land of Israel: A Preliminary Translation and Explanation. Volume 13. Yerushalmi Pesachim*, ed. Lawrence H. Schiffman (Chicago and London: University of Chicago Press, 1994), 338.

[72] Catherine Hezser, *Form, Function and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin* (Tübingen: J. C. B. Mohr, 1993). See Hezser's discussion regarding an earlier date for the redaction of tractate *Neziqin* than the rest of the PT on p. 336 of her monograph. See also Moscovitz, "The Formation and Character of the Jerusalem Talmud," 667-668.

existing collections to formulate narrative traditions as glosses on the Mishnah, Tosefta, and

Amoraic statements. In doing so, Hezser makes a valuable contribution to form and redaction

criticism of the PT.[73] My study is informed by Hezser's work as I also attempt to shed light

on some of the compositional traits of the composers/redactors of the PT. At the same time,

my study departs from Hezser's: I focus on literary analysis to disclose the literary

complexity of PT narratives, and I pay closer attention to the historical/contextual

significance of the stories as evidence of their overall complexity.[74]

1.4.1 Prior BT Scholarship

To place my study in proper perspective, it is important to discuss BT scholarship

because the findings of my study call into question the view that creative literary composition

stems almost entirely from the Stammaitic layer of the BT. Much attention has been devoted

to literary form-analysis of the BT. This has resulted in considerable progress in our

understanding of its composition; however, such scholarship regarding the PT lags behind.

David Halivni is credited with creating the term "Stammaim"[75] to refer to the anonymous BT

sages who were the primary redactors of the BT. They flourished after 500 CE and were

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[73] Other recent studies include: Sussman, "Ve-Shuv Li Yerushalmi Nezikin," (Hebrew); Christine Hayes, *Between the Babylonian and Palestinian Talmuds* (New York: Oxford University Press, 1997); Gray, *A Talmud in Exile*; Sussman, "Pirkei Yerushalmi." Alyssa M. Gray, "A Contribution to the Study of Martyrdom and Identity in the Jerusalem Talmud," *Journal of Jewish Studies* 54-1, no. 2 (2003). Peter Schäfer, ed. *The Talmud Yerushalmi and Graeco-Roman Culture I* (Tübingen: Mohr Siebeck, 1998). Peter Schäfer and Catherine Hezser, eds., *The Talmud Yerushalmi and Graeco-Roman Culture II* (Tübingen: Mohr Siebeck, 2000). Peter Schäfer, ed. *The Talmud Yerushalmi and Graeco-Roman Culture III* (Tübingen: Mohr Siebeck, 2002). Jaffee, "The Babylonian Appropriation of the Talmud Yerushalmi."; Bokser, "An Annotated Bibliographical Guide."

[74] Hayim Lapin suggests that Hezser's study might have benefited from a fuller discussion of the extent and nature of rabbinic influence. Hayim Lapin, "Untitled Review of Form, Function and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin by Catherine Hezser," *Jewish Quarterly Review* 88, no. 3-4 (1998): 314-316.

[75] "Stammaim" is the plural. The singular is "stam" or "stamma." In the early twentieth century, Avraham Weiss attempted to produce a form-analysis of the BT. He identified the *memra*, a brief Amoraic discursive saying, and the *sugya* which consists of a few lines of text or several pages. Shammai Kanter, "Abraham Weiss: Source Criticism," in *The Formation of the Babylonian Talmud*, ed. J. Neusner (Leiden: E. J. Brill, 1970), 87-94. David Goodblatt, "Abraham Weiss the Search for Literary Forms," in *The Formation of the Babylonian Talmud*, ed. J. Neusner (Leiden: E. J. Brill, 1970), 95-103.

responsible for the anonymous, final layer of talmudic discourse.[76] It is generally agreed that

the anonymous material postdates the attributed Amoraic statements. Since this anonymous

stratum contains most of the Talmud's argumentation, Halivni concludes that the Amoraim

valued practical law and did not consider it important for their discursive material to survive.

Accordingly, they only transmitted the conclusions of their legal discussions and not the

debates that had led to their decisions. Conversely, the Stammaim placed higher value on the

discursive passages, so they attempted to reconstruct the argumentation that had produced the

conclusions. The Stammaim redacted the BT by prefacing, concluding, interpolating, and

integrating the halakhic passages transmitted by the Amoraim.[77] Shamma Friedman

independently proposed that the anonymous layer of the BT postdates the Amoraic attributed

statements and suggested criteria by which the two strata could be distinguished.[78] Yaacov

Sussman is an extreme proponent of Stammaitic theory, claiming that the activity of the

Stammaim was so complete that almost no original forms of Amoraic sayings exist.[79] This is

similar to Jacob Neusner's conclusions that early rabbinic sources have been altered and

edited beyond recognition, such that rabbinic documents attest to no more than the literary

input of their final redactors.[80] At best, it is only possible to arrive at approximate dates for

the final redaction of most rabbinic texts. Neusner's documentary theory has been refuted by

many scholars who have demonstrated that not all rabbinic sources have been homogenized

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[76] Initially, Halivni posited that the Stammaitic period lasted for fifty years and concluded with the Geonim in the sixth century CE. Halivni, *Midrash, Mishnah, and Gemara*, 76-92. He currently maintains that Stammaitic production took place from the middle of the sixth century CE until the mid-eighth century CE. David Halivni, *Meqorot umesorot bava metzia* (Jerusalem: Magnes Press, 2003), 1-26 (Hebrew).

[77] David Halivni, "Aspects of the Formation of the Talmud," in *Creation and Composition: the Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey Rubenstein (Tübingen: Mohr Siebeck, 2005), 339-360.

[78] Shamma Friedman, "Al Derekh Heqer HaSugya (On the Method of Critical Research of the Sugya)," in *Mehqarim Umeqorot*, ed. H. Dimitrovski (New York: Jewish Theological Seminary, 1977), 283-321 (Hebrew).

[79] Sussman, "Ve-Shuv Li Yerushalmi Nezikin," 108-111 (Hebrew).

[80] J. Neusner, *Development of a Legend: Studies on the Traditions Concerning Yohanan Ben Zakkai* (Leiden: Brill, 1970). J. Neusner, *The Bavli's One Voice: Types and Forms of Analytical Discourse and their Fixed Order of Appearance* (Atlanta: Scholar's Press, 1991).

beyond recognition.[81] Neusner, himself has modified this approach, and his more recent

scholarship reflects the nuanced refinement of his methods.[82]

Jeffrey Rubenstein has been the main proponent of the view that, aside from editing

the halakhic passages, the Stammaim reshaped aggadic passages transmitted from earlier

periods. They also composed aggadot that often contained pseudepigraphic references to

earlier sages.[83] "Stammaitic" theory gained widespread acceptance following the publication

of several studies demonstrating that stories in the BT featuring Palestinian figures actually

reflect later Babylonian settings and concerns.[84] Louis Jacobs sums it up:

> In the light of our investigation, it is necessary…to see the stammaim
> as far more than mere editors of earlier material. They were, in fact,
> creative authors who shaped the material they had to hand to provide
> the new literary form evident in the passages we have examined and,
> indeed, on practically every page of the Babylonian Talmud.[85]

By contrast, the attribution of the bulk of editorial changes to the Stammaitic period

has been challenged recently. Joshua Levinson cautions against exaggerating the dividing

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[81] See the articles in Shaye J. D. Cohen, ed. *The Synoptic Problem in Rabbinic Literature* (Providence: Brown Judaic Studies, 2000).

[82] For example see J. Neusner, "Rabbinic Narrative: Documentary Perspectives on the Mishnah's and Tosefta's Ma'asim," *Review of Rabbinic Judaism* 13, no. 1 (2010): 30-57. Neusner is one of the most prolific and influential scholars of rabbinic literature. He is also responsible for the translation into English of most works of classical rabbinic literature.

[83] Jeffrey Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), 5.

[84] Daniel Sperber, "On the Unfortunate Adventures of Rav Kahana: A Passage of Saboraic Polemic from Sassanian Persia," in *Irano-Judaica*, ed. S. Shaked (Jerusalem: Yad Itzhaq Ben-Zvi, 1982), 83-100. Shaye J. D. Cohen, "Patriarchs and Scholarchs," *PAAJR* 48(1981): 57-86. David Goodblatt, "The Story of the Plot Against Gamliel II," *Zion* 49(1984): 349-374 (Hebrew). Friedman, "Literary Development and Historicity in the Aggadic Narrative of the Babylonian Talmud: A Study based upon B. M. 83b-86a," 67-80. Shamma Friedman, "The Further Adventures of Rav Kahana," in *The Talmud and Graeco-Roman Culture III*, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 2002), 247-272. J. Rovner, "Pseudepigraphic Invention and Diachronic Stratification in the Stammaitic Components of the Bavli: The Case of Sukka 28," *Hebrew Union College Annual* 68(1977): 11-19. Rubenstein, *Talmudic Stories*; ibid.; Yaakov Elman, "Righteousness as its Own Reward: An Inquiry into the Theologies of the Stam," *Proceedings of the American Academy for Jewish Research* 57(1990-1991). Yaakov Elman, "The Suffering of the Righteous in Babylonian and Palestinian Sources," *The Jewish Quarterly Review* 80, no. 3/4 (1990): 315-339. Louis Jacobs, "The Sugya on Sufferings in B. Berakhot 5a, b," in *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann*, ed. J.J. Petuchowski and E. Fleischer (Jerusalem: Magnes Press, 1981), 32-44.

[85] Louis Jacobs, *Structure and Form in the Babylonian Talmud* (Cambridge: Cambridge University Press, 1991), 105.

line between stages of transmission and redaction, contending that they "are more blurred and ill-defined than previously supposed."[86] He suggests that changes "may have taken place during the process of transmission or redaction before the Stammaim."[87] Shamma Friedman concurs:

> Various types of creative literary intervention already marked earlier stages of talmudic literature and the results of these efforts are also included in the Bavli. There are consequently more options for identifying the source of creative composition or transmission than ascribing it to the latest anonymous redactors.[88]

My thesis builds on these specific findings of Levinson and Friedman by demonstrating the extent to which creative literary intervention occurred at the Amoraic level of the PT in the stories that I analyze. Some of the features of stories in the BT that have been ascribed to Stammaitic editors can also be detected in some aggadot in the PT. This serves to further confirm the findings of Levinson and Friedman.

1.5 Reception Theory

The theoretical basis for my analysis is Reception Theory, as understood by Hans Robert Jauss.[89] The main characteristic of Reception Theory is that it examines the reader's role in literature. The shift of emphasis towards the reader represents a major difference between Reception Theory and the earlier approaches described below. Russian Formalists attempted to create a scientific basis for the theory of literature, while later formalism emphasized literature's linguistic aspects.[90] Like Formalism, New Criticism pays close attention to textual analysis while maintaining that literary works are independent objects. It

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[86] Joshua Levinson, "The Cultural Dignity of Narrative," in *Creation and Composition: the Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey Rubenstein (Tübingen: Mohr Siebeck, 2005), 380.
[87] Ibid. See also Halivni, "Aspects of the Formation of the Talmud," 352-353.
[88] Shamma Friedman, "A Good Story Deserves Retelling-The Unfolding of the Akiva Legend," *JSIJ* 3(2004): 57-58.
[89] Jauss was a leading figure in the development of the German model of Reception Theory in the late 1960s.
[90] K. M. Newton, *Twentieth-Century Literary Theory: A Reader* (New York: St. Martin's Press, 1988), 21-38.

neglects authorial intention, audience response, and the cultural and historical contexts of literature. By comparison, Structuralism emphasizes that meaning is the product of a shared system of signification that makes literature possible. Structuralism follows Russian Formalism and New Criticism by paying little attention to authorial or historical approaches. Structuralism's view of the closed literary text is similar to the New Critical treatment of it as an isolated object.[91] Consideration for the reader partially arose due to the rejection of the New Critical premise that literature must be analyzed without regard to context.[92]

According to Reception Theory, meanings continue to unfold in the various moments of the historical reception of a text and understandings are constituted by the interaction of texts and readers.[93] Jauss utilizes the philosophy of Hans-Georg Gadamer to establish the foundational categories of Reception Theory.[94] In order to discuss the relation between the reception of a literary text and how it is perceived at different stages in history, Jauss uses Gadamer's concept of "a fusion of horizons." According to this concept, a "fusion" takes place between past experiences that are embedded in the text and the interests of its later readers.

According to Jauss's aesthetics of reception, a text is never separable from its history of reception. Within the PT stories I analyze we can observe the historical reception of the earlier biblical and the mishnaic texts as "a fusion of horizons," in which a fusion takes place between the past experiences that are embedded in the earlier texts and the interests of the

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[91] Terry Eagleton, *Literary Theory: An Introduction* (Oxford: Basil Blackwell, 1983), 91-126.
[92] Peter J. Rabinowitz, "Whirl Without End: Audience-Oriented Criticism," in *Contemporary Literary Theory*, ed. G. Douglas Atkins and Laura Morrow (United States of America: The University of Massachusetts Press, 1989), 82.
[93] Hans Robert Jauss, *Toward an Aesthetic of Reception*, trans. Timothy Bahti (Minneapolis: University of Minneapolis Press, 1982), 3-45. See also Robert C. Holub, *Reception Theory: A Critical Introduction* (London and New York: Methuen, 1984), 57-58.
[94] Jauss, *Toward an Aesthetic of Reception*. Hans Robert Jauss, *Aesthetic Experience and Literary Hermeneutics*, trans. Michael Shaw (Minneapolis: University of Minneapolis Press, 1982).

later rabbinic readers. In other words, my readings pay attention to the ways that the

transformations of biblical and mishnaic material within the PT convey new meanings.[95]

Reception Theory is also a useful model for my approach to the reading of PT texts.

For Jauss, Reception Theory is a dialogic, rather than monologic, dialectic. Hermeneutical

priority is given to the act of the open-ended, multiple questioning of a text.[96] Similarly, the

essential dialectic of talmudic discourse is primarily taken up with the hermeneutical circle of

continued questioning, answering, and re-questioning. The analysis that I engage in reveals

that reading the PT is a process demanding constant intervention of the reader. Incomplete

passages compel readers to be dialogically drawn into the process of creating and conveying

meanings.[97] This facet of the passages I analyze is one aspect of their sophistication.

The engaged reader is crucial for the study of the PT. The engaged reader is one who

has acquired "command of the rabbinic tradition." This includes the memorization and

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[95] Intertextuality and Reception Theory employ related notions. Reception Theory can be conceived of as "a problem of intertextuality when one considers the function of other texts that constitute the horizon of a literary work and gain new meaning by this transposition." Hans Robert Jauss, "The Identity of the Poetic Text in the Changing Horizon of Understanding," in *Reception Study From Literary Theory to Cultural Studies*, ed. James Machor and Philip Goldstein (New York and London: Routledge, 2001), 8. Jauss critiques Kristeva's notion of Intertextuality because it leads to the understanding of literary texts as "a free floating production of differences." Ibid, 16. Julia Kristeva, *Desire in Language: A Semiotic Approach to Literature and Art*, ed. Leon S. Roudiez, trans. Thomas Gora and Alice Jardine and Leon S. Roudiez (New York: Columbia University Press, 1980), 64-89. See also Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington: Indiana University Press, 2001).

[96] Rush suggests that Jauss advocates a dialogic hermeneutic of questioning because Jauss is critical of the dogmatic question structure of the catechism. Ormond Rush, *The Reception of Doctrine: An Appropriation of Hans Robert Jauss' Reception Aesthetics and Literary Hermeneutics* (Rome, Italy: Gregorian University Press, 1997), 108-109.

[97] Steven D. Fraade, "Rabbinic Views on the Practice of Targum and Multilingualism in the Jewish Galilee of the Third to Sixth Centuries," in *The Galilee in Late Antiquity*, ed. Lee Levine (New York: Jewish Theological Seminary, 1992), 253.

understanding of scripture, Mishnah, and related texts in their original languages, and the ability to apply specialized methods to the interpretation of the Talmud.[98]

Since Reception Theory focuses on the historical reception of a text rather than on its origin, it is particularly applicable for talmudic literature which is composed of prior oral traditions and written material. Rabbinic scholars have utilized methods from the field of orality studies to gain an appreciation of the interpenetration of oral and written transmission of material at all stages of the compositional process. Some scholars now suggest that oral transmission was not a separate medium from written transmission in Late Antiquity. Rather, rabbinic texts went through a continuing cycle of being written, recited aloud, and revised in written and oral form, leading to variations in language and content.[99] The word "Aggadah" is the noun form of the Hebrew verb *le-haggid*, which means "to say" or "to tell." This definition may relate to the method of its transmission. Initially, Aggadah may have been related orally in study-houses, and in the context of public sermons.[100] The prevalence of oral transmission makes it practically impossible to isolate an "original" text or tradition. A

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[98] See David Kraemer, "The Intended Reader as a Key to Interpreting the Bavli," *Prooftexts* 13(1993): 125-140. David Kraemer, *Reading the Rabbis, the Talmud as Literature* (New York: Oxford University Press, 1996), 12. I do not mean "implied reader." Implied assumes that the reader's characteristics can be extracted from the text. The concept of the implied reader is consistent with the rejected premise that texts are closed. Rabinowitz, "Whirl Without End: Audience-Oriented Criticism," 84.

[99] Martin Jaffee, *Torah in the Mouth* (Oxford: Oxford University Press, 2001), 26-27. Steven D. Fraade, "Literary Composition and Oral Performance in Early Midrashim," in *Oral Tradition,* 14/1 (1999): 33-51. Paul Mandel, "Between Byzantium and Islam: The Transmission of a Jewish Book in the Byzantium and Early Islamic Periods," in *Transmitting Jewish Traditions: Orality, Textuality and Cultural Diffusion*, ed. Yaakov Elman and Israel Gershoni (New Haven & London: Yale University Press, 2000), 100. Elizabeth Shanks Alexander, "The Orality of Rabbinic Writing," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 38-57. Martin Jaffee, "Oral Tradition in the Writings of Oral Torah: On Theorizing Rabbinic Orality," *Oral Tradition* 14, no. 1 (1999): 3-32. Mandel, "The Tosefta," 331. Rosalind Thomas hypothesizes a similar structure for the relationship between oral and written texts in ancient Greece. Rosalind Thomas, *Literacy and Orality in Ancient Greece* (Cambridge: Cambridge University Press, 1992).

[100] Joseph Heinemann, "The Nature of the Aggadah," in *Midrash and Literature*, ed. Geoffrey H. Hartman and Sanford Budick (New Haven, London: Yale University Press, 1986), 42. Galit Hasan-Rokem, *Web of Life: Folklore and Midrash in Rabbinic Literature*, trans. Batya Stein (Stanford: Stanford University Press, 2000), 108. Yaakov Elman, "Orality and the Redaction of the Babylonian Talmud," *Oral Tradition* 14, no. 1 (1999): 52.

theory that focuses on the historical reception of a text, rather than its origination, is thus well suited to the PT.

1.6 Methods

1.6.1 Literary Analysis

No method of analyzing aggadic stories has received greater academic attention in recent years than techniques of literary criticism.[101] Yonah Fraenkel was one of the first scholars to apply literary analysis to Aggadah in the BT, attending to the forms, prevalent wordplay, rhetorical elements, and chiasmic structure employed in aggadic narratives. Fraenkel influenced subsequent scholars who have continued to develop literary-theoretical approaches to interpret Aggadah.[102] To Fraenkel, Aggadah is a literary creation expressing the sages' understanding of reality, rather than historical reality. One of Fraenkel's central claims is that aggadot are self-contained stories. He asserts that no literary, editorial, or contextual connection exists between any single aggadah and any other aggadah, even in stories featuring the same sages. Many current scholars disagree with this view, maintaining instead that aggadot often have prior histories in oral and written sources and that the literary and cultural context of these stories is significant.[103] Relations with other texts and traditions constitute a critical feature of the aggadot in the PT that I examine.

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[101] G. H. Hartman and S. Budick, eds., *Midrash and Literature* (New Haven & London: Yale University Press, 1986). David Stern, *Midrash and Theory* (Evanston: Northwestern University Press, 1996). Kraemer, *Reading the Rabbis, the Talmud as Literature*.

[102] Yonah Fraenkel, "Paronomasia in Aggadic Narratives," in *Studies in Hebrew Narrative Art Throughout the Ages*, ed. Joseph Heinemann and Shmuel Werses (Jerusalem: Magnes Press, 1978), 27-51. Yonah Fraenkel, "Chiasmus in Talmudic-Aggadic Narrative," in *Chiasmus in Antiquity*, ed. John W. Welch (Hildesheim: Gerstenberg, 1981), 183-195; ibid.

[103] See Hillel Newman, "Closing the Circle: Yonah Fraenkel, The Talmudic Story, and Rabbinic History," in *How Should Rabbinic Literature Be Read in the Modern World*, ed. Matthew Kraus (New Jersey: Georgias Press, 2006), 105-135; Jeffrey Rubenstein, "Context and Genre: Elements of a Literary Approach to the Rabbinic Narrative," in *How Should Rabbinic Literature Be Read in the Modern World*, ed. Matthew Krauss (New Jersey: Georgias Press, 2006), 138-144. Jeffrey Rubenstein, *Talmudic Stories*, 10. Aryeh Cohen, *Rereading Talmud: Gender Law and the Poetics of Sugyot* (Atlanta: Scholars Press, 1998), 12, 89.

My methods of literary analysis involve the close reading of aggadot, following the literary analysis pursued by Robert Alter:

> By literary analysis I mean the manifold varieties of minutely discriminating attention to the artful use of language, to the shifting play of ideas, conventions, tone, sound, imagery, syntax, narrative viewpoint, compositional units.[104]

Applying Alter's method of analysis, I demonstrate that literary conventions, techniques of repetition, and composite artistry are present within the PT. My analysis takes account of philological, syntactical, and thematic matters in combination with source-critical and redactional concerns to highlight the literary sophistication of the narrative stories. Furthermore, I investigate how the aggadot employ wordplay, irony, dialogue, rhetorical questions, biblical verses, and structural parallels to create meaning. Jeffrey Rubenstein has already demonstrated these features of stories in the BT. I conclude that some stories in the PT also contain these characteristics.[105] In addition, my reading practice follows the approach of Steven Fraade, who states:

> No discrete text is ever understood monologically "in its own terms," but always dialogically in terms of the larger matrices of signification in which it is set and to which it contributes, however complexly.[106]

1.6.2 The Advantage of Combined Literary/Historical Analysis

In addition to literary analysis, I pursue a historical/contextual approach in order to avoid methodological pitfalls, such as reductive conclusions, which sometimes occur when focusing on only one of these methods. My literary analysis is concerned with the literary characteristics of the narratives, while my historical/contextual analysis attends to the

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[104] Robert Alter, *The Art of Biblical Narrative* (New York: Basic Books Inc., 1981), 12.
[105] Rubenstein, *Talmudic Stories*, 26-27.
[106] Steven D. Fraade, *From Tradition to Commentary Torah and its Interpretation in the Midrash Sifre to Deuteronomy* (Albany: State University of New York Press, 1991), 21.

ideological views and cultural concerns mentioned in the texts. The complexity of these narratives becomes evident upon the examination of their literary and historical/contextual elements.[107] My approach is in line with that of Steven Fraade, who stresses the importance of attending to the "inextricable interconnection" between historical and exegetical factors in rabbinic midrash.[108] By focusing attention on exegetical and historical concerns, one can avoid what Fraade terms "hermeneuticist and historicist fallacies."[109] The former tendency views midrash as if conducted in historical isolation, while the latter sees it primarily as a commentary on the events or circumstances of its time. I am also influenced by Richard Sarason, who critiques rabbinic scholarship that does not integrate literary and historical/contextual lines of inquiry.[110] Finally, Jauss's approach informs my contextual analysis because rabbinic texts are culturally rooted in literary, historical, and social contexts.

Beginning in the 1970s, scholarship has been characterized by extensive skepticism regarding the historical value of rabbinic sources.[111] Jacob Neusner was one of the first

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[107] Hasan-Rokem, *Tales of the Neighbourhood*, 130. Joshua Levinson, "The Athlete of Piety: Fatal Fictions in Rabbinic Literature " *Tarbiz* 68(1999): 86 (Hebrew).

[108] Fraade, *From Tradition to Commentary*, 15. Midrash is a homiletic method of biblical exegesis. It also refers to the entire compilation of homiletic/exegetical teachings on the Bible, or to one midrashic anthology, or to one literary unit, or even to one interpretation. Strack and Stemberger, *Introduction*, 233-240.

[109] Fraade, *From Tradition to Commentary*, 14. See also Boyarin, *Intertextuality*, 5.

[110] Richard S. Sarason, "Toward a New Agendum for the Study of Rabbinic Midrashic Literature," in *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann*, ed. Jakob J. Petuchowski and Ezra Fleischer (Jerusalem: Magnes Press, 1981), 55-70.

[111] William Scott Green, "What's in a Name? - The Problematic of Rabbinic Biography," in *Approaches to Ancient Judaism: Theory and Practice*, ed. William Scott Green (Missoula: Scholar's Press, 1978), 77-96. William Scott Green, "History Fabricated: The Social Uses of Narrative in Early Rabbinic Judaism," in *The Christian and Judaic Invention of History*, ed. Jacob Neusner (Atlanta: Scholar's Press, 1990), 143-156; David Kraemer, "On the Reliability of Attributions in the Babylonian Talmud," in *Essential Papers on the Talmud*, ed. Michael Chernick (New York and London: New York University Press, 1994), 276-292; ibid. Lee Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity* (New York: Jewish Theological Seminary, 1989), 16-22. Goodman, *State and Society*, 3-17. Sacha Stern, "The Concept of Authorship in the Babylonian Talmud," *Journal of Jewish Studies* 45, no. 1 (1994): 28-51. Jaffee, "Rabbinic Authorship," 17-37.

scholars to consistently maintain that rabbinic attributions are not historically accurate.[112] At

the same time, although many aspects of Neusner's documentary theory have been

discredited, it has been suggested that since he was the first to consistently argue that

rabbinic documents were shaped by the self-interest of tradents and redactors he was actually

supporting the view that we can gain some historical knowledge from rabbinic literature.[113]

Neusner himself now argues that there are areas of history about which rabbinic texts may

yield information, including relationships among various power groups, popular beliefs, and

the way rabbinic society functioned.[114]

Similarly, recent scholars of rabbinic literature, along with scholars of history and

literary studies, have concluded that "texts both mirror and generate social realities, which

they sustain, resist, contest, or seek to transform."[115] This realization has led many scholars to

agree that although rabbinic literature does not disclose history in a transparent manner,

rabbinic traditions do presuppose historical relations and references.

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[112] Neusner, *Development of a Legend: Studies on the Traditions Concerning Yohanan Ben Zakkai*. J. Neusner, *Introduction to Rabbinic Literature* (New York: Doubleday, 1995), 21-29. J. Neusner, *The Documentary Foundation of Rabbinic Culture: Mopping Up After Debates with Gerald L. Bruns, S.J.D. Cohen, Arnold Maria Goldberg, Susan Handelman, Christine Hayes, James Kugel, Peter Schaefer, Eliezer Segal, E.P. Sanders, and Lawrence H. Schifffman* (Atlanta: Scholars Press, 1995), xxii-xxv. J. Neusner, *The Judaism Behind the Texts: The Generative Premises of Rabbinic Literature* (Atlanta: Scholars Press, 1993-1994). J. Neusner, *Making the Classics in Judaism* (Atlanta: Scholars Press, 1989), 19-44.

[113] Schwartz, *Imperialism and Jewish Society*, 8.

[114] J. Neusner, "Judaic Uses Of History In Talmudic times," in *Essays In Jewish Historiography*, ed. A. Rappaport-Albert (Atlanta: Scholars Press, 1988), 19. J. Neusner, *Ancient Judaism Debates and Disputes* (Chico, California: Scholar's Press, 1984), 16-17. J. Neusner, "From History To Hemeneutics: The Talmud As Historical Source," *Review of Rabbinic Judaism* 11, no. 2 (2008): 200-227.

[115] Gabrielle M. Spiegel, *The Past as Text: The Theory and Practice of Medieval Historiography* (Baltimore & London: The Johns Hopkins University Press, 1997), 24. See also Gabrielle M. Spiegel, ed. *Practicing History: New Directions in Historical Writing after the Linguistic Turn* (New York & London: Routledge, 2005), 3-4, 10-11. Joshua Levinson, "Literary Approaches to Midrash," in *Current Trends in the Study of Midrash*, ed. Carol Bakhos (Leiden: Brill, 2005), 189-226. Bakhos, "Methodological Matters," 179-184.

Recent scholarship has been marked by the attempt to ascertain some aspects of history embedded within rabbinic texts.[116] However, when approaching rabbinic texts with the intention of using them to reconstruct an aspect of history, one faces several challenges. Many scholars classify rabbinic stories as didactic fiction, concluding that rabbinic literature shares much in common with Roman biographical writing, which was largely fictional and didactic.[117] Isolating a rabbinic story's historical kernel from the fictional embellishment is often impossible. Rabbinic attributions are questionable, and almost no information is provided regarding the methods of its editors. In addition, these texts often provide fragmentary and contradictory representations.[118] Therefore, scholars generally agree that the approach to take with rabbinic stories is not to ask if they really happened, but to examine why the stories were told, and what they might teach about the sages' self-understandings, worldviews, beliefs, and ethics. In this study, I follow the method of Catherine Hezser, who recommends that "[l]iterary comparisons between rabbinic and Graeco-Roman texts help us determine rabbis' participation in the wider discursive practices of the ancient world."[119] The same approach was suggested much earlier by Saul Lieberman, one of the early proponents

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[116] A few examples are Yaron Z. Eliav, "Realia, Daily Life, and the Transmission of Local Stories during the Talmudic Period," in *What Athens Has to do with Jerusalem*, ed. Leonard V. Rutgers (Leuvin: Peeters, 2002), 253-263. Joshua Schwartz, "The Material Realities of Jewish Life in the Land of Israel, C. 235-638," in *The Cambridge History of Judaism The Late Roman Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 431-456. Gafni, *Land, Center and Diaspora*. Catherine Hezser, ed. *The Oxford Handbook of Jewish Daily Life in Roman Palestine* (Oxford: Oxford University Press, 2010).

[117] Rubenstein, *Stories of the Babylonian Talmud*, 7; Jeffrey Rubenstein, *Rabbinic Stories* (New York: Paulist Press, 2002), 12. Chaim Milikowsky, "Midrash as Fiction and Midrash as History: What Did the Rabbis Mean?," in *Ancient Fiction the Matrix of Early Christianity and Jewish Narrative*, ed. Jo-Ann Brat, Charles W. Hedrick, and Chris Shea (Atlanta: Society of Biblical Literature, 2005), 117-127. Regarding the fictional aspect of Greco-Roman stories see Charles William Fornara, *The Nature of History in Ancient Greece and Rome* (Berkeley: University of California Press, 1983). Hayden White argues that all historical writing relies on forms employed in writing fiction. Hayden White, "The Historical Text as Literary Artifact," in *Critical Theory Since 1965*, ed. Hazard Adams and Leroy Searle (Tallahassee: Florida State University Press, 1986), 396.

[118] Schwartz, "The Political Geography of Rabbinic Texts," 75-96. Jaffee, "Rabbinic Authorship," 17-37. David Stern, *Parables in Midrash* (Cambridge: Harvard University Press, 1991), 46.

[119] Catherine Hezser, "Correlating Literary, Epigraphic, and Archaeological Sources," in *The Oxford Handbook of Jewish Daily Life in Roman Palestine*, ed. Catherine Hezser (Oxford: Oxford University Press, 2010), 22.

of the opinion that the PT contains valuable information about Palestine in the third and

fourth centuries CE.[120]

1.6.3 Genre Analysis

Following Jeffrey Rubenstein's conclusion that "an adequate literary theory of the

rabbinic narrative must address issues of context and genre while articulating a theory of

redaction," I determine the genres of the stories that I analyze.[121] Genre analysis can provide

a critical lens for reflecting upon the nature of Aggadah.[122] Eliezer Segal maintains that

anthology, for example, can function as a significant genre for viewing Talmud:

> 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 these works were acting as
> anthologists when they assembled the particular traditions that were to
> be included in a given compendium.[123]

Segal suggests that BT sages created an anthology by redacting material that did not originate

in Mishnah study. This becomes evident with the material that was selected for inclusion, and

for which no obvious bond can be found with the Mishnah. It seems that these passages were

included because they had a formal connection to the extraneous issues raised by the larger

body of the Talmud. Segal's focus is on the work of the Stammaitic redactors of the BT, who

"expended considerable imagination in creating literary links to the host pericopes."[124] I

demonstrate that this activity can also be witnessed within some of the aggadic passages in

the first chapter of tractate *Berakhot* in the PT.

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[120] Saul Lieberman, "Roman Legal Institutions in Early Rabbinics and in the Acta Martyrum," *The Jewish Quarterly Review* 35, no. 1 (1944): 1-57. See also Strack and Stemberger, *Introduction*, 166.

[121] Rubenstein, "Context and Genre: Elements of a Literary Approach to the Rabbinic Narrative," 164.

[122] Eli Yassif, *Hebrew Folktale: History, Genre, Meaning* (Bloomington and Indianapolis: Indiana University Press, 1999). Dan Ben-Amos, "Generic Distinctions in the Aggadah," in *Studies in Jewish Folklore*, ed. Frank Talmage (Cambridge, Massachusetts: Association for Jewish Studies, 1980), 45-71. Hasan-Rokem, *Web of Life*; Yonah Fraenkel, *Darkhei ha'aggadah vehamidrash* (Givatayim, Israel: Yad Latalmud, 1991), (Hebrew).

[123] Segal, "Anthological Dimensions of the Babylonian Talmud," 84.

[124] Ibid, 86.

Genre analysis also provides a meaningful apparatus for analyzing the components of aggadot by making visible their formulaic patterns and forms. Many studies have pointed to the similarities between genres of material in rabbinic and Greco-Roman literature. David Daube concludes that rabbinic methods of interpretation derive from Hellenistic rhetoric.[125] Martin Hengel argues for a wide-ranging Hellenization of Palestinian Judaism.[126] M. D. Herr likens the Aggadah to Greek drama, in which events are not interpreted from a historical perspective but serve as raw material for the composition of fiction.[127] On the other hand, Louis Feldman claims that the Palestinian rabbinic community did not appropriate any Greco-Roman ideas or practices.[128] Adam Kamesar concludes that Jewish and Greek interpretations were of a fundamentally different nature.[129]

While these early studies concentrated on identifying cases of influence and borrowing of Greco-Roman literary genres, or denying such influence, more recent studies view rabbinic literature as part of Hellenistic culture—and an integral component of it— rather than reducing its use of Greco-Roman genres to influences and dependencies.[130] Recent expositions attempt to complicate and contextualize the notion of Greco-Roman influence on rabbinic sages. Burton Visotzky suggests that the Hellenistic genre of the

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[125] David Daube, "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," in *Hebrew Union College Annual*, (1949), 239-62.

[126] Martin Hengel, *Judaism and Hellenism: Studies in their Encounter in Palestine in the early Palestinian Period* (Philadelphia: Fortress Press, 1974).

[127] M. D. Herr, "Tefisat ha-historia etzel hazal " *Proceedings of the Sixth World Congress of Jewish Studies iii* (1977): 139-140 (Hebrew).

[128] Louis Feldman, *Jew and Gentile in the Ancient World: Attitudes and Interactions From Alexander to Justinian* (Princeton: Princeton University Press, 1993), 31-44. Louis Feldman, "Hengel's Judaism and Hellenism in Retrospect," *Journal of Biblical Literature* 96, no. 3 (1977): 371-382. See also Feldman, *Jew and Gentile*, 102-106. On these pages Feldman mentions that rabbinic literature contains numerous favorable comments about the Roman government. This seems to somewhat contradict his earlier comments on pages 31-44 of the same book.

[129] Adam Kamesar, "The Narrative Aggada as seen from the Graeco-Latin Perspective," *Journal of Jewish Studies* 45, no. 1 (1994): 52-70.

[130] Schäfer, *The Talmud Yerushalmi and Graeco-Roman Culture I*, 14-16. Hezser, "The Graeco-Roman Context of Jewish Daily Life in Roman Palestine," 32.

"miscellany" is a precedent for the midrashic text *Vayikra Rabbah*.[131] Natalie Dohrmann concludes that rabbinic law regarding manumission is fashioned by Roman law and Roman self-perceptions about manumission.[132] Catherine Hezser detects formal similarities between the Digest and the legal material in the PT.[133]

My study builds on the work of the scholars mentioned in the preceding paragraph. I focus attention on the features of the aggadot that seem to have undergone the appropriation of Greco-Roman literary genres. Appropriation theory has become an established tool in many areas of cultural studies. Homi Bhabha, who emphasizes the importance of situating narratives in their moments of cultural engagement, is considered to provide the main theoretical basis for appropriation theory.[134] I suggest that the use of Greco-Roman literary genres by sages who composed the PT should be called appropriation rather than borrowing because borrowing is too simplistic, as if implying that what is taken will be repaid.[135] "Appropriate"—understood as the act of making something one's own—is derived from the Latin word *proprius*, which is related to the English words "proper" and "property." This definition points to the way in which appropriation is an act of possessing ideas, texts, or beliefs. [136]

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[131] Burton Visotzky, *Golden Bells and Pomegranates: Studies in Midrash Levititicus Rabbah* (Tübingen: Mohr Siebeck, 2003), 23-40.

[132] Natalie B. Dohrmann, "Manumission and Transformation in Jewish and Roman Law," in *Jewish Biblical Interpretation and Cultural Exchange: Comparative Exegesis in Context*, ed. Natalie B. Dohrmann and David Stern (Philadelphia: University of Pennsylvania Press, 2008), 51-65.

[133] Catherine Hezser, "Roman Law and Rabbinic Legal Composition" in the Cambridge Companion to the Talmud and Rabbinic Literature, 144-163.

[134] Homi K. Bhabha, *The Location of Culture* (London and New York: Routledge, 1994), 34. See also Claire Sponsler, "In Transit: Theorizing Cultural Appropriation in Medieval Europe," *Journal of Medieval and Early Modern Studies* 32, no. 1 (2002): 14-70.

[135] Kathleen Ashley and Veronique Plesch, "The Cultural Processes of Appropriation," *Journal of Medieval and Early Modern Studies* 32, no. 1 (2002): 2-3. Seth Schwartz's discusses the inadequacy of the term "borrowing." Schwartz, *Were the Jews a Mediterranean Society*, 5-6.

[136] Sponsler, "In Transit," 18.

David Stern contends that if we examine "influence" from the perspective of the recipient, the cultural exchange will appear not as a process of influence but as one of appropriation. Appropriation is both an act of possession and a re-production of meaning. Thus, it is a creative act through which the agent of appropriation *chooses* to appropriate and, in making it his own, transforms his new possession. It is this transformed exegesis that now appears as new exegesis. Stern seeks to place human agency at the centre of the process of appropriation.[137] Since Jewish interpretation in the rabbinic period is mainly comprised of anonymous literature—which preserves, at best, the names of tradents—Stern contends that it is easy to forget that the exegetes were individuals and not religious traditions or literary texts.[138] Some of the narratives that I analyze display aspects of Greco-Roman literary genres that seem to have been appropriated and adapted by rabbinic redactors for their own purposes. In other words, while it is possible to detect Greco-Roman literary models in the PT they are often altered or used in different ways than they are in classical Greco-Roman rhetoric.[139] I argue that this feature constitutes a significant component of the overall complexity of the PT aggadot that I analyze.

One must ask how rabbinic sages may have been aware of the extensive literary activity in the Greco-Roman world. There are many Greek and Latin words in the PT, but Homer is the only name from classical literature mentioned in rabbinic literature.[140] Origen

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[137] Stern's Introduction in Natalie B. Dohrmann and David Stern, eds., *Jewish Biblical Interpretation and Cultural Exchange: Comparative Exegesis in Context* (Philadelphia: University of Pennslyvania Press, 2008), 14-15.

[138] Ibid.

[139] Schwartz, *Were the Jews a Mediterranean Society*, 113-114.

[140] Mishnah *Yad* 4:6. Saul Lieberman, *Hellenism in Jewish Palestine* (New York: Jewish Theological Seminary, 1962), 105. Saul Lieberman, "How Much Greek in Jewish Palestine?," in *Texts and Studies* (New York: Ktav, 1974), 222; Joshua Levinson, "The Tragedy of Romance: A Case of Literary Exile," *Harvard Theological Review* 89, no. 3 (1996): 229.

claims that the "Jews are not at all well read in Greek literature."[141] Notwithstanding a lack

of references to philosophers and classical authors in rabbinic literature, rabbinic sages could

have absorbed these ideas in a number of ways. There are numerous indications that schools

of rhetoric existed in Palestine, particularly in Caesarea, during the time period when the PT

was composed and redacted.[142] I follow Joshua Levinson, who suggests that rabbinic sages

could have experienced Hellenistic culture through conversations, debates, stories, statues,

mosaics, and coins.[143]

The aggadot analyzed in this dissertation fall within the genres of rabbinic or

sage stories, aggadic anecdotes, and parables. In this respect, my study differs from

Catherine Hezser's examination of rabbinic stories in PT tractate *Neziqin*. Hezser

analyzes rabbinic stories but she excludes parables from her study because, as I

understand her claim, she considers that the genre of the rabbinic story, which describes

purported events in the lives of sages, is more important than the parable for revealing

rabbinic ideology and world-views. Hezser ignores parables because they do not speak

of historical or real-life events.[144] I call the central premise of this argument into

question on three grounds. First, aggadot do not necessarily reveal accurate historical

information. One genre of aggadot should not be considered to be any more historically

accurate than any other. Second, my study will confirm that parables and sage stories

are both rich sources for detecting aspects of the ideologies and worldviews of their

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[141]Origen, Cels, trans. Harry Chadwick (Cambridge: Cambridge University Press, 1980), 2.34.

[142] Raffaella Cribiore, *The School of Libanius in Late Antique Antioch* (Princeton and Oxford: Princeton University Press, 2007), 76-77. Joseph Geiger, "Notes on the Second Sophistic in Palestine," *Illinois Classical Studies* 19(1994): 221-230. Jaffee, "The Oral-Cultural Context of the Talmud Yerushalmi," 27-61.

[143] Levinson, "The Tragedy of Romance: A Case of Literary Exile," 230. See also Isaiah Gafni, "The World of the Talmud from the Mishnah to the Arab Conquest," in *Christianity and Rabbinic Judaism*, ed. Hershel Shanks (Washington D.C.: Biblical Archaeology Society, 1992), 233. A story in *b. Sotah* 49b, and in its parallel text *b. Bava Qamma* 83a, states that students in the Patriarchal house studied Greek wisdom. *Yerushalmi Shabbat* 6:1, 7d mentions Greek language, but not wisdom. Geiger, "Notes on the Second Sophistic in Palestine," 221-230.

[144] Hezser, *Form, Function and Historical Significance*, 1-2.

composers/redactors. Third, it should be recognized that aggadot constitute more than a window into rabbinic ideology; they also constitute a reading practice. According to Daniel Boyarin:

> We will not read midrash well and richly unless we understand it first and foremost as *reading*, as hermeneutic, as generated by the interaction of rabbinic readers with a heterogeneous and difficult text, which for them was both normative and divine in origin. Viewing the aggada through the eyes of a simplistic understanding…results in a fatal reduction of its importance in Jewish culture.[145]

1.7 The Impact of Christianity

Although the PT was composed during the first centuries of the Byzantine Christian period, the rabbinic narratives that I analyze seem to be explicitly in dialogue with Greco-Roman motifs and to a lesser extent with Christianity. Seth Schwartz observes that, aside from a few anti-Christian stories, "the Yerushalmi evinces little interest in Christians."[146] He adds that if Christians are the object of the sages׳ polemic he has no answer as to why Christians are infrequently discussed in the PT.[147] On the other hand, Peter Schäfer maintains that Palestinian sources acknowledge Christianity, but the majority of talmudic material that is explicitly in dialogue with Christianity comes from the later layers of the BT.[148] He attributes this to freedom that the rabbinic community in Sasanian Babylonia experienced amongst Christians, while the rabbinic community in Israel under Roman and Byzantine

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[145] Boyarin, *Intertextuality*, 5-6. See also James L. Kugel, *In Potiphar's House: The Interpretive Life of Biblical Texts* (Cambridge, London: Harvard University Press, 1994), 247-248.

[146] Seth Schwartz, "Some Types of Jewish-Christian Interaction in Late Antiquity," in *Jewish Culture and Society Under the Christian Roman Empire*, ed. Richard Kalmin and Seth Schwartz (Leuvin: Peeters, 2003), 200.

[147] Ibid, 201.

[148] Peter Schäfer, *Jesus and the Talmud* (Princeton and Oxford: Princeton University Press, 2007), 9. See also Hayim Lapin, "Hegemony And Its Discontents: Rabbis As A Late Antique Provincial Population," in *Jewish Culture And Society Under The Christian Roman Empire*, ed. Richard Kalmin and Seth Schwartz (Leuvin: Peeters, 2003), 319-347.

control was faced with Christianity becoming a more visible and aggressive power.[149] Joshua

Ezra Burns adopts an alternate view, suggesting that there are few references to Christianity

in the PT because Christianity was not seen as a threat when the Palestinian rabbinic material

was composed. Burns concludes that only later in the Byzantine era would Jews feel the

impact of the Christian empire.[150] Several recent scholars now suggest that during the period

when the PT was composed there was peaceful coexistence between Jews and Christians in

the Galilee.[151] The question of why Christians may be infrequently discussed in the PT will

be taken up further in the next three chapters.

1.8 PT Manuscripts

The Venice *editio princeps*, the first printed edition of the PT completed in 1523-

1524,[152] serves as the basis for my translations because, of all the PT manuscripts, it is the

most free of errors and omissions. I also refer to the PT manuscripts in which the aggadot

that I analyze are found. These are the Leiden, Vatican, Paris, London, Amsterdam and

Constantinople, as well as the Yalqut and Ein Ya'aqov manuscripts, which are all included in

Peter Schäfer's synoptic edition *Synopse zum Talmud Yerushalmi*. The differences in the

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[149]Schäfer claims that the Edict of Milan in 313 CE which granted legal status to Christianity, the building of Christian churches, and Christian pilgrims in Israel all contributed to Christians becoming "an aggressive majority" in Israel. On the other hand, in Sasanian Persia, the ruling Zoroastrians treated Jews better than they treated Christians, so Jewish sages who composed the Babylonian Talmud felt more comfortable criticizing Christians, than did the rabbinic community in Israel who composed the PT. Schäfer, *Jesus and the Talmud*, 115-117.

[150] Joshua Ezra Burns, "The Archeology of Rabbinic Literature and the Study of Jewish-Christian Relations: A Methodological Evaluation," in *Religion, Ethnicity, and Identity in Ancient Galilee: A Region in Transition*, ed. Jürgen Zangenberg, Harold W. Attridge, and Dale B. Martin (Tübingen: Mohr Siebeck, 2007), 404-405. See also Martin Goodman, "Palestinian Rabbis and the Conversion of Constantine to Christianity," in *The Talmud Yerushalmi and Graeco-Roman Culture II*, ed. Peter Schäfer and Catherine Hezser (Tübingen: Mohr Siebeck, 2000), 5. Adiel Schremer, "The Christianization of the Roman Empire and Rabbinic Literature," in *Jewish Identites in Antiquity: Studies in Memory of Menahem Stern*, ed. Lee Levine and Daniel Schwartz (Tübingen: Mohr Siebeck, 2009), 364-366.

[151] Stemberger, "Jewish-Christian Contacts in Galilee (Fifth to Seventh Centuries)," 131-145. Cohen, "Roman Imperial Policy Toward the Jews ": 1-29. Meyers, "Judaism and Christianity in light of Archaeology," 69-79. Stemberger, "The Impact of Paganism and Christianity," 514-517.

[152] MS Leiden was utilized as the base text for the first printing of the PT by Daniel Bomberg in Venice. Strack and Stemberger, *Introduction*, 184.

other manuscript versions mainly consist of minor spelling changes. This supports Yaacov

Sussman's claims that since the end of the Geonic period, there has been remarkable stability

in the transmission history of the PT.[153] In contrast, Hans-Jürgen Becker stresses the fluidity

of the textual transmission of the PT and its lack of a final or formal redaction.[154] Following

Strack and Stemberger, I am convinced that the PT was substantially redacted by the early

fifth century CE. Nevertheless, we cannot say with certainty the exact form that such

redaction took, whether it was initially transmitted orally or in writing, or whether there was

a combination of oral and written modes of transmission.[155] Moreover, this does not negate

the possibility that there were later accretions. The evidence pointing to an earlier rather than

later redaction of the PT includes the following: the PT was composed in Mishnaic Hebrew

and Galilean Aramaic, with no Babylonian Aramaic found in reliable texts of the PT;[156]

many PT fragments have been found among the material in the Cairo Genizah which current

scholars date to the seventh century CE;[157] and Geonic scholars commented on the PT and

referred to it by its names.[158] Pirkoi b. Baboi's letter is evidence of an awareness of some

form of the PT in the ninth century CE. As Catherine Hezser points out, Becker does not deal

with the social implications of his model, such as where and how the fluid development

could have taken place.[159] Alyssa Gray concludes that the similarity between material in Y,

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[153] Sussman, "Pirkei Yerushalmi," 273 (Hebrew).

[154] Hans-Jürgen Becker, "Texts and History: The Dynamic Relationship between Talmud Yerushalmi and Genesis Rabbah," in *The Synoptic Problem In Rabbinic Literature*, ed. Shaye J. D. Cohen (Providence: Brown Judiac Studies, 2000), 150, 151, 152, 154. The same views are discussed in Hans-Jürgen Becker, *Die großen rabbinischen Sammelwerke Palästinas: Zur literarischen Genese von Talmud Yerushalmi und Midrash Bereshit Rabba* (Tübingen: Mohr Siebeck, 1999).

[155] Strack and Stemberger, *Introduction*, 172.

[156] Moscovitz, "The Formation and Character of the Jerusalem Talmud," 663.

[157] Strack and Stemberger, *Introduction*, 183.

[158] See Bokser, "An Annotated Bibliographical Guide," 231-232. It is recognized that some Geonic references to "Yerushalmi" do not necessarily refer to the PT but could be references to other works. Strack and Stemberger, *Introduction*, 166.

[159] See Catherine Hezser, "Die Groben Rabbinischen Sammelwerke Palastinas (Book Review)," *Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Period* 31, no. 3 (2000).

Avodah Zarah and B. Avodah Zarah is due to "Bavli appropriation of the Yerushalmi material."[160]

My goal in this study is not to produce a critical edition because the *editio princeps* presents the "best-text edition" of the passages in the PT that I analyze. I rely on the classification "best-text edition," as used by medievalists, or the term preferred by classicists, the *codex optimus*, which pertains to the selection of one manuscript as a base for the entire text of the work.[161] My decision not to produce a critical edition is influenced by Chaim Milikowsky's observations regarding the Mishnah and the BT, which I extend to the PT:

> First, it must be noted that for the Mishnah and for the Babylonian
> Talmud it is unfeasible to separate the study of the text of the work
> from the study of the reception history of the work. Reception history
> cannot be detached from transmissional variation, and it therefore
> becomes important to distinguish between the independent lines of
> transmission. This can most easily be done by insisting upon the
> primacy of each individual document and not disturbing it with
> variants from a different line of transmission.[162]

In fact, Peter Schäfer makes similar conclusions about the PT which contibuted to his decision to present a synoptic rather than a critical edition.[163] According to Schäfer, the subjective preference for one text over another undermines the specific characteristics of different variations. Schäfer concludes that the combination of all the variants found in PT manuscripts into one document results in an incoherent text.[164]

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[160] Gray, *A Talmud in Exile*, 59.

[161] Chaim Milikowsky, "Reflections on the Practice of Textual Criticism in the Study of Midrash Aggada: The Legitimacy, the Indispensability and the Feasibility of Recovering and Presenting the (Most) Original Text," in *Current Trends in the Study of Midrash*, ed. Carol Bakhos (Leiden, Boston: Brill, 2006), 83.

[162] Chaim Milikowsky, "Further on Editing Rabbinic Texts," *Jewish Quarterly Review* XC, no. 1-2 (1999): 142.

[163] Schäfer, *Synopse zum Talmud Yerushalmi*, VIII.

[164] Ibid. See also Milikowsky, "Reflections on the Practice of Textual Criticism in the Study of Midrash Aggada," 98.

1.9 Summary of Chapters Two, Three, and Four

To begin with, I translate and discuss the Mishnah passage in the *sugya*, the literary

unit in which each story appears. Second, I present each aggadah; the Hebrew words are

displayed in plain type, the Aramaic words in italics. I translate and label the aggadot in

units. These translations attempt to replicate the literary features of the texts, such as

repetitions, balanced phrasing, verbal echoes, and structural markers. This is the approach

that Jeffrey Rubenstein uses in his translations of stories in the BT.[165] Words that are implied

but not stated in the text, yet are necessary for its basic understanding, I designate by their

enclosure in square brackets. I also underline significant literary repetitions.

Furthermore, I identify the sages in the stories by mentioning the generation of

scholars to which they belonged.[166] This identification is not necessarily biographically

accurate, since our sources about individual rabbis stem almost exclusively from rabbinic

literature. According to Strack and Stemberger:

> The *chronology of the Rabbis*, therefore, like that of the rabbinic
> literature, is relative—i.e. to be determined by a rabbi's relationship to
> another as his teacher, conversation partner, student or tradent (always
> assuming that the nomenclature is clear and the name is correctly
> preserved). In this way the generations of rabbis can be co-
> ordinated.[167]

If we fail to identify the named sages in stories, we may be missing some crucial information

relating to the stories' meaning(s). In some cases, information about the characteristics of

particular rabbis and their actions or words, as constructed in one story, may cohere with

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[165] Rubenstein, *Talmudic Stories*, 30.

[166] I follow the identification of sages as established in the following publications: C. Albeck, *Introduction to the Talmud, Babli and Yerushalmi* (Tel-Aviv: Dvir Co. Ltd., 1969), (Hebrew); ibid.; Frankel, *Einleitung*, (Hebrew); Strack and Stemberger, *Introduction*.

[167] Strack and Stemberger, *Introduction*, 57. (The italics are in the quotation) See also Devora Steinmetz, "Agada Unbound: Inter-Agadic Characterizations of the Sages in the Bavli and Implications for Reading Agada," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey Rubenstein (Tübingen: Mohr-Siebeck, 2005), 293-337.

their portrayal in another story, thereby explaining why redactors might have used a certain rabbi in a particular context.

Following each translation, I apply redaction critical methodology under the sub-heading "Halakhic and Literary Context."[168] The redactional context of the narratives is examined by determining where the narrative as a literary unit begins and ends. Source-critical questions regarding whether the narrative shares part of its texture with the Mishnah passage in its *sugya* and the preceding talmudic halakhic context are considered. Shamma Friedman, Jeffrey Rubenstein, and Aryeh Cohen have elucidated the utility of examining aggadot in the BT within the context of the *sugyot* in which they are found.[169] I apply a similar approach to my study of aggadot within the PT. Under a separate sub-heading entitled "Genre," I determine the genre(s) of the stories I analyze. Further, I determine the structure of the stories under the sub-heading "Structure." I utilize "structure" in the sense of the literary structure of these stories. I am influenced by the analysis of the structure of the stories in the BT conducted by Jeffrey Rubenstein, who follows Yonah Fraenkel in insisting that rabbinic stories be evaluated using a method appropriate to their literary character, because they are "literary artistic creations" with well-defined structures.[170] The stories that I analyze in the PT also display specific literary structures. The redaction critical methodology reveals that the aggadot were redacted to fit the literary contexts in which they appear, while the identification of the genre and structure serves to highlight the narratives' inherent complexity.

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[168] See Hezser, *Form, Function and Historical Significance*, 7-9.

[169] Shamma Friedman, "Some Structural Patterns of Talmudic Sugyot," *Proceedings of the Sixth World Congress of Jewish Studies* 3(1977): 387-402 (Hebrew). Rubenstein, *Talmudic Stories*, 11-15. Cohen, *Rereading Talmud*, 147-151. See also Jeffrey Rubenstein, "Some Structural Patterns of Yerushalmi Sugyot," in *The Talmud Yerushalmi and Graeco-Roman Culture III*, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 2002), 303-313.

[170] Rubenstein, *Talmudic Stories*, 9-10.

Next, I apply the literary and historical analysis, and then I consider questions relating to the redaction of the PT by translating and discussing the parallel passages that are located in other tractates within the PT, the BT, Genizah fragments,[171] and other works of rabbinic literature. I also refer to the Hebrew commentaries on the PT written by Moshe Margolies, (d. 1780 Lithuania), and Eleazar b. R. Moshe Azikri, (1533-1600 Safed). The commentary of Margolies appears as the name Pne Moshe. Portions of it first appeared in the Amsterdam edition of the PT in 1754. Azikri's commentary goes by the name Haredim. His commentary was first printed in the Zhitomir edition of the PT in 1860, under the title *Perush Mibal Sefer Haredim*. Since then it has appeared in subsequent editions of the PT simply as Haredim.[172] Although Pne Moshe and Haredim tend to interpret the PT in terms of the BT, their commentaries are still valuable.[173]

The Mishnah texts and aggadot that are analyzed in Chapters Two, Three, and Four of my study follow the order in which these texts appear within chapter one of tractate *Berakhot* to show that purposeful redaction took place within this section of the PT. I maintain that this section of the PT fits the definition of anthology. This is the term, discussed earlier in this chapter, that Eliezer Segal uses for the stories in the BT containing information not only relating to Mishnah commentary but also concerning matters relevant to the greater talmudic context. The similar themes and motifs that appear consistently in these stories are evidence of literary intentionality. I also find literary intentionality within the tractate as a whole, which displays stories with consistent themes. Martin Jaffee stresses that it is difficult to find an overarching literary intentionality at the tractate level within the PT, but acknowledges

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[171] Louis Ginzberg, *Yerushalmi Fragments From The Genizah*, vol. 1 (The Jewish Theological Seminary of America, 1909), (Hebrew).
[172] Strack and Stemberger, *Introduction*, 187.
[173] Schwartz, *Were the Jews a Mediterranean Society*, 110.

that it can be found in small isolated sections of the PT.[174] He attributes what he determines

is a lack of overall literary coherence to the circumstance in which the PT was most probably

produced. That is, the composition and redaction of the PT entailed a constant interchange

between oral and written versions making it difficult to distinguish written from oral sources

in a rigid way.[175] He concludes that the PT cannot be separated from the milieu of orally

composed and transmitted material because the scribal-compositional practices that yielded

much of the extant rabbinic literature cannot be characterized as 'authorship' or even

'editing' in the conventional sense. I suggest that even though the composition and redaction

of the PT may have involved an interchange between oral and written versions, "literary

intentionality" can be seen in this tractate. There are nine chapters in tractate *Berakhot* in the

PT, and each chapter of *y*. Berakhot deals with the specific themes mentioned in the

corresponding nine chapters of *m. Berakhot.* The themes in *m. Ber* are the laws of the *Shema*,

blessings said during prayers, blessings on food, and blessings of praise and thanksgiving to

God. These same themes comprise the majority of discussions in *y. Ber*. In addition, the

themes mentioned earlier in this chapter that are not specifically generated by commentary

on the Mishnah, constitute the similar themes and motifs that appear consistently in the

stories throughout tractate *Berakhot*.[176]

The primary focus of Chapter Two of my study is the demonstration that PT

composers/redactors appropriated Greco-Roman literary genres which they utilized to create

complex narratives. I analyze two aggadot in Chapter Two, one exhibits the literary genre

known as "a statement from analogy," the other is a "pronouncement story." Both stories

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[174] See Jaffee's review of Baruch Bokser's study of *y. Pesachim* in Martin Jaffee, "Voices in the Page: Representing the Palestinian Talmud in English," *Prooftexts* 16, no. 2 (1996): 184-186.

[175] Ibid.

[176] See page four of this chapter of my study.

display the great degree to which these narratives are evidence of cultural hybridity. My analysis also discloses the efficacy of applying a literary approach in addition to historical/contextual analysis. My methods reveal the richness of meaning of the narrative stories by viewing them from both viewpoints. The first story to be analyzed in Chapter Two demonstrates the extensive use of literary repetition to create meaning. The numerous parallel versions of this story in other compilations provide the opportunity to examine redactional questions relating to the PT. The second story in Chapter Two demonstrates purposeful redaction in the way that the aggadah is closely related to its literary context in the *sugya* in which it appears. This narrative evinces ideological and polemical concerns. These are characteristics of BT stories that Rubenstein ascribes to the Stammaitic editors,[177] while I demonstrate this aspect in this PT story.

After having established the PT's use of Greco-Roman literary genres to create complex narratives in Chapter Two of my study, in Chapter Three I demonstrate another aspect of the complexity in some PT stories. The story analyzed in Chapter Three is an example of the ways in which specific PT stories conform to the genre of "anthology." In addition, the full complexity of the story analyzed in Chapter Three becomes apparent as I conduct the literary and historical analyses in tandem. In taking this approach, I am influenced by Reuven Kimelman, who suggests that:

> Literary analysis no more occurs in a historical vacuum than historical analysis occurs in a literary vacuum. Novel perspectives in literary analysis are apt to yield new historical information as new historical information is apt to generate alternative literary analyses. It is only through a double dialectic between literary and historical approaches that such understandings can be reached.[178]

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[177] Rubenstein, *Creation and Composition*, 16.

[178] Reuven Kimelman, "The Shema Liturgy: From Covenant Ceremony to Coronation," in *Kenishta: Studies in Synagogue Life*, ed. J. Tabory (Ramat-Gan: 2001), 11.

The main focus of Chapter Four concentrates on yet another aspect of the complexity of some PT stories. The story analyzed in Chapter Four demonstrates the ways in which PT redactors asserted their ideological and theological views and their self-identification through their redeployment of biblical and prior rabbinic traditions. The apparently freely edited biblical and rabbinic traditions point to the distinct compositional and redactional techniques of the composers/redactors as being similar to characteristics regularly ascribed to Stammaitic editors of the BT. Cumulatively, Chapters Two, Three, and Four support my claims that these PT narratives underwent considerable redaction, they are creative and complex literary constructions, and this section of the PT represents a tightly organized compilation. I present the overall conclusions in Chapter Five.

Chapter Two: Rabbinic Prayer in Dialogue with Priestly Ritual

2.1 Introduction

It is appropriate to begin with a discussion related to the two liturgical units, the

Shema and the *Shemonah Esreh*, since both figure prominently in the narrative stories that

are analyzed in this dissertation, and they constitute the two most important elements of

Jewish liturgy. The rabbinic texts that discuss the institution of these prayers are varied, often

contradictory, and stem from different time periods. This has resulted in different academic

accounts of the historical development of the liturgy.[1]

2.2 The *Shema*

The *Shema* is comprised of three biblical sections: Deuteronomy 6:4–9, Deuteronomy

11:13–21, and Numbers 15:37–41. It derives its name from the first word of its opening

verse.[2] "*Shema*" begins Deuteronomy 6:4: "Hear O Israel, the Lord is our God, the Lord is

one." The rubric of the *Shema* is not, strictly speaking, a prayer because it begins with a word

God uses to address people, while in prayers it is people who address God.[3] In keeping with

this distinction, the *Shema* is actually a lectionary proclamation or a speech act affirmation of

the unity of God.[4] In Deuteronomy 6:4, שמע ישראל "Hear O Israel" is a commandment from

God, imparted by Moses, imploring Israel to recognize and proclaim the unity of God.

Ancient witnesses of the *Shema* include Mark 12:29–30, which depicts Jesus reciting the first

two verses of the *Shema* in a debate with a group of scribes. Josephus may also be alluding to

the *Shema* with his remark that Jews twice daily thank God for his bounteous gifts (*Jewish*

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[1] Stefan Reif summarizes the methodological complexities connected with liturgical research. Stefan C. Reif, "Prayer and Liturgy," in *Jewish Daily Life in Roman Palestine*, ed. Catherine Hezser (Oxford: Oxford University Press, 2010), 545-565. See also Lee Levine, *The Ancient Synagogue: The First Thousand Years* (New Haven & London: Yale University Press, 2000), 504 note 509.

[2] C. Albeck, *Shishah Sidrei Mishnah* (Tel Aviv: Dvir, 1975), 13 (Hebrew).

[3] Jakob J. Petuchowski, "The Liturgy of the Synagogue: History, Structure, and Contents," in *Approaches to Ancient Judaism Volume 4*, ed. William Scott Green (Chico, California: Scholars Press, 1983); ibid, 18.

[4] Ibid.

Antiquities 4.8.13, §212).[5] In addition, the first verse of the *Shema* appears on the second-

century BCE Nash Papyrus.[6] The scriptural verses of the *Shema* also appear in phylacteries

(*tefillin*) found at Qumran.[7] That said, a comprehensive discussion of the scholarship relating

to liturgy at Qumran and the relationship between the forms of prayer at Qumran and

rabbinic prayer is beyond the scope of this study. It has been suggested that while there was

no standard liturgy at the time of the Second Temple, some groups may have adopted the

practice of reciting prayers. However, there seems to be no consistency regarding the text

and context of these prayers. At the same time, the breadth of liturgical material found at

Qumran indicates that there is a tradition of prayer in a broad sense that unites Qumran and

rabbinic liturgies.[8]

     Mishnah *Tamid* 4:3 and 5:1 speak of priests reciting the *Shema* in the Temple.

According to *m. Tamid* 5:1, the three biblical paragraphs of the *Shema* were preceded by a

blessing and the Decalogue, and they were followed by a blessing. The Decalogue (Deut

5:6–18) and the first paragraph of the *Shema* (Deut 6:4–9) appear together in the Nash

Papyrus and in the *tefillin* from Qumran.[9] Lee Levine suggests that it was common practice

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[5] Stefan C. Reif, "The Theological Significance of the Shema," in *Problems with Prayers: Studies in the Textual History of Early Rabbinic Liturgy*, ed. Stefan C. Reif (Walter de Gruyter, 2006), 116-117.

[6] W. F. Albright, "A Biblical Fragment from the Maccabaean Age: The Nash Papyrus," *Journal of Biblical Literature* 56, no. 3 (1937): 145-176. F. C. Burkitt, "The Hebrew Papyrus of the Ten Commandments," *Jewish Quarterly Review* 15, no. 3 (1903): 392-408. Reif, "Theological Significance," 115-116. Ezra Fleischer, *Eretz-Israel Prayer and Prayer Rituals as Portrayed in the Genizah Documents* (Jerusalem 1988), 259-274 (Hebrew).

[7] G. Vermes, "Pre-Mishnaic Jewish Worship and the Phylacteries from the Dead Sea," *Vetus Testamentum* 9(1959): 65-72.

[8] Stefan C. Reif, "The Second Temple Period, Qumran Research, and Rabbinic Liturgy: Some Contextual and Linguistic Comparisons," in *Liturgical Perspectives: Prayer and Poetry in Light of the Dead Sea Scrolls*, ed. Esther G. Chazon (Boston, Leiden: Brill, 2003), 133-149; Richard S. Sarason, "Communal Prayer at Qumran and Among the Rabbis: Certainties and Uncertainties," in *Liturgical Perspectives: Prayer and Poetry in Light of the Dead Sea Scrolls*, ed. Esther G. Chazon (Boston, Leiden: Brill, 2003), 151-172. Lawrence H. Schiffman, *Qumran and Jerusalem: Studies in the Dead Sea Scrolls and the History of Judaism* (Grand Rapids, Michigan/ Cambridge U. K.: Wiliam B. Eerdmans Publishing Company, 2010), 219-234.

[9] E. Wurthwein, *The Text of the Old Testament* (Grand Rapids: W. B. Eerdmans, 1979), 33, 132. Reif, "Theological Significance," 115.

to combine the Decalogue with the *Shema* during the late Second Temple period.[10] However,

Tzvee Zahavy argues that the notion that priests recited the *Shema* in the Temple is

anachronistic. He claims that the redactors of the Mishnah sought to artificially link the

recitation of the *Shema* with ancient priestly authority.[11] Other scholars accept that some

form of the *Shema* was recited in the Temple.[12] Lee Levine suggests that the sages changed

the version of the *Shema* that was recited in the Temple. He concludes that they excised the

Decalogue, added a second blessing before the *Shema*, and changed the content of the first

blessing.[13] A polemical statement in *y. Ber* 1:8, 3C mentions that the Ten Commandments

were removed from the *Shema* because of the arguments of the "*minim*."[14]

Over time, the rubric of the biblical paragraphs of the *Shema* became linked with

three blessings: two preceding it and one following. Blessings or benedictions—*berakhah*

(singular) and *berakhot* (plural)—constitute a primary feature of rabbinic prayers. Lawrence

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[10] Lee Levine, "The Development of Synagogue Liturgy in Late Antiquity," in *Galilee Through the Centuries: Confluence of Cultures*, ed. Eric M. Meyers (Winona Lake, Indiana: Eisenbaums, 1999), 133.

[11] Tzvee Zahavy, "Political and Social Dimensions in the Formation of Early Jewish Prayer: The Case of the Shema," in *Proceedings of the Tenth World Congress of Jewish Studies* (Jerusalem: The World Union of Jewish Studies, 1990), 37. At the same time, Zahavy concludes that the *Shema* was regularly recited in the first century CE. Tzvee Zahavy, "Three Stages in the Development of Early Rabbinic Prayer," in *From Ancient Israel To Modern Judaism Intellect in Quest of Understanding Essays in Honor of Marvin Fox Volume I*, ed. Jacob Neusner, Ernest S. Frerichs, and Nahum M. Sarna (Atlanta: Scholars Press, 1989), 238-241.

[12] Stefan C. Reif, *Judaism and Hebrew Prayer* (Cambridge: Cambridge University Press, 1993), 57, 83. R. Hammer, "What did They Bless? A Study of Mishnah Tamid 5.1," *Jewish Quarterly Review* 81(1991): 305-324. Shaye Cohen points to Psalms as evidence that prayer was a component of Temple ritual. Shaye J. D. Cohen, *From the Maccabees to the Mishnah* (Philadelphia: Westminster Press, 1987), 64.

[13] Levine, "Development of Synagogue Liturgy," 133.

[14] Scholarship regarding the geneology of the term *"minim"* and the excision of the Decalogue from the *Shema* are beyond the scope of this study. See Reuven Kimelman, "Polemics and Rabbinic Liturgy," in *Discussing Cultural Influences Text, Context and Non-Text in Rabbinic Judaism*, ed. Rivka Ulmer (Lanham: University Press of America Inc., 2007), 67-70. Reif, "Theological Significance," 112-117. Levine, "Development of Synagogue Liturgy," 133. Levine, *The Ancient Synagogue*, 521-522. Reuven Kimelman, "The Shema and its Rhetoric: The Case for the Shema being more than Creation Revelation and Redemption," *Journal of Jewish Thought and Philosophy* 2, no. 1 (1992): 135-143. G. Vermes, "The Decalogue and the Minim," in *In Memoriam Paul Kahle*, ed. M. Black and G. Fohrer (Berlin: Töpelmann, 1968), 232-240. E. E. Urbach, "The Role of the Ten Commandments in Jewish Worship," in *The Ten Commandments in History and Tradition*, ed. Gershon Levi (Jerusalem: Magnes Press, 1990), 161-189.

Hoffman suggests that although stylistic rules for blessings continued to evolve, the blessings were basically in place by the third century CE.[15]

Although *m. Ber* 1:4, 2:2 and *Sifre* Deuteronom*y* 34:5 attest to a liturgical unit in which the *Shema* is embedded in a framework of blessings, a full text of the *Shema* containing the blessings is found neither in the Mishnah nor in either Talmud. Differing versions of the blessings circulated into the Geonic period.[16] The earliest attestation of the complete wording of the *Shema* and its blessings is in the first known prayer book, *Order of Prayers*, by Amram Gaon, from the ninth century CE. The *Order of Prayers* contained the prayers that existed at the time, with the exception of alternative versions according to Palestinian traditions.[17] Fragments of the *Shema* were also found in the Cairo Genizah.[18]

2.3 The *Shemonah Esreh*

Whenever the term "prayer" appears on its own in the Mishnah and in either Talmud, it always refers to the liturgy named שמונה עשרה (*Shemonah Esreh*), Eighteen Benedictions.[19] It is also known as the *Amidah*. The word *Amidah* comes from the Hebrew verb עמד which means to stand. The liturgical unit of the *Shemonah Esreh* is always recited standing.[20] Whereas the *Shema* is a declaration of the unity of God, the *Shemonah Esreh* is a petitionary prayer composed of benedictions requesting repentance, forgiveness, health, peace, personal

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[15] Hoffman, "Jewish Liturgy," 248. Blessings are discussed extensively in *m. Berakhot.*
[16] Levine, "Development of Synagogue Liturgy," 133. Ismar Elbogen, *Jewish Liturgy: A Comprehensive History*, trans. Raymond P. Scheindlin (Philadelphia: Jewish Publication Society, 1993), 22-24. Lawrence A. Hoffman, *The Canonization of the Synagogue Service* (London: University of Notre Dame Press, 1979), 24-29.
[17] Hoffman, "Jewish Liturgy," 250. Lee Levine discusses the differences in prayers, and liturgical practices, in Palestine and Babylonia. Levine, *The Ancient Synagogue*, 536-539.
[18] Reuven Kimelman, "The Shema and the Amidah: Rabbinic Prayer," in *Prayer From Alexander to Constantine: A Critical Anthology*, ed. Mark Kiley et al (London: Routledge, 1997), 108.
[19] Elbogen, *Jewish Liturgy*, 24. Reuven Kimelman, "Blessing Formulae and Divine Sovereignty in Rabbinic Liturgy," in *Liturgy in the Life of the Synagogue Studies in the History of Jewish Prayer*, ed. Ruth Langer and Steven Fine (Winona Lake, Indiana: Eisenbrauns, 2005), 1-39.
[20] The first known reference to the *Shemonah Esreh* liturgy as the *Amidah* is in tractate *Soferim* 16:9.

salvation, and national redemption.[21] The *Shemonah Esreh* was the first statutory prayer to emerge in the post-Second Temple era, with much of its material derived from biblical and midrashic sources.[22] Ezra Fleischer contends that the text of the *Shemonah Esreh* was established between the late first and early second century CE.[23] He bases this conclusion on the statement recorded in *b. Megillah* 17b and in *b. Ber* 28b, claiming that the sage Simon Hapaquili had organized the eighteen benedictions sequentially in the presence of the patriarch Rabban Gamliel at Yavneh. Mishnah *Ber 4*:3 also states: "Rabban Gamliel said every day a man should pray the eighteen benedictions." In contrast, Ruth Langer maintains that the earliest confirmation of this prayer is in the liturgical poetry known as *piyyut*, which began to surface in the fifth and sixth centuries CE.[24] However, some scholars still maintain that the overall framework, sequential topics, and number of blessings may have been promulgated at Yavneh, but that it took much longer for the prayer to take its final form.[25]

At some point, it became the practice to recite the *Shema* followed immediately by the *Shemonah Esreh*, but there is no consensus on when this came into effect.[26] Talmudic accounts are contradictory. In *b. Ber* 4b and 9b, R. Yochanan recommends that the *Shema* be recited prior to the *Shemonah Esreh* in the evening service. In the same pericope, R. Joshua ben Levi states that the *Shemonah Esreh* prayer should be said *before* the *Shema* in the

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[21] Elbogen, *Jewish Liturgy*, 37-54. Kimelman, "The Shema and the Amidah: Rabbinic Prayer," 114-117.

[22] Reuven Kimelman, "The Literary Structure of the Amidah and the Rhetoric of Redemption," in *The Echoes of Many Texts Reflections on Jewish and Christian Traditions Essays in Honor of Lou H. Silberman*, ed. William G. Dever and J. Edward Wright (Atlanta: Scholars Press, 1997), 175. Ruth Langer, "Early Rabbinic Liturgy in its Palestinian Milieu: Did Non-Rabbis know the Amidah," in *When Judaism and Christianity Began: Essays in Memory of Anthony J. Saldarini*, ed. Alan J. Avery-Peck, Daniel Harrington, and Jacob Neusner (Leiden, Boston: Brill, 2004), 425.

[23] Ezra Fleischer, "On the Beginnings of Obligatory Jewish Prayer " *Tarbiz* 59(1990): 397-441 (Hebrew).

[24] Langer, "Early Rabbinic Liturgy," 436-437.

[25] Levine, "Development of Synagogue Liturgy," 136. Reif, *Judaism and Hebrew Prayer*, 124-125. Elbogen, *Jewish Liturgy*, 202. Reuven Kimelman, "Rabbinic Prayer in Late Antiquity," in *The Cambridge History of Judaism the Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 580-581; Sarason, "Communal Prayer at Qumran and among the Rabbis," 170.

[26] Levine, "Development of Synagogue Liturgy," 137. Kimelman, "The Shema and the Amidah: Rabbinic Prayer," 108. Langer, "Early Rabbinic Liturgy," 436-437.

evening. The joining of these two liturgies is thematized in the second narrative story that I analyze in this chapter.

The question of how widespread the practice of reciting these prayers was for various time periods and locales cannot be answered by the rabbinic sources alone. The primary focus of this thesis is the literary complexity of PT narratives. At most, the talmudic sources I analyze attest to the sages' desire to establish and control prayer practices. I follow my teacher, Robert Daum, who concludes that:

> [t]exts claiming particular practices for the Amoraic period are also cultural productions edited over the course of many generations. The reliability of these texts, therefore, as evidence for daily practice in the period which they purport to describe, rather than for the period in which they were last edited, must be held in reserve.[27]

Having reviewed some of the literary sources and scholarly work pertaining to the *Shema* and the *Shemonah Esreh*, I now turn to the analysis of *m. Berakhot* 1:1, which comprises part of the literary/redactional context for the two PT aggadot that I analyze in this chapter.

2.4 Introduction to Mishnah *Berakhot* 1:1

Mishnah *Berakhot*, the first tractate of the Mishnah, is devoted to liturgy. Its first pericope focuses on the *Shema*, seeming to indicate that the recitation of the *Shema* is a primary and fundamental principle.[28] There are no significant manuscript variants for this

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[27] Robert Alan Daum, "Describing Yavneh: The Foundational Traditions of Rabbinic Judaism" (Ph.D. diss., University of California, Berkeley, 2001), 52-53. Langer, "Early Rabbinic Liturgy," 436-437.

[28] Norman Lamm, *The Shema Spirituality and Law in Judaism* (Philadelphia: Jewish Publication Society, 1998), 9.

pericope.[29] The stability of the text traditions suggests that *m. Berakhot* 1:1 may have had an

early final redaction *c.* 220 CE.

2.5 Mishnah *Berakhot* 1:1

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מאמתי קורין את שמע בערבים
משעה שהכהנים נכנסים לאכל בתרומתן
עד סוף האשמורת הראשונה דבר אליעזר[30]
וחכ׳ אומ׳ עד חצות
רבן גמליאל אומ׳ עד שיעלה עמוד השחר[31]

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From what time [may people] recite the evening *Shema*?
From the hour that the priests come in to eat of their heave-offering.[32]
Until the end of the first watch, [these are] R. Eliezer's[33] words.
But the sages say until midnight.
R. Gamliel[34] says until the first light of dawn.

The proper timing of ritual practice is an important theme throughout the Mishnah

and occupies the first pericope.[35] Mishnah *Berakhot* 1:1 commences without any formal

introduction, in the terse, highly edited, and stylized fashion that is paradigmatic of the

Mishnah's laconic nature as a whole. It communicates through a kind of technical code that

requires elucidation beyond the text of the Mishnah. Many have concluded that the rhetoric

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[29]Alberdina Houtman concludes that the redactional status of the entire tractate of Mishnah *Berakhot* is a well-structured composition. The number and extent of variant readings in the different recensions are very small. Alberdina Houtman, *Mishnah and Tosefta: A Synoptic Comparison of the Tractates Berakhot and Shebit* (Tübingen: J. C. B. Mohr, 1996), 222.

[30] The Kaufmann Mishnah manuscript has דבר אליעזר. Most printed editions of *m. Ber* 1:1 have the words דברי רבי אליעזר.

[31] I only cite the first few lines of *m. Ber* 1:1 that are relevant for the aggadot that I analyze in this chapter.

[32] A parallel text in *t. Ber* 1:1 states, "From what time does one recite the *Shema* in the evening? From the time that people go inside to eat their meal on the eve of the Sabbath, the words of R. Meir. And the sages say: from the time that the priests are permitted to eat their heave-offering."

[33] R. Eliezer is most likely R. Eliezer ben Hyrcanus. He is a second generation Tanna, *c.* 90-130 CE. He is mentioned more than 320 times in the Mishnah. According to narrative portrayals he held very conservative views regarding legal traditions. According to *b. Sukkah* 27b, R. Eliezer never said a statement that was not first said by one of his teachers. He was the brother-in-law of Rabban Gamliel II, with whom he is represented as having frequently disagreed as he does in this mishnah pericope. Strack and Stemberger, *Introduction*, 69-70. J. Neusner, *Eliezer ben Hyrcanus The Tradition and the Man* (Leiden: Brill, 1973).

[34] This sage is Rabban Gamliel II. He was a second generation Tanna, and the head of the academy at Yavneh. He was a grandson of Rabban Gamliel I. Strack and Stemberger, *Introduction*, 69.

[35] Sacha Stern, *Time and Process in Ancient Judaism* (Portland: The Littman Library of Jewish Civilization, 2003), 46.

of the Mishnah was primarily directed at the sages, the only audience intimately familiar with scriptural texts.[36] This mishnah text suggests important questions from the start. No discussion is recorded relating to the actual obligation of reciting the *Shema*; the mishnah seems to presuppose the practice itself. There is also no explanation for why the mishnah begins with the recitation of the evening *Shema* rather than the morning *Shema*.[37]

The phrase "from the hour that the priests come in to eat of their heave-offering" refers to the biblical requirement that priests who had become ritually impure were not able to eat the heave-offering (*terumah*)—food designated exclusively for consumption by the priests—until they had immersed in the *mikveh* (ritual bath) at nightfall.[38] The mishnah teaches that just as the proper time for the priests to eat their heave-offering is after they have immersed at nightfall, this is also the earliest time for reciting the evening *Shema*.[39] Even though the Mishnah was codified more than a century after the destruction of the Second

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[36] Hezser, "The Mishnah," 191; David Kraemer, "The Mishnah," in *The Cambridge History of Judaism the Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 308; Alan J. Avery-Peck and Jacob Neusner, eds., *The Mishnah In Contemporary Perspective* (Leiden: Brill, 2002), viii; Martin Jaffee, *Early Judaism* (Upper Saddle River, N.J. : Prentice Hall, 1997), 219. Robert Goldenberg, "Talmud," in *Back to the Sources Reading the Classsic Jewish Texts*, ed. Barry W. Holtz (New York: Summit Books, 1984), 134.

[37] According to Rashi and Pne Moshe, *m. Ber* 1:1 begins with the discussion of the evening *Shema* because Deuteronomy 6:7 states that the *Shema* should be recited when you lie down in the evening prior to mentioning that you should recite it when you get up in the morning. It also follows the pattern in Genesis 1:5 which states, "and there was evening and there was morning, one day."

[38] Leviticus 22:4-7. Albeck, *Shishah Sidrei Mishnah*, 7 (Hebrew). There were two types of tithes. Both were dedicated for priests, and were known as *terumah* or heave-offering. One type of heave-offering, *terumah gedolah*, required Israelites to give a portion of their own crops to priests who would eat the offerings in a state of ritual purity. The Levites were required to give the priests a portion of the tithes that they received, known as *terumah ma'aser.* Tithes are discussed in Lev 22:10-14, Num 18:8- 12, 18:26, 18:30, and Deut 18:3-4. In biblical tradition the tithe was considered indispensable for the maintenance of the temple, and its personnel. (Mal 3:10, Neh 10:38, 12:44, 13:10-13).

[39] Louis Ginzberg suggests that all priests, not just those who were impure, as well as non-priests, would immerse regularly at sundown to purify themselves. Ginzberg, *Commentary*, 1, 7 (Hebrew). This suggestion is speculative. Evidence is lacking for a confirmation of the notion that non-priests observed priestly ritual. Tracy Ames, "Fellowship, Pharisees and the common people in early Rabbinic tradition," *Studies in Religion* 34, no. 3-4 (2005).

Temple, it speaks of priests eating their heave-offering in the present tense.[40] The

concatenation of the time for the recitation of the evening *Shema* with the hour that the

priests eat their heave-offering conjures up the image of the Temple, even though the word

"temple" is not mentioned. In fact, the mishnah does not state *where* the priests were entering

to eat the heave-offering. In Danby's translation of *m. Ber* 1.1, the priests are entering the

Temple.[41] By contrast, Albeck suggests that the priests are entering their houses.[42]

Further images of the ritual activities previously performed by priests in the Temple

are evoked by the mishnah's three conflicting opinions regarding the latest time that the

evening *Shema* may be recited. Rabbi Eliezer expounds that the *Shema* can be recited "until

the end of the first watch." Rabbinic commentators understand that this phrase refers to the

concluding period of the first third of the night.[43] Night was considered to be twelve hours in

length, divided into three watches of four hours each, or four watches of three hours each.[44]

Watches regulated the times for the Temple service of the priests. Mishnah *Yoma* 1:8

suggests "the end of the first watch" and "midnight" as times for priests to remove ashes

from the altar. "Midnight" is also the second opinion offered in *m. Ber* 1:1 for the latest time

that the evening *Shema* is permitted to be recited. "Midnight" is connected with priestly

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[40] Ginzberg claims that the symbol of the priests eating *terumah* was a fitting sign for when to recite the *Shema* because everyone knew when that time was during the Tannaitic period. Ginzberg, *Commentary*, 1, 7 (Hebrew). I suggest that it is questionable whether everyone in the Tannaitic period would have known the time that priests entered to eat their heave offering when the Temple stood. In the Amoraic period there may also have been a concern that people would not know the correct time because neither Talmud accepts the suggestion "from the hour that the priests come in to eat of their heave-offering." The Tosefta and both Talmuds offer several other scenarios as indications of when the period for the evening recitation of the *Shema* begins, such as: "from the time people go in to eat their meal Friday night." (*t. Ber* 1:1, *b. Ber* 2b) Yerushalmi *Ber* 1:1, 2a claims that the time people go in to eat on Friday night is the same time that the priests would enter to eat. Bavli *Ber* 2a says that from the moment the stars appear is the time that priests went in to eat. Stars are also mentioned in *t. Ber* 1:1 and *y. Ber* 1:1, 2b. Bavli *Ber* 2b states that the time for the evening *Shema* is when poor men enter their houses to eat bread.
[41] Herbert Danby, *The Mishnah* (Oxford: Oxford University Press, 1933), 2.
[42] Albeck, *Shishah Sidrei Mishnah*, 7 (Hebrew).
[43] Ibid, 13.
[44] Tosefta *Ber* 1:1, *y. Ber* 1:1, 2d and *b. Ber* 3a, 3b.

ritual in *m. Zevahim* 5:3, 5:5, and 6:1.[45] The third opinion offered in *m. Ber* 1:1 is that of R.

Gamliel who says that the *Shema* can be recited until *ayyelet hashachar*, the first light of

dawn. Dawn was the time each day when the sacrificial service began in the Second

Temple.[46] The motif of *ayyelet hashachar* is central to the first aggadah that I analyze in this

chapter.

The mention of the priests' practice as the time for reciting the evening *Shema* seems

to be an assertion that following the destruction of the Temple, the recitation of the *Shema* is

intended to be equal to, or even to replace, Temple traditions. In other words, *m. Ber* 1.1

suggests a transformation through which one becomes like a priest in a state of ritual purity

when one recites the evening *Shema* at the proper time. Many parts of the Mishnah deal with

laws relating to the Temple and priestly duties as though they were still in effect.[47] The

traditional reason for the ubiquitous Tannaitic narratives presenting interrelated events

relating to the Temple is that the Mishnah sought to preserve priestly rules for when the

Temple would be rebuilt. Recent scholarship understands discussions in the Mishnah that

combine priestly traditions with post-Temple practices as artful literary devices that reflect

Tannaitic culture and concerns, rather than as accurate portrayals of the Second Temple

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[45] חצות is the term that the Mishnah uses for midnight. In some Mishnah passages חצות also refers to midday.

[46] Anson Rainey, Aaron Rothkoff, and Joseph Dan, "Sacrifice," in *Encyclopedia Judaica* (2007), 17: 645.

[47] For recent discussions relating to the silence of the Mishnah regarding the destruction of the Temple see Gardner and Osterloh, *Antiquity in Antiquity*, 12. Kraemer, "The Mishnah," 310-313. For scholarship relating to the actual roles, and functions, of priests following the destruction of the Second Temple see Levine, *The Ancient Synagogue*, 491-500. Oded Irshai, "Confronting a Christian Empire," in *Cultures of the Jews*, ed. David Biale (New York: Schocken Books, 2002), 194. Stuart S. Miller, "Priests, Purities, and the Jews of Galilee," in *Religion, Ethnicity, and Identity in Ancient Galilee: A Region in Transition*, ed. Jürgen Zangenberg, Harold W. Attridge, and Dale B. Martin (Tübingen: Mohr Siebeck, 2007), 375-402.

Period.[48] Recent scholars also suggest that the analogy between the practices of the rabbinic sages and those of the destroyed Temple served to justify rabbinic claims to exclusive authority in the post-Temple era.[49] Others suggest that the sages sought to bring the past into the present,[50] or to represent the early rabbinic vision of a Torah perfected world.[51]

I now turn to analyzing two aggadot. The main focus of this chapter is the demonstration that Greco-Roman literary genres contributed to the complexity of PT aggadot. Both stories also relate to the motifs mentioned in *m. Ber* 1:1, demonstrating the reception-history of this mishnah pericope by the PT. The ideological centrality of the Temple continues to be apparent in both stories. In the first story, two sages are walking at dawn, the time of *ayyelet hashachar*, the last time to recite the evening *Shema*, according to Rabban Gamliel in *m. Ber.*1:1. The two sages in the aggadah discuss the future redemption of Israel in a highly stylized narrative that employs the literary style known as the "statement from analogy" in classical Greco-Roman rhetorical composition and in Tannaitic stories.

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[48] Ishay Rosen-Zvi, "Orality, Narrative, Rhetoric: New Directions in Mishnah Research," *AJS Review* 32, no. 2 (2008): 244-245. Avraham Walfish, "The Poetics Of The Mishnah," in *The Mishnah in Contemporary Perspective Part Two*, ed. Alan J. Avery-Peck & Jacob Neusner (Leiden: Brill, 2006), 153-189; ibid. Steven D. Fraade, "The Temple as a Marker of Jewish Identity Before and After 70 CE: The Role of the Holy Vessels in Rabbinic Memory and Imagination," in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern*, ed. Lee Levine and Daniel Schwartz (Tübingen: Mohr Siebeck, 2009), 239. Alexander, "Recent Literary Approaches To The Mishnah," 233. Walfish, "The Nature And Purpose Of Mishnaic Narrative: Recent Seminal Contributions," 264. See also Daum, "Describing Yavneh," 66-67.

[49] Peter Schäfer, "Rabbis and Priests, or: How to Do Away With the Glorious Past of the Sons of Aaron," in *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World*, ed. Gregg Gardner and Kevin L. Osterloh (Tübingen: Mohr Siebeck, 2008), 171-172. Ben Zion Rosenfeld, "Sage And Temple In Rabbinic Thought After The Destruction Of The Second Temple," *Journal for the study of Judaism in the Persian Hellenistic and Roman Period* 28:4(1997): 439.

[50] Rosen-Zvi, "Orality, Narrative, Rhetoric," 245.

[51] Kraemer, "The Mishnah," 313.

2.6 A Tale of Two Sages: *y. Ber* 1:1, 2c

A. דלמא

רבי חייא <u>רבא</u> ורבי שמעון בן חלפתא

הוו <u>מהלכין</u> בהדא בקעת ארבל בקריצתה

וראו איילת השחר שבקע <u>אורה</u>

B. אמר רבי חייא <u>רבה</u> לר' שמעון בן חלפתא

בירבי כך היא גאולתן של יש' <u>כתחילה</u> קימאה קימאה

כל מה שהיא <u>הולכת</u> היא <u>רבה</u> <u>והולכת</u>

מאי טעמא

C. כי <u>אשב</u> בחושך ה' <u>אורי</u> לי

כך <u>כתחילה</u> ומרדכי <u>יושב</u> בשער המלך

<u>ואחר כך</u> ויקח המן את הלבוש ואת הסוס

D. <u>ואחר כך</u> <u>וישב</u> מרדכי אל שער המלך

<u>ואחר כך</u> ומרדכי יצא מלפני המלך בלבוש מלכות

<u>ואחר כך</u> ליהודים היתה <u>אורה</u> ושמחה

A. *An incident (דלמא):*
   R. Hiyya the <u>Great</u> and R. Shimeon ben Halafta
  were <u>walking</u> at daybreak[52] in the valley of Arbel
  and they saw the <u>light</u> of the *ayyelet hashachar*[53] break through
B. R. Hiyya the <u>Great</u> said to R. Shimeon ben Halafta:
  "Eminent one, such is the salvation of Israel: <u>at the beginning</u> little by little,
  But as it continues it will grow ever <u>greater</u>."
  What is the reason?
C. "Though I <u>sit</u> in darkness, the Lord is my <u>light.</u>" (Micah 7:8).
   so it was <u>at the beginning</u>, "and Mordecai was <u>sitting</u> at the king's gate" (Esther 2:21).
   <u>And afterwards</u>, "and Haman took the [king's] robes and the [king's] horse" (Esther 6:11).
D. <u>And afterwards</u>, "and Mordecai returned to the king's gate" (Esther 6:12).
   <u>And afterwards</u>, "and Mordecai left the king's presence dressed in royal apparel" (Esther 8:15).
   <u>And afterwards</u>, "The Jews had <u>light</u> and gladness" (Esther 8:16).

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[52] The word קריצתה translates as daybreak. Michael Sokoloff, *A Dictionary of Jewish Palestinian Aramaic* (Ramat-Gan, Baltimore and London: Bar-Ilan University Press and The Johns Hopkins University Press, 2002), 506. The variant קריעתא appears in the Vatican manuscript. Pne Moshe and Haredim suggest that קריצתה refers to the period of time immediately prior to the start of the morning.
[53] *Ayyelet hashachar* refers to the time each day when the first rays of the sun appear. The literal meaning of a*yyelet* is hind, doe, or gazelle. David J. A. Clines, *The Dictionary of Classical Hebrew* (Sheffield: Sheffield Academic Press, 1993), Vol I, 212.

2.7 Halakhic and Literary Context

The trope referred to as *ayyelet hashachar* (the first light of dawn) in *m. Ber* 1.1 plays an important part in this PT story and in its preceding talmudic halakhic context. The halakhic context for this story elaborates on the mishnah's instructions regarding the proper time for the recitation of the *Shema*. It discusses the parameters of night and day, twilight and dawn, to determine the correct times for the recitation of the evening and the morning *Shema*. The talmudic discussion establishes that the first hint of day occurs at *ayyelet hashachar*. R. Hanina[54] discusses three different stages leading to the establishment of a new day. The first is *ayyelet hashachar*, the beginning of dawn. The second occurs when the sun lights up the eastern sky, and the final stage occurs when the first rays of the sun can be seen. This marks the establishment of a new day. We are told that from *ayyelet hashachar* until the eastern horizon is illuminated, a person can walk a distance of four mil. From the time when the eastern horizon is illuminated until the sun rises, one can walk another four mil.[55] The mil is a unit of measurement used in a wide range of contexts within rabbinic literature.[56]

The notion that three stages lead to the commencement of the day, in halakhic terms, is the literary trope found in the following aggadic story. The story also discusses a process with different stages leading not to the unfolding of day but to the realization of redemption.

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[54] Several sages have this name. This R. Hanina could be a third or fourth generation Palestinian Amora. Strack and Stemberger, *Introduction*, 94. Albeck, *Introduction*, 155 (Hebrew). His name appears as חצנא in the Ed. princ. Venedig MS. It appears as חנינא in the Leiden, Vatican, Paris, London, Amsterdam, Constantinople and Yalqut manuscripts as well as in the parallel versions of this passage in *y. Yoma* 3:2, 40b and in *Bereshit Rabbah* 50:10. Pne Moshe and Haredim contend that חצנא is really חנינא. Daniel Sperber suggests that the spelling חצנא resulted from a copyist incorrectly reading ני as צ. Daniel Sperber, *Magic and Folklore in Rabbinic Literature* (Ramat-Gan: Bar-Ilan University Press, 1994), 209.

[55] A variant text in *b. Pesachim* 93b states that "R. Yochanan said: from *ayyelet hashachar* until the sun rises it is five mil."

[56] The mil is equivalent to 2000 cubits, 960 meters or 1,049 yards. It may have received its name from the Roman mile but it is not identical with the length of the Roman mile. Sacha Stern suggests that, according to talmudic terminology, the duration of a mil was defined in terms of the activity of walking rather than spatial distance. Stern, *Time and Process in Ancient Judaism*, 54.

R. Hanina defines the period of time from *ayyelet hashachar* until the rising of the sun in terms of how long it takes a man to walk eight mil. In a similar fashion, the aggadah begins with R. Hiyya the Great and R. Shimeon ben Halafta walking from the time of *ayyelet hashachar* until the rising of the sun. The redactional work of PT composers/redactors can be seen in the way that the discussion in the preceding halakhic context is incorporated into the aggadah.

2.8 Genre

This aggadah is a tale involving sages and is known as a sage story or a rabbinic story. The rabbinic story is one of the major types of discourse in both Talmuds. The distinct characteristics of the rabbinic story are its brief narrative form, its usage of past tense verbs to describe an event, and its openly didactic function.[57] The rabbinic story is usually considered to take the form of a מעשה (*ma'aseh*), for which the literal translation is a "happening," an "incident," or an "occurrence."[58] The genres of *ma'aseh* include anecdotes and sage stories that concern the lives and deeds of known rabbis.[59] The primary characteristic of a *ma'aseh* is its explicit claim to historicity—it purports to tell a story that actually took place. The assertion of historical accuracy is one of the basic narrative strategies that the *ma'aseh* employs to persuade its audience to behave according to the

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[57] Hezser, *Form, Function and Historical Significance*, 1. Rubenstein, *Talmudic Stories*, 3-8.

[58] Stern, *Parables in Midrash*, 13, 240. Hezser, *Form, Function and Historical Significance*, 1. Arnold Goldberg suggests that the term מעשה is derived from the verb עשה which translates as 'to do or to make.' He determines that a *ma'aseh* consists of three elements: a question, a situation and a decision. Arnold Goldberg, "Form und Funktion des Maase in der Mischna," *Frankfurter Judaistische Beiträge* 2(1974): 1-38.

[59] Stern considers that sage stories are a sub-category of the *ma'aseh* genre, along with villain-stories, romances and fulfillment-narratives. Stern, *Parables in Midrash*, 240-245. Other scholars employ different categorization schemes. Neusner views sage stories as a distinct genre. J. Neusner, "Sage, Story and History: The Medium and the Message in the Fathers According to Rabbi Nathan," *Hebrew Studies* 28(1987): 82. Ofra Meir maintains that they must contain three elements: characters, plot, and meaning. A plot is "two events which imply some sort of confrontation." Ofra Meir, "The Narrator in the Stories of the Talmud and the Midrash," *Fabula* 2(1981): 79. Ofra Meir, *The Darshanic Story in Genesis Rabba* (Tel Aviv: Hakibbutz Hameuhad, 1987), 43-61 (Hebrew).

principles that it illustrates.[60] Whether or not the incident described actually occurred is a separate question.

The term *ma'aseh* is the literary formulation that often begins rabbinic stories, and it is commonly found in the BT. The expression דלמא, at the beginning of this story, is the term in the Aramaic Palestinian dialect for introducing a story.[61] דלמא is utilized as an introductory formula for stories involving two or more named sages within over thirty passages in the PT.[62] The sages in these stories are said to be sitting, walking, speaking, or eating together. Martin Jaffee suggests that the numerous stories in the PT depicting rabbis walking or travelling together are "stock settings" that testify to "the high evaluation of discipleship as the normative setting in which to pursue the transformative life of Torah."[63] He also posits a broad similarity between rabbinic-disciple communities and Greco-Roman philosophical collegia.[64]

> Like the training offered by Sophists, Rabbinic training bore a strong scholastic orientation, focused on guiding young men in the mastery of

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[60] Stern, *Parables in Midrash*, 13.

[61] Marcus Jastrow, *Dictionary of the Targumim, Talmud Babli, Yerushalmi and Midrashic Literature* (New York: Judaica Press, 1971), 300. In this aggadah, the word is spelled as דלמא. It can also be spelled as דלמה, or דילמה, because of scribal confusion with the adverb דילמה meaning 'perhaps.' Sokoloff, *A Dictionary of Jewish Palestinian Aramaic*, 151. Haredim improbably concludes that דלמא is a contraction of the term דא למה דומה 'to what is this analogous.' Frankel suggests that דלמא means 'explanation' from the Greek δήλωμα. Frankel, *Einleitung*, 10b (Hebrew). Leib Moscovitz states that דלמא is a formulaic phrase used to introduce a *ma'aseh* story involving named Amoraic sages. The term appears in halakhic, as well as, aggadic stories. Leib Moscovitz, *The Terminology of the Yerushalmi: The Principal Terms* (Jerusalem: Magnes Press, 2009), 136-138 (Hebrew). דלמא is not found in the Bavot tractates of the PT, which are considered to have been redacted earlier than the other tractates of the PT. Sussman, "Ve-Shuv Li Yerushalmi Nezikin," 78 n. 95 (Hebrew).

[62] *Y. Ber* 1.1, 2c; 2.3, 4c; 2.4, 5a; 2.9, 5d; *y. Peah* 3.7, 17d; 7.3, 20a; 8.8, 21b; *y. Shevit* 4.3, 35b; 5.4, 36a; *y. Maas* 3:4, 51a; 4.2, 51b; *y. Shab* 1.2, 3a; 16.1, 15c; *y. Pes* 3.7, 30b; *y. Yoma* 3.2, 40b; *y. Sheq* 5.4, 49b; *y. Suk* 5.1, 55a; *y. Taan* 2.1, 65a; *y. Hag* 1.7, 76c; *y. Ket* 6.3, 30d; *y. Git* 1.5, 43d; 5.10, 47c; 6.5, 48b; *y. Qid* 1.6, 60d; 3.4, 64a; 3.5, 64a; 4.6, 65d; *y. Sanh* 7.3, 25c; *y. A.Z* 4.10, 44b. The variant spelling דלמה is found in *y. Ber* 7.3, 11b; *y. Pes* 5.5, 32c; *y. Yoma* 1.1, 38c; *y. Yev* 8:2, 9b. דלמה also appears in *Bereshit Rabbah* 35:9 and in Song of Songs *Rabbah* 6:10.

[63] Jaffee, "The Oral-Cultural Context of the Talmud Yerushalmi," 56. See also Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen: Mohr Siebeck, 1997), 228-231. Catherine Hezser, "Rabbis and other Friends: Friendship in the Talmud Yerushalmi and in Graeco-Roman Literature," in *The Talmud Yerushalmi and Graeco-Roman Culture II*, ed. Peter Schäfer and Catherine Hezser (Tübingen: Mohr Siebeck, 2000), 228.

[64] Jaffee, "The Oral-Cultural Context of the Talmud Yerushalmi," 54-57.

a literary tradition whose values they would personally embody…Finally, like the students of the rhetorical schools, many of those who studied in the Rabbinic *bet midrash* would make their professional mark beyond it through skilled effective public speech.[65]

Jaffee suggests that these similarities extended beyond institutional settings and are also evident in the literary style and substance of the PT.[66] Building on Jaffee's scholarship, I propose that the composers/redactors of this particular story utilized the literary genre of analogy, which was a type of oratory composition common in their environment. This aggadah attempts to make an abstract idea tangible through the presentation of an argument via analogy. Analogy was a primary mode of rhetorical induction discussed by Aristotle.[67] In addition, Anaximenes listed analogy as one of three ways to make a supporting argument,[68] and Quintilian also treated analogy or syllogism similarly.[69] In the chapter "On the *Chreia*" in the *Progymnasmata*[70] by Hermogenes of Tarsus, from the late second century CE, eight basic modes of argumentation are listed as procedures for the rhetorical elaboration of *chreia*. *Chreia* is a formal term for brief reminiscences comprising sayings or actions, or both, and are usually attributed to a particular character.[71] *Chreia* depict an incident in a philosopher's life, and feature philosophers rebuking students, debating other philosophers,

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[65] Ibid, 33-34. See also Burton Visotzky, "Midrah, Christian Exegesis, and Hellenistic Hermeneutic," in *Current Trends in the Study of Midrash*, ed. Carol Bakhos (Leiden, Boston: Brill, 2006), 120-126.

[66] Jaffee, "The Oral-Cultural Context of the Talmud Yerushalmi," 34.

[67] Aristotle, *Rhet.* I.ii.8; II.xx.2-4.

[68] Anaximenes, *Rhet. ad. Alex.* 1.1422a. 25-27. The other two are contrary and previous judgments.

[69] Quintilian, *Inst.* 7.8.1 Heinrich Lausberg, *Handbook of Literary Rhetoric: A Foundation for Literary Srudy* (Leiden: Brill, 1998), 95-96.

[70] *Progymnasmata* began to appear in the first century BCE. The term, *Progymnasmata*, refers to handbooks containing preliminary exercises for the practice of declamation of rhetoric assigned by Greek grammarians to students. Roman grammarians employed similar exercises in Latin. George Kennedy, *Progymnasmata: Greek Handbooks of Prose Composition and Rhetoric*, trans. George Kennedy (Leiden: Brill, 2003), X. Graham Anderson, *The Second Sophistic: A Cultural Phenomenon in the Roman Empire* (London and New York: Routledge, 1993), 47-50.

[71] Ronald F. Hock and Edward N. O'Neil, *The Chreia in Ancient Rhetoric Volume 1 The Progymnasmata* (Atlanta: Scholar's Press, 1986), 23.

reflecting on the philosophical way of life or displaying a philosopher's wit.[72] Henry Fischel

discusses the variations of the Greco-Roman *chreia* that are found within rabbinic literature

demonstrating that rabbinic sages appropriated this literary genre and made some changes to

it for their own purposes.[73]

A "statement from analogy" (*ek paraboles*) is the fifth of the eight specific modes of

argumentation mentioned by Hermogenes. The *chreia* chosen by Hermogenes for elaboration

is a saying of Isocrates about *paideia*: "Isocrates said that the root of education is bitter, but

the fruit is sweet."[74] The example that Hermogenes provides for how to elaborate this saying

with an analogy is as follows:

> (5) For just as it is the lot of farmers to reap their fruits after working
> with the land, so also is it for those working with words.[75]

In a study of Tannaitic forms of argumentation, Avery-Peck sought to determine

whether rabbinic stories contain the eight basic modes of argumentation established by

Hermogenes, who recommended that all eight should be followed to create one coherent

argument.[76] Avery-Peck found that early rabbinic stories do not comprise the complete

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[72] Ibid, 4-5.

[73] Henry Fischel, "Studies in Cynicism and the Ancient Near East: The Transformation of a Chria," in *Religions in Antiquity Essays in Memory of Erwin Ransdell Goodenough*, ed. Jacob Neusner (Leiden: E. J. Brill, 1968), 407- 411.

[74] Isocrates fr. 19 in É. Brémond and G. Mathieu, *Isocrate. Discours, vol 4* (Paris: Les Belles Lettres, 1962), 229-232, 234-239.

[75] Hock and O'Neil, *The Chreia in Ancient Rhetoric Volume 1 The Progymnasmata*, 177. This work is attributed to Hermogenes, but many consider the attribution to be doubtful. George Kennedy, *A New History of Classical Rhetoric* (Princeton: Princeton University Press, 1994), 203.

[76] Alan J. Avery-Peck, "Rhetorical Argumentation in Early Rabbinic Pronouncement Stories," *Semeia* 64(1993): 49-69. Hermogenes taxonomy is: 1. Praise. 2. Thesis. 3. Rationale. 4. Statement of the Contrary. 5. Analogy. 6. Example. 7. Statement from Authority. 8. Conclusion/Exhortation.

elaboration of *chreia* as recommended in Greco-Roman rhetoric.[77] Rather, they primarily use a single mode of argumentation, but the modes are consistent with the list provided by Hermogenes. Avery-Peck suggests that Tannaitic rabbinic stories use analogies to support legislative decisions "by extending existing rules to new, analogous situations."[78] This aggadah coheres with the Tannaitic stories studied by Avery-Peck in that it uses a single mode of argumentation: in this case, analogy. Whereas Avery-Peck concentrates on Tannaitic legal stories that make use of analogies, this Amoraic story that I analyze is an example of an analogy employed in an aggadic setting in order to set a precedent.[79]

2.9 Structure

This story is structurally divisible into four equal parts. Sometimes the structure in a rabbinic story is created by the repetition of words or phrases that formally establish the boundaries of the story's different parts.[80] The content may also create the divisions. In this story we find both techniques employed. The structure of this narrative can be mapped as follows: the content creates the divisions between each of the first three sections of the story—A, B, and C—while in section D the repeated expression ואחר כך "and afterwards" introduces each unit. In the first section of the story, we have three statements regarding the sages walking together and viewing the beginning of the morning. The second section of the story also comprises three statements regarding the relationship of the morning light to Israel's redemption. The introductory Aramaic expression דלמא, which is found at the beginning of section A, and the Aramaic formulaic phrase מאי טעמא literally "what is the

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[77] Ibid, 49. Martin Jaffee maintains that some rabbinic pericopae do disclose the complete elaboration of the *chreia* as recommended by Hellenistic rhetoric. One of the examples Jaffee cites is *y. Ber* 9:1, 13a. Jaffee, *Torah in the Mouth*, 128-140.

[78] Avery-Peck, "Rhetorical Argumentation in Early Rabbinic Pronouncement Stories," 58.

[79] On the trope of analogy within rabbinic literature see Rosenfeld, "Sage And Temple In Rabbinic Thought," 437-439.

[80] Rubenstein, *Talmudic Stories*, 9.

reason," [81] which is located at the conclusion of section B, serve as redactional brackets; they

enclose the first two tripartite sections of the story. The biblical verses in sections C and D

comprise the next two tripartite segments. This tightly woven structure is one aspect of this

story's literary complexity.

2.10 Literary Analysis

Regarding the rhetorical tool of analogy within Greco-Roman oratory, Burton Mack

suggests that:

> [b]y definition the analogy may arise from any of the orders of reality,
> but the Greco-Roman mind seems to have preferred the natural and
> social orders. It must be a general statement having to do with a class
> of objects, illustrating a principle or a relationship that has the
> potential for being universalized. It makes its rhetorical point by
> showing that the principle operates not only in the arena of
> relationships addressed by the thesis but in some other order of
> activity as well. The correlation by analogy achieves the universal
> truth of the thesis by expanding the contexts to which it applies. [82]

This aggadah coheres with Mack's definition of analogy within Greco-Roman oratory. In

connection with *ayyelet hashachar*, the gemara tells a story about R. Hiyya the Great [83] and

R. Shimeon ben Halafta. [84] These two sages appear together in a number of other stories in

rabbinic literature. [85] In this narrative, the two sages are apparently walking at dawn in the

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[81] מאי טעמא is an expression used in both Talmuds to introduce an investigation of a law that is based on a rabbinic principle rather than a biblical verse. Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic* (Baltimore: The John Hopkins University Press, 2002), 634.

[82] Burton Mack, "Elaboration of the Chreia in the Hellenistic School," in *Patterns of Persuasion in the Gospels*, ed. Burton Mack and Vernon Robbins (Sonoma, California: Polebridge Press, 1989), 59.

[83] R. Hiyya the Great is mentioned hundreds of times in the PT, BT, and in midrashim. He lived during the last generation of Tannaim and the first generation of Amoraim, so he is considered to have been both a Tanna and an Amora. Responsa Project Bar Ilan University Version 17 (Hebrew). Rashi's commentary to *b. Niddah* 26a states that "R Hiyya was a Tanna and an Amora."

[84] A number of sources also identify R. Simeon ben Halafta as a fifth generation Tanna and a first generation Palestinian amora. Ibid. He is associated with aggadic passages in both Talmuds and he is "Hiyya's friend." Strack and Stemberger, *Introduction*, 82. Albeck, *Introduction*, 157-158 (Hebrew). Frankel, *Einleitung*, 85a (Hebrew).

[85] *Bereshit Rabbah* 79:7; Ruth *Rabbah* 3:4; Midrash *Tanhuma Parshat Re'eh* 15:15 and in the parallel texts to this aggadah which are Song of Songs *Rabbah* 6:10, *y. Yoma* 3:2, 40b, Esther *Rabbah* 10:14, and Midrash to Psalm 22.

valley of Arbel in the Galilee, near Tiberias. The expression "Rabbi X said to Rabbi Y" is a ubiquitous literary structure found in both Talmuds, and it signifies more than is conveyed by the various senses of the verb "say" in English. In the Talmud it also has the connotation that the sage who is speaking is articulating his legal opinion or his exegetical teaching.[86] This story relates that as R. Hiyya witnesses the sun's rays starting to shine over the horizon, he compares Israel's redemption to the long process that extends from dawn until the rising of the sun.[87] At dawn, one does not see the sun, only the thin rays that portend its later arrival. Then, gradually, more light appears until the sun has totally risen. The analogy that this story conveys, through the use of wordplay and literary repetition, is that Israel's redemption will also occur slowly, but just as surely, as the daily rising of the sun.

Wordplay is a prevalent literary strategy that rabbinic stories rely on.[88] The sages are walking in the valley of Arbel, בקעת ארבל, when the light of the *ayyelet hashachar* breaks through. The word for the light breaking through is בקע, from the verb בקע,[89] and this creates wordplay with the similar word, בקעה, "valley."

Jeffrey Rubenstein identifies the "threefold repetition of a phrase or sequence of phrases" as a familiar motif in rabbinic stories redacted by Stammaim in the BT.[90] Threefold repetition also occurs throughout this PT story. The word for light is repeated three times. As mentioned above, the light of the *ayyelet hashachar* breaks through at the beginning of the story; the verse from Micah in the middle of the story mentions light; and at the conclusion of the story the Jews will have light, with the mentioning of Esther (8:16) which states, "The Jews had light and gladness."

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[86] Moscovitz, *The Terminology of the Yerushalmi*, 31 (Hebrew).
[87] Sperber, *Magic and Folklore in Rabbinic Literature*, 210; ibid.
[88] Rubenstein, *Talmudic Stories*, 9.
[89] בקע is the verb meaning "to split." Sokoloff, *A Dictionary of Jewish Palestinian Aramaic*, 110.
[90] Rubenstein, *Talmudic Stories*, 252.

The literary repetition continues with רבה—the word that describes the growing redemption. It is mentioned three times, and it is also the cognomen found at the end of R. Hiyya's name.[91] Another significant instance of repetition involves the word for walking: מהלכין. R. Hiyya the Great and R. Shimeon ben Halafta are said to be walking together. The same verb is used twice in a later statement describing how redemption will grow. In this context it appears as a participle, indicating continuation or development: הולכת. This verb has a semantic range of signification that includes "to walk, move forward, travel, spread."[92] The repetition of הולכת in the context of redemption and in the description of the sages' activity of walking, together with the repetition of רבה as the word for the increasing redemption and as the cognomen at the end of R. Hiyya's name are literary tropes that support the notion that while redemption will advance slowly, it will be enacted through the efforts of the sages. The literary repetition of walking also leads us back to the previous halakhic discussion on the duration of time from *ayyelet hashachar* to the rising of the sun, which is described in terms of the time it takes a man to walk eight mil.

Another illustrative example of threefold literary repetition is found in section C of this story which contains one verse from Micah and two verses from Esther. The combination of biblical exegesis with narrative is one of the defining characteristics of rabbinic stories. Narrative is created with elements of biblical verses, while at the same time rabbinic narrative reinterprets those verses. Joshua Levinson suggests that "exegesis provides

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[91] The name appears as רבי חייא רבא at the beginning of the story in the ed. Princ. Venedig ms and as רבי חייא רבה when he is mentioned again in the story. The variant רבוא is found in the Vatican ms. The cognomen רבא is often added to the names of rabbis in Amoraic traditions. In the case of R. Hiyya it may have been used to indicate his superiority, or his advanced age, or to distinguish him from other sages of the same name. Frankel, *Einleitung*, 74b (Hebrew). Albeck, *Introduction*, 144, 236 (Hebrew). Hezser concludes that the precise meaning of sages' cognomens is unknown. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 301-306.

[92] Sokoloff, *A Dictionary of Jewish Palestinian Aramaic*, 165.

the necessary cultural authority for the narrative and the narrative provides verisimilitude for the exegesis."[93]

The first biblical verse in section C conatins a portion of Micah 7:8. The entire verse states: "Do not rejoice over me, my enemy, though I have fallen, I rise again; though I sit in darkness, the Lord is my light." Micah 7:8 emphasizes the analogy asserted by R. Hiyya. Exile is the experience of night and darkness, and the forthcoming redemption will be the experience of light and day. Micah 7:8 is followed by two verses from the biblical Book of Esther. The verses from the Book of Esther provide support for the analogy that redemption will occur gradually but with steadily increasing intensity, comparable to the process that culminates in the daily rising of the sun. The Book of Esther depicts a Jewish community living in the Diaspora under Persian rule.[94] The community is threatened with annihilation by Haman, the king's advisor. The king's wife, Esther, who happens to be Jewish, reveals her identity and together with Mordecai they are able to annul Haman's evil decree and the Jews are saved.

In the first section of the story, R. Hiyya the Great tells R. Shimeon ben Halafta that the salvation of Israel will occur "at the beginning, little by little." The construction used for "at the beginning" is כתחילה. The word כתחילה is found again in the aggadah preceding the placement of Esther 2:21, the first verse of the Book of Esther mentioned in our aggadah. In fact, we find a similar temporal pattern within the Book of Esther itself. In Esther 2:21, we are told that Mordecai was sitting at the king's gate when he overhears the king's ministers, Bigthan and Teresh, plotting to assassinate the king. Esther 2:22 and 2:23 record how Mordecai informs Esther of the assassination plot. She provides this information to the king,

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[93] Levinson, "The Cultural Dignity of Narrative," 365.
[94] The Book of Esther is generally understood to be a fictional story dating from 400 to 300 BCE.

and Mordecai's deed is inscribed in the king's chronicles. This demonstrates Mordecai's loyalty to the king, using the informant motif prevalent in court legends, a major motif on which the plot of Esther depends.[95] This episode foreshadows Israel's redemption. The commentary of Haredim sees Esther 2:21 as analogous to *ayyelet hashachar* because initially Mordecai's act seems insignificant but it becomes an important step leading to salvation, just as *ayyelet hashachar* appears as only a few rays of light but it is actually the precursor to sunrise.

In the aggadah, the redemption that R. Hiyya envisions will become greater over time. In the Book of Esther, redemption also emerges slowly through events that at the outset appear unrelated but act together to bring about redemption. In Esther 6:11, the second verse from the Book of Esther mentioned in our story, Haman is ordered by the king to take the king's clothes and horse to adorn and honour the person who saved the king from assassination. The conclusion of Esther 6:11 states that Haman dresses Mordecai and parades him through the city square, proclaiming that this act is an honour for a man the king wishes to recognize.[96] The next verse in the aggadah is from Esther 6:12, stating that Mordecai returns to the king's gate. The rest of Esther 6:12, which is not mentioned in the aggadah, portrays Haman returning home in shame, his evil decree having been averted. The aggadah continues to relate episodes from the Book of Esther, turning to verse 8:15, but only the initial words are provided. Rabbinic stories often cite only a portion of a biblical statement, rather than the entire verse. This is an indication that these stories were intended for an audience familiar with the biblical text. It is possible that the sections of the Book of Esther

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[95] Adele Berlin, ed. *The J. P. S. Bible Commentary Esther* (Philadelphia: The Jewish Publication Society, 2001), 31.
[96] Haredim interprets this verse as analogous to the spread of dawn across the horizon in the morning and as a sign of impending redemption.

that are included in this story were chosen because each verse begins with the temporal phrase "And afterwards," which continues the motif of movement established earlier in the story. The complete verse of Esther 8:15 states:

> And Mordecai left the king's presence dressed in royal apparel of blue and white, with a large crown of gold, and a mantle of fine linen and purple wool. And the city of Shushan rang with joy.

Verse 8:15 serves to confirm that a reversal of fortune has occurred and that Micah's prophecy has come to fruition.[97] The aggadah concludes with Esther 8:16, which reads, "The Jews had light and gladness, happiness and honour." [98] Therefore, it seems that the verses from the Book of Esther are incorporated into this aggadah to establish a link between the memory of the past redemption in Esther and the hope for a future redemption. Alexander Samely suggests that using a biblical event to predict future events is one of the established hermeneutic strategies employed in rabbinic Aggadah.[99] However, this trait is not uniquely rabbinic. It is also pre-rabbinic as it is found within the Bible itself.

Physical and figurative activity abounds throughout this short story. Figuratively redemption is pictured as materializing slowly and the advancement from the condition of exile to the state of redemption will entail a great deal of movement, comparable to the transformation of the darkness of night into the sunlight of day. Physical activity parallels the figurative movement in the story. In the beginning we find two sages walking, then Micah 7:8 speaks of sitting in the darkness. This is followed by Mordecai sitting at the king's gate, subsequently returning to the gate, and then departing from the king's presence clad in royal apparel. The word for "return" in Esther 6:12 is the third person masculine singular imperfect

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[97] Haredim sees this verse as analogous to the rising of the sun.
[98] Haredim sees this verse as analogous to the bright noon-day sun.
[99] Alexander Samely, *Forms of Rabbinic Literature and Thought: An Introduction* (Oxford: Oxford University Press, 2007), 178-179.

with the *waw* consecutive form of the Hebrew verb שׁוּב. Although the roots differ, it is

identical in form to the word for "he sat," which is ישׁב. Consequently, we have the same

word repeated twice, and playfully repeated once more. As mentioned, the words for "light,"

"great," and "walking" are also repeated three times. Thus, this story exhibits the threefold

literary repetition that is a hallmark of rabbinic stories.[100]

The talmud's assertion that the experiences of exile and redemption are as familiar as

the daily transition from night to day appear as an effort on the part of PT

composers/redactors to give meaning to the loss of sovereignty that accompanied the

destruction of the Second Temple. This is achieved by the vision that posits that future

redemption can be anticipated and relied upon as surely as we rely upon the rising of the sun

each day.

I now turn to the analysis of the parallel versions of this story. There are four parallel

versions of this story, one is in tractate *Yoma* in the PT and the others are in midrashic

compilations. Parallel passages consisting of individual traditions as well as larger blocks of

entire *sugyot* are a regular feature of the PT.[101] In the following section I discuss the possible

significance of this story appearing in both tractate *Berakhot* and *Yoma* in the PT.

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[100] Rubenstein, *Rabbinic Stories*, 16-19.

[101] Sussman, "Ve-Shuv Li Yerushalmi Nezikin," 90-92 (Hebrew); Moscovitz, "The Formation and Character of the Jerusalem Talmud," 673-675. Bokser, "An Annotated Bibliographical Guide," 178-180. It is also common to find variations of Greco-Roman *chreia* repeated in numerous treatises with differing attributions. Hock and O'Neil, *The Chreia in Ancient Rhetoric Volume 1 The Progymnasmata*, 316, 318, 323, 340.

2.11 Parallel Versions

Table 1. Parallel Versions of *y. Ber* 1:1, 2c

Esther *Rabbah* 10:14[102]	Midrash to Psalm 22:13[103]	Song of Songs *Rabbah* 6:10[104]	*y. Yoma* 3:2, 40b	*y. Ber* 1:1, 2c
A. ר' חייא רבה ורבי שמעון בן חלפתא הוון מהלכין בהדא בקעתא דארבל וחזון את אילת השחר שבקעה את האורה	**A.** ר' חייא בר אבא ור' שמעון בן חלפתא היו מהלכין בקרואתא בהדא בקעתא דארבאל וראו אילת השחר שבע אורה לעלות	**A.** דלמה רבי חייא ור' שמעון בר חלפתא הוון מהלכין בהדא בקעת ארבאל בקריצתה, וראו אילת השחר שבקעה אורה	**A.** דלמא רבי חייא רובא ורבי שמעון בן חלפתא הוו מהלכין בהדא בקעת ארבל בקריצתה ראו איילת השחר שבקע אורה	**A.** דלמא רבי חייא רבא ורבי שמעון בן חלפתא הוו מהלכין בהדא בקעת ארבל בקריצתה וראו איילת השחר שבקע אורה
B. אמר ליה רבי חייא רבה לרבי שמעון בן חלפתא כך הוא גדולתן של ישראל בתחילה קימעא כל מה שהוא הולך הוא גדול ורבה והולך מה טעם	**B.** אמר לו ר' חייא כך היא גאולתן של ישראל אמר לו ר' שמעון היינו דכתיב	**B.** א"ל ר' חייא רבה לר' שמעון בר חלפתא כך תהיה גאולתן של ישראל מצפצפת דכתיב	**B.** אמר רבי חייא רובה לר' שמעון בן חלפת בר כך כך היא גאולתן של ישראל בתחילה קימעא כל שהיא הולכת היא הולכת **ומאיר** מאי טעמא	**B.** אמר רבי חייא רבה לר' שמעון בן חלפתא בירבי כך היא גאולתן של יש' בתחילה קימאה קימעא כל מה שהיא הולכת היא **רבה** והולכת מאי טעמא
C. כי אשב בחשך ה' אור לי, כך בתחלה ומרדכי יושב בשער המלך	**C.** כי אשב בחשך ה' אור לי תחלה היא באה קימעא קימעא ואחר כך היא מנפצת ובאה	**C.** כי אשב בחשך ה' אור לי, בתחלה היא באה קימעה קימעה ואחר כך היא היא מנצנצת ובאה	**C.** כי אשב בחושך ה' אורי לי כך בתחילה ומרדכי יושב בשער המלך ואחר כך וישב מרדכי אל שער המלך	**C.** כי אשב בחושך ה' אורי לי כך בתחילה ומרדכי יושב בשער המלך ואחר כך ויקח המן את הלבוש ואת הסוס
D. ואחר כך וישב מרדכי אל שער המלך וגו' ואחר כך ומרדכי יצא מלפני המלך וגו', ואחר כך ליהודים היתה אורה ושמחה וששון ויקר	**D.** ואחר כך היא פרה ורבה ואחר כך היא משתבחת והולכת כך בתחלה ומרדכי יושב בשער המלך ואחר כך ויהי כראות המלך את אסתר המלכה ואחר כך ויקח המן את הלבוש ואת הסוס ואחר כך ויתלו את המן ואחר כך ואתם כתבו על היהודים ואחר כך ומרדכי יצא מלפני המלך בלבוש ואחר כך ליהודים מלכות היתה אורה	**D.** ואח"כ פרה ורבה ואח"כ מרטבת והולכת כך בתחלה בימים ההם ומרדכי יושב בשער המלך ואח"כ ומרדכי יצא מלפני המלך בלבוש מלכות, ואחר כך ליהודים היתה אורה ושמחה וגו	**D.** ואחר כך ויקח המן את הלבוש ואת הסוס וגו ואחר כך ומרדכי יצא מלפני המלך בלבוש מלכות ואחר כך ליהודים היתה אורה ושמחה	**D.** ואחר כך וישב מרדכי אל שער המלך ואחר כך ומרדכי יצא מלפני המלך בלבוש מלכות ואחר כך ליהודים היתה אורה ושמחה

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[102] Vilna Edition "Responsa Project Bar Ilan University Version 17 (Hebrew)."

[103] Salomon Buber, *Midrash Tehillim: ha-mekonoh Shoher tov* (Vilna 1891 Reprinted Jerusalem 1966), (Hebrew).

[104] Vilna Edition "Responsa Project Bar Ilan University Version 17 (Hebrew)."

Table 2. Translations of Parallel Versions of *y. Ber* 1:1, 2c

y. Ber 1:1, 2c	*y. Yoma* 3:2, 40b	Song of Songs *Rabbah* 6:10
A. An incident: R. Hiyya the Great and R. Shimeon ben Halafta were walking at day break[105] in the valley of Arbel. And they saw the light of the *ayyelet hashachar*[106] break through.	**A.** An incident: R. Hiyya the Great and R. Shimeon ben Halafta were walking at day break in the valley of Arbel. And they saw the light of the *ayyelet hashachar* break through.	**A.** An incident:[107] R. Hiyya[108] and R. Shimeon bar Halafta[109] were walking at day break in the valley of Arbel.[110] And they saw the light of the *ayyelet hashachar* break through.[111]
B. R. Hiyya the Great said to R. Shimeon ben Halafta, "Eminent one, such is the salvation of Israel, first little by little but as it continues it will grow ever **greater**." What is the reason?	**B.** R. Hiyya the Great said to R. Shimeon ben Halafta, "Son of Rabbi, such is the salvation of Israel, first little by little but as it continues it will go along and **it will illuminate**." What is the reason?	**B.** R. Hiyya the Great [112] said to R. Shimeon bar Halafta, "This is how the salvation of Israel will break forth." As it is written:[113]
C. "Though I **sit** in darkness, the Lord is my light." (Micah 7:8) So it was at the beginning, "And Mordecai was **sitting** at the King's gate." (Esther 2:21)	**C.** "Though I **sit** in darkness, the Lord is my light." (Micah 7:8) So it was at the beginning, "And Mordecai was **sitting** at the King's gate." (Esther 2:21)	**C.** "Though I **sit** in darkness, the Lord is my light." (Micah 7:8) At first it will come little by little[114] and afterwards, it will sparkle as it goes and after that it will multiply and become great and afterwards, it will thrive as it goes. And so it was in the beginning, "And Mordecai was **sitting** at the King's gate." (Esther 2:21)

[105] The term for daybreak the *y. Ber* version is קריצתה. This term is also found in the *y. Yoma* and Song of Songs *Rabbah* versions. It is absent from the Esther *Rabbah* version and it spelled as בקרוצתא in the Midrash to Psalm version.

[106] In the *y. Ber* version in the Ed. princ. Venedig and Leiden mss this word appears as איילת השחר, in all other versions אילת only has one י.

[107] דלמה is found in Song of Songs *Rabbah* 6:10. The *y. Ber* and the *y. Yoma* versions, in all their recensions, have דלמא. The term is absent from the versions in Midrash to Psalms and in Esther *Rabbah*.

[108] Song of Songs *Rabbah* has R. Hiyya without the cognomen 'great.' The Ed. Princ. Venedig and Leiden mss of the *y. Yoma* parallel have רבי חייא רובא. Midrash to Psalm 22:12 has the variant 'R. Hiyya bar Abba.' It is common for the names of sages to vary in parallel versions of stories that are located in different places in the PT. Sussman, "Ve-Shuv Li Yerushalmi Nezikin," 60-61.

[109] Song of Songs *Rabbah* has Shimeon **bar** Halafta instead of Shimeon **ben** Halafta.

[110] Song of Songs *Rabbah* has ארבאל as the spelling for Arbel. It appears as ארבל in *y. Ber* and *y. Yoma*.

[111] Song of Songs *Rabbah* has בקעה instead בקע for 'break through.'

[112] Here Song of Songs *Rabbah* has רבי חייא רבה.

[113] Instead of the formulaic phrase מאי טעמא, 'what is the reason,' in the Song of Songs *Rabbah* and in the Midrash to Psalm 22:12 versions we find דכתיב, 'it is written.' This is a standard phrase for introducing a biblical passage.

[114] קימאה is found in the *y. Ber* Ed. princ. Venedig version while Ms Paris, London, and Amsterdam have קימעא. The *y. Yoma* version has קימעא in the Ed. princ. Venedig and Leiden versions, while Yalqut has קימעה. קימעה is also found in the Song of Songs *Rabbah* version.

Table 2 (continued)

y. Ber 1:1, 2c	*y. Yoma* 3:2, 40b	Song of Songs *Rabbah* 6:10
D. And afterwards, "and Haman took the [king's] robes and the [king's] horse." (Esther 6:11)[115] And afterwards, "Mordecai returned to the gate of the King." (Esther 6:12) And afterwards, "And Mordecai left the King's presence dressed in royal apparel." (Esther 8:15) And afterwards, "The Jews had light and gladness." (Esther 8:16)	**D.** And afterwards, "Mordecai returned to the gate of the King." (Esther 6:12) And afterwards, "and Haman took the [king's] robes and the [king's] horse." (Esther 6:11) And afterwards, "And Mordecai left the King's presence dressed in royal apparel." (Esther 8:15) And afterwards, "The Jews had light and gladness." (Esther 8:16)	**D.** And afterwards, "And Mordecai left the King's presence dressed in royal apparel." (Esther 8:15) And afterwards, "The Jews had light and gladness." (Esther 8:16)

Midrash to Psalm 22:13		**Esther *Rabbah* 10:14**
A. Another interpretation of "who is she that comes up as the morning?" (Song of Songs 6:10) R. Hiyya bar Abba and R. Shimeon ben Halafta were walking at day break in the valley of Arbel. And they saw the light of the *ayyelet hashachar* break through and come up.		**A.** R. Hiyya the Great and R. Shimeon ben Halafta were walking in the valley of Arbel and *ayyelet hashachar* appeared.
B. R. Hiyya said to him, "such is the salvation of Israel." R. Shimeon said to him, "as it is written"		**B.** R. Hiyya the Great said to R. Shimeon ben Halafta, "such is the growth of Israel in the beginning, a little, but as it goes it will become big and great and it will continue." What is the reason?
C. "Though I **sit** in darkness, the Lord is my light." (Micah 7:8) At first it will come little by little and after that it will sparkle as it goes and after that it will multiply and become great and after that it will go forth in glory. So it was at the beginning, "And Mordecai was **sitting** at the King's gate." (Esther 2:21) And then, "when the king saw Esther the queen." (Esther 5:2)		**C.** "Though I **sit** in darkness, the Lord is my light." (Micah 7:8) So it was at the beginning. "And Mordecai was **sitting** at the King's gate." (Esther 2:21)
D. And afterwards, "and Haman took the [king's] robes and the [king's] horse." (Esther 6:11) And afterwards, "they hung Haman." (Esther 7:10) And afterwards, "and you may write with regard to the Jews." (Esther 8:8) And afterwards, "And Mordecai left the King's presence dressed in royal apparel." (Esther 8:15) And afterwards, "The Jews had light." (Esther 8:16)		**D.** And afterwards, "Mordecai returned to the gate of the King." (Esther 6:12) And afterwards, "And Mordecai left the King's presence." (Esther 8:15) And afterwards, "The Jews had light and gladness and joy and honour." (Esther 8:16)

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[115] This line is absent from the versions in Song of Songs *Rabbah* 6:10 and Esther *Rabbah* 10:14.

2.11.1 *y. Yoma* 3:2, 40b

  The wording in the *y. Berakhot* and *y. Yoma* versions of this story is almost identical. In *y. Ber*, R. Hiyya the Great states that the process of Israel's salvation will become greater. This is designated by the term רבה. However, in *y. Yoma* we find instead the word, ומאיר[116] meaning "and it will illuminate." With this variation, a different literary allusion is created. The word ומאיר evokes Micah 7:8, which states "the Lord is my light." אור is the noun for light, and מאיר is the hiph´il form of the Hebrew verb אור. The only other difference is that two sentences appear in a different order in the two versions.

  In *y. Ber* we find the following:

> And afterwards, "and Haman took the [king's] clothes and the [king's] horse." (Esther 6:11) And afterwards, "and Mordecai returned to the king's gate." (Esther 6:12)

  In *y. Yoma* the verses appear thus:

> And afterwards, "and Mordecai returned to the king's gate." (Esther 6:12) And afterwards, "and Haman took the [king's] clothes and the [king's] horse." (Esther 6:11)

  Moshe Assis identifies close to one thousand examples of transferred material within the PT.[117] Leib Moscovitz finds that the characteristics of most parallel passages in the PT that exhibit variants are limited to small differences in words or phrases.[118] The minor variants in the versions in tractates *Berakhot* and *Yoma* appear to constitute the type of variant passages studied by Moscovitz, who advances several possibilities to account for their prevalence in the PT, without drawing any definitive conclusions. He suggests that such pericopae could be the result of the nature of the composition of the PT, which was worked

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[116] ומאיר is in the Ed. Princ. Venedig and the Leiden MS, while רבה is found in the Yalqut MS.

[117] Moshe Assis, "Parallel Sugyot in the Jerusalem Talmud" (Ph.D. diss., Hebrew University 1976), 1 (Hebrew).

[118] Leib Moscovitz, "Parallel Sugyot and the Text-Tradition of the Yerushalmi," *Tarbiz* 60, no. 4 (1991): 538 (Hebrew).

on for over one hundred and fifty years in different locales in Israel, mainly in the Galilee.[119] A portion of these variant pericopae could have come from different tradents within the same learning centre, or could be the result of changes that arose due to oral transmission of these traditions among different rabbinic sages and different centres of learning during the Amoraic period.[120] He also suggests that variant passages may have been the result of the intentional reworking of material by early scholars.[121] Finally, Moscovitz does not discount the notion that some changes could also have been the result of post-Amoraic editors.[122] Similarly, Albeck discusses the possibility that the duplication of passages took place during the talmudic era by "the masters of the Talmud," or by post-Amoraic editors.[123]

Yaacov Sussman, on the other hand, seems certain that the literary transmission of PT material to other places in the PT took place exclusively during the Amoraic period due to an associative mode of Amoraic rabbinic thinking.[124] Jacob Epstein had reached the same conclusion earlier with his view that the transfer of passages in the PT from one place to another represented the work of the "sages of the land of Israel."[125] Epstein adds that such transfer is also a regular feature of the Mishnah, Tosefta, and midrashim.[126]

Where it can be demonstrated that a parallel tradition within the PT thematically fits one context in which it is found but does not relate to the other context where it is located, it may be possible to reach conclusions about where the passage might have originally appeared. The preceding halakhic literary contexts of the parallel aggadot in *y. Ber* and *y.*

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[119] Moscovitz, "Sugyot Muhlafot," 19 (Hebrew).
[120] Ibid, 59-61. Moscovitz, "Parallel Sugyot ": 538 (Hebrew). Moscovitz also suggests that in some cases two passages that might seem to parallel each other may actually originate from different sources. Ibid, 541. Moscovitz, "Sugyot Muhlafot," 60 (Hebrew).
[121] Moscovitz, "Parallel Sugyot ": 540-541 (Hebrew).
[122] Ibid, 540. Moscovitz, "The Formation and Character of the Jerusalem Talmud," 674.
[123] Albeck, *Introduction*, 504 (Hebrew).
[124] Sussman, "Ve-Shuv Li Yerushalmi Nezikin," 90-92 (Hebrew).
[125] Epstein, *Introduction to Amoraitic Literature* 328 (Hebrew).
[126] Ibid, 329.

Yoma are identical in both tractates, which may indicate that this story and its preceding literary context were copied from one tractate to another. I now examine the wider redactional contexts in which both of these stories are found to try to suggest which tractate the story and its preceding literary context might have first appeared in.

The beginning of the third chapter of *y. Yoma* discusses when morning begins in order to identify the prescribed time to offer sacrifices. In tractate *Berakhot*, the urgency of determining when morning begins is motivated by the need to identify the legally correct time for the recitation of the morning *Shema*. The determination of the beginning of day is important in both contexts so, initially, the parallelism does not seem to be particularly noteworthy in either context. However, a comparison of the entire chapter in *Yoma* with the entire chapter in *Berakhot* reveals that in *Berakhot* the discussion of the halakhic term *ayyelet hashachar* continues in the literary context following this aggadah. The determination and definition of night and day for the purposes of prayer continues to be a major theme throughout the chapter. By contrast, the chapter in *Yoma* does not concentrate on the definition of night and day to the extent that the chapter in *Berakhot* does. *Yoma* is primarily focused on the sacrifices and the activities of priests on the Day of Atonement. The mentioning of *ayyelet hashachar* in these parallel passages in tractates *Yoma* and *Berakhot* indicates that PT composers/redactors appear to be continuing the agenda of *m. Ber* 1:1. As we witnessed, the motif of conflating the activity of priests with rabbinic prayer practices is a major theme in *m. Ber* 1:1. Similarly, Ishay Rosen-Zvi concludes that a major feature of *m. Yoma* is the combination of priestly traditions with post-Temple practices.[127] It appears that this theme has been carried on in this section of *y. Yo*ma. Thus, it seems that purposeful redaction was employed in the transfer of the parallel versions of this story, which might

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[127]Rosen-Zvi, "Orality, Narrative, Rhetoric," 243-245.

have first appeared in tractate *Berakhot*, since *ayyelet hashachar* concerns prayer, and was subsequently transferred to tractate *Yoma* which concerns the activity of priests. I now turn to the analysis of the other parallel texts of *y. Yoma* 3:2, 40b that appear in midrashic compilations.

2.11.2 Song of Songs *Rabbah* 6:10

Song of Songs *Rabbah*[128] is a midrash on the Songs of Songs. This text was composed in Galilean Aramaic and Hebrew, and it exclusively cites Palestinian sages. Scholars generally conclude that it dates from around 600 CE in Israel.[129] The version in Song of Songs *Rabbah* tells the same story as the version in *y. Ber* 1:1, 2c but there are many different words in the midrashic version, and the literary repetition that is prevalent in the versions in the PT is absent. Changes in parallel versions in different compilations can result from one or more of the following factors: scribal errors, conscious editing, or the circulation of differing oral and/or written traditions that interface with each other. However, it is not always possible to definitively assign one or another of these reasons to differences in parallel texts.[130]

The literary context for the version in Song of Songs *Rabbah* is Song of Songs 6:10.

Who is this looking down like the dawn, fair as the moon,
clear as the sun, awesome as an army with banners? (Song of Songs 6:10)

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[128] It is also known as Canticles *Rabbah* or Midrash *Shir ha-Shirim*. No critical edition of Song of Songs *Rabbah* exists. Dr. Tamar Kedari, of the Schechter Institute in Jerusalem, is currently preparing one and has kindly shared the results of her research with me. There are no manuscript variants for this midrashic text, aside from minor spelling differences.

[129] Luis F. Giron Blanc, "Song of Songs in Song of Songs Rabbah," in *Encyclopedia of Midrash Volume Two*, ed. Jacob Neusner and Alan J. Avery Peck (Leiden/Boston: Brill, 2005), 866-867.

[130] Moscovitz, "Parallel Sugyot ": 525 (Hebrew); Moscovitz, "The Formation and Character of the Jerusalem Talmud," 673. See the discussion on "Transferred Material" in Bokser, "An Annotated Bibliographical Guide," 178-181.

The mention of dawn in Song of Songs 6:10 serves to place Song of Songs *Rabbah* 6:10 in the same literary context as the PT parallel versions. This seems to explain why a version of this aggadah is found in Song of Songs *Rabbah*.

2.11.3 Midrash to Psalm 22:13

There is no consensus regarding the date of the composition of this text, which is known both as *Midrash Tehillim* and *Shoher Tob*.[131] According to Zunz, the work in its present form, through Psalm 118, was redacted in Italy sometime in the ninth century CE.[132] Salomon Buber, in the introduction to his edition of Midrash Psalms, suggests an earlier date in the talmudic period in Palestine, claiming that later interpolations give the false impression of a later date.[133]

Midrash to Psalm 22:13 is the longest of all the parallel versions. It contains more verses from the Book of Esther than are found in the other versions. At the same time, its literary context is consistent with the contexts in which the other versions appear. Midrash to Psalm 22:13 is an exegetical narrative of Psalm 22 that mentions *ayyelet hashachar*.

2.11.4 Esther *Rabbah* 10:14

The earliest extant manuscript dates from the fifteenth century. Scholars have suggested that this text was redacted in the eleventh or twelfth century CE.[134] The Esther *Rabbah* text is a later accretion of the other versions. It presents the most concise retelling of the story. Notwithstanding, the basic narrative is the same in all of the versions. In addition, the preceding literary context in which each of these versions is located is consistent. They

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[131] No critical edition of this text is available. One is currently being prepared by Dr. Therese Hansberger, Westfälische Wilhelms- Universität, Münster. Dr. Hansberger has kindly shared her research with me. There are no ms variants for this midrashic text except for spelling differences.

[132] L. Zunz, *Die gottesdienstlichen Vorträge der Juden historisch entwickelt*, repr. Hildesheim 1966 ed. (Frankfurt am Main1892), 278-280.

[133] Buber, *Midrash Tehillim: ha-mekonoh Shoher tov* 5-8. William Braude agreed with Buber's dating. William G. Braude, *The Midrash on Psalms* (New Haven: Yale University Press, 1959), xxviii.

[134] Strack and Stemberger, *Introduction*, 318-319. There is no critical edition of Esther *Rabbah*.

are all preceded by a discussion relating to dawn, with the exception of Esther *Rabbah* 10:14, which is a midrashic interpretation of Esther 8:15, a portion of which is part of the aggadah itself. This inclusion seems to point to the existence of a consciously constructed rabbinic tradition related to the theme of redemption, linking the figure of Esther to dawn. Galit Hasan-Rokem discusses the rabbinic predilection for its repeated associations with biblical motifs and concludes that rabbinic stories do not constitute "a systematic doctrine or philosophy."[135] Rather, the sages ensured the continuity of traditions by linking specific motifs to the biblical text, thus creating "fixed associations" which were often repeated.

The tradition of equating Esther with the dawn constitutes one of the "fixed associations" that Hasan-Rokem speaks of. Purposeful redaction may be responsible for: the discussion of dawn constituting the literary context for all of the versions of this story; and for the transfer of this narrative that is located in tractate *Yoma* and *Berakhot* in the PT.[136] Although *y. Yoma* concerns the activity of the priests, rather than prayer, PT redactors appear to have been continuing the conflation of the activity of the priests with prayer by situating this narrative in tractates *Berakhot* and *Yoma.* For the same reason purposeful redaction appears to be responsible for the narrative story and the preceding halakhic discussion appearing in both tractates. I now turn to the discussion of the historical context of this story as it appears in the PT.

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[135] Hasan-Rokem, *Web of Life*, 130.

[136] Hans- Jürgen Becker concludes that the PT and *Bereshit Rabbah* are not dependent on each other when they share textual material, but rather they both cite independently existing traditions. Becker, "Texts and History: The Dynamic Relationship between Talmud Yerushalmi and Genesis Rabbah," 155-158. I raise the possibility that the PT and the midrashic compilations that cite this story may be dependent on each other since the stories occur in the same literary context in each compilation.

2.12 Historical Context

This story supposedly takes place while the sages are walking in the valley of Arbel,[137] which is near Tiberias in the Galilee. According to rabbinic literature, R. Hiyya lived in Tiberias.[138] Recent scholars have concluded that there was a noticeable shift of rabbinic activity from villages to cities such as Tiberias in the third century CE. Prior to that period, the rabbinic movement seems to have been primarily based in small towns and villages.[139] The geographical marker of the Galilee in this story is significant because following the defeat of the revolt under Bar-Kochba in 135 CE,[140] the Temple and the city of Jerusalem were declared permanently prohibited to Jews. The Galilee subsequently became the centre for Jewish life in Israel for the next four to five hundred years.[141] Scholars have generally concluded that the Bar-Kochba uprising, which sought to overthrow Roman occupation and restore Jewish sovereignty, was in part motivated by strong messianic

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[137] The Valley of Arbel was situated along a trade route that stretched from Damascus to Egypt. Goodman, *State and Society*, 19. *Genesis Rabbah* 77:2 portrays R. Hiyya as a silk trader. Anita Engle, "Rabbi Hiyya the Great-Halachist and Travelling Salesman," *Niv Hamidrasha* (1972): 63-72. See also Strack and Stemberger, *Introduction*, 82.

[138] Albeck, *Introduction*, 144 (Hebrew).

[139] Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity*, 25. Shaye J. D. Cohen, "The Place of the Rabbi in Jewish Society of the Second Century," in *The Galilee in Late Antiquity*, ed. Lee Levine (New York: Jewish Theological Seminary of America, 1992), 159-160. Hayim Lapin, "The Origins And Development Of The Rabbinic Movement In The Land Of Israel," in *The Cambridge History Of Judaism: The Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 220. Schwartz, *Imperialism and Jewish Society*, 132. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 164-165. Hayim Lapin, "Rabbis and Cities: Some Aspects of the Rabbinic Movement in the Graeco Roman Environment," in *The Talmud Yerushalmi and Graeco-Roman Culture II*, ed. Peter Schäfer and Catherine Hezser (Tübingen: Mohr Siebeck, 2000), 51-80.

[140] Eshel, "The Bar Kochba Revolt, 132-135," 105-127.

[141] Eric M. Meyers, "Jewish Culture in Greco-Roman Palestine," in *Cultures of the Jews:Mediterranean Origins*, ed. David Biale (New York: Schocken Books, 2002), 165.

hopes.[142] Coupled with the revolt's failure, Tannaitic sages drew the lesson from the trauma of the defeat in 70 CE that nationalistic aspirations involving military resistance against Rome, combined with messianism, exacted too high a price.[143] Tannaitic texts generally assumed a cautious position on messianism and nationalistic aspirations by attempting to preserve these ideas while relegating their fulfillment to a future time.[144] It is also possible that the trend towards the pacification of the messianic ideal by treating Israel's salvation as a gradual process, rather than as an imminent event, was partially in response to various apocalyptic tendencies including those associated with the followers of Jesus. Messianic speculation is more developed in the BT which might account for the absence of this aggadah in the BT.

The importance of the theme of redemption and the role of the sages in bringing about redemption, which are components of the story just analyzed, are continued in the next story. It thematizes the attempt by sages to establish the practice of reciting the "redemption blessing," the concluding blessing of the *Shema*, immediately prior to the recitation of the *Shemonah Esreh* prayer. The next story also demonstrates a close connection to *m. Ber* 1:1 and to its talmudic literary/halakhic context. Greco-Roman literary constructs are again evident. In particular, my analysis focuses on the ways that the appropriation of the pronouncement story genre contributes to the complexity of the next narrative, and the

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[142] R. A. Horsley, "Messianic Figures and Movements in First-Century Palestine," in *The Messiah: Developments in Earliest Judaism and Christianity*, ed. J. H. Charlesworth (Minneapolis: Fortress Press, 1992), 276-295. Schwartz, "Political, Social and Economic Life in the Land of Israel 66-c. 235," 33-34. Lawrence H. Schiffman, "Messianism and Apocalypticism in Rabbinic Texts," in *The Cambridge History of Judaism Volume Four The Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 1053-1072. Gershom Scholem, "Toward an Understanding of The Messianic Idea in Judaism," in *The Messianic Idea in Judaism and other Essays in Jewish Spirituality* (New York: Schocken Books, 1972), 1-36.

[143] Lee Levine, "Judaism from the Destruction of Jerusalem to the End of the Second Jewish Revolt 70-135 ce," in *Christianity and Rabbinic Judaism: A Parallel History of Their Origins and Early Development*, ed. Hershel Shanks (Washington D.C.: Biblical Archaeological Society, 1992), 147. J. Neusner, *Judaism and Its Social Metaphors* (New York: Cambridge Univeristy Press, 1989), 177. Meyers, "Jewish Culture in Greco-Roman Palestine," 165. Schiffman, "Messianism," 1064-1065.

[144] Schiffman, "Messianism," 1063-1064.

manner in which exegetical, ideological, and historical concerns are integrated along with a

complex range of attitudes towards imperial Rome.

2.13 Myrtle—A Contested Site: *y. Ber* 1:1, 2d

אמר רבי יוסי בי רבי בון .A
כל מי שהוא תוכף סמיכה לשחיטה אין פסול נוגע באותו קרבן
וכל מי שהוא תוכף לנטילת ידים ברכה אין השטן מקטרג באותה סעודה .B
וכל מי שהוא תוכף גאולה לתפילה אין השטן מקטרג באותו היום .C
אמר רבי זעירא אנא תכפית גאולה לתפילה ואיתצדית באנגריא מובלא הדס לפלטין .D
אמרו ליה רבי רבו היא אית בני אינשי הכין פריטין מחכים פלטין .E
א"ר אמי כל מי שאינו תוכף לגאולה תפילה למה הו' דומה .F
לאוהבו של מלך שבא והרתיק על פתחו של מלך יצא לידע מה הוא מבקש ומצאו שהפליג עוד הוא הפליג .G

A. R. Yose b. R. Bun[145] said,
  "All who immediately follow the leaning [the laying of <u>hands</u> on]
  with slaughter [of the offering] — no disqualification will touch that offering.
B. And all who immediately follow the washing of <u>hands</u> with the <u>blessing</u>
  the Satan will not prosecute [him] during that meal.
C. And all who immediately follow [the reciting of the] redemption [<u>blessing</u>]
  with [the reciting of] the <u>prayer</u> — the Satan will not prosecute him that day."
D. *Said R. Zeira, "I immediately followed* [the reciting of the] *redemption* [<u>blessing</u>]
  With [the reciting of] *the <u>prayer</u> and I was drafted into* [the king's] *service*
  And made to transport myrtle [to his] *<u>palace</u>."*
E. *They said* [to R. Zeira], *"Master that was a great privilege.*
  There are people who pay money [for the opportunity] *to see the <u>palace</u>."*
F. R. Ami said, "All who do not immediately follow [the reciting of the]
  redemption [blessing] with [the reciting of] the <u>prayer</u> — to what may they be likened?"
G. To the king's friend, who came and knocked on the door of the king,
  and [the king] came out to find out what [the friend] wanted
  and [the king] found that [his friend] had left.
  So [the king] distanced himself [from that friend] even more.

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[145] This narrative is consistent in all its manuscripts. The only variants are minor spelling differences. The name R. Yose ben R. Bun is spelled רבי יוסי בי רבי בון in the Ed. princ. Venedig and in the Leiden MS. In the Vatican MS the name appears as ר. יוסה בר בון. In the Paris, London, and Amsterdam manuscripts the name appears as בר ר. יוסי בון. R Yose ben R. Bun is thought to have been a fourth or fifth generation Palestinian Amora. He is known as R. Yose bar Abin, or Abun, in the BT. Strack and Stemberger, *Introduction*, 96. According to Frankel, he was a fifth-generation Amora. Frankel, *Einleitung*, 55a (Hebrew).

2.14 Halakhic and Literary Context

Yerushalmi Berakhot 1:1, 2d, which extends from line A to line G, employs the same technique that is utilized in *m. Ber* 1.1. The aggadah begins by citing a Temple ritual related to sacrifices, and proceeds to create a link between it and two rabbinic injunctions regarding blessings and prayer instituted in the post-Temple era. Just as *m. Ber* 1.1 asserts that an individual who recites the *Shema* at the proper time will have the efficacy of a priest eating his heave-offering, in this story we witness a similar type of structural complexity. Hands on a sacrificial offering in the Temple become hands washed prior to a rabbinic blessing. The gemara seems to be saying that if you wash your hands prior to the blessing, you will be like one who places his hands on a sacrificial offering in the Temple, and if you recite the prayer in the proper way, no harm will come to you.[146]

In the immediately preceding halakhic pericope, the gemara mentions a statement that is attributed to R. Zeira[147] and is said in the name of R. Abba bar Jeremiah.[148] It closely matches lines A–C in the story in *y. Ber* 1:1, 2d. R. Zeira also figures prominently in the aggadah that follows. In the halakhic pericope, we learn that the owner of a sacrifice is required to place his hands upon the animal to be sacrificed, and this act must immediately be followed by the slaughter of that animal by a priest.

Similarly, hands must be washed immediately before reciting the blessing. Although the Talmud does not specify which blessing must be recited following hand washing,

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[146] Ben Zion Rosenfeld suggests that analogies between rabbinic teachings and Temple practices are frequent in aggadic utterances. Rosenfeld, "Sage And Temple In Rabbinic Thought," 438.

[147] R. Zeira was a third generation amora from Babylonia. He appears in the BT as R. Zera. R. Zeira moved to Palestine where he became a colleague and a student of R. Yochanan. Albeck, *Introduction*, 233-235 (Hebrew). Strack and Stemberger, *Introduction*, 85. Frankel, *Einleitung*, 54b (Hebrew).

[148] R. Abba bar Jeremiah is his name in the PT. He is called Rabbah bar Jeremiah in the BT. He is a second or third generation Babylonian Amora who lived in Sura. Albeck, *Introduction*, 306 (Hebrew). Abba bar Jeremiah is mentioned nineteen times in the PT. In thirteen of those cases R. Zeira transmits a saying in his name. R. Zera also transmits around nineteen statements in the BT in his name.

talmudic commentaries generally agree that this pericope refers to the blessing said either before or after a meal at which bread is consumed.[149] The next rituals that must be performed together pertain to prayer. The gemara states that the "redemption blessing" must be recited immediately prior to prayer. It is the concluding blessing contained in the *Shema*, it refers to the redemption from Egypt, and states, "Blessed are you, O Lord who has redeemed Israel." This means that the *Shema* should be recited directly prior to the שמונה עשרה (*Shemonah Esreh*) prayer.[150] The next portion of the gemara attaches scriptural sources to each of the rules involving immediacy. Leviticus 1:4–5 are cited as the source for the first rule, which requires the slaughtering of an offering immediately followed by the laying of hands on the offering.[151] The scriptural warrant for hand washing immediately prior to blessing is Psalm 134:2, which states, "Lift your hands in holiness and bless the Lord." There is no specific biblical rule mandating ritual hand washing for all Israelites. The Bible only requires hand washing for priests. (Exodus 30:17–21)[152] Therefore, the exegetical derivation of Psalm 134:2 is a support upon which to hang this rabbinic ruling. The PT is relying on the talmudic hermeneutical technique known as אסמכתא בעלמא or simply אסמכתא (*asmachta*); deriving from the root word סמך, meaning support or reliance.[153] This technique is used where a biblical verse is cited as the basis for a rabbinic decree, but the biblical verse is only an

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[149] Ginzberg, *Commentary*, 1, 71 (Hebrew). In *b. Berakhot* 42a, R. Hiyya bar Ashi in the name of Rav presents the three immediacies in a different order and no scriptural proof-texts are mentioned. Rashi to *b. Ber* 42a understands that the requirement to wash hands immediately prior to the blessing refers to the washing of the hands preceding the reciting of the grace after meals. The rule to wash one's hands prior to a meal is found in *t. Ber* 4:8, 5:6 and 5:26. In *t. Ber* 5:13 washing after a meal is compulsory, but washing before a meal is optional.

[150] In *b. Ber* 30a, the requirement of joining the redemption blessing to the prayer is transmitted by R. Shimon ben Eleazar, a fourth generation Tannaitic sage. Strack and Stemberger, *Introduction*, 80. The requirement is also mentioned *in b. Berakhot* 26a with no attribution.

[151]Leviticus 1:4-5 states: "and he shall lay his hands upon the head of the burnt offering; and it shall be accepted for him to make atonement for him. And he shall slaughter the bullock before the Lord." Bavli *Menachot* 93b elaborates on this biblical requirement and discusses the reasons for it.

[152] The rabbinic innovation obligating all individuals to fulfill ritual hand washing is an example of what Reuven Kimelman refers to as "a sacrificization of prayer." Kimelman, "Rabbinic Prayer in Late Antiquity," 573-577.

[153] Jastrow, *Dictionary of the Targumim*, 94. Ginzberg, *Commentary*, 1, 71 (Hebrew).

allusion to a law because no biblical passage explicitly states such a law. Similarly, Psalm 19:15 and Psalm 20:2 are the support for the third immediacy, which is joining the redemption blessing to the prayer. Only the first part of Psalm 19:15 is mentioned which states, "May the expressions of my mouth be acceptable to you."[154] The portion of Psalm 20:2 that appears is, "May the Lord answer you on the day of distress."[155] Psalm 19:15 thus contains an allusion to prayer, while Psalm 20:2 is related to the notion that prayer conveys protection upon the person reciting it. This notion is developed in the aggadah that follows directly from this halakhic context by repeating "the three immediacies."

2.15 Genre

This is a conglomerate narrative, combining some elements of the genre known as the pronouncement story[156] with the royal parable genre. Aggadot are often composed of several genres of material.[157] There is a considerable amount of scholarship relating to the pronouncement story as a distinct literary genre within Greco-Roman literature.[158] Studies of the pronouncement story within the New Testament also abound.[159] Several studies specifically relating to Tannaitic pronouncement stories have been undertaken based

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[154] The entire verse of Psalm 19:15 states: "May the expressions of my mouth and the meditation of my heart be acceptable to you, Lord, my rock and my redeemer."

[155] The conclusion of Psalm 20:2 is, "may the name of the God of Jacob protect you."

[156] The specific term, "pronouncement story" was first introduced by Vincent Taylor, *The Formation of the Gospel Tradition* (London: Macmillan, 1933), 30, 63-87. The pronouncement story is also known as an apothegm, paradigm or *chreia* (Greek), *chria* (Latin). Vernon K. Robbins, "Classifying Pronouncement Stories in Plutarch's Parallel Lives," *Semeia* 20(1981): 31.

[157] Heinemann, "The Nature of the Aggadah," 44-45. Daniel Boyarin characterizes Joseph Heinemann's method as placing Aggadah "too firmly in its own historical circumstances." Boyarin, *Intertextuality*, 11.

[158] Earl Breech, "Stimulus-Response and Declaratory, Pronouncement Stories in Philostratus," in *Society of Biblical Literature Seminar Papers*, ed. Paul J. Achtemeier (Missoula, Montana: Scholars Press, 1977), 257-271. Paula Nassen Poulos, "Form and Function of the Pronouncement Story in Diogenes Laertius' Lives," *Semeia* 20(1981): 53-63. Robbins, "Classifying Pronouncement Stories," 29-52. John E Alsup, "Type, Place and Function of the Pronouncement Story in Plutarch's Moralia," *Semeia* 20(1981): 15-27. Robert C. Tannehill, "Introduction: The Pronouncement Story and its Types," *Semeia* 20(1981): 1-13. Vernon K. Robbins, "A Rhetorical Typology For Classifying and Analyzing Pronouncement Stories," in *Society of Biblical Literature Seminar Papers*, ed. Kent Harold Richards (Chicago: Scholars Press, 1984), 93-133.

on the definition of the pronouncement story and its variations within Greco-Roman literature, but no studies exclusively dealing with Amoraic pronouncement stories exist.[160]

Robert Tannehill suggests the following definition of pronouncement stories, based on his analysis of Lucian's *Demonax,* Philostratus' *The Life of Apollonius of Tyana*, Diogenes Laertius' *Lives and Opinions of Eminent Philosophers*, and (pseudo)-Plutarch's *Sayings of Kings and Commanders*:[161] Pronouncement stories are brief narratives in which the pronouncement is issued at the end of the story as a response to something said or observed.[162] Of the six types of pronouncement stories identified by Tannehill, this aggadah most closely coheres with the model known as objection stories.[163] Paula Poulos determines that Diogenes Laertius' *Lives*, from the third century CE, contains one of the best presentations of the pronouncement story genre within Greek literature.[164] Laertius' adoption of the pronouncement story genre from a diverse body of earlier and contemporary sources points to the popularity of this genre during the period of the PT's composition. Objection stories comprise almost twenty percent of the pronouncement stories in the *Lives*.[165] Poulos provides the following definition for objection stories:

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[159] To mention just a few: Rudolph Bultmann, *The History of the Synoptic Tradition* (New York: Harper & Row, 1968). Martin Dieblius, *From Tradition to Gospel* (New York: Scribner's, 1961). Robert C. Tannehill, "Varieties of Synoptic Pronouncement Stories," *Semeia* 20(1981): 101-119. Vernon K. Robbins, "Pronouncement Stories and Jesus' Blessing of the Children: a Rhetorical Approach," *Semeia* 29(1983): 42-74. William D. Stroker, "Examples of Pronouncement Stories in Early Christian Apocryphal Literature," *Semeia* 20(1981): 133-141.

[160] Gary Porton, "The Pronouncement Story in Tannaitic Literature: A Review of Bultmann's Theory," *Semeia* 20(1981): 81-99. Tannehill, "Introduction: The Pronouncement Story and its Types," 1. Alan J. Avery-Peck, "Classifying Early Rabbinic Pronouncement Stories," in *Society of Biblical Literature Seminar Papers*, ed. Kent Harold Richards (Dallas: Scholars Press, 1983), 223-244. Avery-Peck, "Rhetorical Argumentation in Early Rabbinic Pronouncement Stories," 49-71. Hezser categorizes some of the narratives in the PT *Bavot* tractates as pronouncement stories. Hezser, *Form, Function and Historical Significance*, 288-292, 307-309. David Stern considers that pronouncement stories are a sub-genre of the sage story. Stern, *Parables in Midrash*, 243.

[161] Tannehill, "Introduction: The Pronouncement Story and its Types," 7. (The question mark is from Tannehill)

[162] Ibid, 1.

[163] Ibid, 6- 11. The other types are correction, commendation, quest, inquiry, and description stories.

[164] Poulos, "Form and Function of the Pronouncement Story in Diogenes Laertius' Lives," 53.

[165] Ibid, 57.

In these stories one or more people find fault with the behaviour or speech of a philosopher and reproach him for it. Sometimes the objection is made in the form of a question as to the reason for such behaviour. Since justification for his words or deeds is implicitly or explicitly requested in the objection, a sense of conflict and tension is evident before the sage makes his reply. However, the tension is always resolved when the sage vindicates himself, often eloquently and cleverly.[166]

Poulos cites the following examples of objection pronouncement stories in the *Lives*:

It happened once that he set sail for Corinth and, being overtaken by a storm, he [Aristippus] was in great consternation. Someone said, "We plain men are not alarmed, and you philosophers turned cowards?" To this he replied, "The lives at stake in the two cases are not comparable." (2.71)[167]

To one who accused him of living with a courtesan, he [Aristippus] put the question, "Why, is there any difference between taking a house in which many people have lived before and taking one in which nobody has ever lived?" The answer being no, he continued, "Or again, between sailing on a ship in which 10,000 people have sailed before and in one in which nobody has ever sailed?" "There is no difference" "Then it makes no difference," said he, "whether the woman you live with has lived with many or with nobody." (2.72)[168]

Avery-Peck classifies seven stories within the Tannaitic corpus as objection pronouncement

stories in which:

[a] secondary person or group plays an adversarial role by objecting to the actions or ideas of the primary character. This calls for a response (the dissent), on the part of the main character, a response which appears as the story's final, pithy, utterance.[169]

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[166] Ibid. Vernon Robbins finds thirty objection stories in Plutarch's *Lives of Alexander, Julius Caesar, Demosthenes* and *Cicero*. Robbins, "Classifying Pronouncement Stories," 41.

[167] Poulos, "Form and Function of the Pronouncement Story in Diogenes Laertius' Lives," 58.

[168] Ibid. The linguistic conflation of the words "woman" and "house" is also found in the Mishnah. Mishnah *Yoma* 1:1 states: "For seven days before the Day of Atonement they separated the high priest from his house into the counselors' chamber, and they made ready for him another priest in his place in case there should befall him some ineligibility. Rabbi Judah says, 'Also another wife they made ready for him in case his own wife were to die,' as it is said, 'and he shall atone for his own behalf and on behalf of his house' (Lev. 16:6); 'his house'—that is, his wife." Mishnah *Niddah* 2:5 states: "The sages spoke in a parable about woman: [There is in her] a chamber, an ante-chamber, and an upper room." See also *m. Avot* 1:5, *m. Niddah* 2:1 and *m. Mikavot* 8:4. Cynthia M. Baker, *Rebuilding the House of Israel: Architectures of Gender in Jewish Antiquity* (Stanford: Stanford University Press, 2002), 48-53. Charlottte Elisheva Fonrobert, *Menstrual Purity: Rabbinic and Christian Conceptions of Biblical Gender* (Stanford: Stanford University Press, 2000), 48-60.

[169] Avery-Peck, "Classifying Early Rabbinic Pronouncement Stories," 230.

One of Avery-Peck's examples is the following:

> There was an incident concerning Rabban Gamliel, who recited the *Shema* on the night of his wedding. His students said to him: Did you not teach us, our Rabbi, that the groom is exempt from reciting the *Shema* on the night of his marriage? He said to them, I will not listen to you to absolve myself from acknowledging the sovereignty of God for even one hour. (*m. Ber* 2:5)[170]

Porton and Avery-Peck determine that rabbinic pronouncement stories differ from the pronouncement stories in the Gospels and Hellenistic literature, which tend to emphasize the personality and character of the individuals who make the pronouncement or about whom it is made. In contrast, the concerns of rabbinic pronouncement stories focus on legal and exegetical issues.[171] Notwithstanding these differences between Hellenistic and rabbinic pronouncement stories, I suggest that the pronouncement story is a useful genre for viewing this rabbinic story. It demonstrates that this aggadah conforms to a stylistic genre in Tannaitic literature and that it uses a type of argument common within Hellenistic rhetoric. These factors lead to my conclusion that the composers/redactors of this narrative made a deliberate redactional choice to employ the pronouncement story genre.

The third section of this aggadah is a (*mashal*) or parable. In the context of this story, it serves the needs of the pronouncement story. At the same time, it is a distinct genre. Parables exist in the literatures of cultures worldwide. Some of the forms of the parable within rabbinic literature have been linked to the ancient Near East and are found within the Tanakh[172] and the New Testament.[173] Eli Yassif suggests that rabbinic parables are

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[170] Ibid. All seven examples are found on p. 230-33.
[171] Porton, "The Pronouncement Story in Tannaitic Literature," 94; Avery-Peck, "Classifying Early Rabbinic Pronouncement Stories," 225. Avery-Peck, "Rhetorical Argumentation in Early Rabbinic Pronouncement Stories," 69.
[172] Yassif, *Hebrew Folktale*, 192-193.

frequently embedded in the conclusion of aggadic narratives, and they are contextually

dependent on the ideas in the stories in which they appear.[174] This description coheres with

the parable in the conclusion of this narrative story.

Whereas forms of the *ma'aseh* genre use the literary technique of repetition to

explicitly state its message(s), the *mashal* parable genre typically utilizes ambiguity and only

alludes to its meaning(s).[175] In this aggadah, the *mashal* is in the form of a king or royal

parable. The traditional motif of the royal parable where the human king is a metaphor for

God became formalized in the Amoraic period.[176] Scholars have suggested that this theme

may have derived from biblical and ancient Near Eastern perceptions of the divine.[177] It has

also been suggested that the figure of the king portrayed in the royal parable is modeled on

recognized features of Roman emperors.[178] Michael Avi-Yonah claimed that royal parables

reflect the actual political events that occurred from the time of Caracalla to Diocletian.[179]

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[173] For scholarship regarding New Testament parables see: Warren S. Kissinger, *The Parables of Jesus - A History of Interpretation and Bibliography* (Metuchen, New Jersey: Scarecrow Press and the American Theological Library Association, 1979). David Flusser, "The Parables of Jesus and the Parables in Rabbinic Literature " in *Jewish Sources in Early Christianity* (Tel-Aviv: 1979), 150-210 (Hebrew). Clemens Thoma and Michael Wyschogrod, eds., *Parable and Story in Judaism and Christianity* (New York: Paulist Press, 1989). Robert Johnston, "Parabolic Interpretations Attributed to Tannaim " (Ph.D. diss., Hartford Seminary Foundation 1977), 1-123. Boyarin, *Intertextuality*, 80-85.

[174] Yassif, *Hebrew Folktale*, 191.

[175] Stern, *Parables in Midrash*, 4-21. Yassif, *Hebrew Folktale*, 191. Stern suggests that there are approximately one thousand parables in rabbinic literature. Stern, *Midrash and Theory*, 41. This figure is based on the parables collected by Ziegler and by I. Ziegler, *Die Königsgleichnisse in der Midrasch beleuchtet durch die römische Kaiserzeit* (Breslau: Schlesische Verlagsanstalt, 1903); Johnston, "Parabolic Interpretations Attributed to Tannaim ".

[176] Stern, *Parables in Midrash*, 20-21.

[177] Hasan-Rokem, *Tales of the Neighbourhood*, 39, 156 note 125. Stern, *Parables in Midrash*, 19. See also Marc Brettler, *God is King: Understanding an Israelite Metaphor* (Sheffield, England: JSOT Press, 1989). Kimelman, "Rabbinic Prayer in Late Antiquity," 605.

[178] The pioneering work in this area comes from Ziegler, *Die Königsgleichnisse in der Midrasch beleuchtet durch die römische Kaiserzeit*.

[179] Avi-Yonah, *The Jews of Palestine*, 91-93.

That said, the majority of recent scholarship concludes that royal parables are fictional

narratives.[180] At the same time, David Stern maintains:

> There is a high probability that behind the mashal there stands some
> kind of historical specificity...The extent and complexity with which
> historical reality is woven into the texture of the mashal's imaginative
> prose cannot be overstated.[181]

The complexity and purposeful redaction of this story can be seen in the manner in which

elements of the pronouncement story are combined with the royal parable genre. My analysis

demonstrates how these two genres are employed together to convey the multilayered

thematic concerns expressed in this story.

2.16 Structure

Rubenstein defines tripartite structure as one of the literary characteristics of rabbinic

stories in the BT.[182] Tripartite structure also frames this PT story. It contains three distinct

sections: the first runs from A to C, the second from D to E, and the third from F to G. I

suggest that the structure of this narrative unit as a whole should be considered to include the

halakhic pericope that precedes the aggadic story, for the following reason. The

comprehensive rhetorical handbook *Rhetorica ad Herennium*, which dates to around 85

BCE,[183] provides details of an outline for embellishing a subject, or creating a complete

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[180] Stern, *Parables in Midrash*, 19-21. Stern, *Midrash and Theory*, 41. Hasan-Rokem, *Tales of the Neighbourhood*, 39- 41. Boyarin, *Intertextuality*, 91. Clemens Thoma, "Literary and Theological Aspects of the Rabbinic Parables," in *Parable and Story in Judaism and Christianity*, ed. Clemens Thoma and Michael Wyschogrod (Mahwah, N. J.: Paulist Press, 1989), 27.

[181] Stern, *Parables in Midrash*, 20. See also Daniel Boyarin, *Sparks of the Logos: Rabbinic Hermeneutics* (Leiden, Boston: Brill, 2003), 110. Hasan-Rokem, *Web of Life*, 145.

[182] Rubenstein, *Rabbinic Stories*, 16-19.

[183] Regarding the authorship, sources, and dating of *Rhetorica ad Herennium* see George Kennedy, *The Art of Rhetoric in the Roman World 300 B.C- A.D. 300* (Princeton: Princeton University Press, 1972), 110-138. Kennedy, *A New History of Classical Rhetoric*, 121-127. Stanley F. Bonner, *Education in Ancient Rome: From the elder Cato to the younger Pliny* (London: Methuen & Co. Ltd., 1977), 80.

argument.[184] The seven successive stages it defines conform exactly to the structure of this aggadah when its preceding halakhic pericope is included. The seven successive stages are detailed below:

1. **STATE THE SUBJECT PLAINLY:**
   R. Zeira said in the name of R. Abba bar Jeremiah:
   There are three immediacies.
   Immediately after leaning comes slaughtering.
   Immediately after hand washing comes blessing.
   Immediately after redemption blessing comes prayer.

2. **APPEND A RATIONALE:**
   Immediately after leaning comes slaughtering: (Leviticus 1:4–5)
   Immediately after hand washing comes the blessing: (Psalm 134:2)
   Immediately after redemption blessing comes prayer: (Psalm 19:15 and 20:2)

3. **RESTATE THE SUBJECT A SECOND TIME WITH OR WITHOUT RATIONALES:**
   R. Yose b. R. Bun said:
   All who immediately follow the leaning [the laying of hands on]
   With slaughter [of the offering] no disqualification will touch that offering.
   And all who immediately follow the washing of hands with the blessing
   The Satan will not prosecute [him] during that meal.
   And all who immediately follow [the reciting of the] redemption [blessing]
   With [the reciting of] the prayer the Satan will not prosecute him that day.

4. **BRING FORWARD A CONTRARY:**
   Said R. Zeira: I immediately followed [the reciting of the] redemption
   [blessing] with [the reciting of] the prayer and I was drafted into [the
   king's] service and made to transport myrtle [to his] palace.
   They said [to R. Zeira]: Master that was a great privilege.
   There are people who pay money [for the opportunity] to see the palace.

5. **AN ANALOGY:**
   R. Ami said: All who do not immediately follow [the reciting of the]
   Redemption [blessing] with [the reciting of] the prayer to what may they be
   likened?

6. **AN EXAMPLE:**
   To the king's friend who came and knocked on the door of the king,
   And [the king] came out to find out what [the friend] wanted.

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[184] *Rhetorica Ad Herennium*, trans. Harry Caplan (Cambridge: Harvard University Press, 1954), 4.56 p. 369. Ronald F. Hock and Edward N. O'Neil, eds., *The Chreia and Ancient Rhetoric: Classroom Exercises* (Atlanta: Society of Biblical Literature, 2002), 86-90. Mack, "Elaboration of the Chreia in the Hellenistic School," 56-57.

7. A CONCLUSION:
And [the king] found that [his friend] had left.
So [the king] distanced himself [from that friend] even more.

The preceding halakhic pericope of this aggadah comprises the first two stages for embellishing a subject. R. Zeira states the subject clearly; it is the three immediacies. Next, biblical proof-texts are attached as rationales for the three immediacies. The aggadah fulfills the next five stages. R. Yose b. R. Bun repeats the subject with different rationales. The episode with R. Zeira provides the contrary opinion. The royal parable (*mashal*) fulfills the last three stages: analogy, example, and conclusion.

It is impossible to know whether any of the sages who composed/redacted this pericope had actually read the *Rhetorica Ad Herennium*. They may have gleaned this information in a number of ways, such as in conversations or through listening to orators.[185] The elaboration pattern provided in *Rhetorica Ad Herennium* may have been well known, since it remained fairly consistent for a few centuries following its composition. A similar pattern of elaboration is provided in the second-century CE *Progymnasmata* of Hermogenes of Tarsus, and it changes very little after the time of Hermogenes.[186]

2.17 Literary Analysis of the Aggadah

Each of the three distinct sections of this story relate to each other and to the narrative as a whole. In the first section we have a statement by the Palestinian amora R. Yose b. R. Bun in praise of the three immediacies, which parallels the statement of R. Zeira in the preceding halakhic pericope. The fact that there are exactly three immediacies is another example of the literary trope of threefold repetition within the PT. In this PT aggadah, the

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[185] See Hidary, "Classical Rhetorical Arrangement and Reasoning in the Talmud: The Case of Yerushalmi Berakhot 1:1," 36-37. Wayne A. Meeks and Robert L. Wilken, *Jews and Christians in Antioch in the First Four Centuries of the Common Era* (Missoula: Scholars Press, 1978), 59-63.
[186] Hock and O'Neil, *The Chreia in Ancient Rhetoric Volume 1 The Progymnasmata*, 161. Hock and O'Neil, *The Chreia and Ancient Rhetoric: Classroom Exercises*, 88-90.

juxtaposing of the biblical requirement for the laying of hands on a sacrifice with the rabbinic injunctions regarding washing hands before blessing, combined with the joining of the *Shema* liturgy to the *Shemonah Esreh* prayer, serves to place rabbinic prayer within a Temple-like ritual structure. The sages assert that hands that are washed prior to the blessing (which is recited before a meal) will be like hands on a sacrificial offering. Prayer thus replaces sacrifices. The implicit thematic motif in this aggadah is that just as sacrifices atoned for the sins of the people, prayer will now take on that role. This notion is explicitly thematized in *b. Ber* 26a which states:

תפלה במקום קרבן היא—"prayer is in place of sacrifice," and in *b. Ber* 32b which adds

גדולה תפלה יותר מן הקרבנות—"prayer is greater than the [Temple] offerings."[187]

In this aggadah, the three immediacies lack the biblical proof-texts to which they are attached in the preceding halakhic pericope. Instead, we find hyperbolic statements asserting that if these directives are followed, the sacrifices will be free from blemishes and Satan will not taunt people at meals nor throughout the day. The threat of Satan's wrath is only one of several possibilities within the spectrum of rabbinic rhetorical devices of persuasion. The sages also asserted that prayer has the power to elicit divine protection.[188] In *b. Ber* 4b and 9b, we find a promise that everyone who joins the redemption blessing to the prayer will be guaranteed a place in the world to come. Promises of protection or a long life, or threats of the opposite, are mentioned frequently in talmudic passages relating to formalized prayer practices. *Bavli Ber* 8a promises a long life for those who pray in the synagogue morning and evening. According to *y. Ber* 1:1, 2d and *b. Ber* 5a, reciting the *Shema* in the evening will protect one from demons and evil spirits. *Bavli Ber* 7b says that having a fixed place for

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[187] See Kimelman, "Rabbinic Prayer in Late Antiquity," 573-580.
[188] Ruth Langer, *To Worship God Properly: Tensions Between Liturgical Custom and Halakhah in Judaism* (Cincinnati: Hebrew Union College Press, 1998), 14.

prayer will protect one from enemies. If God has not answered prayers, the sages recommend more praying, as in *y. Ber* 4:1, 7c, *y. Taanit* 4:1, 67c, and *b. Ber* 32b, or fasting, as in *y. Ber* 4:3, 8a. It is characteristic for hyperbolic statements to be attached to rabbinic rulings which sages had no judicial power to enforce.[189] Seth Schwartz suggests that the PT never describes sages as having jurisdiction in a technical sense.[190] The attempt to strengthen respect for rabbinic authority and to prescribe expected behaviour is also a specific characteristic of some of the Tannaitic pronouncement stories identified by Avery-Peck.[191] Similarly, Tannehill finds this feature in Hellenistic pronouncement stories.[192]

In the second section of our story, R. Zeira fulfills the role of the character expressing a contrary attitude. R. Zeira challenges R. Yose b. R. Bun's statement that no harm will come to one who follows the blessing with the prayer. R. Zeira relates that he once followed the redemption blessing with the prayer and harm came to him since he was taken away for forced labour, which required him to transport myrtle to the palace. The words for palace are פלטורין and פלטין. They may come from the Latin terms *praetorium* and *palatium*.[193] According to rabbinic biographies, R. Yose b. R. Bun was a late-fourth-century sage, so he would have lived almost a century after R. Zeira. Although this story is constructed to make it appear that R. Zeira was responding to R. Yose b. R. Bun, the story obviously bears the work of redactors.

James Scott's work on hidden transcripts aids in the analysis of this section of the story. Scott uses the term "hidden transcripts" to refer to "discourse that takes place offstage

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[189] Ibid, 17. See also Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 462-466.
[190] Schwartz, *Imperialism and Jewish Society*, 120.
[191] Avery-Peck, "Classifying Early Rabbinic Pronouncement Stories," 241. These characteristics are also found in rabbinic stories that do not fit the genre of pronouncement stories.
[192] Tannehill, "Introduction: The Pronouncement Story and its Types," 3, 4.
[193] Sokoloff, *A Dictionary of Jewish Palestinian Aramaic*, 435.

beyond direct observation by power holders."[194] According to Scott, "every subordinate group creates, out of its ordeal, a 'hidden transcript' that represents a critique of power spoken behind the back of the dominant."[195] Daniel Boyarin has already drawn our attention to the ways in which rabbinic discourse, with its Hebrew/Aramaic language and its oral transmission, makes itself inaccessible to Roman authorities and accessible only to the sages and their disciples.[196] Seth Schwartz also asserts that by choosing to compose texts in Hebrew and Aramaic, rather than in Greek, "the rabbis proclaimed their alienation from normative Roman culture in every line they wrote."[197]

Aryeh Cohen draws our attention to the fact that the process of reading and understanding a talmudic text in the BT is often interrupted by "ungrammaticalities" in the text.[198] Ungrammaticalities or gaps are actions or dialogues that seem to be out of place because they are not motivated by the story. They are contradictions, or unexpected or unclear actions, signaling that the story is about more than what a superficial reading suggests. According to many theorists, and specific to reception theory, narratives are inherently gapped and the process of reading involves a reader making implicit connections

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[194] James Scott, C., *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), 4. See also Berkowitz, *Execution and Invention*, 154. Hasan-Rokem, *Tales of the Neighbourhood*, 129-130.

[195] Scott, *Domination and the Arts of Resistance*, xii.

[196] Daniel Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Stanford: Stanford Univeristy Press, 1999), 46.

[197] Schwartz, *Were the Jews a Mediterranean Society*, 114. See also Gafni, "The World of the Talmud," 254; Daniel Boyarin, *Carnal Israel, Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993), 17.

[198] Cohen, *Rereading Talmud*, 135-145. Cohen is influenced by Riffaterre's understanding of subtext. Michael Riffaterre, *Fictional Truth* (Baltimore: John Hopkins University Press, 1990), 23, 128-130; Michael Riffaterre, *The Semiotics of Poetry* (Bloomington: Indiana Press, 1984), 42.

in order to fill in or close the gaps.[199] Ungrammaticalities also point to the "multiple

textures" of a text.[200]

This PT aggadah contains gaps that lead to successive dimensions or multiple

textures of the text. It is strange that R. Zeira complains about the requirement to join the

redemption blessing to the prayer, since he is portrayed as the transmitter of this tradition in

the immediately preceding halakhic pericope. Another gap is that R. Zeira's tale appears to

make the claim that righteousness does not always bring reward. He seems to be asserting

that he was punished even though he had not sinned. This contradicts early rabbinic notions

of divine justice. Even though some pre-rabbinic sources contain the motif that suffering is

unjustified, such as the book of Job, scholars suggest that Palestinian sources, almost

exclusively, insist that righteousness brings reward and that sin is the cause for suffering.[201]

Although some passages in the BT allow that suffering may be undeserved, such a view is

generally not found in earlier rabbinic sources.[202] The statement by the anonymous sages in

the next part of the story constitutes another gap. It is assumed that these sages are R. Zeira's

students, because they refer to him as "master." This upsets the usual rabbinic hierarchy,

which maintains that students are expected to follow the rulings imparted by their teachers.[203]

Students are prohibited from acting against the pronouncements of their teachers. Also, they

must not teach laws that differ from the rulings of their rabbi, out of respect for the authority

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[199] Shlomith Rimmon-Kenan, *Narrative Fiction: Contemporary Poetics* (New York: Routledge, 2002), 128-130. Wolfgang Iser, *The Implied Reader: Patterns of Communication in Prose Fiction From Bunyan to Beckett* (Baltimore: John Hopkins University Press, 1974), 274-294. Eagleton, *Literary Theory*, 76-77.

[200] Vernon K. Robbins, *Exploring the Texure of Texts: A Guide to Socio-Rhetorical Interpretation* (Valley Forge: Trinity Press International, 1996), 3-5.

[201] David Kraemer, *Responses to Suffering in Classical Rabbinic Literature* (New York, Oxford: Oxford University Press, 1995), 102-114. Elman, "The Suffering of the Righteous in Babylonian and Palestinian Sources," 315 - 339; Elman, "Righteousness as its Own Reward: An Inquiry into the Theologies of the Stam," 35-67.

[202] Kraemer, *Responses to Suffering in Classical Rabbinic Literature*, 102-114. Elman, "The Suffering of the Righteous in Babylonian and Palestinian Sources," 315 - 339; Elman, "Righteousness as its Own Reward: An Inquiry into the Theologies of the Stam," 35-67.

[203] Bavli *Eruvin* 62b, *b. Nedarim* 8b, *b. Sanhedrin* 5b, *y. Shevit* 6:1, 3c.

of their master sage. According to *Sifra* 45, anyone who renders legal decisions in the presence of his teacher deserves death.[204] In *b. Berakhot* 9b, the admonition to R. Zeira that people have to pay money to see the king is given anonymously. Perhaps this is because BT redactors chose not to portray students rebuking their teacher.

The gaps in this PT aggadah are literary indications that this narrative presents a hidden transcript. The students tell R. Zeira that he should not view his work for the palace as forced labour but as a privilege, since people pay money to see the palace.[205] The response of the students forces an examination regarding the intent of R. Zeira's statement. Is R. Zeira really complaining that he properly fulfilled the prayer requirement but was still punished, or is he complaining about an onerous burden placed on him by Roman authorities? I suggest that within this talmudic text regarding prayer, we find a subtext relating to the theme of Roman domination. We also witness competing ideological voices: R. Zeira appears to be advocating resistance to Roman rule with his complaint that he was forced to transport myrtle to the palace, while the students are urging accommodation with the authorities with their statement that people would pay to see the palace and that R. Zeira should view his forced labour as a privilege.[206] This subtext contributes to the complexity of this narrative. Further evidence of literary complexity can be seen in the use of the "myrtle" motif.

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[204] Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 339-341. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity*, 59-61; Jaffee, *Torah in the Mouth*, 147-151.

[205] Daniel Sperber suggests that the palace was the seat of the proconsul in Caesarea and there were days when people could, for an entrance fee, get a tour inside the palace. Sperber, *Magic and Folklore in Rabbinic Literature*, 227. In contrast, Ginzberg concludes that this incident cannot be linked to any specific Roman authority. Ginzberg, *Commentary*, 1, 75 (Hebrew).

[206] Daniel Boyarin detects differing responses to Roman power played out in *y. Shabbat* 1:3, 3c between R. Hiyya the Great and R. Shimon ben Yohai. One sage advocates accommodation and the other resistance. Boyarin, *Dying for God*, 46-48.

2.18 Myrtle

The aggadah refers to the act of transporting myrtle to the palace. The Hebrew word for myrtle is הדס.[207] It is a shrub that grows wild in the upper Galilee, and according to rabbinic literature, הדס had several uses. It was featured in wedding celebrations.[208] Its branches were arranged to make wreaths for bridegrooms.[209] Sages would juggle with myrtle branches in order to entertain bridal couples.[210] Myrtle leaves are also mentioned as a remedy for blood pressure in the head.[211] Furthermore, according to *Sepher Ha-Razim*, a magical handbook thought to date from the early talmudic period, one should hold a myrtle twig when questioning a ghost.[212] Finally, myrtle leaves are said to have the shape of an eye.[213]

Myrtle is one of the four plants that form an obligatory ritual during the annual festival of Sukkot. This use is based on the biblical commandment that states, "And you will take on the first day the fruit of goodly trees, branches of palm trees, boughs of leafy trees and willows of the brook" (Leviticus 23:40). The exact meaning of the biblical words is unclear. Rabbinic rulings named the plants mentioned in Leviticus 23:40 as "the four species." "The fruit of goodly trees" was interpreted to mean a citron (in Hebrew *etrog).* The "branches of palm trees" became known as *lulav*, the "boughs of leafy trees" as myrtle

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[207] In Esther 2:7 Esther's name is הדסה– myrtle. Within this aggadah there may be an echo or hint of the previous story analyzed in this chapter. That is, R. Zeira complains about performing *angareia* to bring myrtle to the palace. Within the biblical Book of Esther, Esther/הדסה – Myrtle, is also forced to go to the palace by the king's order.

[208] Bavli *Shabbat* 110a

[209] Tosefta *Sotah* 15:8. *B. Sotah* 49b discusses which types of bride groom wreaths are permitted, and which types are not permitted, following the destruction of the Temple. There is an unresolved dispute about whether myrtle wreaths are allowed.

[210] Bavli *Ketuboth* 17a

[211] Bavli *Gittin* 68b. Michael Zohary, *Plants of the Bible* (Cambridge: Cambridge Univeristy Press, 1982), 119.

[212] *Sepher Ha-Razim: The Book of Mysteries*, trans. Michael A. Morgan (Chico, California: Scholars Press, 1983), 38.

[213] Leviticus *Rabbah* 30:14.

leaves, and "willows of the brook" were called *aravot*.[214] The ritual, referred to simply as "*lulav*," involves holding the four species together and waving them in a prescribed manner toward the east, south, west, north, and then up and down.[215]

In ancient Greece, myrtle had many uses, and the numerous references to myrtle in Greek literature attest to its popularity and significance. The plant was known for being sacred to Aphrodite.[216] In *Wasps*, by Aristophanes, characters call for fire to be brought with incense and myrtle to invoke the gods.[217] Pindar mentions a crown of white myrtle on the head of Theban Melissos, in connection with a sacrificial festival of the dead.[218] Myrtle crowns were also associated with priests, who would wear them when sacrificing.[219] Theophrastus characterizes the superstitious man as one who buys myrtle wreaths and then spends the whole day garlanding the Hermaphrodites.[220] From Pliny the Elder's *Natural*

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[214] Mishnah *Sukkah* 2:2 - 2:9, 4:1- 4:10, *b. Sukkot* 32b. הדס as myrtle is also mentioned in: Nehemiah 8:15, Isaiah 41:19, 55:13, Zechariah 1:8, 1:10, 1:11.

[215] Rashi to *b. Sukkah* 37b suggests that this ritual is an acknowledgment of divine rule over nature. According to *m. Sukkah* 3:12 the ritual took place on all seven days of the festival of Sukkot in the Temple, but it was practiced for only one day in areas outside of the vicinity of the Temple. Following the destruction of the Temple, Rabban Yochanan ben Zakkai declared that the ritual should be conducted everywhere for all seven days. This may represent another example of the extension of Temple based practices in the post- Temple era. Regarding the role of priests in promoting the *lulav* ritual in the post-Temple era see David Levine, "Between Leadership and Marginality: Models for Evaluating the Role of the Rabbis in the Early Centuries CE," in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern*, ed. Lee Levine and Daniel Schwartz (Tübingen: Mohr Siebeck, 2009), 197-198.

[216] P. G. Maxwell-Stuart, "Myrtle and the Eleusinian Mysteries," *Wiener Studien* 6(1972): 145. Pausanias, *Description of Greece* 6. 24.7 states, that the rose and the myrtle are sacred to Aphrodite. See also Marcel Detienne, *The Gardens of Adonis: Spices in Greek Mythology*, trans. Janet Lloyd (New Jersey: Humanities Press, 1977), 63.

[217] Aristophanes, *Wasps*, 826. The birds eat myrtle flowers in Aristophanes, *Birds* 1099-1100.

[218] Pindar, *Isthmian* 4, 117-118. A garland of myrtle is also mentioned in Isthmian 8, 65.

[219] Herodotus 1.132. Maxwell-Stuart, "Myrtle and the Eleusinian Mysteries," 150. Emily Kearns, *Ancient Greek Religion: A Source Book* (Oxford: Wiley-Blackwell, 2010), 251, 315.

[220] Theophrastus, *Characters*, 16.10. Theophrastus was a pupil of Aristotle and his successor as head of the Lyceum. The *Characters*, is a collection of about thirty sketches of different types of (exclusively) male behaviour. Hugh Bowden, "Before Superstition and After: Theophrastus and Plutarch on Deisidaimonia," *Past and Present* Supplement 3(2008): 57.

History, we learn that myrtle was consecrated to Venus,[221] and Ovid depicts myrtle being sacrificed to Venus.[222]

Maxwell-Stuart lists the multiple uses of myrtle common among the Greeks. There was a myrtle grove at Delphi; myrtle sprays were woven into garlands; at symposia, guests sang proverbs and love songs while passing a spray of myrtle to each other, and all guests were expected to receive the myrtle and sing to it. Myrtle wreaths were given to victors at games and contests; myrtle rings were thought to be able to cure swellings in the groin; a crown of myrtle would be presented to a magistrate as a mark of honour; Hermes' sandals were made of tamarisk and myrtle twigs; and his statue in the temple of Athene Polias at Athens was almost hidden by myrtle boughs.[223]

Closer to the time period of the PT, according to Plutarch, Roman women bathed and wore garlands of myrtle before making sacrifices to Aphrodite on the first of April.[224] Pausanias also speaks of an image of Aphrodite made of a myrtle tree.[225] Myrtle was closely connected with sexual passion.[226] To Maxwell-Stuart, a clear association of sexual passion and myrtle comes from Longus' third-century CE novel, *Daphnis and Chloë*, in which Myrtle is the name of the goatherd's wife, and the foster-mother to Daphnis.[227] Myrtle is also found in literary scenes of marriage.[228] In Attica, myrtle was used to weave crowns worn by

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[221] Pliny the Elder, *The Natural History,*12.2.1; *The Natural History*, 15.29 lists myrtle leaves as a remedy for wounds.
[222] Ovid, *Fasti*, 4, 865
[223] Maxwell-Stuart, "Myrtle and the Eleusinian Mysteries," 147-149, 151.
[224] Plutarch, *Numa* 19. Plutarch may have been recalling an older custom here.
[225] Pausanias, Description of Greece, 5. 13. 7
[226] Pliny, 12, 3; Ovid, *Fasti* 4, 869; *Ars Am.* 3, 181; Vergil, *Ecl.* 7, 62; Georg. 1, 28; 2, 64; Vergil, *Aen.* 72. Maxwell-Stuart, "Myrtle and the Eleusinian Mysteries," 152 note 148; Detienne, *The Gardens of Adonis*, 63.
[227] Maxwell-Stuart, "Myrtle and the Eleusinian Mysteries," 153-154.
[228] Ibid, 156.

brides and grooms.[229] This application seems to parallel the use of myrtle at weddings, as recorded in rabbinic literature.

In our aggadah, following R. Yose ben Bun's statement referring to Satan, R. Zeira states that he transported myrtle to the palace. A unique practice is cited in *b. Sukkot* 38a:

> Rav Aha bar Yaacov[230] used to extend (the *lulav*) outward and
> bring it inward and say, "this is an arrow in the eye of Satan."
> But this is not a (proper) thing
> Because (Satan) may come to provoke him to sin

The tradition about the *lulav* and Satan, as cited in *b. Sukkot* 38a, may have been informed by this aggadah. Scholars agree that Palestinian sources are ubiquitous in the BT and that there were many interactions between the Palestinian and Babylonian rabbinic communities during the Amoraic period.[231]

In the aggadah, R. Yose Ben Bun states that Satan will not prosecute anyone who recites the redemption blessing and prayer together. On the next line, R. Zeira announces that he did recite the redemption blessing and prayer together but was still punished. The implication seems to be that he was punished by Satan, who in this case is an official in the Roman palace, and R. Zeira may be taking myrtle to poke out the eye of Satan. Scholars generally agree that in most biblical references, Satan is one of God's angels whose role is as a heavenly accuser, acting only as God's agent to serve God's purposes.[232] In some biblical

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[229] Detienne, *The Gardens of Adonis*, 63.

[230] R. Aha bar Yaacov was a fourth generation Babylonian Amora. Strack and Stemberger, *Introduction*, 95.

[231] Gray, *A Talmud in Exile*, 3.

[232] Numbers 22:22-23, Job 1-2, Zechariah 3:1-2. Henry Ansgar Kelly, *Satan: A Biography* (Cambridge: Cambridge University Press, 2006), 13-31. Elaine Pagels, "The Social History of Satan, The "Intimate Enemy": A Preliminary Sketch," *Harvard Theological Review* 84, no. 2 (1991): 107. Johnny Awwad, "Satan in Biblical Imagination," *Theological Review* XXVI, no. 1 (2005): 113. Goodman, *Rome and Jerusalem*, 272.

passages, Satan also refers to human adversaries.[233] References to Satan are few in Tannaitic literature.[234] Although the figure of Satan becomes more prominent in Amoraic literature,[235] it is suggested that no concrete concept of Satan as a demonic power exists within the Talmud, which tends to portray Satan as the evil inclination or an impersonal force of evil that infects humanity.[236] Henry Ansgar Kelly suggests that early Christian texts identify Satan as the figure who is responsible for instituting the "Idolatry of Paganism." In other words, "heretics" were under the spell of Satan.[237] In this aggadah, Satan appears to represent Roman domination and Greco-Roman cultic practice.

There may be a double meaning in the mentioning of Satan in this story and the theme of R. Zeira taking myrtle to the palace. For this suggestion, I draw on the work of Homi Bhabha in *The Location of Culture.* Bhabha states: "The menace of mimicry is its double vision which in disclosing the ambivalence of colonial discourse also disrupts its authority."[238] By mentioning the carrying of myrtle to the Roman palace, the aggadah draws attention to the use of myrtle in the context of Greco-Roman ritual. This creates mimicry with the use of myrtle in rabbinic ritual as described above. In this story, myrtle appears to serve as a vehicle for criticizing what the sages deemed as improper ritual practice, the use of myrtle in pagan rites. There is also mimicry in the mentioning of Satan and the Roman

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[233] I Samuel 29:4, II Samuel 19:23, I Kings 5:18, 11:14, 11:23; 11:25. The identity of Satan in 1 Chronicles 21:1 has long been debated. Ryan E. Stokes, "The Devil Made David Do it...Or Did he? The Nature, Identity, and Literary Origins of the Satan in 1 Chronicles 21:1," *Journal of Biblical Literature* 128, no. 1 (2009): 92-96. Peggy L. Day, *An Adversary in Heaven: Satan in the Hebrew Bible* (Atlanta: Scholars Press, 1988). Regarding the role of Satan in Apocryphal literature and the Dead Sea Scrolls see Kelly, *Satan: A Biography*, 32-50. For Satan in Enochic texts see Annette Yoshiko Reed, *Fallen Angels and the History of Judaism and Christianity: The Reception of Enochic Literature* (Cambridge: Cambridge Univeristy Press, 2005).

[234] שטן (Satan) does not appear in the Mishnah. It is found once in the Tosefta, in *t. Shabbat* 17:3, and once in the PT in *y. Yevamot* 1:6, 3a. השטן (the Satan) is not found in the Mishnah or the Tosefta. It appears twice in the PT, in this pericope and in *y. Shabbat* 2:6, 5b.

[235] שטן appears 26 times in the BT. השטן is in the BT 21 times. Satan appears with and without the definite article more than a hundred times in midrashic literature.

[236] Goodman, *Rome and Jerusalem*, 272.

[237] Kelly, *Satan: A Biography*, 324. See also Reed, *Fallen Angels*, 176-177.

[238] Bhabha, *The Location of Culture*, 88.

palace because in the third section of the story, in the royal parable, that I discuss further on, God in his palace is metaphorically shown to be the genuine ruler of the universe, thereby surpassing the power of the Roman ruler and his earthly palace.

A search for the term myrtle in Tannaitic sources and in Amoraic material in the PT, in addition to contemporaneous Greco-Roman literary sources, suggests that the mentioning of myrtle in this aggadah is intended to draw attention to the use of myrtle in the context of Greco-Roman ritual. The Mishnah knows of a pagan[239] rite involving myrtle. Mishnah *Sukkah* 3:1 states:

<div dir="rtl">לולב של אשירה ושל עיר הנדחת פסול</div>

A *lulav* from an Asherah or an apostate city is not valid.[240]

Archaeological evidence for cultic worship in temples in the vicinity of the Galilee from the early third century is plentiful.[241] Fourth-century CE Roman emperors, except for Julian, supported Christianity. Averil Cameron concludes that nevertheless a variety of societal pagan practices continued during this period.[242] Amnon Linder concurs:

> Finally, the victory of Christianity over paganism was not considered
> a foregone conclusion during most of the fourth century; by its close,
> pagans still accounted for a considerable proportion of the imperial

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[239] The term "pagan" is viewed as problematic by many scholars who have concluded that "paganism" implies a more unified system of religious tradition in the Roman world than actually existed. Some now use polytheism, religious traditions of the Roman Empire, or traditional Greco-Roman religion. I follow James Rives who continues to employ the term "pagan" because, as he points out, no completely adequate substitute has been devised. James B. Rives, "Graeco-Roman Religion in the Roman Empire: Old Assumptions and New Approaches," *Currents in Biblical Reseaarch* 8, no. 2 (2010): 242-243.

[240] This statement is repeated in *m. Sukkah* 3:2 and 3:3.

[241] Goodman, *State and Society*, 46-49. Millar, *The Roman Near East: 31 BC-AD 337*, 369. Mordecai Aviam, *Jews, Pagans and Christians in the Galilee: 25 Years of Archaeological Excavations and Surveys Hellenistic to Byzantine Periods* (Rochester, N. Y.: University of Rochester Press, 2004), 17. Nicole Belayche, *Iudaea-Palaestina: The Pagan Cults in Roman Palestine (Second to Fourth Century)*, trans. Monica Brain (Tübingen: Mohr Siebeck, 2001). Material remains do not always provide unambiguous evidence of a specific lived reality. Material remains can be interpreted to provide a range of conclusions. See Levine, *The Ancient Synagogue*, 190-193.

[242] Averil Cameron, *The Later Roman Empire: A.D. 284-430* (London: Fontana Press, 1993), 74-75.

and the municipal cadres, and traditional values (pagan almost by definition) still infused the culture shared by rulers and ruled alike.[243]

In addition, Günther Stemberger concludes that Jewish daily life in Roman Palestine was hardly affected by Christianity in the first three centuries CE, while paganism in the Galilee region survived into the fifth century CE.[244] The Mishnah and both Talmuds devote an entire tractate, Tractate *Avodah Zarah* (literally "strange practice), to discussions relating to idolatry.[245]

Mishnah *Avodah Zarah* 1:4 states:

עיר שיש בה עבודה זרה והיו בה חנויות מעוטרות ושאינן מעוטרות זה היה מעשה בבית שאן ואמרו חכמ׳ מעוטרות אסורות ושאינן מעוטרות מותרות[246]

In a city that has idolatry in which [some] shops were adorned and [some shops] were not adorned—there was such an incident[247] in Beth Shean.[248] And the sages said, "those that are adorned are forbidden and those that are not adorned are permitted."[249]

Mishnah *Avodah Zarah* 1:4 can be contextualized when viewed with its interpolation in the PT and in a passage by Pausanias in the second-century CE text *Description of Greece*.

"Adorn" is a key word in *m. Avodah Zarah* 1:4. The mishnah does not tell us what or whom

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[243] Amnon Linder, "The Legal Status of the Jews in the Roman Empire," in *The Cambridge History of Judaism: The Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 144-145.

[244] Stemberger, "The Impact of Paganism and Christianity," 511, 514.

[245] Gray, *A Talmud in Exile*.

[246] There are no variants for this mishnah among MSS Kaufmann and Parma.

[247] The word the mishnah uses is מעשה, *ma'aseh*.

[248] Beit Shean is synonymous with Scythopolis, a pagan city, in which Jews dwelt. Millar, *The Roman Near East: 31 BC-AD 337*, 378. G. Fuks, "The Jews of Hellenistic and Roman Scythopolis," *Journal of Jewish Studies* 33(1982): 407.

[249] Translation is my own. Danby's translation reads "If there was an idolatrous festival in that city." Danby, *The Mishnah*, 437. The word festival does not appear in this mishnah. Danby seems to base his translation on the elucidation of Rashi and Tosafot to *b. Avodah Zarah* 11b and 12a where Rashi states that, in the Mishnah, the words, 'a city in which there is idol worship' always refers to a specific festival. Mishnayot *Avodah Zarah* 1:1-1:3 discuss idolatrous festivals that take place on specific days. Fritz Graf speculates that *m. Avodah Zarah* 1:4 may refer to the Saturnalia festival during which shops were decorated. Fritz Graf, "Roman Festivals in Syria Palaestina," in *The Talmud Yerushalmi and Graeco-Roman Culture III*, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 2002), 442.

is being adorned or what the adornment is. The only thing we can be sure of is that the

adornment is imagined as happening in the marketplace. However, we can conclude that it

has something to do with idolatry, since the mishnah begins, "In a city that has idolatry."

Presumably, the mishnah is saying that it is not permissible to do business with shops that are

adorned.[250] Market days often coincided with pagan festivals.[251]

The PT will address some of the missing information in *m. Avodah Zarah* 1.4 by

offering suggestions for the type of material used for the adornment. The beginning of *y.*

Avodah Zarah 1:4, 39d states:

<div dir="rtl">רבי יוחנן אמר בהדס רבי שמעון בן לקיש אמר בשאר כל המינין על דעתיה דר' יוחנן הכל אסור</div>

> R. Yochanan said, "with myrtle." R. Shimon b. Lakish said, "with any
> sort of decorative leaves." According to R. Yochanan all (adorned
> shops) are prohibited.

A passage in *Description of Greece* also discusses adornment in the marketplace and is

specific about what is being adorned:

> The most notable things that the Eleans have in the open part of the
> market-place are a temple and image of Apollo healer. The meaning
> of the name would appear to be exactly the same as that of Averter of
> Evil, the name current among the Athenians. In another part are the
> stone images of the sun and the moon; from the head of the moon
> project horns, from the head of the sun, his rays. There is also a
> sanctuary to the Graces; the images are of wood, with their clothes
> gilded, while their faces, hands and feet are of white marble. One of
> them holds a rose, the middle one a die and the third a small branch of
> myrtle.[252]

Viewing the preceding texts in light of each other, we see that *m. Avodah Zarah* 1.4 mentions

that the adorned shops in the marketplace are prohibited. In *y. Avodah Zarah* 1:4, 39d, R.

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[250] In Pompeii and Herculaneum excavations have discovered many examples of cultic shrines in taverns and shops. James B. Rives, *Religion in the Roman Empire* (Oxford: Blackwell Publishing, 2007), 119. The sages did not object to all Greco-Roman statues, only to those they assumed were used for idol worship. Eliav, "Viewing the Sculptural Enviornment: Shaping the Second Commandment," 411-433.

[251] Graf, "Roman Festivals in Syria Palaestina," 435-451.

[252] Pausanias, "Description of Greece," (The Loeb Classical Library, 1954), 6. 24. 26 p.151.

Yochanan suggests that the prohibited shops are adorned with myrtle. The statement of

Pausanias in *Description of Greece* explicitly discusses the adornment of cult statues with

myrtle in the marketplace.

It is generally recognized that decorating and parading cult statues were central and

commonplace aspects of the religious life of Greco-Roman cities within the first few

centuries CE.[253] In a comprehensive study of pagan cults in Israel from 135 CE to the fourth

century, Nicole Belayche concludes that rabbinic sages were familiar with the essential

features of Greco-Roman religious practices and rites, which were generally conducted in

public.[254] James Rives summarizes the views of current scholarship related to Greco-Roman

religion in the first few centuries CE:

> A culture in which traditional public cults remained vibrantly alive,
> a world filled with processions, festivals, temples and priesthoods...
> Traditional deities dominate the epigraphic record: in the west,
> Jupiter, Mercury, Hercules, Silvanus and Mars, with Isis and Cybele
> only in the lower ranks, and in the east, Zeus, Apollo, Athena,
> Dionysos and Artemis.[255]

R. Zeira's complaint that he had to take myrtle to the palace may be a condemnation of the

use of myrtle in connection with pagan worship and specifically in relation to the use of

myrtle for adorning cult statues. My analysis is in line with Seth Schwartz's conclusion that

stories in the PT reveal that PT sages openly and frequently expressed their alienation from

non-legal and non-political aspects of Roman culture, as a way of denying the legitimacy of

the Roman state.[256]

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[253] Bowden, "Before Superstition and After," 63. Robert Parker, *Polytheism and Society at Athens* (Oxford: Oxford University Press, 2005), 178. Rives, *Religion in the Roman Empire*, 114.
[254] Belayche, *Iudaea-Palaestina: The Pagan Cults in Roman Palestine (Second to Fourth Century)*, 35, 71.
[255] Rives, "Graeco-Roman Religion," 251.
[256] Schwartz, *Were the Jews a Mediterranean Society*, 118-119. See also Louis Feldman, "Some Observations on Rabbinic Reaction to Roman Rule in the Third Century," *Hebrew Union College Annual* 63(1992): 39-81.

I now turn to the literary analysis of the final section of the aggadah, where we find R. Ami[257] repeating the admonition stated by R. Yose ben R. Bun, at the beginning of the story, regarding the importance of joining the redemption blessing to prayer. R. Ami explains the reason by way of a royal parable. Most rabbinic parables have two parts. In the case of the royal parable, in the first part we find a fictional narrative about a king. The second part of the parable contains its narrative application, or *nimshal*.[258] R. Ami's statement, "to what may they be likened," is the formulaic clause with which rabbinic parables usually begin. The word *mashal* translates as "likeness" in English. The *nimshal*, the narrative application of the *mashal*, characteristically begins with the formulaic expression "similarly" or "so," as it does in this story. The parable is related in the simple past tense and it fleshes out the ideas presented in the aggadah. The *mashal* presents a fictional story that draws parallels with the narrative situation presented in the rest of the story. The parallels in the *mashal* are not made explicit; rather, it is up to the audience to figure them out. This aspect of the *mashal* is, according to David Stern, "its inherently hermeneutic character…the mashal is a narrative that actively elicits from its audience the application of its message."[259] Daniel Boyarin characterizes the genre of *mashal* as the narrative structure that fills in the gaps in the biblical text, which is indeterminate at many points.[260] While Boyarin concentrates on the genre of *mashal* as an interpretive strategy for explicating the biblical text, in this aggadah we witness the marshalling of the *mashal* to expound the words of the rabbinic sages.

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[257] R. Ami's full name is R. Ami ben Natan. He was a third generation Palestinian Amora. He was a student of R. Yochanan and he succeeded R. Yochanan as head of the academy in Tiberias. R. Asi, also known as R. Yasa, was one of his main colleagues. Albeck, *Introduction*, 227-228 (Hebrew). Frankel, *Einleitung*, 54b (Hebrew).

[258] Stern, *Parables in Midrash*, 8. Neusner finds Stern's account of the *mashal* genre to be inadequate because Stern does not differentiate the form of the *mashal* in different rabbinic documents. J. Neusner, *Building Blocks of Rabbinic Tradition: The Documentary Approach to the Study of Formative Judaism* (Lanham: University Press of America, 2008), 203-206.

[259] Stern, *Midrash and Theory*, 44.

[260] Boyarin, *Intertextuality*, 80-92.

According to Tannehill, in Greco-Roman objection stories, the response to the character that has made the objection may correct assumptions upon which the objection was based. It may also disclose "issues of fundamental priorities and of basic perceptions of truth."[261] The parable in section F of the aggadah does just that. This parable supports the statement issued by R. Yose ben Bun at the beginning of the story regarding rabbinic prayer. It communicates the message that the *Shema* and its blessings should be recited directly preceding the recitation of the *Shemonah Esreh* liturgy. The lesson of the parable is that reciting the *Shema* is like knocking on the gates of heaven. The *Shema* consists of passages that recognize the unity and oneness of God and proclaim divine kingship. Therefore, reciting the *Shema* creates a favorable atmosphere for approaching the divine. This should be done immediately prior to the recitation of the *Shemonah Esreh* prayer that asks God for help, for good health, and for sustenance. The parable is saying that one cannot make the requests in the *Shemonah Esreh* prayer without first praising the divine with the *Shema* liturgy and the "redemption blessing" which praises God for the redemption from Egypt. Otherwise, it is as if one had knocked on the king's door and run away just as the king was opening his door to see who was there.[262] In other words, once you bother the king by asking him to open his door, you should not run away or this will invoke the indignation of the king/God.[263] "The king's friend" is a formulaic expression found in more than fifty royal

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[261] Tannehill, "Introduction: The Pronouncement Story and its Types," 8-9.
[262] Sperber, *Magic and Folklore in Rabbinic Literature*, 228.
[263] Ibid. Rashi's commentary to *b. Ber* 4b cites this parable as the reason for why one should join the redemption blessing to the prayer. This is, at least, one instance where Rashi seems to have relied on the PT.

parables that feature the king's friend interacting in some way with the king.[264] The king's friend is a metaphor for the people of Israel, just as the king is a metaphor for God. In some of these passages, the king's friend is identified as a biblical figure or as the children of Israel.[265] The work of the composers/redactors of this story becomes visible in the reference to the formulaic expression "the king's friend," the code word for Israel, within the ubiquitous royal parable.

In this aggadah, the parable also serves as the conclusion of the pronouncement story and the successful argument. Rabbinic pronouncement stories typically culminate in a highly quotable and wise remark.[266] The parable elucidates the major theme of this story, which is the advancement of rabbinic modes of prayer. I suggest that the juxtaposition of the parable, wherein the figure of the king is a metaphor for God, immediately after equating the Roman authority figure with Satan, is purposeful and functions as part of the hidden transcript. The literary structure of this narrative serves to draw attention to the contrasts between the Roman authority figure and God, as well as the differences between pagan worship using myrtle and rabbinic prayer ritual that utilizes myrtle. The message of the parable is that God, the genuine deity, requires prayer conducted in the manner established by the sages; otherwise, God will distance himself "even more" from his people. The addition of the phrase "even more" at the end of the parable serves as a poignant reminder of the destruction of the Temple and the loss of Jewish sovereignty. It also takes us back to the very beginning

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[264] The texts in which this term is located and the number of times it is repeated is the following: *Bereshit Rabbah* 8 times, *Shemot Rabbah* 3 times, *Yayikra Rabbah* twice, *Devarim Rabbah* 5 times, Ruth *Rabbah* twice, Esther *Rabbah* once, *Kohelet Rabbah* once, *Pesikta Rabbati* 4 times, Midrash *Tanhuma* 3 times, Midrash *Yelamdenu* once, *Pesikta Zutra* once, *Yalkut Shemoni* 11 times, *Sifre Bamidbar* once, Midrash *Zutta* once, *Peskita d'* R. Eliezer 12 times. Some of these texts are contemporaneous with the PT, and some stem from a later date.

[265] In *Bereshit Rabbah* 30:10 the phrase 'the king's friend' refers to the biblical figure Noah. In *Bereshit Rabbah* 68:10 it refers to Jacob. In *Bereshit Rabbah* 98:2 it refers to the children of Israel.

[266] Stern, *Parables in Midrash*, 243.

of the story which makes the point that in the post-Temple era prayer will have the efficacy of Temple sacrifice.

2.19 Historical Context

In the first section of the aggadah, R. Yose B. Bun's saying is an example of the transformation that took place as rabbinic prayer supplanted sacrifices in the post-Temple era. One facet of this transformation was the establishment of ritual hand washing before meals involving the consumption of bread. Rabbinic ritual hand washing metaphorically extends priestly holiness to the entire nation by evoking the image of priests washing their hands before approaching the altar. According to *b. Ber* 55a and *b. Hag* 27a "as long as the Temple stood, the altar atoned for Israel. Now a man's table atones for him."[267] This story is also a reflection of the specific move to combine the *Shema* liturgy with the *Shemonah Esreh* prayer. Benedictions referring to repentance and forgiveness in the *Shemonah Esreh* may have served to fulfill the roles that guilt and sin offerings fulfilled in the Temple era.[268] This section of the aggadah reflects the process of working out the framework of the system of rabbinic prayer. Ginzberg maintains that this pericope refers to the joining of the *Shema* recitation to the *Shemonah Esreh* in the morning service, and that the practice of joining these two liturgies was established in the Tannaitic period.[269] However, this conclusion seems questionable. The rabbinic hyperbole employed in this pericope to assert the importance of these liturgies may be an indication that these were not fully accepted practices in the Tannaitic era, or even in the Amoraic era, when this pericope was redacted.

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[267] See Kimelman, "Rabbinic Prayer in Late Antiquity," 577.
[268] On the use of Temple symbols in the synagogue see Steven Fine, *This Holy Place On the Sanctiity of the Synagogue during the Greco-Roman Period* (Notre Dame, Indiana: University of Notre Dame Press, 1997).
[269] Ginzberg, *Commentary*, 1, 72-73. Daniel Sperber also attributes this development to the Tannaitic time period. Sperber, *Magic and Folklore in Rabbinic Literature*, 228.

2.20 *Angareia*

Contextually, the major theme for the first section of this story concerns the development of rabbinic prayer, while the second section subtly moves to one of Roman domination. This is partially accomplished with the use of the motif of *angareia*. In the second section R. Zeira claims that he was drafted into service for the palace. The term employed is אנגריא (*angareia*). The definition from the Greek, ἀγγαρεία, is "seizure of people or goods for public services."[270] *Angareia* is a form of exploitation known to the Gospel writers. Matthew 5:41 states, "If someone forces you to go one mile, go also the second mile." Matthew 27:32 and Mark 15:21 discuss soldiers who compel Simon of Cyrene to carry the cross. Fergus Millar draws our attention to a remark made by the Stoic philosopher Epictetus around 108 CE:

> If there is a transport requisition (*angareia*) and a soldier seizes
> your ass, don't resist or grumble; for then you will get a beating
> and still lose your ass.[271]

Variant meanings have been attached to *angareia* in rabbinic literature, so it resists precise classification.[272] In halakhic contexts, it relates to the requisitioning of the services of a donkey or another pack animal for transportation.[273] The term is used in aggadic contexts to

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[270] Sokoloff spells it as אנגרייה. Sokoloff, *A Dictionary of Jewish Palestinian Aramaic*, 64. See also Jastrow, *Dictionary of the Targumim*, 81. Michael Avi-Yonah claims that *angareia* was a Persian word adopted by the Greeks. Avi-Yonah, *The Jews of Palestine*, 94. See also Daniel Sperber, "Angaria in Rabbinic Sources," *Antiquite Classique* XXXVIII(1969): 166. Gafni, "The World of the Talmud," 230. Schäfer, *The History of the Jews in Antiquity*, 170-175. Goodman, *State and Society*, 147.

[271] Epictetus 4. 1. 79 cited by F. Millar, *The Roman Empire and its Neighbours* (London: Weidenfeld and Nicolson, 1967), 98. (The italics are in Millar's translation) "Stoic" refers to the philosophical school founded by Zeno of Citium *c.* 300 BCE. John Sellars, *The Art of Living: The Stoics on the Nature and Function of Philosophy* (London: Ashgate, 2003), 178. Epictetus was a Stoic philosopher *c.* 55–135 CE.

[272] אנגריא is found in *m. Bava Metzia* 6:3, *t. Bava Metzia* 7:7, 7:8, *y. Ber* 1:1, 2, *y. Bava Metzia* 7:1,11c, 7:4,10c, *b. Bava Qamma* 38b, *b. Bava Metzia* 78a, 78b, *b. Sanhedrin* 101b, *b. Avodah Zarah* 2b, *b. Yoma* 35b, and *b. Sotah* 10a.

[273] Mishnah *Bava Metzia* 6:3 mentions *angareia* incidentally, in a halakhic passage that discusses the obligations one has to the owner of a donkey he hires. The pericope discusses cases in which the donkey goes blind, dies, slips, or is enlisted for *angareia*. Tosefta *Bava Metzia* 7:7, *y. Bava Metzia* 7:1,11c, 7:4,10c, *b. Bava Metzia* 78a, and 78b are all commentaries on *m. Bava Metzia* 6:3.

refer to people who are requisitioned for some type of labour that is usually not made explicit and is not always conscripted by Roman authorities. For instance, in *b. Yoma* 35b we are told that on one occasion R. Eleazar b. Hasom was travelling in disguise and was forced into *angareia* by his servants, who did not recognize him. Tosefta *Bava Metzia* 7:8 relates that a person was pressed into *angareia*, but it is not clear to whom or what that service entailed. In an aggadic exegetical trope in *b. Avodah Zarah* 2b, God rebukes the Roman authorities for compelling Jews and their livestock to perform *angareia*. A review of the passages in the Mishnah, Tosefta, PT, and BT that mention *angareia* reveals that it is used in dissimilar ways in different texts, and even in diverse ways within the same texts.

Angareia is well attested in Roman sources: it is mentioned in a series of imperial documents that begin during the reign of the emperor Tiberius (17–37 CE) and culminate with rescripts from the emperors of the fourth and fifth centuries CE.[274] Detailed regulations relating to *angareia* as a requirement of individuals and villages to provide a supply of mules, oxen, horses, and wagons for the transport of individuals and goods on behalf of the empire are contained within 8.5.1 to 8.5.66 of the Theodosian Code.[275] The code specifies the maximum allowable weight to be loaded on each animal or wagon; it also records abuses of the system, and the attempts made to rectify these abuses with various punishments. Stephen Mitchell suggests that one of the earliest documents mandating *angareia* may be the inscription bearing an edict issued by Sextus Sotidius Strabo Libuscidianus, *legatus pro pratore* of the emperor Tiberias, around 19 CE. The edict concerns the provision of transport

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[274] Stephen Mitchell, "Requisitioned Transport in the Roman Empire: A New Inscription from Pisidia," *The Journal of Roman Studies* 66(1976): 106-112.

[275] Clyde Pharr, *The Theodosian Code and Novels and the Sirmondian Constitutions: A Translation with Commentary, Glossary and Bibliography* (Princeton: Princeton University Press, 1952), 194-205. See also Cameron, *The Later Roman Empire*, 6. Victor Ehrenberg and A. H. M. Jones, eds., *Documents Illustrating the Reigns of Augustus & Tiberius* (Oxford: Clarendon Press, 1976), 320. W. H. C. Frend, "A Third-Century Inscription Relating to *Angareia* in Phrygia," *The Journal of Roman Studies* 46(1956): 53 note 25.

for official use by a particular subject community, Sagalassus in Pisidia.[276] *Angareia* is the

exact term found on the inscription. The text comprises regulations regarding the type of

transport that the people of Sagalassus were required to provide, including two types of pack

animals, mules, donkeys, and wagons.[277] *Angareia* is also mentioned in a third-century CE

inscription from Phrygia that mandates particular communities to supply oxen for official

requirements.[278] The inscription records that the Phrygian villages of Anossa and

Antimacheia had made formal appeals to the Procurator complaining about the burden of

angareia.[279] An earlier inscription relating to *angareia* during the time of Antoninus Pius

records the complaints of the village of Dagis, in the territory of Histria, in lower Moesia.[280]

This inscription bears a protest to the governor, complaining that the village was unequal to

the task of providing transport along the main road. It cites, as a precedent, complaints that a

neighbouring community had made to an earlier governor. Mitchell concludes that the

Empire required wagons and pack animals primarily for moving military supplies, such as

grain and other food stuffs, in areas where there were large concentrations of troops. He finds

no evidence that comprehensive regulations lay behind the practice; rather, requisitioning

seems to have been carried out on an ad hoc basis.[281]

R. Zeira's statement in *y. Ber* 1:1, 2d is an explicit reference to *angareia* as a type of

human forced labour imposed by the Roman administration. Whether such a requirement

was really imposed on R. Zeira is impossible to know, but from the Roman evidence it is

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[276] Mitchell, "Requisitioned Transport in the Roman Empire," 106-131.
[277] Ibid, 122.
[278] Frend, "A Third-Century Inscription," 48.
[279] Ibid, 51-52.
[280] Mitchell, "Requisitioned Transport in the Roman Empire," 120. Fergus Millar discusses a letter of Domitian to Claudius Athenodorous, the procurator of Syria, who was responsible for preventing abuses of the system of *angareia*. F. Millar, "Evidence on the Meaning of Tacitus "Annals XII". 60," *Historia: Zeitschrift für Alte Geshichte* 13, no. 2 (1964): 182.
[281] Mitchell, "Requisitioned Transport in the Roman Empire," 129.

clear that others in the Roman Empire also complained about the requirement to perform *angareia*. The motifs of myrtle, Satan, and *angareia* all seem to be employed to create the sub-text within this narrative. In other words, the talmudic discourse discloses a hidden transcript that, within a discussion of rabbinic prayer, focuses on contextual references to the surrounding culture related to Roman domination and cultic practice.

The two themes of rabbinic prayer and criticism of Roman practice are combined in the third section of the story which presents the royal parable. The message of the parable is that rabbinic prayer is superior to cultic practices and that the God who desires rabbinic prayer conducted in the proper way is the authentic king of the universe. The ideological message of the parable is that the Roman kingdom has no legitimate sovereignty; genuine sovereignty only rests with the heavenly kingdom of God.

Current trends in research related to Greco-Roman religious practices within the first few centuries CE provide an indication of the historical context in which this aggadah may have arisen. Scholars now recognize that several factors contributed to the fusing of divine and monarchial images within the Roman realm. Prior scholarship primarily treated the imperial cult[282] as a political phenomenon imposed from the top down. One example is the official cult of Deus Sol Invictus, "the divine unconquered sun," established by the emperor Aurelian in 274 CE, which had a significant political dimension.[283] Recent scholarship considers that the imperial cult was a religious expression driven by the populus itself.[284]

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[282] The term "imperial cult" has become problematic as it seems to infer a coherent system. Current scholarship is of the opinion that there were a wide range of differing practices associated with emperor worship. Rives, "Graeco-Roman Religion," 256.

[283] Rives, *Religion in the Roman Empire*, 205. Lee Levine, "Contextualizing Jewish Art The Synagogues At Hammat Tiberias And Sepphoris," in *Jewish Culture And Society Under The Christian Roman Empire*, ed. Richard Kalmin and Seth Schwartz (Leuven: Peeters, 2003), 103-108.

[284] Rives, "Graeco-Roman Religion," 252. S. R. F. Price, "Gods and Emperors: The Greek Language of the Roman Imperial Cult," *Journal of Hellenic Studies* 104(1984): 79-95. Ittai Gradel, *Emperor Worship and Roman Religion* (Oxford: Clarendon Press, 2002), 198-212.

Gradel argues that the imperial cult was in accordance with traditional Roman religion.[285]

Rives sums up the view of current scholars:

> It now appears that the extent to which the imperial cult flourished in private contexts has previously been greatly underestimated. For example, literary evidence shows that the emperor was worshipped on the domestic level, with his image placed among the household gods…Epigraphic evidence reveals the existence of numerous private associations of "worshippers of the emperor" or "of the emperor's image"…In short, private cults of the emperor were "very common and widespread indeed, in the *domus*, in the streets, in public squares, in Rome itself (perhaps there in particular) as well as outside the capital."[286]

I suggest that the widespread prevalence of emperor worship in the Roman realm should be considered as one factor that contributed to the rhetorical message contrasting divine rule with Roman rule. In other words, within this aggadah, the motif of contrasting the sovereignty of divine rule with Roman sovereignty can be understood in the historical context in which it was composed.[287] Although Reuven Kimelman concludes that material in rabbinic literature contrasting the kingdom of Rome with the kingdom of God is rare,[288] this PT aggadah is at least one example of a story in rabbinic literature that does appear to contrast the kingdom of Rome with the kingdom of God. We must also consider that the composers/editors of this aggadic material may have been responding obliquely to Christian portrayals of Jesus as king.

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[285] Gradel, *Emperor Worship and Roman Religion*, 198-233.

[286] Italics are in the quote. Rives, "Graeco-Roman Religion," 256. In the last sentence, Rives quotes Gradel, *Emperor Worship and Roman Religion*, 232. See also Monika Bernett, "Roman Imperial Cult in the Galilee: Structures, Functions, and Dynamics," in *Religion, Ethnicity, and Identity in Ancient Galilee: A Region in Transition*, ed. Jürgen Zangenberg, Harold W. Attridge, and Dale B. Martin (Tübingen: Mohr Siebeck, 2007), 356.

[287] In *y. Ber* 9:1, 13b and its parallel text *y. Avodah Zarah* 3.1, 42c divine rule is also contrasted with Roman rulers who are shown to be less powerful than divine rule.

[288] Kimelman, "Blessing Formulae and Divine Sovereignty in Rabbinic Liturgy," 27.

2.21 Conclusion

The first story analyzed in this chapter, which I have called "A Tale of Two Sages," exhibits signs of comprehensive editing and literary creativity. Composers/redactors created a narrative employing the Greco-Roman genre of "analogy," with a precise tripartite structure and a great deal of literary repetition. Drawing on the trope of *ayyelet hashachar* (the first light of dawn) mentioned in *m. Ber* 1.1, they utilized a rabbinic tradition that equated Esther with dawn in order to link a future redemption with the redemption portrayed in the Book of Esther. The theme of redemption and the role of sages in bringing about redemption are continuing motifs in a number of stories in tractate *Berakhot* in the PT.

The second story analyzed in this chapter, "Myrtle-A Contested Site," is also an intricate and carefully edited literary creation, displaying the evidence of purposeful redaction. The aggadah utilizes a Greco-Roman and Tannaitic literary generic form as a type of pronouncement story. Furthermore, its structure conforms to the seven stages for the complete elaboration of a theme, as set out in the *Rhetorica ad Herennium*. In so doing, the aggadah employs a Greco-Roman oratorical technique to produce a narrative that criticizes Roman rule. The manner in which ideological concerns regarding rabbinic prayer is combined with polemical statements relating to Greco-Roman ritual practice attest to the complexity and multi-layers of meaning in this story. This story also demonstrates the paradigmatic themes found in other PT *Berakhot stories*. These include the sages' attempts to institute prayer practices, their nuanced attitudes to Greco-Roman culture, and the motif of future redemption.

Having shown in this chapter how the use of Greco-Roman literary genres contributes to the over-all complexity and purposeful composition of the stories analyzed, in the next

chapter I focus on the ways in which PT redactors included themes not generated exclusively

by the Mishnah. This feature is another aspect of the complexity of some PT stories.

Chapter Three: Destroyers

3.1 Introduction

In this chapter my primary focus is to demonstrate the complexity in the narrative I analyze by viewing it through the lens of Eliezer Segal's notion that "anthology" serves as a useful genre for categorizing talmudic material. As already stated, the entire section of the PT that I analyze coheres with the notion of anthology and in this chapter I demonstrate how anthology is also applicable for an individual story.

I analyze an aggadah that pertains to *m. Ber* 1:3. The mishnah text thematizes, in a highly stylized manner, a dispute among sages regarding the differing views of the Schools of Hillel and Shammai relating to recitation of the *Shema*. In a similar fashion, the aggadah also portrays a dispute among sages regarding the correct way to recite the *Shema*. At the same time, the dispute in the aggadah concerns a discrete subject that departs from *m. Ber* 1:3. The story is thus a good example of the genre of "anthology" that Eliezer Segal uses to explain stories in the BT that do not exclusively relate to commentary on the Mishnah, but pertain to matters raised by the greater talmudic text.

I also apply literary and contextual analysis in tandem to further demonstrate the story's complexity. The establishment of the correct physical positions for the recitation of the *Shema*, along with the struggles rabbinic sages faced in the process of assuming leadership in regard to prayer practices, and their nuanced attitudes to Greco-Roman culture are all themes evinced from this narrative.

Prior to my presentation of *m. Ber* 1:3, it is helpful to provide brief information about the School of Hillel and the School of Shammai, which are the focus of *m. Ber* 1:3 and the aggadah that I subsequently analyze. Information relating to these two groups is found almost

exclusively in rabbinic literature.[1] The Schools of Hillel and Shammai are two schools of the

exposition of oral traditions, named after the sages Hillel and Shammai, who lived at the end

of the first century BCE and the beginning of the first century CE.[2] The schools may have

constituted disciple circles that gathered around early masters.[3] Scholars assume that these

entities existed until the destruction of the Second Temple.[4] Tannaitic literature records

numerous debates between the followers of these two schools regarding differing views of

rabbinic law. The two schools are portrayed as holding different opinions about the

interpretation of earlier traditions, and they had diverse approaches toward creating new

laws. Some recent scholars suggest that some of the disputes cited in the names of the

schools are not necessarily historically accurate accounts of the schools' disputes. They may

have been attributed to the schools primarily in order to categorize anonymous legal

traditions.[5]

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[1] One extra-rabbinic source on Hillel and Shammai is found in the writings of Jerome, who states: "Shammai and Hillel arose in Judea not long before the Lord's birth." Strack and Stemberger, *Introduction*, 65.

[2] Shmuel Safrai, "Bet Hillel and Bet Shammai," in *Encyclopedia Judaica* (2007), 3: 530.

[3] Cohen, *From the Maccabees to the Mishnah*, 157.

[4] Alexander Guttmann, "Hillelites and Shammaites: A Clarification," *Hebrew Union College Annual* 28(1957): 125; Alexander Guttmann, "The End of the Houses," in *The Abraham Weiss Jubilee Volume*, ed. M. S. Feldblum (New York: 1964), 89-105. Shaye J. D. Cohen, "The Significance of Yavneh: Pharisees, Rabbis and the End of Jewish Sectarianism," *Hebrew Union College Annual* 55(1984): 28. Haim Shapira, "The Schools of Hillel and Shammai," *Jewish Law Annual* 17(2007): 159-208.

[5] Paul Heger, *The Pluralistic Halakhah: Legal Innovation in the Late Second Commonwealth and Rabbinic Periods* (Berlin, New York: Walter De Gruyter, 2003), 355-384. J. Neusner, "Why We Cannot Assume the Historical Reliability of Attributions: The Case of the Houses in Mishnah-Tosefta Makshirin," in *The Mishnah in Contemporary Perspective Volume 2*, ed. Alan J. Avery-Peck and Jacob Neusner (Leiden, Boston: Brill, 2006), 190-212.

3.2 Mishnah *Berakhot* 1:3

A.בית שמי אומ׳ בערב כל אדם <u>ייטו</u> ויקרו ובבקר יעמדו

B.שנ׳ בשכבך ובקומך

C.בית הלל אומ׳ כל אד(ן)ם קורין <u>כדרכן</u>

D.שנ׳ ובלכתך <u>בדרך</u>

E.אם כן למה נאמר בשכבך ובקומך

F.אלא בשעה ש <u>דרך</u> שבני אדם שוכבים ובשעה ש<u>דרך</u> שבני אדם עומדין

G.אמ׳ ר׳ טרפון אני הייתי בא <u>בדרך</u> <u>והטיתי</u> לקרות

H.כ דברי בית שמי

I.וסכנתי בעצמי מפני הלסטים

J.אמרו לו כדיי הייתה לחוב בעצמך שעברתה על דברוי בי(ה)ת הילל

A. The School of Shammai[6] says, "In the evening everyone [should] <u>recline</u>[7] and recite [the *Shema*] and in the morning they [should] stand up [and recite the *Shema*]."

B. As it is said,[8] "And when you lie down and when you rise up." (Deuteronomy 6:7)

C. And the School of Hillel say, "Everyone should recite [the *Shema*] according to his [preferred or accustomed] <u>way</u>."

D. As it is said, "and when you walk by the <u>way</u>." (Deuteronomy 6:7)

E. If so, why does it say, "and when you lie down and when you rise up." (Deuteronomy 6:7)

F. But rather, [this refers to] the time that people lie down and at the time that people get up.

G. R. Tarfon[9] said, "I was on the <u>way</u>[10] and I <u>reclined</u> to recite [the *Shema*].

H. In accordance with the words of the School of Shammai.

I. And I found myself in danger from bandits."

J. They said to him, "it would have been fitting for you to be liable for your own punishment because you transgressed the words of the School of Hillel."

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[6] Although בית is literally "house," I use the term "school" because school is a more precise term for these two entities.

[7] Classical Mishnah commentators explain the usage of ייטו in this mishnah as "lying on one's side." Albeck, *Shishah Sidrei Mishnah*, 14 (Hebrew). This word appears as יטו in the Vilna Mishnah manuscript. יטו is the hiph´il third person masculine plural prefix form of נטה.

[8] The term is שנאמר which usually serves as a formulaic introduction to a biblical quotation.

[9] R. Tarfon is from the younger group of second-generation Tannaim (*c*. 90–130). He is frequently pictured as debating, and disagreeing, with R. Akiva and other sages. Strack and Stemberger, *Introduction*, 73. G. Alon concluded that Rabbi Tarfon officiated as the Patriarch following the death of Rabban Gamliel. Gedalia Alon, *Jews, Judaism and the Classical World* (Jerusalem: Magnes Press, 1977), 321-322.

[10] *Tosefta Hagigah* 3:33 and *b. Eruvin* 45a have different stories about R. Tarfon but both begin with the parallel phrase to this mishnah that he was "walking on the way."

3.3 Analysis of Mishnah *Berakhot* 1:3

Mishnah *Berakhot* 1:3 exhibits evidence of the type of literary complexity that

scholars have come to consider common place in the Mishnah. Alan J. Avery-Peck suggests

that the rhetoric in this mishnah conforms to the formulation of *chreia*.[11] Gary Porton

classifies the dialogue between R. Tarfon and the sages as a Tannaitic pronouncement

story.[12] The opinions of the School of Hillel and the School of Shammai, recorded in lines A

and C relate to the posture one should assume when reciting the *Shema*, based on differing

interpretations of Deuteronomy 6:7.[13] Lines B and D provide the scriptural proof-texts for the

schools' differing statements. The proof-text in B explains that the School of Shammai's

ruling that one should recline to recite the evening *Shema* and stand to recite the morning

Shema is based on a literal reading of the portion of Deuteronomy 6:7 that states, "when you

lie down and when you rise up." The proof-text in D is intended to show that the

interpretation of the School of Hillel is also based on Deuteronomy 6:7. Hillel's view that

people should recite the *Shema* according to their preferred way is based on the phrase in

Deuteronomy 6:7 that states, "and when you walk by the way."

The repetition of the word דרך is an example of the literary complexity in this

mishnah. The Hebrew word דרך, which means "way," has the same semantic range of

meaning as the English word "way." דרך can mean "path" as well as "manner."[14] In its

biblical context, in Deuteronomy 6:7, דרך means path, as in "when you walk by the way."

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[11] Avery-Peck, "Rhetorical Argumentation in Early Rabbinic Pronouncement Stories," 54.
[12] Porton, "The Pronouncement Story in Tannaitic Literature," 93.
[13] The full text of Deuteronomy 6:7 states: "Teach them to your children and speak of them when you are at home, when travelling on the road and when you lie down and when you get up." Deuteronomy 6:7 relates to Deuteronomy 6:4-6:6: "Hear oh Israel the Lord is our God the Lord is one. Love the Lord your God with all your heart, with all your soul and with all your might. And these words which I command to you today must be on your heart."
[14] Samely, *Forms of Rabbinic Literature*, 83.

However, the interpretation of the School of Hillel, that people should recite the *Shema* in any position that they are accustomed to, uses the word דרך in the sense of manner.[15]

Lines E and F explain, by means of a question and an answer, how the opinion of the School of Hillel interprets the biblical proof-text given in line B. The statement in line F explicates that the School of Hillel understands "when you lie down and when you get up" (Deut 6:7) not as Shammai does, which is as a description of the physical position you should assume for recitation, but rather as referring to the times that the *Shema* should be recited—i.e., when you lie down in the evening and when you get up in the morning. The Mishnah does not generally show how its laws are based on the biblical corpus, so pericopae that provide biblical proof texts to support mishnaic statements, as this one does, are somewhat unusual.[16]

Further complexity is evidenced in the statement in line G that appears as a first-person report delivered by R. Tarfon. Tarfon repeats the word דרך with his claim that he was on the way—in other words, travelling—when he stopped and reclined to recite the *Shema*.[17] With the use of דרך, Tarfon's statement evokes the interpretation of the School of Hillel—but Tarfon uses דרך in the sense of "path" rather than "manner." In fact, the mishnah states that Tarfon recites while he is reclining, which is the preferred position for reciting the evening *Shema*, as advocated by the School of Shammai. The term that Tarfon uses for "I reclined" is הטיתי which is the hiph´il first person common singular perfect form of נטה. This verb has a range of meanings including "turn," "turn aside," "bend," "deflect," "mislead," "lead astray,"

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[15] Ibid.

[16] Shaye J. D. Cohen, "Judaean Legal Tradition and Halakhah of the Mishnah," in *The Cambridge Companion to The Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 124.

[17] Albeck, *Shishah Sidrei Mishnah*, 15 (Hebrew). The theme of dismounting a donkey while travelling on the road in order to pray is also mentioned in *m. Ber* 4:5 and *t. Ber* 3:18. Judith Hauptman suggests that *m. Ber* 4:5 was produced in response to *t. Ber* 3:18. Judith Hauptman, *Rereading the Mishnah: A New Approach to Ancient Jewish Texts* (Tübingen: Mohr Siebeck, 2005), 3-4.

and "deviate."[18] The plain meaning of הטיתי is "I reclined," but in this mishnah it seems to also take on the connotation of "I turned aside or deviated from the practice of my colleagues," or "I bent in another direction," as though R. Tarfon purposely acted contrary to the views of his colleagues. The meaning of הטיתי as "deviate" is thematized in the aggadah that is redactionally connected to this mishnah, which I analyze in this chapter of my study.

In *m. Ber* 1:3 Rabbi Tarfon does not actually state what time of day the incident happened, so it is also possible to see his actions as recitation according to the School of Hillel, which permits reciting in any manner including reclining. However, the mishnah states that Rabbi Tarfon recited "in accordance with the words of the School of Shammai" (line H), but Joel Gereboff concludes that there is no sustained effort in rabbinic literature to depict R. Tarfon as a follower of Shammai.[19] In fact, it is uncommon to find statements in the Mishnah and the Tosefta that explicitly connect a tradition of R. Tarfon with the views of Shammai.

R. Tarfon's personal account in line I states, "and I found myself in danger from bandits." לסטים (*listim*) is the word this mishnah uses for bandits, robbers or pirates from the Greek λῃστής.[20] The retort in line J from anonymous sages, who declare that "it would have been fitting for you to be liable for your own punishment because you transgressed the words

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[18] Jastrow, *Dictionary of the Targumim*, 898-899. Clines, *The Dictionary of Classical Hebrew*, Volume V 672-675. The word has the sense of bending or perverting and warping justice in Exodus 23:6. It is understood as mislead in Isaiah 44:20.

[19] In *m. Nazir* 5:5, R. Tarfon disagrees with a ruling of the School of Shammai, while in *y. Shevit* 4:2, 36b he appears to follow the School of Shammai. Richard Hidary reads *t. Yev.* 1:10 as R. Tarfon rejecting the view of the School of Shammai. Richard Hidary, "Tolerance for Diversity of Halakhic Practice in the Talmuds" (Ph.D. diss., New York University, 2008), 177. Joel Gereboff suggests that *t. Yev* 1:10 lends itself to two interpretations, one supports the opinion of the School of Shammai, the other that of the School of Hillel. Joel Gereboff, *Rabbi Tarfon: The Tradition, The Man and Early Rabbinic Judaism* (Missoula: Scholars Press, 1979), 14, 71, 259-260.

[20] Jastrow, *Dictionary of the Targumim*, 708-709. לסטים (*listim*) appears twelve times in the Mishnah, seventeen times in the Tosefta, twenty times in the PT, and 40 times in the BT.

of the School of Hillel," is understood by commentators to mean that R. Tarfon is liable for the death penalty because he followed the School of Shammai.[21]

This mishnah records no reply from R. Tarfon to the sages' rebuke. As we observed with *m. Ber* 1.1, the Mishnah often leaves its readers with unanswered questions. R. Tarfon's statement that he endangered himself may represent regret about his practice, or it may be an example of how seriously he takes the law that he would endanger himself to fulfill it.[22] It is also not evident whether the sages' rebuke of R. Tarfon is exclusively the result of his following the School of Shammai, or whether the condemnation might be motivated by his poor judgment which led to him lying down on the road at night. In fact, Richard Hidary suggests that both readings of this mishnah are possible.[23] However, Louis Ginzberg concluded that the sages were primarily criticizing R. Tarfon's poor judgment that had led him to lie down on the road at night, which had made him vulnerable to dangerous thieves.[24] Two motifs may be operating in this mishnah: concern about following the School of Shammai, and the issue of endangerment. Several Tannaitic and Amoraic statements mention concern that one might encounter danger while travelling and/or praying on the road, especially at night.[25]

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[21] Albeck, *Shishah Sidrei Mishnah*, 15 (Hebrew). In *b. Ber* 11a Rav Nahman bar Isaac interprets *m. Ber* 1:3 to mean that anyone who follows any opinion of the School of Shammai is liable to receive the death penalty.
[22] Hidary, "Tolerance for Diversity of Halakhic Practice in the Talmuds," 176.
[23] Ibid, 176-177.
[24] Ginzberg, *Commentary*, 1, 150 (Hebrew).
[25] Mishnah *Ber* 4:4 states that one who travels in a dangerous place should pray a short prayer. In a discussion about when to recite the evening *Shema*, *y. Ber* 1:1, 2a–2b mentions that inhabitants of small villages abandon the roads and return home by day because they are in danger of being ambushed by wild animals at night. In an aggadah in *b. Ber* 3a, we are told that R. Yose went into one of the ruins of Jerusalem to pray because he was afraid that passersby would have interrupted him if he had prayed on the road. Danger on the road is also discussed in Eccles *Rabbah* 3:3, Eccles *Rabbah* 4:14, *y. Ber* 3:1, 6a and *y. Ber* 4:4, 8a.

Josephus frequently mentions that Judea and the Galilee region were periodically infested with brigands.[26] Numerous scholars have examined the problem of banditry or brigandage in ancient Palestine and the Roman Empire, and it is beyond this study's scope to do more than adumbrate the broad outlines of these previous studies.[27] Recent scholars discuss political banditry by groups refusing to accept the order imposed by Rome. This type of banditry is distinguished from non-political or social banditry, as well as divergences pertaining to different time periods and localities.[28] It is impossible to know what type of banditry this mishnah is referring to and whether it was banditry experienced in third-century Galilee or if it presents a memory from an earlier encounter with banditry.

Who was R. Tarfon? Joel Gereboff analyzed 128 discrete units of tradition attributed to R. Tarfon, and he summarizes the picture that the Mishnah, as a whole, gives of R. Tarfon. Gereboff concludes that R. Tarfon "often looks like a fool."

He [R. Tarfon] always rules that objective facts are determinative; he decides to the advantage of priests.[29]

I suggest that it is not surprising that the Mishnah would choose R. Tarfon, who is generally considered to have been a priest, and put him in the position of regularly losing disputes with other sages, as he does in this mishnah. This supports the conclusions of scholars mentioned

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[26] Brent Shaw, "Tyrants, Bandits and Kings," *Journal of Jewish Studies* 44, no. 2 (1993): 176-204. See also Richard A. Horsley, "Ancient Jewish Banditry and the Revolt against Rome A.D. 66–70," *Catholic Bible Quarterly* 43 (1981): 409–32, Richard A. Horsley, "Josephus and the Bandits," *Journal for the Study of Judaism in the Persian Hellenistic and Roman Period* 10 (1979): 37–63.

[27] Goodman, *Rome and Jerusalem*, 406-409. Brent Shaw, "Bandits in the Roman Empire," *Past & Present* 105 (1984): 3-52. Benjamin Isaac, "Bandits in Judea and Arabia," *Harvard Studies in Classical Philology* 88(1984): 171-203; Ramsey MacMullen, *Enemies of the Roman Order: Treason, Unrest and Alienation in the Empire* (Cambridge: Harvard Univeristy Press, 1966), 255-268. E. Smallwood, *The Jews Under Roman Rule From Pompey to Diolectian* (Leiden: Brill, 1976), 489.

[28] Isaac, "Bandits in Judea and Arabia," 177, 182, 183. T. L. Donaldson, "Rural Bandits, City Mobs and the Zealots," *Journal for the study of Judaism in the Persian Hellenistic and Roman Period* 21, no. 1 (1990): 19-40. Sean Freyne, "Bandits in Galilee: A Contribution to the Study of Social Conditions in First-Century Palestine," in *The Social World of Formative Christianity and Judaism Essays in Tribute to Howard Clark Kee*, ed. Jacob Neusner, et al. (Philadelphia: Fortress Press, 1988), 50-68. Schwartz, *Imperialism and Jewish Society*, 89-90. Goodman, *State and Society*, 39-40.

[29] Gereboff, *Rabbi Tarfon: The Tradition, The Man and Early Rabbinic Judaism*, 438.

earlier, who have determined that the framers of the Mishnah sought to establish the

authority of the sages. I now engage in the analysis of the aggadic story that redactionally

follows this mishnah text in the PT.

3.4 *y. Berakhot* 1:3, 3b

A. *תני* מעשה בר' אלעזר בן עזרי' ור' ישמעאל
שהיו שרויין במקו' אחד
והיה ר' אלעזר בן עזריה מוטה ור' ישמעאל זקוף
B. הגיע זמן עונת קרית שמע
נזקף ר' אלעזר בן עזריה והיטה רבי ישמעאל
C. א"ר אלעזר לר' ישמעאל
אומר לאחד בשוק מה לך זקנך מגודל והוא אומר יהיה כנגד המשחיתים.
D. אני שהייתי מוטה נזקפתי ואת' שהיית זקוף הטית
E. אמר לו אתה נזקפת כדברי בית שמאי ואני היטיתי כדברי ב"ה
F. ד"א שלא יראוני התלמידים ויעשו הלכה קבע כדברי בית שמאי

A. *It was taught in a baraita*.
An incident with R. Eleazar ben Azariah[30] and R. Ishmael.[31]
When they were staying in a certain place.
And R. Eleazar ben Azariah was reclining and R. Ishmael was standing upright.
B. The designated time to recite the *Shema* arrived.
R. Eleazar ben Azariah stood upright and R. Ishmael reclined.
C. R. Eleazar said to R. Ishmael, "[your actions are analogous to]
one [who] says to someone in the marketplace,
'Why have you grown your beard?'
And he says, 'Let it be against the destroyers.'
D. I [R. Eleazar] was reclining and I stood up but you [R. Ishmael] were standing up
and you reclined."
E. He said to him, [R. Ishmael to R. Eleazar] "you stood upright in accordance with
the words (teachings) of the School of Shammai.
And I reclined according to the words (teachings) of the School of Hillel.
F. Another matter, [I reclined] so that the students should not see me
and establish the law in accordance with the words (teachings) of the School of Shammai."[32]

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[30] R. Eleazar ben Azariah is from the older group of second-generation Tannaim (*c*. 90–130). He is mentioned in at least two hundred pericopae. He was a priest and a sage at Yavneh. Tzvee Zahavy, *The Traditions of Eleazar Ben Azariah* (Missoula: Scholars Press, 1977), 1. Strack and Stemberger, *Introduction*, 71.

[31] R. Ishmael ben Elisha is from the younger group of second-generation Tannaim (*c*. 90–130). Tosefta *Hallah* 1:10 says that R. Ishmael comes from a priestly family. His colleagues are R. Akiva, R. Tarfon, and R. Eleazar ben Azariah. Many of the extant halakhic midrashim are traditionally attributed to R. Ishmael, or R. Akiva, and their disciples. Strack and Stemberger, *Introduction*, 20-21, 71-72. See Azzan Yadin, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash* (Philadelphia: University of Pennsylvania Press, 2004).

[32] In the Ed. princ. Venedig and in the Leiden, Vatican, London, and Constantinople MSS this narrative contains almost no spelling or word variations. A greatly abridged version of the story is found in MS Paris.

3.5 Halakhic and Literary Context

The location of this aggadah in the *y. Berakhot* extant manuscripts directly follows

the placement of *m. Ber* 1:3. The original version(s) of the PT did not include mishnah texts,

but they were inserted into later manuscript versions of the PT.[33] This story advances the

theme of m. *Ber* 1:3 by elaborating the dichotomy between the Schools of Hillel and

Shammai regarding how to recite the *Shema*. The narrative exposes the ideological

preferences of the composers/redactors of the PT relating to the different views of the

Schools of Hillel and Shammai.

3.6 Genre and Structure

This story is identified as a *ma'aseh* in its first line. It fits the genre of a *ma'aseh*,

specifically the category of the sage story, in its form and content. It is an anecdotal tale

about the deeds of known rabbis, relating a specific incident that seems to have taken place at

one particular time, and it contains tension and resolution. These are all structural

characteristics of sage stories, as identified by Jacob Neusner.[34] The literary structure of this

story is divisible into a clear beginning, middle, and end.

3.7 Literary and Historical Analysis

Along with being called a *ma'aseh*, the story begins by being identified as a *baraita*,

as designated by the Aramaic word תני. The term *baraita* literally means "external." A

baraita is a Tannaitic teaching that was not included in the Mishnah. *Baraitot* are often cited

in the PT and the BT as evidence for or against Amoraic interpretations of the Mishnah. Not

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[33] Strack and Stemberger, *Introduction*, 175-176.
[34] Neusner, "Sage, Story and History: The Medium and the Message in the Fathers According to Rabbi Nathan," 82.

all *baraitot* in the Talmuds are from the Tannaitic period, as will be addressed in the next chapter of my study.[35]

This aggadic story in *y. Berakhot* 1:3, 3b that is called a *baraita* supports *m. Ber* 1:3 by affirming that the ruling of the School of Hillel regarding the recitation of the *Shema* is preferred over the ruling of the School of Shammai. Tosefta *Ber* 1:4 is a parallel of this aggadah, suggesting that this narrative may be an authentic *baraita*. The version of this story in the PT begins with R. Eleazar reclining and R. Ishmael standing erect. When the time for reciting the Shema arrives, we find R. Eleazar standing up and R. Ishmael reclining. It is not apparent which *Shema* is being recited. The classical commentator Haredim concludes that it is the morning *Shema*, based on the view that R. Eleazar stands in order to recite the morning *Shema* to comply with the ruling of the School of Shammai. Mishnah *Ber* 1:3 states that, according to the School of Shammai, one must be in a standing position when reciting the morning *Shema*.[36] If so, why does R. Ishmael, who is already standing up, switch his position to reclining? R. Eleazar rebukes R. Ishmael for doing so. Haredim interprets the statement "your actions are analogous to one who says to someone in the marketplace" as meaning that Eleazar wished to show respect to R. Ishmael by rising to recite the *Shema* in the same position as R. Ishmael. R. Eleazar complains that R. Ishmael insulted him by lying down. The word for "recline" in *m. Ber* 1:3 is also utilized in this narrative, and it appears that the sense of the word, as it is used in the aggadah, includes the notion of one who deviates from the views of his colleagues. R. Eleazar claims that R. Ishmael's action of switching his position from standing to reclining is analogous to one who, when asked why his beard is so

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[35] Louis Jacobs, "Are There Fictitious Baraitot in the Babylonian Talmud," *Hebrew Union College Annual* 42(1971): 185-196.

[36] See also Saul Lieberman, *Tosefta Ki-fshutah: A Comprehensive Commentary on the Tosefta Order Zeraim, Part One* (New York: Jewish Theology Seminary of America, 1955), 1:4, 19 (Hebrew).

long, replies, "let it be against the destroyers." The expression המשחיתים "the destroyers" is

not found anywhere else in rabbinic literature, except for its appearance in all four versions

of this story. It does appear without the definite article in numerous places in the Bavli and in

midrashim. In these contexts משחיתים usually refers to apostasy.

Numerous exegetes have pondered the meaning of "let it be against the destroyers"

within the context of this story. Some suggest it should be understood as, "my full beard is a

protest against those who destroy their beards."[37] Others declare that the meaning of the

expression "destroyers" within this aggadah is unknown. Gary Porton provides a synoptic

analysis of the versions of this story. Although the term "destroyers" is found in all four

versions, Porton concludes that the tale about the beard does not make any sense and it does

not fit into the greater context of the story.[38] Tzvee Zahvay also claims not to know what

"destroyers" means.[39] Rashi interpreted it to refer to a razor and scissors, as in "since you

have mocked the beard, I will cut it off."[40]

Ginzberg finds Rashi's interpretation difficult to accept on philological and

contextual grounds, contending that it is unlikely that "destroyers" refers to razor and scissors

because the word נגד means "against." That is, it does not make sense for a man to say, "My

beard is a protest against the razor and scissors," if he means that he is going to shave his

beard.[41] In addition, Ginzberg concludes that it was customary for sages to have beards, and

therefore it is unlikely that any sage would question another about the length of his beard. He

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[37] Ibid, 1:5, line 22 (Hebrew). Heinrich Guggenheimer, *The Jerusalem Talmud First Order: Zeraim Tractate Berakhot Edition, Translation and Commentary* (Berlin, New York: Walter de Gruyter, 2000), 110. Hidary, "Tolerance for Diversity of Halakhic Practice in the Talmuds," 177. This is also the commentary of Solomon ben Abraham Adret, known as the Rashba, (1235–1310) to *b. Ber* 11a.

[38] Gary Porton, *The Traditions of Rabbi Ishmael* (Leiden: E. J. Brill, 1976), 19-21.

[39] Zahavy, *The Traditions of Eleazar Ben Azariah*, 17.

[40] This is Rashi's commentary on the version of this story in *b. Ber* 11a. הואיל וקלסתם אותו יהיה נתון לתער ולמספרים "Since you have scorned it, it will be given to the razor and scissors." This is also the commentary of Haredim on *y. Ber* 1:6, 3b.

[41] Ginzberg, *Commentary*, 1, 144-145 (Hebrew).

suggests that the reference is actually to dishevelment, as in, why is your beard wild and untrimmed? An untamed beard would indicate a state of mourning, or that one was awaiting trial. It is an ancient Jewish custom for mourners to grow beards.[42] The Romans also left their hair unkempt and let their beards grow during a time of mourning.[43]

According to *y. Rosh HaShanah* 1:3, 57b:

בנוהג שבעלום אדם ידע שיש לו דין לבוש שחורים ומתעטף שחורים ומגדל זקנו שאינו ידע היאך דינו יוצא

> Ordinarily, a man [expecting trial] knows that it is proper to dress in
> black and cover himself in black and let his beard grow, for he does
> not know how his trial will end.

If the question "why have you grown your beard" is intended to determine whether R. Ishmael is a mourner, or is awaiting trial, as Ginzberg suggests, how do we account for the fact that R. Eleazar does not even wait for a response from R. Ishmael? R. Eleazar provides the rhetorical answer, "let it be against the destroyers."

In the final analysis, Ginzberg's suggestion is not entirely adequate. I will suggest who the destroyers might be, but first, other questions must be addressed. Why did the sages have a proclivity for beards altogether, and what is the significance of beards in this rabbinic tale? The wearing of beards was a custom in the ancient Near East, and several biblical passages make reference to it.[44] For the rabbinic period, Daniel Boyarin suggests that the grey beard of an aged sage was the mark of masculine beauty. Bavli *Baba Metsia* 84a mentions that even though R. Yochanan was very beautiful, he was left off the list of the

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[42] Ibid, 144.

[43] Jonathan Edmondson, "Public Dress and Social Control in Late Republican and Early Imperial Rome," in *Roman Dress and the Fabrics of Roman Culture*, ed. Jonathan Edmondson and Alison Keith (Toronto: University of Toronto Press, 2008), 27; William Smith, *A Dictionary of Greek and Roman Antiquities*, vol. 1 (London: John Murray, 1890), 286.

[44] A prohibition against disfiguring one's beard is found in Leviticus 19:27 and 21:5. In II Samuel 10:4 David's servants are humiliated when Hanun shaves off half of their beards. Jeremiah 41:5 mentions shaven beards. Mishnah *Makkot* 3:5 extends the biblical prohibition against disfiguring a beard. William Smith reports that for the Jews, and other ancient nations, the beard represented manhood. It was considered a disgrace to be without a beard. Smith, *A Dictionary of Greek and Roman Antiquities*, 1, 285.

most beautiful men in history because he did not have a beard.[45] In *b. Shabbat* 152a, we find the assertion that a beard constitutes the beauty of a man's face.

In Greco-Roman antiquity, the beard was also a positive signifier for philosophers. It became one of the most important defining characteristics of the philosopher when, after 300 BCE, many other Roman citizens adopted the fashion of being clean-shaven.[46] Prior to that time, philosophers' beards would not have been particularly noticeable because most Greek adult males wore beards.[47] However, scholars suggest that shaving became almost compulsory after barbers were introduced to Rome from Sicily around 300 BCE.[48] From that period onward, philosophers were distinguished from others because they had beards—and anyone with a beard was assumed to be a philosopher.[49] Michael Koortbojian suggests that it was a matter of convention for philosophers to wear beards. In doing so, they individuated theMSelves "by adopting the conspicuous appearance that was synonymous with a distinctive social role."[50] Koortbojian maintains that by participating in what the Romans called *habitus*, this paradox represented "a quintessentially Roman double sense of identity,

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[45] Daniel Boyarin, *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man* (Berkeley University of California Press, 1997), 130.

[46] John Sellars concludes that the cultural phenomenon of the "philosopher's beard" was firmly established after the Roman conquest of Athens in 87 BCE, when Rome replaced Athens as the centre of philosophical activity. However, Cicero may have never adopted the philosopher's beard. Sellars, *The Art of Living*, 15-17. See also Paul Zanker, *The Mask of Socrates: The Image of the Intellectual in Antiquity*, trans. Alan Shapiro (Berkeley, Los Angeles, Oxford: University of California Press, 1995), 109.

[47] The introduction of shaving is generally credited to Alexander the Great. Sellars, *The Art of Living*, 16. Zanker, *The Mask of Socrates*, 108-109.

[48] Sellars, *The Art of Living*. William S. Anderson, "Juvenal: Evidence on the Years A. D. 117-28," *Classical Philology* 50, no. 4 (1955): 255. Varro, *De Re Rustica*, 2.11.10. Pliny the Elder, *Natural History*, 7.211.

[49] Sellars, *The Art of Living*, 15. Smith, *A Dictionary of Greek and Roman Antiquities*, 1, 285-286.

[50] Michael Koortbojian, "The Double Identity of Roman Portrait Statues: Costumes and Their Symbolism at Rome," in *Roman Dress and the Fabrics of Roman Culture*, ed. Jonathan Edmondson and Alison Keith (Toronto: University of Toronto Press, 2008), 73.

at once individual and institutional."[51] The fashion for Romans to be clean-shaven lasted at

least until Hadrian—sporting a beard—came to power, in 117 CE.[52]

At this point, it is important to summarize the findings of Seth Schwartz in his

monograph *Imperialism and Jewish Society, 200 B.C.E. To 640 C.E.*, as some of his

conclusions inform my analysis relating to the significance of beards and the term

"destroyers" within the context of this narrative. In particular, I focus on Schwartz's

conclusions relating to the similar aspects of rabbinic and Roman culture. The broad strokes

of this narrative are the following. Schwartz determines that the Jewish centres in Palestine

participated in the urban culture of the Roman East in the second and third centuries CE.[53]

Palestinian cities, which scholars conclude were generally home to rabbinic sages,[54] were

subject to the legal and administrative realities of direct Roman rule, which did not recognize

the autonomy of the local population.[55] Only the Roman governor and his agents had real

authority. Between 150 and 350 CE, rabbis were not institutionalized: they remained

marginal in significant ways. No one was compelled to accept rabbinic judgment. According

to Schwartz, "the rabbis could threaten, plead and cajole but could not subpoena and impose

a sentence."[56] The hyperbolic statements relating to the observance of prayer rituals in the

stories analyzed in this dissertation appear to support this conclusion. This approach has now

been accepted by many scholars and is referred to as the "minimalist" view of Jewish

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[51] Ibid.

[52] Hadrian wore a beard, apparently, to conceal a facial deformity. On the arch of Beneventum, Hadrian is depicted as bearded in the court of the beardless Trajan. Dio Cassius implies that Hadrian set the fashion for subsequent rulers who wore beards. Anderson, "Juvenal: Evidence on the Years A. D. 117-28," 255, 256, 257 note 258. See also Zanker, *The Mask of Socrates*, 202.

[53] Schwartz, *Imperialism and Jewish Society*, 158-163.

[54] Lapin, " Rabbis and Cities," 51-80. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 157-171.

[55] Schwartz, *Imperialism and Jewish Society*, 111. See also Belayche, *Iudaea-Palaestina: The Pagan Cults in Roman Palestine (Second to Fourth Century)*, 3, 11.

[56] Schwartz, *Imperialism and Jewish Society*, 120.

historiography.[57] The "minimalist" position has largely replaced the "maximalist" approach, which holds that the rabbinic sages were authoritative religious leaders, and their laws governed the behaviour of Jews from the end of the Second Temple period onward.[58]

I demonstrate that two claims asserted by Schwartz are highlighted in this aggadah. One is that the sages did not refrain from imitating attractive or effective features of philosophical rhetorical schools.[59] The other is that pagan religiosity constituted a serious problem for the rabbis.[60] I demonstrate the possibility of the sages having imitated an element of Stoic philosophy, while at the same time critiquing an aspect of pagan religiosity. For this approach, I draw on John Barclay's conception of the signification of the terms "acculturation" and "assimilation."[61]

> "Assimilation" may be taken to refer to *social integration* (becoming "similar" to one's neighbours): it concerns social contacts, social interaction and social practices. By contrast "acculturation" is here used to refer to the *linguistic, educational and ideological* aspects of a given cultural matrix. Of course, these two phenomena frequently stand in a positive relationship to each other: assimilation is often a means or a consequence of acculturation. Yet they may still be distinguished since they are not by any means symmetrical.[62]

Barclay's conclusion that the terms acculturation and assimilation "may still be distinguished since they are not by any means symmetrical" is instructive for this study. I suggest that the sages may have been acculturated with the significance that beards held for Greco-Roman

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[57] David Stern, "Anthology and Polysemy in Classical Midrash," in *The Anthology in Jewish Literature*, ed. David Stern (Oxford: Oxford University Press, 2004), 125-127. Cohen, "The Place of the Rabbi in Jewish Society of the Second Century," 157-173. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 450-466. Martin Goodman, "The Roman State and the Jewish Patriarch in the Third Century," in *The Galilee in Late Antiquity*, ed. Lee Levine (New York: Jewish Theological Seminary, 1992), 107-119.

[58] Avi-Yonah, *The Jews of Palestine*. Gedalia Alon, *The Jews in Their Land in the Talmudic Age* (Cambridge: Harvard University Press, 1989).

[59] Schwartz, *Imperialism and Jewish Society*, 162.

[60] Ibid.

[61] John Barclay, *Jews in the Mediterranean Diaspora From Alexander to Trajan (323 BCE- 117 CE)* (Edinburgh: T&T Clark, 1998), 92-98.

[62] Ibid, 92. (Italics are in the quotation.)

philosophers, but at the same time the sages were not assimilated. I also draw on the

conclusions of Yaron Eliav regarding the rabbinic responses to the Greco-Roman bathhouse,

and I will show that a similar rabbinic outlook can be ascertained in this narrative. According

to Eliav:

> The traditional "cultural strife" model cannot inclusively define the
> encounter between Judaism and the Greco-Roman way of life. I would
> like to suggest an alternative model, which can be termed "filtered
> absorption" or "controlled incorporation." The argument at the
> foundation of this thesis is that many foreign elements—components
> of the pagan-gentile civilization adjacent to the Jewish domain in
> Palestine—were absorbed by the Jewish population in a controlled
> manner, omitting or neutralizing certain aspects which offended their
> traditional practices.[63]

I offer one caveat to Eliav's conclusions. While this narrative discloses the view of some

rabbinic sages, it most likely does not reflect the view of the "Jewish population" as a

whole.[64] I suggest that when considered within the Greco-Roman context in which this story

took shape, we can see an example of rabbinic appropriation of a Stoic philosophical

concept. The following rhetorical exchange indicates that the beard was an integral

component of the identity of the philosopher.

> Come now, Epictetus, shave off your beard.
> If I am a philosopher, I answer, I will not shave it off.
> Then I will have you beheaded.
> If that will do you any good behead me.[65]

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[63] Yaron Z. Eliav, "The Roman Bath as a Jewish Institution: Another Look at the Encounter Between Judaism and the Greco-Roman Culture," *Journal for the study of Judaism in the Persian Hellenistic and Roman Period* 31, no. 4 (2000): 426.

[64] Stuart Miller suggests the term "complex common Judaism" to describe the non-rabbis in Israel post 70 CE. Stuart S. Miller, *Sages and Commoners in Late Antique Erez Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi* (Tübingen: Mohr Siebeck, 2006), 21-26.

[65] This is Hard's translation of Epictetus, *Discourses* 1.2.29, cited by Sellars. Sellars, *The Art of Living*, 18. Many conclude that the *Discourses* of Epictetus were written by his disciple Arrian, around the year 108 CE. F. Millar, "Epictetus and the Imperial Court," *Journal of Roman Studies* 55(1965): 142. P.A. Stadter, *Arrain of Nicomedia* (Chapel Hill: University of North Carolina Press, 1980), 28. For scholars who suggest that the *Discourses* were written by Epictetus himself, see Sellars, *The Art of Living*, 178. Chester Starr suggests that Arrian transmitted the words of Epictetus but he may have also arranged and selected the *Discourses*. Chester G. Starr, "Epictetus and the Tyrant," *Classical Philology* 44, no. 1 (1949): 22.

Maud Gleason suggests that Stoic rhetoric indicates that a philosopher would have rather died than submit to an order to shave his beard:[66]

> Stoics liked to moralize about hair because it was a term in the symbolic language of masculinity that could be construed as not merely a conventional sign, but as a symbol established by nature itself.[67]

While we cannot know whether sages were aware of this rhetorical tradition, we can at least raise the possibility of literary mimesis due to the similarity between Epictetus' rhetorical tradition regarding his beard and the discussion in this aggadah. Sellars suggests that the story about the beard of Epictetus reflects a historical reality. Epictetus was in Rome when the Emperor Domitian ordered that the hair and beard of the philosopher Apollonius be removed as punishment for his anti-state activities. Domitian banished all philosophers from Italy at this time, and Epictetus fled Rome.[68] Chester Starr suggests that Domitian expelled philosophers in 95 CE because he felt that their criticism was dangerous.[69]

The time period for the two Tannaitic versions of this story, in the *Sifre* and the Tosefta, corresponds with the era of the quoted saying of Epictetus. Louis Ginzberg dates the Tannaim, R. Eleazar ben Azariah and R. Ishmael, to the beginning of the second century CE.[70] Several recent scholars have posited a connection between rabbinic Galilean study disciple groups and Greco-Roman rhetorical schools.[71] This being the case, it seems reasonable to suggest that the rabbinic sages may have been acculturated with, and would

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[66] Maud W. Gleason, *Making Men: Sophists and Self-Presentations in Ancient Rome* (Princeton: Princeton University Press, 1995), 73.
[67] Ibid, 69.
[68] Sellars, *The Art of Living*, 18.
[69] Starr, "Epictetus and the Tyrant," 21. See also Zanker, *The Mask of Socrates*, 260.
[70] Ginzberg, *Commentary*, 1, 145 (Hebrew).
[71] As already mentioned, this is the view of Jaffee, "The Oral-Cultural Context of the Talmud Yerushalmi," 27-61. See also Alexei M. Sivertsev, *Households, Sects, and the Origins of Rabbinic Judaism* (Leiden: Brill, 2005), 10. Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004), 74-86.

have identified positively with, the significance of the beard for Greco-Roman philosophers. Gregg Gardner concludes that "Palestinian rabbinic literature frequently agrees with Stoics."[72]

I now turn to the analysis of the conclusion of this story. After R. Eleazar ben Azariah rebukes R. Ishmael for reclining to recite what was probably the morning *Shema*, R. Ishmael explains that he took the action that he did because he thought that R. Eleazar was standing upright in order to recite the *Shema* according to the words of the School of Shammai. This led R. Ishmael to recline in order to recite in accordance with the words of the School of Hillel. This is a puzzling response because, according to the School of Hillel, one can recite in any position one wishes. In any case, reclining for the morning *Shema* is not a requirement for the School of Hillel. At line F, which begins with the words דבר אחר, R. Ishmael gives another reason for his change of position. The term דבר אחר means "something else" or "another word," and is a Tannaitic formulaic expression used to introduce an alternative reason or interpretation.[73] R. Ishmael explains that he did not want students to see him and establish a new law in accordance with the words of the School of Shammai.[74] The PT composers/redactors clearly show a preference for the ruling of the School of Hillel regarding the recital of the *Shema*. The mention of students in the conclusion of the story indicates the rabbinic desire to set an example for their disciples. They do not act for themselves alone. Likewise, Sellars suggests that the *Discourses* of Epictetus were primarily a manual for students.[75] Regarding rabbinic sages, Michael Berger offers an even stronger

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[72] Gregg Gardner, "Giving To The Poor In Early Rabbinic Judaism" (Ph.D. diss., Princeton University, 2009), 146.

[73] Jastrow, *Dictionary of the Targumim*, 278. The two Tannaitic parallels of this aggadah, *t. Ber* 1:4 and *Sifre Deut* 34:5 also contain the term דבר אחר. The parallel texts will be discussed further on in this chapter.

[74] Ginzberg maintains that Tannaitic sages who ruled leniently for others would be stringent on themselves in order not to offend their colleagues. Ginzberg, *Commentary*, 1, 81-86 (Hebrew).

[75] Sellars, *The Art of Living*, 20-21.

claim that the sages seem to possess a type of legal authority similar to the reliability of witnesses.[76]

If we place this story in the historical context identified by Seth Schwartz and others who suggest that the rabbinic sages occupied a marginal authoritative position, the underlying tension in this narrative can be detected. The sages are attempting to establish their authority to adjudicate ritual matters.[77] I suggest that just as the philosopher's beard was considered to be no mere ornament or accessory, but an expression of a truly philosophical way of life, this aggadah may also attest to the notion that the sages' beards were considered an expression of the exemplary Torah-observant life of the rabbinic sages, who desired that their rulings should be followed. The possibility should be considered that this story may be an example of literary appropriation whereby Epictetus' language may have been taken to limn the sages' own cultural experience.[78] At the same time, it cannot be proven that Stoic philosophers and rabbinic sages held common attitudes towards beards, so this suggestion must remain provisional.

In the next section, I examine how the Greco-Roman social and literary contexts may have further contributed to the signification of the term "destroyers" in this narrative. This story provides a prime example of the relationship between history and narrative in rabbinic stories. I suggest that the talmudic discourse on "destroyers of beards," which is embedded in this story, functions as a hidden transcript[79] incorporating contempt for an aspect of Roman culture.

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[76] Michael Berger, *Rabbinic Authority* (New York: Oxford University Press, 1998), 79.

[77] See Sivertsev, *Households, Sects, and the Origins of Rabbinic Judaism*, 221 note 227.

[78] Joshua Levinson analyzes a story from Lamentations *Rabbah* as an example of the literary appropriation of Greco-Roman literary models. He examines "how the Rabbis conveyed—in a language that was not their own—the spirit that was." Levinson, "The Tragedy of Romance: A Case of Literary Exile," 230.

[79] Scott, *Domination and the Arts of Resistance*.

One reading of this story manifests the PT's continuation, and elaboration, of the mishnah's discussion of the correct posture for reciting the *Shema*. In one way, this story is an example of the religious and psychological struggles experienced by rabbinic figures in relation to prayer practices, and their desires to be the arbiters of such practices. This thematic motif coheres with Yonah Fraenkel's view that the character of sages as portrayed in rabbinic narratives is exemplary of the religious and psychological struggles experienced by rabbinic figures.[80] In contrast, according to Jacob Neusner, sages in sage stories should be understood as social-political types.[81] I suggest that both aspects of sages' characters, as identified by Neusner and Fraenkel, can be evinced from this story. The sages in this narrative appear as religious rabbinic types, as described above, while according to the hidden transcript they also appear as social-political types.

That is, a hidden transcript that shows social/political concerns relating to the Roman custom of shaving beards appears to be encoded in this story. It may be condemning the Roman cultic practice of beard-shaving. Mishnah *Avodah Zarah* 1:1 and 1:2 speak of a prohibition that forbids doing business with gentiles prior to and following their festivals.[82] The specific festivals are delineated in *m. Avodah Zarah* 1:3 and they include "the day when a man shaves off his beard and his lock of hair."[83] The fact that the mishnah mentions, in the tractate on idolatry, that the day for shaving one's beard is a gentile festival seems significant.

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[80] Yonah Fraenkel, "Hermeneutical Questions in the Study of the Aggadic Story," *Tarbiz* 47(1977-78): 139-172.
[81] J. Neusner, *Judaism: The Evidence of the Mishnah* (Chicago: University of Chicago Press, 1981), 307-328.
[82] An anonymous source in *m. Avodah Zarah* 1:1 states that this exclusion is only for three days prior to a festival. According to *m. Avodah Zarah* 1:2, R. Ishmael says it extends three days before and three days after a festival, while the sages say it is in effect for three days before, but that there is no prohibition after a festival.
[83] Ambiguity in this mishnah has been pointed out by traditional commentaries, and modern exegetes, who ponder whether the mishnah be read as the day that a man shaves both his beard and his hair, or does he shave his beard on one day and his hair on a different day? The discussion in *b. Avodah Zarah* 11b tries to resolve this ambiguity. Hayes, *Between the Babylonian and Palestinian Talmuds*, 85-91.

There is evidence in Roman literary sources, stemming from the Tannaitic time period, of a ritual that involved the initial shaving of one's beard to mark a rite of passage into manhood. This extra textual documentation supports the contention that the mishnah was referring to an actual historical practice, which it calls "the day for shaving a beard." Dio Cassius reports:

> When Caesar now for the first time shaved off his beard, he held a magnificent entertainment himself besides granting all the other citizens a festival at public expense. He also kept his chin smooth afterwards, like the rest.[84]

In addition, Dio Cassius and Suetonius both refer to the Juvenalia festival, also called "Games of Youth."[85] William Smith's *Dictionary of Greek and Roman Antiquities* has much to say about the Juvenalia festival and the Roman beard-shaving custom:

> The first shaving was regarded as the beginning of manhood, and the day on which this took place was celebrated as a festival. There was no particular time fixed for this to be done. Usually, however, it was when the young Roman assumed the toga virilis. Augustus did it in his twenty-fourth year; Caligula in his twentieth. The hair cut off on such occasions was consecrated to some God.[86]

Ray Laurence and Mary Harlow conclude that, in addition to emperors, the general public also adopted this ritual:

> The actual cutting of the first beard was seen to mark the end of a period of misdeeds and a further change into a more adult period of life (Juv. *Sat*, 8. 166). Shaving could occur at the public festival known as the Juvenalia (Ovid *Trist,* 4.10.58; Juv. *Sat*, 3.168-9), or at another public occasion. It was a key moment of transition that would seem to occur in the early twenties (Dio 48.34.3; *Pal, Anth,* 6.161; Suet, *Cal*, 24; *Ner,* 12; *NSc* 1900; 578) and was marked by the

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[84] *Dio's Roman History*, trans. Ernest Cary, vol. 5 (London, Cambridge: Harvard University Press, 1989), 48.34.43.

[85] *Dio's Roman History* ed. Jeffrey Henderson, trans. Ernest Cary (Cambridge, London: Harvard Univeristy Press, 2000), 62.19. Suetonius, *The Twelve Caesars*, trans. Robert Graves (New York: Penguin Books, 1957), Nero, 12, 190.

[86] Smith, *A Dictionary of Greek and Roman Antiquities*, 1, 286.

> sacrifice of bullocks and the dedication of the first beard to a deity
> (Petr. *Sat.28; Suet, Ner,* 4).[87]

The sources mentioned above indicate that this aggadah expresses a positive and a negative view of Greco-Roman culture. The reference to "the destroyers of beards" may be a critique of the Roman beard-shaving rituals already described. At the same time, we observed that the esteem that the "philosopher's beard" had for Stoic philosophers may have also existed among rabbinic sages of the era. My analysis coheres with the work of Yaron Eliav, who has demonstrated the need to abandon the model of "sparring cultures" and to explore contact between Judaism and Hellenism in terms that are not absolute.[88] I now turn to the analysis of the parallel texts.

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[87] Ray Laurence and Mary Harlow, *Growing Up And Growing Old In Ancient Rome* (London and New York: Routledge, 2002), 73.

[88] Eliav, "The Roman Bath as a Jewish Institution," 418; Eliav, "Viewing the Sculptural Enviornment: Shaping the Second Commandment," 411-414.

3.8 Parallel Versions

Table 3. Parallel Versions of *y. Ber* 1:3, 3b

b. Ber 11a	*y. Ber* 1:3, 3b	*t. Ber* 1:4[89]	*Sifre Deut* 34:5[90]
A. ומעשה ברבי ישמעאל ורבי אלעזר בן עזריה שהיו מסובין במקום אחד והיה רבי ישמעאל מוטה ורבי אלעזר בן עזריה זקוף	**A.** תני מעשה בר' אלעזר בן עזרי' ור' ישמעאל שהיו שרויין במקו' אחד והיה ר' אלעזר בן עזריה מוטה ור' ישמעאל זקוף	**A.** מעשה בר' ישמעאל ור' אלעזר בן עזריה שהיו שרויין במקום אחד והיה ר' ישמעאל מוטה ור' אלעזר בן עזריה זקוף	**A.** וכבר היה רבי ישמעאל מוטה ודורש ורבי אלעזר בן עזריה זקוף
B. כיון שהגיע זמן קריא שמע הטה רבי אלעזר וזקף רבי ישמעאל	**B.** הגיע זמן עונת קרית שמע נזקף ר' אלעזר בן עזריה והיטה רבי ישמעאל	**B.** הגיע זמן קרית שמע נזקף ר' ישמעאל והטה ר' אלעזר בן עזריה	**B.** הגיע זמן קריית שמע נזקף רבי ישמעאל והטה רבי אלעזר בן עזריה
C. אמר לו רבי אלעזר בן עזריה לרבי ישמעאל ישמעאל אחי אמשול לך משל למה הדבר דומה?	**C.** א"ר אלעזר לר' ישמעאל	**C.** אמ' לו ר' ישמעאל מה זה אלעזר	**C.** אמר לו רבי ישמעאל מה זה אלעזר
משל לאחד שאומרים לו זקנך מגודל אמר להם: יהיה כנגד המשחיתים	אומר לאחד בשוק מה לך זקנך מגודל והוא אומר יהיה כנגד המשחיתים	אמ' לו ישמעאל אחי לאחד או' לו מפני מה זקנך מגודל והוא או' להם יהיה כנגד המשחיתים	אמר לו ישמעאל אחי אמרו לאחד מפני מה זקנך מגודל אמר להם יהי כנגד המשחיתים
	D. אני שהייתי מוטה נזקפתי ואת' שהיית זקוף הטית	**D.** אני שהייתי זקוף הטית ואת שהיית מוטה נזקפתה	
D. אף כך אתה כל זמן שאני זקוף אתה מוטה עכשיו כשאני הטתי אתה זקפת			
E. אמר לו אני עשיתי כדברי בית הלל ואתה עשית כדברי בית שמאי	**E.** אמר לו אתה נזקפת כדברי בית שמאי ואני היטיתי כדברי ב"ה	**E.** אמ' לו אתה הטיתה לקיים דברי בית שמאי ואני נזקפתי לקיים [דברי] בית הלל	**E.** אמר לו אתה הטיתה כדברי בית שמיי ואני נזקפתי כדברי בית הלל
F. ולא עוד אלא[91] שמא יראו התלמידים ויקבעו הלכה לדורות	**F.** ד"א שלא יראוני התלמידים ויעשו הלכה קבע כדברי בית שמאי	**F.** דבר אחר שלא יראו התלמידים ויעשו קבע הלכה כדבריך	**F.** דבר אחר שלא יקבע הדבר חובה שבית שמיי

[89] Saul Lieberman, ed. *The Tosefta According to Codex Vienna* (Jerusalem: The Jewish Theological Seminary of America, 1955), (Hebrew).

[90] Louis Finkelstein and H.S Horovitz, eds., *Sifre on Deuteronomy* (New York: Jewish Theological Seminary of America, 1969), 62-63 (Hebrew).

[91] Most versions of *b. Ber* 11a replace the Tannaitic statement דבר אחר with ולא עוד אלא. The only BT versions to have דבר אחר are MS Oxford and the glossator to MS Munich.

Table 4. Translations of Parallel Versions of *y. Ber* 1:3, 3b

b. Ber 11a	*y. Ber* 1:3, 3b	*t. Ber* 1:4	*Sifre Deut* 34:5
A. An incident. R. Ishmael and R. Eleazar ben Azariah were together at the same place. R. Ishmael had been reclining and R. Eleazar ben Azariah had been standing up.	**A.** It was taught in a baraita. An incident with R. Eleazar ben Azariah and R. Ishmael when they were staying in a certain place. And R. Eleazar ben Azariah was reclining and R. Ishmael was standing upright.	**A.** An incident. R. Ishmael and R. Eleazar ben Azariah were staying at the same place. R. Ishmael had been reclining and R. Eleazar ben Azariah had been standing up.	**A.** R. Ishmael was reclining and expounding and R. Eleazar ben Azariah was standing.
B. When the designated time to recite the Shema arrived, R. Eleazar reclined and R. Ishmael stood up.	**B.** The designated time to recite the Shema arrived. R. Eleazar stood upright and R. Ishmael reclined.	**B.** The designated time to recite the Shema arrived. R. Ishmael stood up and R. Eleazar ben Azariah reclined.	**B.** The designated time to recite the Shema arrived. R. Ishmael stood up and R. Eleazar ben Azariah reclined.
C. R. Eleazar ben Azariah said to R. Ishmael, "Ishmael my brother I will tell you a parable about what this thing is like. It is like one to whom they say, 'Your beard is well grown.' He says to them, 'Let it be against the destroyers.'	**C.** R. Eleazar said to R. Ishmael, "[your actions are analogous to] one [who] says to someone in the marketplace, 'Why have you grown your beard?' And he says, 'Let it be against the destroyers.'	**C.** R. Ishmael asked, "What is this Eleazar?" [Eleazar] said to him, "Ishmael, my brother, [this is like] one who is asked, 'Why is your beard long?' And he says to them, 'Let it be against the destroyers.'	**C.** R. Ishmael said to him, "What is this Eleazer?" [Eleazar] said to him, "Ishmael my brother, they say to someone, 'Why are you growing your beard?' He says to them, 'It is a protest to the destroyers.'
D. So too you. All the time that I was standing you were reclining and now that I reclined you stood up."	**D.** I [R. Eleazar] was reclining and I stood up but you [R. Ishmael] were standing up and you reclined."	**D.** I who was standing reclined and you were reclining and then you stood up."	
E. He said to him, "I followed the words of the School of Hillel and you followed the words of the School of Shammai.	**E.** He said to him, [R. Ishmael to R. Eleazar] "You stood upright according to the words of the School of Shammai, and I reclined according to the words of the School of Hillel.	**E.** [Ishmael] said to [Eleazar], "You reclined according to the words of the School of Shammai, and I stood up to fulfill the words of the School of Hillel.	**E.** [Ishmael] said to [Eleazar], "You reclined according to the words of the School of Shammai, and I stood up according to the words of the School of Hillel.
F. And that is not all, lest the students see and determine the law for the generations."	**F.** Something else, [I reclined] so that the students would not see me and establish the law in accordance with the School of Shammai."	**F.** Something else, [I reclined] so that the students should not see me and establish the law in accordance with your view."	**F.** Something else, so that it will not be established as obligatory [to follow] the School of Shammai."

The basic story is consistent, with minor variants, which may indicate a common tradition linking these versions. Earlier scholarship tended to posit that Tannaitic traditions appearing in differing versions in several literary settings are evidence of the fluidity of oral transmission.[92] Martin Jaffee and other scholars now suggest that diverse variations of literary units may have resulted from the intentional oral reconfiguration of written Tannaitic material, as well as from purely oral transmission.[93] On the other hand, Yaacov Sussman continues to maintain that rabbinic literature was created and transmitted orally until the eighth century CE.[94]

I now discuss the variant versions of this story, along with the variants found in the Genizah fragment that contains a portion of this story.[95] The literary contexts in which the *Sifre*, Tosefta, and Bavli versions are located all contain a discussion relating to the *Shema*.[96] In line A the story labelled as a מעשה by the Tosefta, Yerushalmi, and Bavli versions The Yerushalmi version is the only one that begins with the word תני, which came to designate a Tannaitic *baraita*. *Sifre* has no introductory formula and it contains the least literarily developed version of the story. Ginzberg concludes that the *Sifre* account is the original

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[92] Jaffee, "The Oral-Cultural Context of the Talmud Yerushalmi," 39, 40 note 30. See the discussion about orality in my introductory chapter.

[93] Ibid, 40.

[94] Yaacov Sussman, "Torah shebe'al peh: peshutah kimashma'ah-koho shel kotzo shel yod," in *Mehqerei Talmud: Talmudic Studies Dedicated to the Memory of Professor Ephraim E. Urbach*, ed. David Rosenthal and Y. Sussman (Jerusalem: Hebrew University Press, 2005), 209-384 (Hebrew). Rosen-Zvi, "Orality, Narrative, Rhetoric," 240.

[95] Ginzberg, *Yerushalmi Fragments From The Genizah*, 1, 5 (Hebrew). The text of the Genizah Fragment of this narrative is in the Appendix of my study.

[96] The literary context that the *Sifre* version appears in is a discussion of the biblical verses in Deuteronomy that mention the *Shema*. The Tosefta version directly follows the Tosefta's citing of *m. Ber* 2:5 which discusses that bridegrooms are exempt from reciting the *Shema*. The Tosefta mentions *m. Ber* 1:3 in order to explain why bridegrooms are exempted. The Bavli version is preceded by a talmudic discussion of *m. Ber* 1:3.

version of this narrative.[97] In contrast, Gary Porton concludes that the Tosefta version

preceded the *Sifre* version.[98]

The story begins with the two sages staying at the same place in the Tosefta,

Yerushalmi, and Bavli versions. Tosefta and Yerushalmi have שרויין for "dwelling." In the

Bavli version, שרויין is replaced with מסובין, which means "going round; reclining; sitting

at."[99] In other words, according to the Bavli version, the sages were dining together.

Ginzberg explains that the Bavli used מסובין instead of שרויין because שרויין is a familiar word

in Palestinian Aramaic but not in Babylonian Aramaic.[100] However, שרויין appears in *b.*

Shabbat 6b, *b. Eruvin* 48b, and *b. Eruvin* 70b. The word form שרוי is found in *b. Ber* 64a,

with the connotation of dwelling.[101] If Ginzberg is correct that שרויין is a word in Palestinian

but not Babylonian Aramaic, its appearances in the Bavli would be instances of a Palestinian

Aramaic word appearing in the BT.[102]

In the Genizah version, rather than שרויין or מסובין, the variant נתונים appears.

Ginzberg claims that the use of נתונים suggests that the two sages were forced to stay

together, as though they were imprisoned.[103] נתון has a semantic range that includes "given,

handed over, placed or situated."[104] There is an extra word in the *Sifre* version, not found in

any of the others, namely that Ishmael is expounding. All versions have "the time to recite

the *Shema* arrived."

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[97] Ginzberg, *Commentary*, 1, 144 (Hebrew).
[98] Porton, *The Traditions of Rabbi Ishmael*, 22.
[99] Clines, *The Dictionary of Classical Hebrew*, Vol. VI, 109.
[100] Ginzberg, *Commentary*, 1, 144 (Hebrew).
[101] Ginzberg suggests that the root of the word שרויין is שרא. Ibid, 144. See also Hidary, "Tolerance for Diversity of Halakhic Practice in the Talmuds," 179 note 161.
[102] For a discussion of other Palestinian literary forms in the BT, see Richard Kalmin, *Sages, Stories, Authors and Editors in Rabbinic Babylonia* (Atlanta: Scholars Press, 1994), 91-97.
[103] Ginzberg, *Commentary*, 1, 144 note 143 (Hebrew).
[104] Clines, *The Dictionary of Classical Hebrew*, Vol. V, 811.

In line B, the *Sifre*, Tosefta, and Bavli have R. Ishmael standing up and R. Eleazar reclining, whereas in the Yerushalmi, R. Eleazar stands up and R. Ishmael reclines. As mentioned above, the context for the story in the Yerushalmi version is considered to be the morning *Shema*. The reversal of positions of the sages in the other versions seems to relate to the recitation of the evening *Shema*.

In line C, we find minor variations. The *Sifre* and Tosefta versions have R. Ishmael asking R. Eleazar, "What is this?" This question is missing in the Yerushalmi version, where we have R. Eleazar saying to R. Ishmael, "One says to someone in the marketplace." This expression is not found in any other versions except for the Genizah fragment of this story. Ginzberg identifies the Genizah fragment as stemming from the Yerushalmi, which seems likely since the Genizah fragment contains several phrases found only in the Yerushalmi version.[105] The *Sifre*, Tosefta, and Bavli versions have R. Eleazar calling R. Ishmael his brother, which is missing in the Yerushalmi. All versions have יהיה כנגד המשחיתים, "let it be against the destroyers."

The variants in the conclusion of the story are as follows. Students are not mentioned in the *Sifre* version, but they are in the Tosefta, Yerushalmi, and Bavli versions. The *Sifre* and Yerushalmi versions both express concern that the law will be established according to

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[105] Ginzberg, *Commentary*, 1, 145 (Hebrew). The Genizah version begins with the phrase תני which is not found in any other version except the Yerushalmi version. The Genizah version has R. Eleazar reclining and R. Ishmael in a standing position. All other versions replace this order except for the Yerushalmi version. The phrase "one says to someone in the marketplace" is only found in the Yerushalmi and the Genizah versions. Ginzberg, *Yerushalmi Fragments From The Genizah*, 1, 5 (Hebrew).

the School of Shammai. The Tosefta version has the variant "your view," and the Bavli version has "for generations."[106]

The accounts in the *Sifre* and the Tosefta are almost identical, and one of them is probably the earliest version. The Yerushalmi incorporates elements from both the *Sifre* and the Tosefta versions. It also contains original material. This seems to indicate that the Yerushalmi redactors utilized and edited the earlier traditions, and incorporated original material. The Bavli version shows the most redactional changes of all the versions. The existence of variant versions of this aggadah indicates that this narrative underwent a number of redactional changes during the Amoraic period.

3.9 Conclusion

Eliezer Segal's conception of "anthology" as a genre to categorize talmudic stories that contain mishnah commentary as well as discrete topics fits the narrative analyzed in this chapter. The aggadah is a commentary of *m. Ber* 1:3 as it continues the discussion regarding the differing views of the Schools of Hillel and Shammai relating to the recitation of the *Shema*. The story also shows raises a discrete theme concerning engagement with Greco-Roman culture. The identification with the importance of beards for Stoic philosophers as well condemnation of Greco-Roman beard-cutting practices are both themes evinced in this story that do not arise from the narrative's commentary on the mishnah. These themes, however, do correspond with motifs mentioned in other stories within *y.* tractate *Berakhot*. This story displays emerging rabbinic practice and rabbinic ideology relating to the

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[106] The Bavli version adds the phrase אף כך אתה "so too you" following the expression "let it be against the destroyers." Richard Hidary sees the Yerushalmi version of this story as conveying a more antagonistic relationship between R. Eleazar and R. Ishmael than that found in the other versions. He concludes that the Bavli presents the most amicable version of the story. The reasons include that the term of endearment "my brother" is missing from the Yerushalmi version, and the term from the Yerushalmi Genizah fragment, נתונים, assumes that the sages were staying together against their wills. Hidary, "Tolerance for Diversity of Halakhic Practice in the Talmuds," 178- 182.

establishment of prayer and this motif is a focus of the other stories already analyzed in this study. It is also a major motif in the story that I analyze in the next chapter. In addition, the condemnation of Greco-Roman beard-cutting practices is similar to the condemnation of Greco-Roman ritual practices regarding myrtle discussed in the previous chapter. For these reasons, the notion of "anthology" as a genre for talmudic texts is a useful notion for understanding the complexity within the aggadah analyzed in this chapter. This narrative is both a commentary on the mishnah and it raises concerns found within the greater talmudic context of *y.* tractate *Berakhot*.

David Stern considers that the genre of sage stories should be read as ideological statements rather than historiographical documents.[107] In contrast, my analysis discloses that ideological sage stories also convey historical information, and my findings agree with those of Galit Hasan-Rokem, who asserts that sage stories are "openly ideologically tinged historiography."[108] In Chapter Two I demonstrated how the Greco-Roman literary constructs employed in PT narratives contribute to their complexity, and Chapter Three has shown that the genre of "anthology" demonstrates the complexity of PT stories. In Chapter Four I focus particular attention on how the redeployment of earlier biblical and rabbinic traditions are woven together to create a complex narrative that asserts the self-identity of rabbinic sages using techniques that many scholars have ascribed to the Stammaitic editors of the BT.

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[107] Stern, *Parables in Midrash*, 242.

[108] Hasan-Rokem, *Tales of the Neighbourhood*, 117. See also Levinson, "The Athlete of Piety," 61-86 (Hebrew).

Chapter Four: Words of the Scribes

4.1 Introduction

In this chapter, I analyze one lengthy aggadah that redactionally follows the aggadah discussed in the previous chapter of my study. This aggadah also focuses on the differing views of the Schools of Hillel and Shammai mentioned in *m. Ber* 1:3. The particular focus of my analysis is on the compositional and redactional traits of the composers/redactors of this aggadah that retells and glosses several biblical and Tannaitic statements. The reinterpretation of earlier biblical and rabbinc traditions demonstrates that creative literary activity took place in the Palestinian Amoraic period. Through the redeployment of earlier traditions this narrative attempts to establish that the authority role of sages in the rabbinic era was foretold in prior texts. The introduction to the edited collection *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World*, discusses the need for societies to reinterpret communal traditions. I argue that this aggadah reinterprets communal tradition, which in this case constitutes glosses on earlier rabbinic and biblical traditions.

> Societies share a need to enshrine the present within the legitimating realm of the past. This necessity leads successive generations to reshape "yesterday"—their received traditions, beliefs and customs—into line with their perception of "today"—contemporary reality. Indeed, the establishment and proper interpretation of tradition and "collective memory" was as important in the ancient world as it is in modernity…the ancients were often compelled to demonstrate continuity with—and the discontinuity of rivals from—a shared past through an ongoing interpretation of communal tradition.[1]

The comments cited above inform my analysis of this story. I discuss how the "received traditions," that is biblical, mishnaic and other rabbinic statements, are marshaled in this aggadah to reinterpret "collective memory," in order to establish discontinuity between the

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[1] Gardner and Osterloh, *Antiquity in Antiquity*, 1-2.

prophets of the past and the sages of the rabbinic period. In particular, this aggadah attempts to establish that rabbinic sages were carrying on the authority role of the prophets of the past and that the authority of the sages was foretold in prior biblical and Tannaitic statements. The techniques employed in this aggadah are similar to some of the characteristics that scholars have attributed to aggadah in the BT edited by the Stammaim.

I discuss each section of this aggadah separately and demonstrate how the discrete components relate to each other. Each section serves to enhance the overall thematic structure of this narrative as a whole.

4.2 *y. Berakhot* 1:7, 3b

תלמוד ירושלמי מסכת ברכות פרק א דף ג טור ב /ה"

A. בשם ר' יוחנן <u>דודי'</u> <u>דברי סופרים</u> לדברי תורה

וחביבי' כדברי תורה חיכך כיין הטוב

שמעון בר ווה בשם רבי יוחנן

דודים <u>דברי סופרים</u> לדברי תורה

וחביבים יותר מדברי תורה

כי טובים <u>דודיך מיין</u>

B. ר' בא בר כהן בשם ר' יודה בן פזי

תדע לך שחביבין <u>דברי סופרים</u> מדברי תורה

שהרי רבי טרפון אילו לא קרא לא היה עובר אלא בעשה

וע"י שעבר על דברי ב"ה נתחייב מיתה

על שם ופורץ גדר ישכנו נחש

C. *תני ר' ישמעאל*

דברי תורה יש בהן איסור ויש בהן היתר יש בהן קולין יש בהן חומרי'

אבל <u>דברי סופרי'</u> כולן חמורין

הן תדע לך שהו' כן דתנינ' תמן

האומ' אין תפילין לעבור על דברי תורה פטור

חמש טוטפות להוסיף על <u>דברי סופרים</u> חייב

D. ר' חנניה בריה דר' אדא בשם ר' תנחום ביר' חייא

חמורים דברי זקנים מדברי נביאים דכתי' אל תטיפו יטיפון

אל יטיפו לאלה לא יסג כלימות

וכתיב אטיף לך <u>ליין</u> ולשכר

E. נביא וזקן למה הן דומין

למלך ששולח ב' פלמטרין שלו למדינה

על אחד מהן כתב אם אינו מראה לכם חותם שלי וסמנטירין שלי אל תאמינו לו

ועל אחד מהן כת' אע'פ שאינו מראה לכם חותם שלי האמינוהו בלא חות' וסמנטירין

כך בנביא כת' ונתן אליך אות או מופת

ברם הכא על פי התורה אשר יורוך

F. הדא דתימר משיצאת בת קול

אבל עד שלא יצאת בת קול כל הרוצ' להחמי' על עצמו ולנהוג כחומרי ב"ש וכחומרי ב"ה

על זה נאמ' הכסיל בחושך הולך

<u>אילו ואילו</u> נקרא רשע כקולי

אלא אי כקולי וכחומרי דדין אי כקולי וכחומרי דדין

הדין דתימ' עד שלא יצאת בת קול

אבל משיצא' בת קול לעולם הלכה כדברי ב"ה

וכל העובר על דברי ב"ה חייב מיתה

G. *תני* יצאת בת קול ואמרת <u>אילו ואילו</u> דברי אלהים חיים

אבל הלכה כדברי בית הלל

איכן יצאת בת קול

רבי ביבי אמר בשם רבי יוחנן ביבנה יצאת בת קול

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Translation of *y. Berakhot* 1:7, 3b:

A. In the name of R. Yochanan,[2]
"The words (teachings) of the scribes are related to[3] the words (teachings) of the Torah, and they are as precious[4] as the words of the Torah."
"Your mouth (utterance) is like choicest <u>wine.</u>" (Song of Songs 7:10)
Shimeon bar Va in the name of R. Yochanan,[5]
"The words of the scribes are related to the words of the Torah,
and they are even more loved than the words of the Torah."
"For your beloved is more delightful than <u>wine.</u>" (Song of Songs 1:2)
B. R. Ba bar Kohen[6] in the name of R. Yudah ben Pazi,[7]
"You should know that the words of the scribes are dearer than the words of the Torah. Behold R. Tarfon if he had not recited [the *Shema*] he would have only transgressed a positive commandment, but since he transgressed the words of the School of Hillel, he was liable for death on account of [the verse]."
"He who breaches a stone fence, a snake will bite him." (Ecclesiastes 10:8)
C. R. Yishmael *taught in a baraita*,
"The words of the Torah contain prohibited and permitted [matters].
They include lenient and stringent [matters], but the words (teachings) of the scribes all [pertain to] stringent [matters]."
Indeed you should know that this is so for we learned (*in a Mishnah*)
there[8] the one who says there is no [commandment to put on] tefillin (phylacteries) in order to transgress the words of the Torah, [he is] exempt [from the death penalty].
[But one who says there are] five compartments [in the tefillin]

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[2] R. Yochanan is considered to have been the most prominent rabbinic sage in Palestine in the third century CE. Many of his comments deal with aspects of the *Shema* and the *Amidah*. Lee Levine suggests that the vast amount of talmudic material attributed to R. Yochanan, his colleagues, and his students may have been redacted in Tiberias, where R. Yochanan was active. At the same time, Levine cautions that historical phenomena mentioned in connection with R. Yochanan did not necessarily begin, or end, in the third century CE. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity*, 21. Levine, *The Ancient Synagogue*, 534.

[3] Ed. princ. Venedig has דודי. Leiden, Vatican Paris, London, and Amsterdam have דודים. Yalqut has דומים.

[4] Ed. princ. Venedig and London have וחביבי. Leiden, Vatican, Paris, and Amsterdam have וחביבים. Yalqut has וחביבין.

[5] Frankel identifies Shimeon bar Va as a third generation Palestinian amora, who was a student of R. Yochanan, in Tiberias. Frankel, *Einleitung*, 124b (Hebrew). The expression, "Shimeon bar Va in the name of R. Yochanan" is found in another three places in *y. Berakhot*. See *y. Ber* 4:4, 8a; 5:2, 9b; and 5:3, 9c. In addition, in *y. Ber* 5:2, 9b Shimeon bar Va asks R. Yochanan a question.

[6] R. Ba bar Kohen was a fourth generation Palestinian amora. Ibid, 55a.

[7] The name of this sage appears as R. Yudah ben Pazi in the PT, and as R. Yehudah son of Shimon ben Pazi in the BT. He is also known simply as R. Yehuda. He came from Lyyda and was a student of his father Simon ben Pazi, and of R. Zera. He is often involved in a controversy. He is a fourth generation Palestinian amora. Strack and Stemberger, *Introduction*, 94. Ginzberg refers to him as a third, and a fourth generation Palestinian amora. Ginzberg, *Commentary*, 1, 14, 20 (Hebrew).

[8] The word for 'there' is תמן. It is used regularly in the PT, but occurs rarely in the BT. The word for 'there' in the BT is usually התם. Yitzhak Frank, *The Practical Talmud Dictionary* (Jerusalem: Ariel United Israel Institutes, 1994), 257.

in order to add to the words of the sages he is liable [for the death penalty].

D. R. Haninah the son of R. Ada[9] [said] in the name of R. Tanchum

the son of R. Chiyya,[10] "The [penalties for violating the] words of the elders are more

stringent than [the penalties for violating] the words of the prophets."

As it is written: "Stop preaching!" they preach.

"That's no way to preach; shame will not overtake [us]." (Micah 2:6)

And it is written, "I will preach to you to [drink] <u>wine </u>and liquor." (Micah 2:11)

E. A prophet and an elder—what do they resemble?

They are like a king who sends two of his officials to the province.

Concerning one of them [the king] had written,

"If he does not show you my seal and my signature do not believe him."

And concerning the other one [the king] had written,

"Even if he does not show you my seal you can believe him without my seal

and my signature." So too regarding the prophet it is written,

"And he will give you a sign or a wonder." (Deuteronomy 13:2)

But here, "according to the teaching that they teach you." (Deuteronomy 17:11)

F. This is what you should have stated after the heavenly echo emerged.

But before the heavenly echo emerged, who ever wanted [to follow] stringencies

on their own and to act in accordance with the stringencies of the School of Shammai

and with the stringencies of the School of Hillel, regarding this [person] we say,

"The fool walks in darkness." (Ecclesiastes 2:14)

[And anyone who followed] the leniencies of <u>these and those</u> we call evil.

Rather, [the correct approach would be to follow] either the leniencies

and the stringencies of this one or the leniencies and stringencies of that one.

This is what you should have stated before the heavenly voice had emerged

But after the heavenly voice had emerged the law always follows the School of Hillel.

And anyone who transgresses the words of the School of Hillel

is liable for the death penalty.

G. *It was taught in a baraita*, "the heavenly echo emerged and said <u>these and those</u> are the

words of the living God, but the law is according to the School of Hillel."

Where did the heavenly echo emerge?

R. Bivi[11] said in the name of R. Yochanan, "At Yavneh the heavenly echo emerged."

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[9] R. Haninah the son of R. Ada, also known as R. Haninah the son of R. Aha is a fourth generation Palestinian amora. Strack and Stemberger, *Introduction*, 93.

[10] He was a third generation Palestinian Amora. Ibid, 91.

[11] There are several sages with this name.

4.3 Halakhic and Literary Context

The redactional location of this lengthy narrative in *y. Ber* immediately follows the aggadah with R. Eleazar ben Azariah and R. Ishmael. It directly addresses *m. Ber* 1:3 in its reference to the incident with R. Tarfon. It also continues the discussion relating to the disputes between the Schools of Hillel and Shammai, concluding that the rulings of the School of Hillel take precedence over the rulings of the School of Shammai.

4.4 Genre and Structure

Homiletical and exegetical interpretations of biblical passages combine with a king *mashal* in this aggadah. The narrative employs a technique that Eli Yassif defines as "associative accumulation."[12] According to this principle, tales are combined on the basis of some element that they have in common, and a central theme emerges based on the accumulated meanings of all the stories. Yassif concludes that "associative accumulation" occurs in uninterrupted clusters of sequential tales, which he defines as "story cycles."[13] I suggest that within what I have designated as the different sections of this aggadah, we see the principle of "associative accumulation." Purposeful redaction contributes to each successive section relating to the main theme of this narrative, and the accumulated meanings of all the sections considered together serve to further emphasize the aggadah's major motifs.

4.5 Literary and Historical Analysis

4.5.1 Section A

Section A of this narrative begins with the saying, "the words (teachings) of the scribes are related to the words (teachings) of the Torah, and they are as precious as the words of the

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[12] Yassif, *Hebrew Folktale*, 227.
[13] Ibid, 209-214.

Torah." This statement is attributed to anonymous sages in the name of R. Yochanan.[14] A somewhat different literary tradition follows which is attributed to Shimeon bar Va, transmitted in the name of R. Yochanan that states, "the words of the scribes are related to the words of the Torah, and they are even more loved than the words of the Torah." Ginzberg suggests that the different attributions for these similar sayings indicates that a dispute regarding the correct traditions of R. Yochanan must have existed between the anonymous scholars and Shimeon bar Va.[15] Ginzberg's comments seem speculative, since it is impossible to know whether this narrative reflects an actual dispute or is an oral/literary construction.

The sayings transmitted by the anonymous sages and by Shimeon bar Va discuss the דברי סופרים "words of the scribes." דברי סופרים is a formulaic expression, located five times in sections A through C of this narrative, and it appears in numerous passages in the Mishnah and the Tosefta.[16] The term דברי סופרים primarily refers to the rulings of scribes regarding aspects of ritual purity. The דברי סופרים are mentioned as being different from the sayings of the sages in *m. Parah* 11:5. In *m. Parah* 11:6, three distinct sources of authority are mentioned: the דברי סופרים, the—דברי תורה "words, or teachings of the Torah"—and the sayings of the sages. The term דברי סופרים refers to a source of authority that is distinct from the authority of the דברי תורה in *m. Sanhedrin* 11:3, *m. Yadayim* 3:2, *t. Ta'anit* 2:6, *t. Yevamot* 2:4, *t. Eduyyot* 1:1, 1:5, *t. Parah* 11:5, and *t. Tebul Yom* 1:10. In other passages in the Mishnah and the Tosefta where the

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[14] The Ed. princ. Venedig text begins, "in the name of R. Yochanan." The other MS versions have the additional word, חברייא meaning scholars, or colleagues, or associates as in "the associates in the name of R. Yochanan." The Leiden, Paris, and London MSS have חברייא. Ms Vatican has the variant חבריה. Ed. Amsterdam has חברי. Yalqut has חברייה. For Amoraic usages of this term see Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 315-320. For Tannaitic usages see Ames, "Fellowship, Pharisees and the common people in early Rabbinic tradition," 339-356 and the scholarship cited there.

[15] Ginzberg, *Commentary*, 1, 148 (Hebrew).

[16] דברי סופרים is found in *m. Sanhedrin* 11:3, *m. Teharot* 4:7, 4:11, *m. Yadayim* 3:2, and *t. Ta'anit* 2:6. The variant מדברי סופרים "from the words of the scribes" appears in *m. Orlah* 3:9, *m. Parah* 11:5, 11:6, *m. Yevamot* 2:4, 9:3, *t. Ta'anit* 2:6, *t. Yevamot* 2:4, 3:1, *t. Eduyyot* 1:1, 1:5, *t. Kelim Bava Batra* 7:7, *t. Parah* 11:5, *t. Niddah* 9:14, and *t. Tevul Yom* 1:10.

term דברי סופרים or the variant מדברי סופרים appears, it is a lone authoritative source. Mishnah *Kelim* 13:7 and *m. Tevul Yom* 4:6 speak of rulings of the scribes but do not mention the specific term דברי סופרים. Tosefta *Eduyot* 1:5 states that rulings according to the דברי תורה should be adopted more strictly than rulings of the דברי סופרים. The Tannaitic usage of the term דברי סופרים indicates that the Amoraic composers/redactors of this story were utilizing pre-existing rabbinic traditions.[17]

Martin Goodman suggests that in Tannaitic sources, דברי סופרים relates to specific teachings of scribes from a distant post-biblical past, while the term סופר on its own "was reserved for technicians or schoolteachers."[18] Emil Schürer also suggests that in the Mishnah the term סופרים relates to authoritative scribes from an earlier period and that scribes who were contemporaneous with the Mishnah were referred to as sages in Tannaitic texts.[19] Shmuel Safrai surveys the opinions of earlier scholars who posited that an actual "period of the scribes" existed in the Second Temple era and concludes that there is no proof that such a period ever existed.[20]

Catherine Hezser surveys the relationship between scribes and sages, based on references in rabbinic literature, and finds that scribes as writers of documents appear in

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[17] The Amoraic usage of the term דברי סופרים is discussed later in this chapter.

[18] Martin Goodman, "Texts, Scribes and Power in Roman Judaea," in *Literacy & Power in the Ancient World*, ed. Alan K. Bowman & Greg Woolf (Cambridge: Cambridge University Press, 1994), 105.

[19] Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ* (Edinburgh: T & T Clark Ltd, 1979), 2:324-325. Regarding scribes in the biblical era see Strack and Stemberger, *Introduction*, 15,16, 128. For the role of scribes in the Second Temple period see Paul Mandel, "The Origins of Midrash In The Second Temple Period," in *Current Trends in the Study of Midrash*, ed. Carol Bakhos (Leiden and Boston: Brill, 2006), 9-34. S. Schams, *The Status and Functions of Jewish Scribes in the Second-Temple Period*, unpublished Ph.D. thesis (University of Oxford, 1996). Michael Fishbane, "From Scribalism to Rabbinism: Perspectives on the Emergence of Classical Judaism," in *The Sage in Israel and the Ancient Near East*, ed. John G. Gammie and Leo G. Perdue (Winona Lake: Eisenbrauns, 1990), 439-456. Steven D. Fraade, "The Early Rabbinic Sage," in *The Sage In Israel And The Ancient Near East*, ed. John G. Gammie and Leo G. Perdue (Winona Lake: Eisenbrauns, 1990), 417-436.

[20] Shmuel Safrai, "Halakha," in *The Literature of the Sages, Part 1*, ed. Shmuel Safrai (Philadelphia: Fortress Press, 1987), 148-153.

numerous Tannaitic passages.[21] However, in Amoraic traditions some rabbis are pictured as teachers of scribes, and some rabbis are called scribes.[22] Hezser concludes that in the Amoraic period, the scribal profession overlapped with the roles of rabbis, and "in some respects the functions of rabbis and scribes were blurred."[23] Mishnah *Sotah* 9:15 states that "from the day on which the Temple was destroyed, sages began to be like scribes." It has been suggested that *m. Sotah* 9:15 may be a later addition to the Mishnah.[24] My reading of this aggadah also leads to the conclusion that although this narrative mentions scribes, it is actually referring to rabbinic sages.

In section A of this aggadah, Song of Songs 7:10 serves as a biblical proof-text for the first saying mentioned that claims that the words of the scribes are related to, and are equally precious as, the words of the Torah. In the context of this aggadah, traditional commentators have generally understood the phrase, "your mouth (utterance) is like choicest wine" (Song of Songs 7:10), in a metaphoric sense. "Your utterance" is a metaphor for the words of the scribes, and "wine" is a symbol of the Torah.[25] The word that is translated as "your utterance" is חיכך or חכך. Its literal meaning is "your throat" or "your palate." The Septuagint and Vulgate versions of the Song of Songs both render חיכך as a throat.[26] It functions as the mechanism for speech in Job 6:30, 33:2, and in Proverbs 8:7. In Job 6:30 it has the added sense of being able to discern truthful speech. In Proverbs 5:3 it may refer to the speech and the kisses of a woman.[27] It also takes on the meaning of the word "mouth" in Hosea 8:1. It is understood as the roof of the mouth in Ezekiel 3:26 and it is the taste organ in

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[21] Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 467-475.

[22] Hezser points out that "similar functions are ascribed to scribes in Roman texts." Ibid, 468-470.

[23] Ibid, 475.

[24] Schürer, *The History of the Jewish People*, 2: 325 note 329.

[25] This is the commentary of Pne Moshe, Haredim, and Ginzberg, *Commentary*, 1, 149.

[26] Marvin Pope, *Song of Songs: A New Translation with Introduction and Commentary* (Garden City, New York: Doubleday & Company Inc., 1977), 638.

[27] Ibid.

the mouth in Proverbs 24:13. These significations indicate that the association of the expression "your utterance" with the words of the scribes in this aggadic passage is a creative metaphorical innovation by the composers/redactors of this story. The conclusion of Song of Songs 7:10 mentions "choicest wine." This talmudic pericope appears to be continuing the rabbinic tradition that relates wine to the Torah, the wisdom of which is personified as wine in Proverbs 9:5.

The next verse from the Song of Songs that is mentioned in section A of this aggadah is the biblical proof-text offered as the support for the second saying that claims that the words of the scribes are even more loved than the words of the Torah. The portion of Song of Songs 1:2 that appears in the aggadah translates as "for your beloved is more delightful than wine."[28] Following the understanding of Song of Songs 7:10 within the context of this narrative, namely that "beloved" represents the scribes and "wine" represents Torah, the phrase from Song of Songs 1:2 "your beloved is more delightful than wine" asserts that the words of the scribes are even more precious than the words of the Torah.

The allegorical interpretations of Song of Songs 7:10 and 1:2 in this aggadah are similar to other early expositions of the Song of Songs that also tended to view the text allegorically.[29] In *t. Sanhedrin* 12:10, R. Akiva claims that one who turns the Song of Songs into a love song has no portion in the world to come. R. Akiva's statement endorses the rabbinic view that the Song of Songs should be understood allegorically as the love song

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[28] The entire verse of Song of Songs 1:2 states: "Let him kiss me with the kisses of his mouth, for your beloved is more delightful than wine."

[29] The Song of Songs has garnered more commentary over the centuries than almost any other book of the Bible. The allegorical approach also prevailed with early Christian interpretation of the Song of Songs. Reading the Song of Songs as allegory was the primary exegetical approach to this text until the close of the seventeenth century CE. J. Paul Tanner, "The History of Interpretation of the Song of Songs," *Bibliotheca Sacra* 154(1997): 1, 26-27. Pope, *Song of Songs*, 89, 92. Philip S. Alexander, "The Song of Songs as Historical Allegory: Notes on the Development of an Exegetical Tradition," in *Targumic and Cognate Studies: Essays in Honour of Martin McNamara*, ed. Kevin J. Cathcart and Michael Maher (Sheffield: Sheffield Academic Press Ltd, 1996), 14, 18.

between God and the Jewish people. Song of Songs *Rabbah* advances several allegorical explanations for "for your beloved is more delightful than wine," (Song of Songs 1:2). Song of Songs *Rabbah* 1:2:2 contains a parallel text to this aggadah. In addition, it suggests that in Song of Songs 1:2, beloved refers to the patriarchs while wine refers to princes. It also suggests that beloved refers to the sacrifices and wine to libations, beloved to Israel and wine to gentiles.[30] While this aggadah also employs an allegorical interpretation of the Song of Songs, we witness the creative work of PT composers/redactors in the linkage of the expression beloved with the words of the scribes.

4.5.1.1 Beloved or Breasts?

There is another early translation and interpretation, which signifies the expression דודי as "breasts" rather than as "beloved."[31] דודי is rendered as breasts in the Septuagint and in the Vulgate versions of the Song of Songs.[32] It is suggested that the tradition of understanding דודי as breasts arose because דד is a Hebrew word for breast. In the pre-Masoretic text, דד appears as דוד.[33] Mishnah *Avodah Zarah* 2:5 and its parallel text *t. Parah* 10:3 ponder the etymology of דודיך, the form of דודי as it appears in Song of Songs 1:2.[34] Mishnah *Avodah Zarah* 2:5 states:

אמ׳ לו ישמעא׳ אחי היאך אתה קורא כי טובים דודיך מיין או כי טובים דודייך אמ׳ לו כי טובים דודייך

Danby translates this as:

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[30] Song of Songs *Rabbah* is generally thought to have been redacted *c.* 600 CE. At the same time, some traditions recorded in the Song of Songs *Rabbah* may stem from an earlier period.

[31] Ginzberg, *Commentary*, 1, 148. Pope, *Song of Songs*, 298.

[32] The Vulgate is the Latin version of the Song of Songs produced by Jerome, who was living in Palestine, at the end of the fourth century CE. Jerome read breasts for the double *daleth* in his unvocalised text. Sr. Edmee, "Love or Breasts at Song of Songs 1:2 and 4? The Pre-Masoretic Evidence," *Studia Patristica* 30(1997): 8.

[33] Ibid.

[34] The Song of Songs *Rabbah* 1:2 parallels *m. Avodah Zarah* 2.5 and *t. Parah* 10:3.

He said to him, "Ishmael, my brother, how readest thou?—*For thy* (masc.) *love is better than wine*, or *Thy* (fem.) *love…?*" He answered him, "*thy* (fem.) *love.*"[35]

Tosefta *Parah* 10:3 states:

אמר לו ישמעאל אחי היאך אתה קורא כי טובים דודיך מיין או כי טובים דדיך מיין אמר לו כי טובים דדיך

Jacob Neusner translates this as:

Said he to him, "Ishmael. How do you pronounce the passage, for your love *[dodekha]* is better than wine, or for your breasts *[dadekha]* are better than wine?" He said to him, "for your breasts are better than wine."[36]

The question for *m. Avodah Zarah* 2.5 and *t. Parah* 10:3 is whether the pronominal singular suffix indicates that דודיך is a feminine or a masculine word.[37] These Tannaitic texts may be discussing the gender of דודיך not as the word for "your beloved" but as the word for "your breasts." In these texts, the discussion relating to דודיך is preceded by a lengthy halakhic debate relating to the non-permissibility of eating gentile cheese that is made with rennet. That is to say, since the discourse concerns a process of milk, the theme of breasts fits these contexts. It is suggested that in the Masoretic period sometime between the sixth and tenth centuries CE, and probably closer to the sixth century CE, דודיך came to definitively mean your love rather than your breasts.[38] In fact, we find that in *b. Avodah Zarah* 35a, דודיך does not seem to refer to breasts:

מאי כי טובים דודיך מיין? כי אתא רב דימי אמר אמרה כנסת ישראל לפני הקב"ה: רבש"ע עריבים עלי דברי דודיך יותר מיינה של תורה

What [is meant by] "for your love is more delightful than wine?"

[35] Danby, *The Mishnah*, 439.
[36] J. Neusner, *The Tosefta Translated from the Hebrew with a New Introduction.*, vol. 1 (Peabody, Massachusetts: Hendrickson Publishers, Inc., 2002), 1770.
[37] Ginzberg, *Commentary*, 1, 148. Guggenheimer, *The Jerusalem Talmud First Order: Zeraim Tractate Berakhot Edition, Translation and Commentary*, 113.
[38] Edmee, "Love or Breasts at Song of Songs 1:2 and 4? The Pre-Masoretic Evidence," 104, 110. Raphael Lowe, "Apologetic Motifs in the Targum to the Song of Songs," in *Biblical Motifs: Origins and Transformations* (Cambridge, Mass.: Alexander Altmann, 1966), 159-169.

> When Rav Dimi came [from Israel] he said, "[this is what] the Congregation of Israel said before the Holy One blessed be He: 'Master of the Universe. The words of your beloved ones are more pleasant to me than the wine of Torah.'"

Although Ginzberg concludes that, in this aggadah, the expression דודיך refers to the words of the scribes and wine refers to the words of the Torah,[39] he also suggests that R. Yochanan interpreted דודיך as breasts; one breast contained the words of the written Torah, and one breast contained the words of the oral Torah. Ginzberg further suggests that R. Yochanan is picturing Israel like an infant who is suckling from one breast, then the other.[40] This interpretation is not supported by the words of the aggadah itself. R. Yochanan is not even mentioned in the Tannaitic texts, *m. Avodah Zarah* 2:5 and *t. Parah* 10:3 that may be discussing דודיך as meaning breasts. Therefore, it is somewhat surprising that Reuven Kimelman accepts Ginzberg's claim that R. Yochanan is referring to breasts in this aggadah.[41] The acceptance of Ginzberg's suggestion propels Kimelman to inquire:

> What then impelled RY (R. Yochanan) to read the Hebrew as "breast," and why is this specific verse used to support the somewhat radical idea that Oral Torah is superior to or more precious than Written Torah? One possibility is to view RY's comment in relationship to Origen's comment on the very same verse. Origen, of course, renders the verse according to the LXX: *For thy breasts are better than wine.*[42]

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[39] Ginzberg, *Commentary*, 1, 149 (Hebrew).
[40] Ibid, 148, 149.
[41] Reuven Kimelman, "Rabbi Yohanan and Origen on the Song of Songs: A Third-Century Jewish-Christian Disputation," *Harvard Theological Review* 73, no. 3/4 (1980): 578-579.
[42] Ibid, 579-580.

Numerous scholars have noted parallels between Origen's exegesis and rabbinic literature.[43] Kimelman assumes that R. Yochanan's statement in this aggadah, which maintains that the words of the sages are more loved than the words of the Torah, is a response to "Origen's claim for the superiority of the teachings of Christ based on Song 1:2."[44] Although the complex relationship between the exegesis of Origen and the rabbis is beyond the scope of this dissertation, I question Kimelman's conclusion that R. Yochanan's statement in this aggadah is primarily directed to counter Origen's exegesis of the Song of Songs, based on the view that R. Yochanan was referring to breasts. There is no indication that R. Yochanan's statement refers to breasts in this aggadah. To be sure, this does not preclude the possibility of cross-fertilization between Origen and rabbinic commentary, but it was not necessary for Kimelman to argue that R. Yochanan was referring to breasts in order to demonstrate similarities between the work of Origen and the rabbis. In doing so, Kimelman fails to examine the meaning of the statement attributed to R. Yochanan within the literary context of this aggadah itself. In addition, rabbinic literature discusses why the words of the scribes are said to be more precious than the words of the Torah.

הללו דברי תורה ואין דברי תורה צריכין חיזוק
הללו דברי סופרים ודברי סופרים צריכין חיזוק

Praised are the words of Torah and the words of Torah do not need
fortification. Praised are the words of the scribes, but the words of
scribes need fortification.

This statement appears in *y. Ta'anit* 2:2, 66a, *y. Megillah* 1:4, 70c, *b. Ta'anit* 17a,

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[43] Ibid, 568. See also D. J. Halperin, "Origen, Ezekiel's Merkavah, and the Ascension of Moses," *Church History* 50(1981): 261-275. Elizabeth Clark points to the scholars who caution against overemphasising that Origen relied on Jewish sources. Elizabeth Clark, A., "Origen, the Jews, and the Song of Songs: Allegory and Polemic in Christian Antiquity," in *Perspectives on the Song of Songs*, ed. Anselm C. Hagedorn (Berlin/New York: Walter de Gruyter, 2005), 286-287. See also Marc Hirshman, *A Rivalry of Genius: Jewish and Christian Biblical Interpretation in Late Antiquity*, trans. Batya Stein (Albany: State University of New York Press, 1996), 83-94. Daniel Boyarin, "De/Re/constructing Midrash," in *Current Trends in the Study of Midrash*, ed. Carol Bakhos (Leiden and Boston: Brill, 2006), 299-321.

[44] Kimelman, "Rabbi Yohanan and Origen on the Song of Songs," 580-581.

b. Rosh HaShanah 19a, and *b. Yevamot* 85b. Ginzberg maintains that, in actuality, the

penalties for violating the words of the Torah are more stringent than the penalties for

violating the words of the scribes. However, he concludes that the intention of the phrase,

"the words of the sages are more stringent than the words of the Torah," is to counter those

who would deny the authority of the rulings of the sages.[45]

4.5.2 Section B

In section B we witness a further thematization of the notions advanced in section A.

Section B utilizes the incident involving R. Tarfon, as portrayed in *m. Ber* 1:3, to emphasize

the idea that rabbinic decrees should be considered weightier than biblical edicts. The PT

assumes that the rebuke of R. Tarfon in *m. Ber* 1:3 was justified because he violated rabbinic

law, which is more beloved than biblical law. The PT maintains that had R. Tarfon not

recited the *Shema* at all, he would have only transgressed a positive biblical commandment.

This seems to be a lesser offense than the transgression of a rabbinic ruling. The PT declares

that R. Tarfon merited the death penalty since he followed the School of Shammai's ruling

rather than the School of Hillel's relating to the recitation of the *Shema*. But the one who will

carry out the execution, and the method by which it will be implemented, is not mentioned.

The statement that one is liable for the death penalty is a frequent trope within rabbinic

literature.[46] However, the statements that claim that death is the outcome of the transgression

of rabbinic rulings, but do not specify who will inflict the death penalty, seem to imply divine

punishment.[47]

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[45] Ginzberg, *Commentary*, 1, 150 (Hebrew).
[46] The sages declare that an individual is חייב מיתה—"liable for death" in the following Tannaitic sources: *m. Shevit* 9:9, *m. Hallah* 3:1, *m. Parah 11:3*, *t. Terumot* 7:20, *t. Shabbat* 15:4, *t. Yoma* 1:8, *m. Sanhedrin* 11:4, *m. Makkot* 2:6*, t. Bava Kamma* 9:5. The term is also mentioned numerous times in both Talmuds and in halakhic midrashim.
[47] Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 464. Berkowitz, *Execution and Invention*, 1-2.

Section B concludes with the phrase from Ecclesiastes 10:8 פורץ גדר ישכנו נחש—"He who breaches a stone fence a snake will bite him." In this aggadah, Ecclesiastes 10:8 serves as a biblical proof-text for the earlier statement in Section B maintaining that the violation of rabbinic decrees results in greater punishment than the violation of positive biblical edicts. In fact, Ecclesiastes 10:8 is found in a number of contexts within rabbinic literature, where it is employed as a literary device to threaten those who disobey the rulings of sages.[48] The "fence" motif represents rabbinic edicts that impose additional restrictions on those found in the Torah, in order to make sure that biblical edicts are not transgressed.[49] The interpretation of Ecclesiastes 10:8 in this aggadah is that one who breaches the fence of rabbinic edicts will be bitten by a snake, or in other words incur the death penalty.

The notion of סייג לתורה—a fence around the Torah—referring to rabbinic edicts, occurs in a metaphorical sense for the first time in the maxim in *m. Avot* 1:1, which states:

> Be deliberate in judgment, raise many disciples and
> make a fence around the Torah.[50]

The noun סייג means fence, so סייג לתורה is a fence around the Torah. Although this is a common term within rabbinic literature, the word for fence in the Bible occurs more frequently as גדר.[51] Even though the term גדר is found in Ecclesiastes 10:8, it is the rabbinic notion of—סייג לתורה—a fence around the Torah—that is metaphorically conveyed by the mentioning of Ecclesiastes 10:8 in this aggadah. The redactors of this narrative seem to have

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[48]Tosefta *Hullin* 2:23, *y. Ber* 1:1, 3a, *b. Avodah Zarah* 27b and *b. Shabbat* 110a.

[49] Siegfried Stein, "The Concept of the "Fence": Observations on its Origin and Development," in *Studies In Jewish Religious And Intellectual History*, ed. Siegfried Stein and Raphael Lowe (London and Alabama: The Institute of Jewish Studies, University of Alabama Press, 1979), 302. Boyarin, *Border Lines*, 78.

[50] The entire text of *m. Avot* 1:1 states: משה קיבל תורה מסיני ומסרה ליהושע ויהושע לזקנים וזקנים לנביאים ונביאים מסרוה לאנשי כנסת הגדולה הם אמרו שלשה דברים היו מתונין בדין והעמידו תלמידים הרבה ועשו סייג לתורה "Moshe received the Torah from Sinai and transmitted it to Joshua; Joshua to the elders; the Elders to the Prophets; and the Prophets transmitted it to the men of the Great Assembly. They said three things: Be deliberate in judgment, raise many disciples, and make a fence around the Torah."

[51] Stein, "The Concept of the "Fence"," 301-329.

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utilized Ecclesiastes 10:8 to attempt to establish the notion that the motif of rabbinic

authority as a fence around the Torah originated in the biblical corpus, rather than in later

traditions. The entirety of Ecclesiastes 10:8 states, "He who digs a pit will fall into it, and he

who breaches a stone fence a snake will bite him." In its biblical context, Ecclesiastes 10:8

has generally been understood in a metaphoric sense. One who digs a pit is like one who

plots against another, while the clause stating that one will fall into a pit refers to the plotter's

demise. "He who breaches a stone fence a snake will bite him" has been generally

understood in the same way. The text of the BT exhibits many instances of the rhetorical

dynamic of recasting biblical passages with different meanings than they convey in their

original contexts.[52] The evidence of this technique in the PT is another indication of the PT's

complexity. We will see additional examples of this technique further on in this aggadah.

Scholars have remarked that priests are conspicuously absent from the chain of

tradition as it is presented in *m. Avot* 1:1.[53] Priests are also conspicuously absent from the

chain of continuity presented in this aggadah, which pictures scribes, elders, and prophets

being replaced by rabbinic sages. Current scholarship is generally of the opinion that the

portrayal of the chain of tradition in *m. Avot* 1:1 presents an overly idealized view. The chain

of tradition presented in this aggadic narrative also appears to be a literary construct rather

than an account of historical accuracy. Robert Daum expresses the view of many current

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[52] Exodus 23:2 warns people not to follow the majority to do wicked acts, but in *y. Moed Qatan* 3:3, 81c-d and *b. Bava Metsia* 59a-59b Exodus 23:2 is taken as a divine warrant for the majority rule of the sages. Deuteronomy 30:12 states: "It is not in heaven," meaning that the Torah is accessible to all. In *y. Moed Qatan* 3:3, 81c-d and *b. Bava Metsia* 59a-59b it is taken to mean that authority over the Torah is not in heaven. It has been given to the rabbinic sages. Rubenstein, *Talmudic Stories*, 41.

[53] Boyarin, *Border Lines*, 77. Peter Schäfer reviews *m. Avot* 1:1 and other early rabbinic sources that seem to purposely omit the priests. Schäfer, "Rabbis and Priests," 167-171. See also Amram Tropper, "Tractate Avot and Early Christian Succession Lists," in *The Ways That Never Parted: Jews and Christians in late Antiquity and the Early Middle Ages*, ed. Adam H. Becker and Annette Yoshiko Reed (Minneapolis: Fortress Press, 2007), 159-188.

scholars by maintaining that "[t]here is ample evidence that the rabbinization process took many generations to establish itself, and that there was plenty of opposition along the way."[54] There is no consensus among scholars relating to when the dictates of Rabbinic Judaism can be considered to have become normative.[55]

4.5.3 Section C

Section C elaborates on and explains the general rule contained in the statement mentioned in section B, namely had R. Tarfon not recited the *Shema* at all he would only have transgressed the lesser offence of not fulfilling a positive biblical commandment. A *baraita* stated in the name of R. Ishmael maintains that:

> The words of the Torah contain prohibited and permitted [matters]
> They include lenient and stringent [matters]
> But the words of the scribes, they are all stringent

Scholars recognize that some of the material in the BT, designated as Tannaitic *baraitot*, cannot be located in Tannaitic literature. Therefore, these *baraitot* might actually originate from the later Amoraic, or Stammaitic periods.[56] Günther Stemberger has conducted a survey of material designated as *baraitot* in tractate *Yoma* in the PT, and has found that some of these do not originate in Tannaitic material.[57] The specific wording of the statement in this aggadah that is labeled as R. Ishmael's *baraita* also does not appear elsewhere in Tannaitic material. The concluding sentence that claims that the words of the scribes are stringent is a sentiment that is mentioned in *m. Sanhedrin* 11:3, a portion of which is cited in this section

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[54] Daum, "Describing Yavneh," 61-62. See the discussion in the previous chapter of this dissertation regarding the 'minimalist' view of rabbinic historiography.

[55] The complexities connected with the resolution of this matter are treated in numerous articles in the monograph by Lee Levine and Daniel Schwartz, eds., *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern* (Mohr Siebek: Tübingen, 2009).

[56] Jacobs, "Are There Fictitious Baraitot in the Babylonian Talmud," 185-196.

[57] Günther Stemberger, "Narrative Baraitot in the Yerushalmi," in *The Talmud Yerushalmi and Graeco-Roman Culture*, ed. Peter Schäfer (Tübingen: Mohr-Siebeck, 1998), 63-81.

of the aggadah following the statement labeled as R. Ishmael's *baraita*.[58] The words of *m.*

Sanhedrin 11:3 that appear in this aggadah are:

<div dir="rtl">

האומ' אין תפילים לעבור על דברי תורה פטור חמש טוטפות להוסיף על דברי סופרים חייב

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> [if] one says there is no [commandment to put on] *tefillin* [phylacteries]
> He transgresses the words of the Torah [and he is] exempt [from the
> death penalty]. [But if he says there are] five compartments [in the
> *tefillin*] to add to the words of the sages he is liable [for the death
> penalty].[59]

Tefillin is a Hebrew/Aramaic word that refers to a pair of small leather cases whose

parchment contents are inscribed, according to rabbinic convention, with biblical passages.

Men don *tefillin* during weekday prayer services by strapping one of these cases to the head

and the other to the arm.[60] Although *m. Sanhedrin* 11:3 gives the impression that the Torah is

the source of the *tefillin* obligation, the Bible actually contains no explicit reference to *tefillin*

or to the manner in which the *tefillin* ritual was to be fulfilled.[61] The Mishnah and the Tosefta

presuppose the practice by giving detailed information concerning the wearing of *tefillin*, but

these texts do not specify how *tefillin* should be constructed or what the contents of the cases

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[58] In *b. Eruvin* 21b we find a slightly variant version which is not attributed to a *baraita*. Bavli *Eruvin* 21b states: My son be heedful of the words of the scribes more than the words of the Torah. For the words of the Torah contain positive [commandments] and negative [commandments] and the words of the scribes— anyone who transgresses the words of the scribes is liable for the death penalty.

[59] The full text of *m. Sanhedrin* 11:3 is:

<div dir="rtl">

חומר בדברי סופרים מדיברי תורה האומ' אין תפילים לעבור על דברי תורה פטור חמש טוטפות להוסיף על דברי סופרים חייב

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"Greater stringency applies to [the observance] of the words of the scribes than to [the observance of] the words of the written law. If a man said, 'There is no obligation to wear phylacteries' so that he transgressed the words of the Law, he is not culpable; [but if he said], 'there should be in them five partitions,' so that he adds to the words of the scribes he is culpable." Danby, *The Mishnah*, 400. The Kaufmann Mishnah manuscript does not contain the word (כדי) in *m.* Sanhedrin 11:3, but כדי appears in the printed editions of *m. Sanhedrin* 11:3. Parallels of *m. Sanhedrin* 11:3 are found in *y. Sanhedrin* 11:4, 29d and *b. Sanhedrin* 88b. Mishnah *Sanhedrin* 11:3 relates to laws regarding a rebellious elder (Deut 17:12) which *m. Sanhedrin* 11:2 refers to as a זקן ממרא. For discussions of the rabbinic notions of the rebellious elder see Hidary, "Tolerance for Diversity of Halakhic Practice in the Talmuds," 307-352. Daum, "Describing Yavneh," 293-352.

[60] Yehudah Cohn, *Tangled Up In Text:Tefillin and the Ancient World* (Providence: Brown University Judaic Studies, 2008), 1.

[61] Ibid, 149. Geza Vermes suggests that a reference to the custom of wearing phylacteries appears in Matthew 23:5. Vermes, "Pre-Mishnaic Jewish Worship ": 2 note 2. See also Jeffrey H. Tigay, "On the Term Phylacteries (Matt. 23:5)," *Harvard Theological Review* 72(1979): 45-53.Yehudah Cohn suggests that the reference to t*efillin* in Matthew is a later addition. Cohn, *Tangled Up In Text*, 109.

should be composed of.[62] The earliest texts that delineate the biblical passages to be included

in the *tefillin* are from the corpus of Tannaitic midrashim dating from the first to third

centuries CE. The biblical sections are Exodus 13:1-10, Exodus 13:11-16, Deuteronomy 6:4-

9, and Deuteronomy 11:13-21. The classic literary source for the required contents of

rabbinic *tefillin* appears in the concluding lines of *Mekhilta Derabbi Yishmael Bo Parashah*

18 which is a midrashic commentary on Exodus 13:16.[63] Fragments of *tefillin* were

discovered at Qumran,[64] and in the caves of the Judean desert dating from the first or second

centuries CE.[65]

      The placement of a portion of *m. Sanhedrin* 11:3 in this aggadah in *y. Berakhot*

demonstrates that Amoraic composers/redactors subjected earlier rabbinic traditions to an

editing process in order to create a complex composition. Yehudah Cohn suggests that the

purpose of *m. Sanhedrin* 11:3, in its mishnaic context, is to use *tefillin* to demonstrate the

general principle of the importance of rabbinic edicts. He claims that "they are used as a

proxy for an entire class of practices."[66] It certainly seems that *m. Sanhedrin* 11:3 is used in

the same way in this aggadah as Yehudah Cohn suggests it is in its mishnaic context.

4.5.4 Section D

      The content of Section D further emphasizes the notions advanced in the earlier

sections of this narrative. Purposeful redaction is evident in this section which contains the

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[62] Mishnah *Menahot* 3:7 and *m. Kelim* 18:8 agree with *m. Sanhedrin* 11:3 that *tefillin* should have four sections.
[63] Yehudah Cohn, "Were Tefillin Phylacteries," *Journal of Jewish Studies* 39, no. 1 (2008): 41. For a detailed discussion of the rabbinic texts that mention *tefillin* see Cohn, *Tangled Up In Text*.
[64] The scholarship concerning *tefillin* at Qumran is beyond the scope of this study. A few examples are: Yigael Yadin, *Tefillin From Qumran* (Jerusalem: The Israel Exploration Society 1969), 7-35. Vermes, "Pre-Mishnaic Jewish Worship ": 65-72; George Brooke, "Deuteronomy 5-6 in the Phylacteries from Qumran Cave 4," in *Emanuel: Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, ed. Shalom Paul, et al. (Leiden: Brill, 2003), 57-70. Julie Ann Duncan, "Exerpted Texts of Deuteronomy at Qumran," *Revue de Qumran* 18, no. 69 (1997): 43-62 ; David Nakman, "The Contents and Order of the Biblical Sections in the Tefillin from Qumran and Rabbinic Halakhah," *Cathedra* 112(2004): 19-44 (Hebrew); Cohn, *Tangled Up In Text*, 15-19, 55-79.
[65] Cohn, *Tangled Up In Text*, 103-106.
[66] Ibid, 107.

statement that the penalties for violating the words of the זקנים, literally "elders," are more

stringent than the penalties for violating the words of the prophets.[67] The exact phrase in the

aggadah is

חמורים דברי זקנים מדברי נביאים

The words of the elders are more stringent than the words of the prophets.

This phrase is very similar to the beginning of *m. Sanhedrin* 11:3, which is absent from the

portion of *m. Sanhedrin* 11:3 that is cited in section C above. Mishnah *Sanhedrin* 11:3 states:

חומר בדברי סופרים מדיברי תורה

The words of the scribes are more stringent than the words of the Torah.

The message within this aggadah is clearly that the words of the scribes and the elders are

now superseding the words of the Torah and the prophets. Prophets are also subordinated to

elders in *m. Yadayim* 4:3, which states that the rulings of elders have superseded the rulings

of prophets.

Steven Fraade investigates the use of the term זקנים (elders) in the midrashic text *Sifre*

Deuteronomy.[68] He concludes that זקנים does not simply signify those of advanced age, and

that according to the biblical text it refers to non-priests who were divinely authorized to

participate in the leadership of Moses and in judiciary roles.[69] Fraade suggests that in several

passages of the *Sifre*, and other areas of rabbinic literature, the rabbinic sages view

themselves as the extension of the biblical lay leaders known as elders.[70] He maintains that

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[67] The word for stringent is חמורים. Haredim emends this to חמודים which translates as pleasing. Haredim understands this to mean "the words of the scribes are more pleasing, to those hearing them, than are the words of the prophets."

[68] Fraade, *From Tradition to Commentary*, 75-77. See also Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 277-286.

[69] Fraade cites Exodus 18:13-26, Numbers 11:16-25, Deuteronomy 1:9-18. Fraade, *From Tradition to Commentary*, 77.

[70] Along with numerous passages in the *Sifre* text, Fraade cites *m. Rosh HaShanah* 2:9, *t. Rosh HaShanah* 1:18, and *b. Rosh HaShanah* 25b. Ibid, 77, 233 note 228.

this operates both ways: "rabbinic sages are referred to as elders, and scriptural elders are rabbinized."[71] Furthermore, Gregg Gardner cites *Sifra Qedoshim* 3:7 which states that "an elder is none other than a sage." Gardner concludes that the term "elder," which is found throughout rabbinic literature, is an honorary designation for a respected scholar or rabbi.[72] Ginzberg also suggests that the term "elders" is interchangeable with the term "sages."[73]

A parallel dynamic is at work in this narrative in which elders and scribes represent rabbinic sages. The composers/redactors of this aggadah are intent on making the point that the rabbinic sages are carrying on the legacy of both the scribes and the elders. In part, this is accomplished by the parallel usage of the term דברי, which precedes both the סופרים and the זקנים. The construct term דברי סופרים within rabbinic literature appears to represent a conscious move to confer authority on scribes because it parallels the construct term דברי תורה which is prevalent within the Tanakh. Aside from the Tannaitic sources mentioned above, the term דברי סופרים is used in numerous Amoraic traditions to connote rabbinic law in addition to, or in opposition to, the authority of דברי תורה.[74] Although the term דברי סופרים appears in many other Amoraic traditions, the term דברי זקנים is not found elsewhere in rabbinic literature.

Micah 2:6 and the portion of Micah 2:11 that are cited in section D are the biblical proof-texts intended to support the contention that "the penalties for violating the words of the elders are more stringent than the penalties for violating the words of the prophets."

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[71] Ibid, 233 note 228

[72] Gardner, "Giving To The Poor In Early Rabbinic Judaism," 129.

[73] Ginzberg, *Commentary*, 1, 152 (Hebrew). Isaiah Gafni translates section E of this aggadah and uses the word 'sage' in place of 'elder.' Isaiah Gafni, "Rabbinic Historiography and Representations of the Past," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 303.

[74] For example: *y. Maser Sheni* 2:2, 53C, *y. Yevamot* 2:4, 3d, *y. Sanhedrin* 11:4, 29d, *y. Avodah Zarah* 2:7, 41C, *b. Shabbat* 58a, 96a, b. *Rosh HaShanah* 34a, *b. Hagigah* 18b, *b. Yevamot* 41a, *b. Ketubot* 10a, *b. Nazir* 58b, *b. Sotah* 30a, *b. Kiddushin* 17b, 39a, 45a, 77a, *b. Menahot* 69b, *b. Hullin* 20b and 61a. It is also prevalent in midrashic sources.

Scholars see Micah 2:6-2:11 as comprising an oracle, with Micah 2:6 framing the opening

verse and Micah 2:11 serving as the closing verse.[75] Micah 2:6 and 2:11 are tied to each other

with the repetition of forms of נטף in both verses. Micah 2:6 admonishes prophets not to

preach, with the use of the term אל תטיפו, the hiph´il second person masculine plural negative

imperative form of the verb נטף, which translates as "to drip or overflow." In the hiph´il form,

the verb נטף has the figurative meaning of "dripping words."[76] The repetition of נטף, in the

hiph´il third person masculine plural imperfect form, seems to emphasize the admonition to

prophets not to preach.

In the context of this aggadah, the phrase from Micah 2:6 that states אל תטיפו אל יטיפו

יטיפון "stop preaching, they preach that's no way to preach," is intended to confer divine

authority on the elders in order to replace the authority of the prophets. There is a difference

between the implied meaning of the verses of Micah cited in this aggadah, and the meaning

of these verses in their biblical context. Traditional rabbinic commentators have understood

the admonition in Micah 2:6, "not to preach," not as a biblical proof-text indicating divine

abandonment of prophecy, but as a plea issued by the people of Israel who do not want to

listen to God's prophecy.[77] Some recent scholars also interpret Micah 2:6 as representing the

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[75] Anthony J. Petrotta, *Lexis Ludens Wordplay and the Book of Micah* (New York: Peter Lang, 1991), 102.

[76] Jastrow, *Dictionary of the Targumim*, 901; Petrotta, *Lexis Ludens Wordplay and the Book of Micah*, 102-109. נטף appears in the Qal form in Judges 5:4 where it is used in the sense of "drip" as in "the clouds dropped water." נטף also appears in the hiph´il form with the figurative meaning of dripping words which relates to prophecy in Joel 4:18, Ezekiel 21:2, and in Amos 7:16.

[77] R. Abraham ben Meir Ibn Ezra (1092-1167) in his commentary on Micah 2:6 states:

יספר הנביא מה שהיו אומר' המשפחה הרעה לנביאי השם לא תנבאו לא תטיפו ככה יטיפון

"The prophet relates what the wicked family was saying to the prophets of God. Do not prophesy, do not preach such preaching." R. David Kimchi (1160-1235) known by the acronym 'Radak' also interprets the verse as representing the words of Micah's opponents, and he states: כלומר אל תזכרו לנו דברי האל כי אין אנו שומעים לכם

"It is as if to say do not mention the words of God to us because we are not listening to you."

Malbim concurs that Micah 2:6 refers to the Israelites who are telling Micah not to preach. Malbim states:

כי אין אנו רוצים לשמוע נבואות כאלה "Because we do not want to listen to prophecy like this."

words of Micah's human opponents.[78] Other scholars maintain that God speaks through

Micah in order to tell Micah's adversaries that he is punishing them for their wicked ways

and for their refusal to accept Micah's prophecy.[79] Yet another interpretation of Micah 2:6 in

its biblical context is that the plural forms of נטף indicate that the speakers are rejecting not

only Micah but all prophets.[80]

The portion of Micah 2:11 that is cited in this aggadah is: "I will preach to you to

[drink] wine and liquor." Within the context of this aggadah, these words cast further doubt

on prophets, who are portrayed negatively as advising people to drink wine and liquor. The

entire verse is:

> If a man would be going about deceiving with wind and falsehood
> [and would say], I will preach to you to drink wine and liquor, he
> would be an [approved] preacher for this people. (Micah 2:11)

In its biblical context, Micah 2:11 castigates the Israelites rather than the prophet. In Micah

2:11, wordplay in the form of alliteration is utilized with the word for falsehood, שֶׁקֶר, and the

word for liquor, שכר. The similarity of שכר and שקר suggest that Micah is stating that the

appropriate prophet for the wicked people is a prophet who preaches falsehood and

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[78] Some scholars assert that in Micah 2:6 and in Micah 2:11 Micah is the speaker. Micah is criticizing and mocking the greedy Israelite land barons by repeating their calls for an end to his prophecy. C. Westermann, *Basic Forms of Prophetic Speech*, trans. H. C. White (Louisville, KY: Westminster/John Knox Press, 1991), 104-106. Edward A. Neiderhiser, "Micah 2:6:11," *Biblical Theology Bulletin: A Journal of Bible and Theology* 11(1981): 104-107. There is a long history of interpretation of Micah 2:6. Many scholars assume that the verse has technical problems. An array of suggestions has been given for the emendation of this verse which has led to varied interpretive approaches. Petrotta, *Lexis Ludens Wordplay and the Book of Micah*, 102-108.
[79] Carol J. Dempsey, "Micah 2-3: Literary Artistry, Ethical Message, and some Considerations about the Image of Yahweh and Micah," *JSOT* 85(1999): 121. Ehud Ben Zvi, "Wrongdoers, Wrongdoing and Righting Wrongs in Micah 2," *Biblical Interpretation* 7, no. 1 (1999): 94-97. Pne Moshe's interpretation states that Micah said to the people, in the name of God, that it is fitting for prophets to stop preaching to Israel for the people are disinterested in prophecy, and they will shame the prophets. It seems that Pne Moshe's interpretation may be attempting to harmonize the views of the traditional rabbinic commentators of the book of Micah along with the meaning that Micah 2:6 seems to acquire in the context of this aggadah.
[80] Petrotta, *Lexis Ludens Wordplay and the Book of Micah*, 104.

strong drink.[81] In contrast, the statements from the book of Micah that are recorded in this

aggadah represent the notion that God is replacing prophets with scribes or elders because

prophets are inadequate, but not necessarily because people are unworthy of prophecy. The

(mis)interpretation of Micah 2:6 and 2:11 in this aggadah is another example of a biblical

passage taking on a different meaning in its later re-telling in a rabbinic text. Alexander

Samely refers to this as "the double move of rabbinic hermeneutics."[82] This is also a

technique that we find within the Bible itself.

The mentioning of wine in Micah 2:11, cited in section D of this aggadah, establishes

literary repetition with section A of this story, where we also find wine mentioned in Song of

Songs 1:2 and 7:10.[83] The juxtaposing of Songs of Songs 1:2 and 7:10 with Micah 2:11, all

of which refer to wine, are another indication of a conscious subjection of earlier traditions to

an editing process in order to create literary artistry and repetition in this talmudic pericope.

4.5.5 Section E

Section E contains a royal parable that fleshes out the ideas presented earlier in this

narrative. According to the parable we learn that a prophet must show an identifying sign in

order to confirm that he is an authentic prophet sent by God, but the teachings of elders

should be accepted without divine signs or seals of approval. The parable is saying that elders

have divine approval for their authority without having to demonstrate it. Richard Kalmin

mentions this PT parable along with other statements that assert that rabbinic sages are equal

or superior to biblical heroes. Kalmin maintains that the majority of these statements stem

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[81] Neiderhiser, "Micah 2:6:11," 106. Ben Zvi, "Wrongdoers, Wrongdoing and Righting Wrongs in Micah 2," 97-98. Petrotta, *Lexis Ludens Wordplay and the Book of Micah*, 103.
[82] Samely, *Forms of Rabbinic Literature*, 83.
[83] Haredim's commentary suggests that יין—wine represents new wine, and שכר—liquor represents old wine. He bases this on the understanding of these words in Numbers 6:3, where it states that the Nazerite should not drink יין or שכר. According to Haredim, new wine refers to the teachings of the sages, and old wine refers to biblical teachings.

from the Tannaitic or early Amoraic periods.[84] Deuteronomy 17:11 is the proof-text provided in this parable for the authority of the elders. This is yet another instance of a biblical text assuming a different meaning in an aggadic passage. In its entirety, Deuteronomy 17:11 reads:

> According to the teaching that they will teach you and according to the judgment that they will say to you, you shall do, and you shall not deviate from the word that they tell you, right or left.

Deuteronomy 17:11 refers to the teachings of the priests, Levites, and judges, while in our aggadah it is used as a proof-text for the authority of elders alone. Deuteronomy 17:11 is utilized as a biblical proof text to establish the authority of rabbinic legislation in numerous passages.[85]

In this parable, the officials sent by the king are called the פלמטרין. This is the plural of פלמטר. Stemming from Latin, the translation is military purveyor, commissary, or imperial agent.[86] Amram Tropper suggests:

> A loanword may have been employed in a text not merely for its meaning but for a specific image or association which it brought to mind. By means of a loanword from Greek or Latin, the author of a rabbinic text may have alluded to a specific setting or institution well known to his audience but unfamiliar to the modern reader. As a result, the historian today may hope to enhance our understanding of many rabbinic texts that use loanwords by interpreting these texts in the light of their loanwords' original contexts.[87]

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[84] Richard Kalmin, "Rabbinic Portrayals of Biblical and Post-Biblical Heroes," in *The Synoptic Problem in Rabbinic Literature*, ed. Shaye J.D. Cohen (Providence: Brown University, 2000), 119-141.

[85] *b. Ber* 19b, *b. Shabbat* 23a, *b.Megilah* 20b, *b.* Sotah 7b and 17b, *b. Sanhedrin* 87a and *b. Menahot* 38a. Sifre Deuteronomy 154 is a variant text: על פי התורה אשר יורוך, על דברי תורה חייבים מיתה ואין חייבים על דברי סופרים מיתה "On account of violating teachings of the Torah people incur the death penalty. But they do not incur the death penalty on account of violating teachings of the scribes." Robert Daum analyses Sifre Deuteronomy 154 and its parallel text Midrash Tannaim Deuteronomy 17:11. Daum, "Describing Yavneh," 301-310.

[86] Jastrow, *Dictionary of the Targumim*, 1183.

[87] Amram Tropper, "Roman Contexts in Jewish Texts: On *Diatagma* and *Prostagma* in Rabbinic Literature," *The Jewish Quarterly Review* 95, no. 2 (2005): 207. See also Ranon Katzoff, "Sperber's Dictionary of Greek and Latin Legal Terms in Rabbinic Literature: A Review Essay," *Journal for the Study of Judaism in the Persian Hellenistic and Roman Period* 20(1989): 202.

Since the literary trope in this parable employs a Latin term for the king's officials, who are sent to deliver the king's letters, this might contextually reflect features of the Roman edict. Edicts were regularly issued by high magistrates and emperors to communicate their will to their subjects. It was common for imperial edicts, decrees, and letters to contain instructions for general rules or special regulations which became law when they were displayed in a public place.[88] Imperial edicts even retained their validity following the death of their authors unless they were specifically rescinded.[89] Due to the prevalence of imperial edicts in Palestine, it seems possible that the composers/redactors of this aggadah may have been familiar with the motif of edicts or letters from the emperor. This could account for why this theme became the instrument for conveying the notion that the authority of elders was replacing prophetic authority. In fact, Christine Hayes' reading of PT sources concludes that "the rabbis knew about the Roman edict, and its form and substance penetrated rabbinic legal culture."[90] Catherine Hezser observes that letters and letter writers are frequently mentioned in PT and other Amoraic texts, but references to letters and letter writers are few in Tannaitic literature.[91] This parable is not found in the Tannaitic strata but it is located in parallel Amoraic texts in the PT which will be discussed in the next section. Finally, while this parable discusses elders replacing prophets, we find the motif of sages replacing scribes and prophets in other talmudic contexts.

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[88] Saul Lieberman, "Roman Legal Institutions in Early Rabbinics and in the Acta Martyrdom," *The Jewish Quarterly Review New Series* 35, no. 1 (1944): 6. Catherine Hezser, *Jewish Literacy in Roman Palestine* (Tubingen: J. C. B. Mohr, 2001), 270-271. Tropper, "Roman Contexts in Jewish Texts," 209-210. F. Millar, *The Emperor in the Roman World (31 BC-AD 337)* (Great Britain: Anthony Rowe Ltd., 2001), 219-228, 253-259. H. F. Jolowicz and B Nicholas, *Historical Introduction to the Study of Roman Law* (Cambridge: Cambridge Univeristy Press, 1972), 367. Ranon Katzoff, "Prefectural Edicts and Letters," *Zeitschrift für Papyrologie und Epigraphik* 48(1982): 209-217. W. Kunkel, *An Introduction to Roman Legal and Constitutional History*, trans. J.M. Kelly (Oxford: Clarendon Press, 1966), 119.

[89] Millar, *The Emperor in the Roman World*, 252-253; Tropper, "Roman Contexts in Jewish Texts," 210.

[90] Christine Hayes, "The Abrogation of Torah Law: Rabbinic *Taqqanah* and Praetorian Edict," in *The Talmud Yerushalmi and Graeco-Roman Culture I*, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 1998), 668-672.

[91] Hezser, *Jewish Literacy in Roman Palestine*, 268.

From the day that the Temple was destroyed sages began to be like scribes. (*y. Sotah* 9:16)

From the day that the Temple was destroyed prophecy was taken from the prophets and given to the sages...Although prophecy was taken from the prophets it was not taken from the sages...A sage is greater than a prophet. (*b. Bava Batra* 12a)[92]

4.5.6 Sections F and G

The focus of these sections moves away from the topic of the authority of prophets and elders. Instead, the talmud addresses the authority of the Schools of Hillel and Shammai—in other words, the authority of the sages. The introductory line of section F reads, "This is what you should have stated after the בת קול (heavenly echo) emerged." The expression בת קול—*bat kol*—literally translates as "daughter of a voice." In keeping with this definition, the *bat kol* is a heavenly echo, which reveals the divine will, rather than the full voice of the divine.[93] *Bat kol* is generally understood to refer to an attenuated divine–human communication in the absence of full-fledged prophecy.[94] The earliest appearances of the *bat kol* are in *m. Yevamot* 16:6, *m. Avot* 6:2, *t. Yevamot* 14:7, *t. Nazir* 1:1, *t. Sotah* 13:3, 13:4, and *t. Shevit* 3:8.[95] None of the references to the *bat kol* in these Tannaitic sources mention that it was involved in settling disputes between the Schools of Hillel and Shammai. The Tannaitic

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[92] Isaiah Gafni claims that the rabbis were conscious of the fact that the prophetic age no longer existed. Gafni, "Rabbinic Historiography," 303. Benjamin Sommer concurs. Benjamin D. Sommer, "Did Prophecy Cease? Evaluating a Reevaluation," *Journal of Biblical Studies* 115, no. 1 (1996): 32-47. On the other hand, Frederick Greenspahn suggests that the sages did not deny the existence of prophecy, even though they asserted that their leadership had replaced the leadership roles of the prophets. Frederick E. Greenspahn, "Why Prophecy Ceased," *Journal of Biblical Studies* 108, no. 1 (1989): 37-49.

[93] Sommer, "Did Prophecy Cease? Evaluating a Reevaluation," 39. Traditional talmudic commentaries also concluded that the *bat kol* represents the echo of the divine voice. For instance, Tosafot to *b. Sanhedrin* 11a.

[94] Ibid. Lieberman, *Hellenism in Jewish Palestine*, 194-199. According to *t. Sotah* 13:3, *b. Sanhedrin* 11a, and *b. Sotah* 48b: the Holy Spirit came to an end in Israel when the latter prophets, Haggai, Zechariah, and Malachi died. Afterwards, divine messages could still be heard through the *bat kol*.

[95] Richard Hidary incorrectly states that "the *bat kol* does not appear in any Tannaitic sources." Hidary, "Tolerance for Diversity of Halakhic Practice in the Talmuds," 168 note 110. Aside from the Tannaitic sources mentioned above, the *bat kol* also appears in close to fifty stories in the PT, in over one hundred stories in the BT, and it is found over three hundred times in Midrash Aggadah.

usages of this term generally relate to whether or not the testimony of the *bat kol* can be

relied upon as a credible witness.[96]

Tannaitic material contains parallels for part of section F of this PT aggadah. Tosefta

Sukkah 2:3 states:

הלכה כדברי בית הלל הרוצה להחמי' על עצמו לנהוג כדברי בית שמיי וכדברי בית הלל על זה נאמ' והכסיל בחשך
ילך התופס קולי בית שמיי וקולי בית הלל רשע

Tosefta *Eduyot* 2:3 contains a parallel text with slightly variant spelling.

הלכה כדברי בית הילל והרוצה להחמיר על עצמו לנהוג כחומרי בית שמאי וכחומרי בית הילל על זה נאמ' הכסיל
בחושך הולך התופס קולי בית שמאי וקולי בית הילל רשע

The translation of these parallel passages is:

> The law is according to the words of the School of Hillel. Whoever
> wants [to follow] stringencies on their own and to act in accordance
> with the stringencies of the School of Shammai and with the
> stringencies of the School of Hillel—Regarding this [person] we say,
> the fool walks in darkness. [And anyone who follows] the leniencies
> of the School of Shammai and the School of Hillel is wicked.

While Tosefta *Sukkah* 2:3 and *t. Eduyot* 2:3 parallel a portion of section F of this aggadah by

mentioning that the law follows the School of Hillel, what is missing from the Tosefta

passages is the discussion relating to the *bat kol*'s role in settling the controversies between

the Schools of Hillel and Shammai. The additional information supplied in section F of this

aggadah is that the emergence of the *bat kol* ushered in the era in which the law always

follows the School of Hillel. This information is an editorial addition in this Amoraic

aggadah.

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[96] One Tannaitic source, *t. Sotah* 13:4, discusses the emanation of the heavenly voice while sages were in session in Yavneh. See the detailed explication of this passage along with its parallel texts by Robert Daum. Daum, "Describing Yavneh," 245-279.

In fact, no Tannaitic sources mention the final settlement of disputes between the schools of Hillel and Shammai.[97] According to many Tannaitic sources legal issues were disputed individually, and conclusions did not always follow the rulings of the School of Hillel, or in some instances decisions could not be reached.[98] Therefore, on the basis of Tannaitic sources, Ginzberg concludes that during the Tannaitic period the sages had not yet voted on most legal matters and they taught their disciples according to their own opinions.[99]

Section G contains a *baraita* that discusses the settlement of the disputes of the Schools of Hillel and Shammai with the ruling that the law is always in accordance with the School of Hillel, and that the heavenly voice emerged at Yavneh to declare this ruling.[100] This is another case of an Amoraic literary creation being called a Tannaitic *baraita*. Robert Daum, in his study of Yavneh traditions, has established that:

> [t]he bulk of the Yavneh texts are composite productions edited in the Amoraic period (and later), and therefore their depiction of Tannaitic-era Yavneh has to be interpreted as a retrospective construction, albeit incorporating earlier material, prompted by developments in the post-Tannaitic era.[101]

The phrase "these and those are the words of the living God," located in section G of this aggadah, is also not found in Tannaitic material; the earliest occurrences of this phrase are in

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[97] Boyarin, *Border Lines*, 162-163. Shmuel Safrai, "Tales of the Sages in the Palestinian Tradition and the Babylonian Talmud," in *Studies in Aggadah and Folk Literature*, ed. Joesph Heinemann and Dov Noy (Jerusalem: Magnes Press, 1971), 212.

[98] Safrai, "Tales of the Sages," 212.

[99] Ginzberg, *Commentary*, 1, 81-86 (Hebrew). Tosefta *Hag* 2:9 and *t. Sotah* 14:9 state: "when the disciples of Shammai and Hillel who had not served their masters sufficiently well became many, disputes became many in Israel, and [the Torah was] made into two Torahs." Ginzberg suggests that the basis for the edict to follow the stringencies and the leniencies of only one authority, rather than the stringencies of one and the leniencies of another, was not only to avoid the presumption that there were two Torahs but also so it would not seem as though numerous Torahs existed. Ibid, 1, 152.

[100] This view contrasts with another aggadic trope found in *b. Bava Metsia* 59a-b and *y. Moed Qatan* 3:1, 81c-d which states that we do not listen to the *bat kol* in deciding legal matters.

[101] Daum, "Describing Yavneh," 1. Daum's findings have served to replace the older prevailing scholarly view, as articulated by Alexander Guttmann, who maintained that since the information that the *bat kol* emerged at Yavneh is contained in several pericopes in the PT, the accuracy of this account is confirmed. Guttmann, "The End of the Houses," 90.

the parallel versions of this PT aggadah.[102] As mentioned, *t. Sukkah* 2:3 and *t. Eduyot* 2:3

parallel part of section F of this aggadah, but they do not mention the *bat kol.* There is

another difference between these Tannaitic texts and this aggadah. The Tannaitic texts state,

"[And anyone who follows] the leniencies of the School of Shammai and the School of Hillel

is wicked." In this aggadah, this statement is changed to "[And anyone who followed] the

leniencies of **these and those** we call wicked." I suggest that the change from the Tannaitic

statement, "the School of Shammai and the School of Hillel," to the Amoraic statement,

"**these and those**," is a conscious editorial addition by the composers/redactors of the PT. In

section F of this aggadah we find the phrase "**these and those** we call wicked," and in

section G we find "**these and those** are the words of the living God." The Tannaitic texts

cited above indicate that PT composers/redactors were relying on earlier traditions, which

they advanced and elaborated on in the creation of this aggadic text.[103]

    The talmudic phrase "these and those are the words of the living God" is generally

understood to mean that the opinions of the Schools of Hillel and Shammai are both the

words of the living God. The expression "words of the living God" appears in Jeremiah

23:36 in relation to "the false prophet." Shlomo Naeh traces the expression in rabbinic texts

and concludes that according to the sages, the charge of falsifying "the words of the living

God" constituted heresy.[104] On the basis of Naeh's findings, Daniel Boyarin suggests that the

purpose of the talmudic statement "these and those are the words of the living God" is to

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[102] The term is also located in *b. Eruvin* 13b, and in *b. Gittin* 6b.

[103] Robert Daum subjects these Tannaitic texts to a comprehensive analysis. Daum, "Describing Yavneh," 245-279.

[104] Shlomo Naeh, "'Make yourself many rooms': Another look at the Utterances of the Sages about Controversy," in *Renewing Jewish Commitment: The work and thought of David Hartman*, ed. Avi Sagai and Zvi Zohar (Jerusalem: Shalom Hartman Institute and Hakibbutz Hameuchad, 2001), 851-875 (Hebrew).

demonstrate that the words of both the School of Hillel and the School of Shammai do not

constitute heresy.[105]

The phrase "these and those are the words of the living God" is often cited as a proof-

text for the generally accepted idea that the epistemology of the BT enshrines the notion that

divine truth resides in multiple opinions.[106] Daniel Boyarin is intent on demonstrating that the

phrase, "these and those are the words of the living God," reaches its fullest meaning through

its retelling in the BT by Stammaitic editors.[107]

Boyarin claims:

> Significantly, the presumably older version in the Palestinian Talmud
> does not include the voice that inscribes modesty as the virtue that led
> to the primacy of Hillel's halakha, but merely says that: "Since the
> heavenly voice went out, anyone who violates the words of Bet Hillel
> is subject to the death penalty: We are taught that a heavenly voice
> went out and said, 'These and these are the words of the Living God,
> but the *halakha* is like Bet Hillel.' And where did the heavenly voice
> go out? Rabbi Bibi said in the name of Rabbi Yohanan, 'In Yavneh
> the heavenly voice went out.'" (PT Sotah 19a)[108]

Boyarin probably means *y. Sotah* 3:1, 19d, which he calls *y. Sotah* 19a. *Yerushalmi Sotah*

3:1, 19d comprises one of the six parallel versions of this aggadah which are presented, and

discussed, in the next section of this chapter.

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[105] Boyarin, *Border Lines*, 162.

[106] David Kraemer, *The Mind of the Talmud* (New York: Oxford University Press, 1990), 145. Avi Sagai, "Both are the Words of the Living God: A Typological Analysis of Halakhic Pluralism," *Hebrew Union College Annual* 65(1995): 105-136; Daniel Boyarin, "The Yavneh-Cycle of the Stammaim and the Invention of the Rabbis," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey L. Rubenstein (Tübingen: Mohr Siebeck, 2005), 249. Susan Handleman, *The Slayers of Moses: The Emergence of Rabbinic Interpretation in Modern Literary Theory* (Albany: State University of New York Press, 1982), 56; Cohen, "The Significance of Yavneh," 47-48.

[107] Boyarin, *Border Lines*, Chapter 7, The Yavneh Legend of the Stammaim: On the invention of the Rabbis in the Sixth Ceunry, 152. Boyarin, "The Yavneh-Cycle," 237-289. Boyarin's clearest reference to the emergence of "these and those" in the Amoraic layer of the PT is in Daniel Boyarin, "Anecdotal Evidence: The Yavneh Conundrum, *Birkat Hamminim*, and the Problem of Talmudic Historiography," in *The Mishnah in Contemporary Perspective Volume Two*, ed. Alan J. Avery-Peck and Jacob Neusner (Leiden: Brill, 2006), 26.

[108] Boyarin, *Border Lines*, 312 note 353.

Boyarin charts a direct trajectory from the source he cites as *y. Sotah* 19a to *b. Eruvin* 13b in order to demonstrate that the Stammaitic editors of the BT were responsible for the bulk of material in *b. Eruvin* 13b. Boyarin states:

> R. Abba Shmuel said: "The School of Hillel and the School of Shammai disputed for three years. These said, 'The halakah is according to us,' and those said, 'The halakha is according to us.' A heavenly voice went out and said, 'These and these are the words of the living God. But the halakha follows the School of Hillel.' And since 'These and these are the words of the living God,' why did the School of Hillel merit that the halakha would be in accord with them? Because they were pleasant and modest, and they would teach their words, and the words of the School of Shammai. Not only that, but they would mention the words of the School of Shammai before their own words." (Bavli *Eruvin* 13b)[109]

Bavli *Eruvin* 13b is actually paralleled in two different textual traditions in the PT. The first part of *b. Eruvin* 13b until the statement "these and those are the words of the living God" is a variant of *y. Ber* 1:7, 3b. The next part of *b. Eruvin* 13b is paralleled in *y. Sukkah* 2:8, 53b; Boyarin does not mention this parallel.[110] Yerushalmi *Sukkah* 2:8, 53b states:

> For what did the School of Hillel merit the laws being decided in accordance with their view? Said R. Judah b. Pazi: They quoted the words of the School of Shammai before their own. And not only that, but when they acknowledged [the correctness of] the view of the School of Shammai, they retracted their own.

Boyarin suggests that the information supplied in *b. Eruvin* 13b, which claims that the School of Hillel is pleasant and modest because it teaches its words along with those of the School of Shammai, is the result of "the textual practice of the redactors of the Babylonian Talmud."[111] However, as I have shown, much of what Boyarin claims is the result of the redactors of the BT is actually in *y. Sukkah* 2:8, 53b.

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[109] Ibid, 163.

[110] David Kraemer does mention that the notion of the School of Hillel teaching the opinions of both Hillel and Shammai comes from *y. Sukkah* 2:8, 53b. Kraemer, *The Mind of the Talmud*, 145.

[111] Boyarin, *Border Lines*, 164. Jeffrey Rubenstein also presents the entirety of *b. Eruvin* 13b as the creation of Stammaim in the BT. Rubenstein, *Talmudic Stories*, 1-3.

The concept "these and those are the words of the living God," which seems to originate in the Amoraic layer of the PT, demonstrates the literary complexity of PT narratives in and of themselves. It is also an indication of PT redactors adopting practices that many scholars have attributed to Bavli Stammaim. My analysis of this aggadah concurs with the findings of Devora Steinmetz:

> I feel that the notion of late Bavli author-redactors as producers of the aggadot as we have them expresses too static a view of how many important elements of these aggadot may have developed…It is also not clear to me that we should attribute all or most of the significant transformations of the traditional material in Bavli aggadot to the innovation of late Bavli redactors.[112]

At the same time, could these sections of the PT have originated in Babylonian circles? Many parts of the PT do contain material from the BT. However, Boyarin refers to the text that he calls *y. Sotah 19*a as "the presumably older version in the Palestinian Talmud."[113] The named sages in this aggadah are all Palestinian Amoraim. Leib Moscovitz also discusses Babylonian material in the PT, and determines that such material is from the first three Amoraic generations, when there was regular contact between Babylonian and Palestinian centres. He adds that "entire *sugyot* of Babylonian provenance, however, are found rarely in the PT."[114] This would seem to preclude the possibility that Babylonian material could have been transferred to the PT during the Stammaitic period of the BT. Therefore, it seems likely that either this material originated in Babylonian circles and was transmitted to Palestine sometime in the first three Amoraic generations, or it originated in Palestinian circles and was transmitted to Babylonia during the first few Amoraic generations. In either case, it appears that it predated the Stammaitic layer of the BT. At the same time, the minor

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[112] Steinmetz, "Agada Unbound: Inter-Agadic Characterizations of the Sages in the Bavli and Implications for Reading Agada," 334-335.
[113] Boyarin, *Border Lines*, 312 note 353.
[114] Moscovitz, "The Formation and Character of the Jerusalem Talmud," 675.

embellishments in *b. Eruvin* 13b make it likely that it is a later version. Bavli *Eruvin* 13b contains the following: "The School of Hillel and the School of Shammai disputed for three years" and "they were pleasant and modest." These phrases are absent from the PT parallel texts but the rest of the material in *b. Eruvin* 13b is found in the PT texts. I now turn to the analysis of the PT parallel texts of *y. Ber* 1:7, 3b.

4.6 Parallel Versions

Parallel texts are often located within the same PT tractates, and also frequently occur in different PT tractates.[115] Parallel texts for portions of *y. Ber* 1:7, 3b appear in five different PT tractates. Yerushalmi *Avodah Zarah* 2:8, 41c and *y. Sanhedrin* 11:6, 30a are parallel texts to what I have designated as sections A through E of this aggadah in *y. Ber* 1:7, 3b. In addition, *y. Yevamot* 1:2, 3f, *y. Sotah* 3:1, 19d, and *y. Kiddushin* 1:4, 58a are parallels texts comprising sections F and G of *y. Ber* 1:7, 3b.[116] These texts are presented in a synoptic chart below. These parallel texts provide a heuristic focus for examining redactional questions concerned with the reasons for the transfer of PT material from one tractate to another.

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[115] Ibid, 668.
[116] Song of Songs *Rabbah* 12.2 also contains a variant text to section A through E of *y. Ber* 1:7, 3b.

Table 5. Parallel Versions of *y. Ber* 1:7, 3b

y. Ber 1:7, 3b	*y. Avodah Zarah* 2:8, 41c	*y. Sanhedrin* 11:6, 30a
A.שם ר' יוחנן דודי' דברי סופרים‪ ‬דברי תורה וחביבי' כדברי תורה	A.חברייה בשם רבי דודים דברי סופרים לדברי תורה וחביבים יותר מדברי תורה	A.חברייא בשם רבי יוחנן דודים דברי סופרים לדברי תורה וחביבים כדברי תורה
חיכך כיין הטוב שמעון בר ווה בשם רבי יוחנן דודים דברי סופרים לדברי תורה וחביבים יותר מדברי תורה כי טובים דודיך מיין	והכך כיין הטוב שמעון בר בא בשם רבי יוחנן דודים דברי סופרים לדברי תורה וחביבים יותר מדברי תורה כי טובים דודיך מיין	והכך כיין הטוב שמעון בר בא בשם רבי יוחנן דודים דברי סופרים לדברי תורה וחביבים יותר מדברי תורה כי טובים דדיך מיין
B.ר' בא בר כהן בשם ר' יודה בן פז תדע לך שחביבין דברי סופרים מדברי תורה	B.רבי בא בר כהן בשם בר פזי תדע לך שדברי סופרין חביבין יותר מדברי תורה	B.רבי בא בר כהן בשם ר' יודה בר פזי תדע לך שדברי סופרים חביבין מדברי תורה
שהרי רבי טרפון אילו לא קרא לא היה עובר אלא בעשה וע"י שעבר על דברי ב"ה נתחייב מיתה על שם ופורץ גדר ישכנו נחש	שהרי רבי טרפון אילו לא קרא לא היה עובר אלא בעשה מפני שעבר על דברי בית הלל חייב מיתה על שם ופורץ גדר ישכנו נחש	שהרי רבי טרפון אילו לא קרא לא היה עובר אלא בעשה ועל ידי שעבר על דברי בית הלל נתחייב מיתה על שם ופורץ גדר ישכנו נחש
C.תני ר' ישמעאל דברי תורה יש בהן איסור ויש בהן היתר יש בהן קולין יש בהן חומרי' אבל דברי סופרי' כולן חמורין	C.תני רבי ישמעאל דברי תורה יש בהן איסור ויש בהן היתר ויש בהן קלין ויש בהן חמורין אבל דברי סופרין כולן חומר	C.תני רבי ישמעאל דברי תורה יש בהן איסור ויש בהן היתר יש בהן קולי' ויש בהן חומרין אבל דברי סופרים כולן חומר
הן תדע לך שהו' כן דתנינ' תמן האומ' אין תפילין לעבור על דברי תורה פטור חמש טוטפות להוסיף על דברי סופרים חייב	דתנינן תמן האו' אין תפילין לעבור על דברי תורה פטור חמש טוטפות להוסיף על דברי סופרים חייב	תדע לך שהוא כן דתנינן תמן האומר אין תפילין לעבור על דברי תורה פטור חמש טוטפות להוסיף על דברי סופרים חייב
y. Ber 1:7, 3b	*y. Avodah Zarah* 2:8, 41c	*y. Sanhedrin* 11:6, 30a
D. ר' חנניה בריה דר' אדא בשם ר' תנחום ביר' חייא חמורים דברי זקנים מדברי נביאים דכתי' אל תטיפו יטיפון אל יטיפו לאלה לא יסג כלימות וכתיב אטיף לך ליין ולשכר	D.רבי חנינה בשם רבי אידי בשם רבי תנחום בר' חייא חמודין דברי זקנים מדברי נביאים דכתיב אל תטיפו יטיפון וכתיב אטיף לך ליין ולשכר	D.אמר רבי חיננא בריה דרבי אדא בשם רבי תנחום בר חייה חמורים דברי זקנים מדברי נביאים דכתיב אל תטיפון יטיפון וכתיב אטיף לך ליין ולשכר וג'
E.נביא וזקן למה הן דומין למלך ששולח ב' פלמטרין שלו למדינה על אחד מהן כתב אם אינו מראה לכם חותם שלי וסמנטירין שלי אל תאמינו לו ועל אחד מהן כת' אע"פ שאינו מראה לכם חותם שלי האמינוהו בלא חות' וסמנטירין כך בנביא כת' ונתן אליך אות או מופת ברם הכא על פי התורה אשר יורוך	E.נביא וזקן למה הן דומין למלך ששילח שני סימנטירין שלו למדינה על אחד מהן כתב אם אינו מראה לכם חותם שלי וסימנטירין שלי אל תאמינו לו ועל אחד מהן כתב אע"פ שאינו מראה לכם חותם שלי וסימנטירין שלי האמינו לו כך בנביא כתיב ונתן אליך אות או מופת ברם הכא על פי התורה אשר יורוך	E.נביא וזקן למה הן דומין למלך ששלח שני פלמנטרין שלו למדינה על אחד מהן כתוב אם אינו מראה חותם שלי וסמנטירין שלי אל תאמינו לו ועל אחד כתוב אף על פי שאינו מראה לכם חותם שלי וסמנטירין שלי תאמינו לו כך בנביא כתיב ונתן אליך אות או מופת ברם הכא על פי התורה אשר יורוך

Table 5 (continued)

y. Ber 1:7, 3b	*y. Yevamot* 1:2, 3f	*y. Sotah* 3:1, 19d	*y. Kiddushin* 1:4, 58a
F.הדא דתימר משיצאת בת קול אבל עד שלא יצאת בת קול כל הרוצ' להחמי' על עצמו ולנהוג כחומרי ב"ש וכחומרי ב"ה על זה נאמ' הכסיל בחושך הולך אילו ואילו נקרא רשע כקול אלא אי כקולי וכחומרי דדין אי כקולי וכחומרי דדין הדין דתימ' עד שלא יצאת בת קול אבל משיצא' בת קול לעולם הלכה כדברי ב"ה וכל העובר על דברי ב"ה חייב מיתה	F.דתני כל הרוצ להחמיר בי' שמאי וכחומרי בית הלל על זה נאמר והכסיל בחושך הולך כקולי אילו ואילו נקרא רשע אלא או כדברי בית שמאי כקוליהם וכחומריהן או כדברי בית הלל וכקוליהם וכחומריה הדא דתימר עד שלא יצאת בת קול אבל משיצאת בת קול לעולם הלכה כדברי בית הלל וכל העובר על דברי בית הלל חייב מיתה	F.כהדא דתני כל הרוצה להחמיר על עצמו ולנהוג כחומרי בית שמאי וכחומרי בית הלל על זה נאמר הכסיל בחושך הולך כקולי אילו ואילו נקרא רשע אלא או כדברי בית שמאי כקוליהן וכחומריהן או כדברי בית הלל כקוליהן וכחומריהן הדא דתימר עד שלא יצאת בת קול אבל משיצאת בת קול וכל לעולם הלכה כבית הלל העובר על דברי בית הלל חייב מיתה	F.כהדא דתני כל הרוצה להחמיר על עצמו ולנהוג כחומרי בית שמאי וכחומרי בית הלל על זה נאמר והכסיל בחושך הולך כקולי אילו וכקולי אילו נקרא רשע אלא או כדברי בית שמאי כקוליהם וכחומריהן או כדברי בית הלל כקוליהן וכחומריהן הדא דתימר עד שלא יצאת בת קול משיצאת בת קול לעולם הלכה כדברי בית הלל וכל העובר על דברי בית הלל חייב מיתה
G.תני יצאת בת קול ואמרת אילו ואילו . דברי אלהים חיים אבל הלכה כדברי בית הלל איכן יצאת בת קול רבי ביבי אמר בשם רבי יוחנן ביבנה יצאת בת קול	G. תני יצאתה בת קול ואמר' אילו ואילו דברי אלהים חיים הם אבל הלכה כבית הלל לעולם באיכן יצאת בת קול רבי ביבי בשם רבי יוחנן אמ' ביבנה יצאת בת קול	G.תני יצאת בת קול ואמרה אילו אילו דברי אלהים חיים הן אבל הלכה כבית הלל לעולם ואיכן יצאת בת קול רבי ביבי בשם רבי יוחנן ביבנה	G.תני יצתה בת קול ואמרה אילו ואילו דברי אלהים הן אבל הלכה כדברי בית הלל איכן יצאת בת קול ר' ביבי בשם ר' יוחנן ביבנה יצאת בת קול

      Yerushalmi *Avodah Zarah* 2:8, 41c and *y. Sanhedrin* 11:6, 30a, presented in the

above chart, are almost identical texts to sections A through E of *y. Ber* 1:7, 3b; their wording

is practically the same, and they contain no new transitional or introductory words or phrases

within the literary contexts of the different tractates in which they appear. In other words,

they seem to have been transferred almost verbatim from one context to another, and they

also appear to have undergone no further editing in their new contexts.[117] These are familiar

characteristics of many parallel passages within the PT. Earlier scholars, such as Isaac

Halevy, viewed the prevalence of these characteristics as evidence that the PT received

minimal redaction.[118] Recent scholars seek other reasons to explain these features of PT

parallel texts. Moshe Benovitz suggests that some PT texts were transferred to other places in

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[117] Moscovitz, "Parallel Sugyot ": 539 (Hebrew).

[118] Halevy, *Dorot Ha-Rishonim*, 2, 529-530 (Hebrew). See Lieberman's critique of Halevy's views. Lieberman, "The Talmud Of Caesarea," 20-21 (Hebrew).

the PT with no further editing in their secondary contexts because editors considered that these texts were fixed and should not be changed. He also suggests that editors may have wanted to demonstrate that a parallel text in one location was the same as a parallel text in another location.[119] Ginzberg discusses the parallel texts *y. Nazir* 7:1, 56a and *y. Ber* 3:1, 6a-b and concludes that the editor of *y. Ber* intentionally transferred material to *y. Nazir* because it was contextually relevant. He also suggests that later editors are responsible for cases where transferred material seems to be out of place and does not fit the secondary literary context in which it is found.[120] Sussman's conclusion that PT material was transferred from one context to another during the Amoraic period due to an associative mode of rabbinic thinking implies purposeful redaction. He also concludes that this material did not undergo any further changes in the post Amoraic period.[121] In addition, Saul Lieberman's conclusions that the redactor(s) transferred PT material to relevant secondary contexts, seems to be confirmed by the numerous versions of this aggadah that appear in different PT tractates.[122]

Except for slight variations in the tradents' names at the beginning of sections A, B, and D, *y. Avodah Zarah* 2:8, 41c is an almost identical text to sections A through E of *y. Ber* 1:7, 3b. The literary context of *y. Avodah Zarah* 2:8, 41c contains a discussion of permissible and non-permissible relations with gentiles, and permissible and non-permissible gentile food. The immediately preceding literary context for *y. Avodah Zarah* 2:8, 41c is the text of *m. Avodah Zarah* 2:5, discussed in my study in 4.5.1 section A above.

As mentioned, *y. Sanhedrin* 11:6, 30a is almost identical to *y. Ber* 1:7, 3b and *y. Avodah Zarah* 2:8, 41c. The preceding literary context for *y. Sanhedrin* 11:6, 30a, is *m.*

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[119] Moshe Benovitz, "Transferred Sugyot In The Palestinian Talmud: The Case Of Nedarim 3:2 And Shevuot 3:8," *American Academy for Jewish Research* 59(1993): 56.
[120] Ginzberg, *Commentary*, 1, 70-71 (Hebrew).
[121] Sussman, "Ve-Shuv Li Yerushalmi Nezikin," 90-92, 101-103 (Hebrew).
[122] Lieberman, "The Talmud Of Caesarea," 22 (Hebrew).

Sanhedrin 11:3, the text of which also appears in the aggadah in *y. Ber*. The literary context

of *y. Sanhedrin* 11:6, 30a is the exegesis of *m. Sanhedrin* 11:5 and 11:6, both of which

pertain to false prophets.

Ginzberg suggests that the version in *y. Avodah Zarah* 2:8, 41c is the earliest of these

three parallel texts.[123] However, since the versions in *y. Ber*, *y. Avodah Zarah* and *y.*

Sanhedrin are almost identical I suggest that it is difficult to discern which is the earliest. At

the same time, it seems that purposeful redaction was involved in the placement of these

parallel texts, since the literary contexts in which each of them occurs contains one of the

mishnah texts pertaining to the basic narrative; these are *m. Ber* 1:3, *m. Sanhedrin* 11:3, and

m. Avodah Zarah 2:5.

Moshe Assis suggests that parallel texts were transferred to different places in the PT

in order to expand the PT, but there was no desire to place parallel texts in relevant

contexts.[124] The findings of my study call this conclusion into question. Although the parallel

versions of this aggadah appear to have been transferred almost verbatim, with little or no

editing in each new context, it seems significant that they have been transferred to the

specific tractates in which the mishnah texts within this narrative appear, and not to any other

tractates. I suggest that this indicates purposeful redaction and that at least in some cases

there was a desire to locate PT parallel texts in places in order to shed further light on

different contexts. My findings concur with the other scholars mentioned above who have

detected that PT parallel texts were transferred to enhance closely related literary contexts.

Yerushalmi *Yevamot* 1:2, 3f, *y. Sotah* 3:1, 19d, and *y. Kiddushin* 1:4, 58a are parallel

texts, and they also parallel sections F and G of *y. Ber* 1:7, 3b. The only variants are the

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[123] Ginzberg, *Commentary*, 1, 148 (Hebrew).
[124] Assis, "Parallel Sugyot in the Jerusalem Talmud," 8 (Hebrew).

following: the versions in *y. Yevamot*, *y. Sotah*, and *y. Kiddushin* all begin by being identified as *baraitot*, while the version in *y. Ber* 1:7, 3b does not contain this designation. At the same time, section F of *y. Ber* 1:7, 3b begins with the statement: "This is what you should have stated after the heavenly echo emerged." This claim is missing in the other versions.

The contexts in which *y. Yevamot* 1:2, 3f, *y. Sotah* 3:1, 19d, and *y. Kiddushin* 1:4, 58a are located are largely taken up with disputes between the Schools of Hillel and Shammai relating to laws about women. The basic narrative seems to have been copied or transferred verbatim with no introductory or transitional words added to make the parallels fit their different literary contexts. In fact, the wider halakhic literary contexts in *y. Yevamot* and *y. Kiddushin* are also parallel. I suggest the possibility that redactors sought to place the information that the law always follows the School of Hillel in several different literary contexts within the PT because this was considered an important element of early rabbinic ideology.

4.7 Conclusion

My analysis of this aggadah further demonstrates the complexity of some PT narrative stories by concentrating on how PT composer/redactors utilized earlier traditions, freely edited them, and applied their own creative literary input. The glosses on biblical and Tannaitic material that appear in this aggadah are similar to material in the BT that has been ascribed to Stammaitic editors. My analysis also serves to challenge the notion that the PT developed through the addition of new layers of discourse with the passage of time and with little redactional intervention. I have demonstrated that the successive sections of this aggadah all relate to the narrative's main motifs. This narrative, as a whole, presents a sustained effort to establish that the notion of rabbinic authority replacing prophetic and

scribal authority is confirmed in earlier biblical and Tannaitic statements. In other words, the

main themes of this story are rabbinic self-definition and emerging rabbinic practice in a

formative period. In this way, it is paradigmatic of some of the themes in the stories analyzed

in this study, and it is consistent with themes in other stories in *y. Berakhot*.

Chapter Five: Final Conclusions

5.1 Introduction

In this study, my goal has been to highlight the literary complexity of some of the narrative stories in tractate *Berakhot* of the PT through close readings that employ literary, genre based, and historical analysis. My findings challenge the notion that the PT largely developed through the addition of new layers of discourse over time and with negligible redactional intervention. I have demonstrated that the sections of the PT analyzed herein resulted from the creative reworking of earlier rabbinic and biblical material, along with novel creative literary input. In other words, I have concluded that the composers/redactors of the PT consciously manipulated existing materials when generating these sections, in order to produce a cogent commentary on mishnah texts and also to incorporate discrete themes that exist in stories throughout this tractate. Furthermore, redactional work is evident in the numerous ways that these stories have been harmonized with the literary contexts found in the *sugyot* in which they appear. By employing genre analysis, I also have found—in concert with other scholars who have reached similar conclusions—that the composers/redactors of the PT appropriated and employed Greco-Roman literary techniques in their narrative passages. Finally, taken as a whole, my analysis confirms what many scholars now consider the prevailing view: that these stories reflect, and therefore should be interpreted according to, the general historical and cultural context in which they were composed.[1]

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[1] Rubenstein, "Context and Genre: Elements of a Literary Approach to the Rabbinic Narrative," 138.

5.2 Chapter Two: A Tale of Two Sages

The main focus of this chapter was the demonstration of the extensive use of Greco-Roman literary constructs in some PT narratives. The literary genre of the story coheres with the "statement from analogy" found in classical Greco-Roman composition and in Tannaitic stories. Literary repetition and wordplay in this story evinces signs of comprehensive editing and literary creativity. Redactional activity can also be seen in the ways that PT composers/redactors harmonized this aggadah with its preceding halakhic pericope and with *m. Ber* 1:1. The motif of *ayyelet hashachar* is important in *m. Ber* 1:1 and in the accompanying story. The image of two sages walking at daybreak symbolically evokes the discussion in the preceding halakhic pericope related to the motif of someone walking eight mil to determine when the exact moment of daybreak happens, which signals the time for the morning *Shema* recitation.

In general, purposeful redaction is evident from the way that the versions of this story in tractates *Berakhot* and *Yoma* are both compatible with their literary contexts. Moreover, the composers/redactors appear to have utilized a rabbinic tradition that equates the figure of Esther with dawn, and the salvation of the Jewish people as portrayed within the biblical Book of Esther serves as a blueprint for future redemption in this aggadah. The salvation in the Book of Esther may have been particularly appealing to the composers/redactors of this PT story because a major thematic motif within the story of Esther is that God is absent. In the post-Second Temple environment, it also must have seemed like God was absent.

The historical context for this PT aggadah is the post-Bar Kochba era when messianic aspirations were downplayed in Tannaitic materials. Is this a text of Tannaitic origin? On the one hand, the named sages are Tannaim, it gives a Tannaitic viewpoint regarding

messianism, and this story is not found in the later BT. On the other hand, scholars have

noted that in the PT, specific locations are rarely mentioned in Tannaitic sources, but this

story mentions the valley of Arbel, in the vicinity of Tiberias, the site where the PT was

redacted and where many sages sojourned during the Amoraic period.[2] Therefore, although

the story clearly expresses what scholars have come to recognize as Tannaitic concerns, this

particular narrative may also be an Amoraic story.

5.3 Chapter Two: Myrtle—A Contested Site

The complexity of this story derives from its use of an earlier Greco-Roman and

Tannaitic literary genre as a type of pronouncement story, and the way in which its structure

conforms to the stages employed for the complete elaboration of a theme, as set out in the

text *Rhetorica ad Herennium*. In other words, the aggadah employs a technique known from

Greco-Roman oratory in order to produce a narrative that criticizes Roman rule and ritual

practice, while the royal parable asserts the sovereignty of God indicating that rabbinic

parables disclose rabbinic ideology. The overall theme of the story is focused on the sages'

desire to act as the sole arbiters of ritual practice following the destruction of the Temple.

My literary analysis has demonstrated that this story is a carefully edited literary

creation. Purposeful redaction is evident in the important motif of rabbinic prayer replacing

Temple practices, paralleling the identical motif that is the focus of *m. Ber* 1:1.

The literary complexity of rabbinic stories is often manifested in tensions that seem to pull

the basic narrative in different directions. There is tension here concerning accommodation

with Rome, as expressed in the differing views of R. Zeira and his students, and there is

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[2] Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 163-164. Levine, "Contextualizing Jewish Art The Synagogues At Hammat Tiberias And Sepphoris," 97.

tension in the contrasting portrayal of the sovereignty of God as opposed to Greco-Roman ritual practices involving myrtle.

Historical information is most often transmitted incidentally in rabbinic stories, and is usually tied up with the stories' exegetical strains. A prime example is the mentioning of *angareia* and myrtle. It is usually difficult—if not impossible—to corroborate talmudic portrayals and to determine whether they constitute rabbinic fantasies or descriptions of reality. In this case, however, there is ample evidence from Greco-Roman literary sources regarding *angareia* and myrtle to confirm that these terms have significance for the context in which this aggadah was composed.

5.4 Chapter Three: Destroyers

The main focus of this chapter was the demonstration that the literary complexity of this narrative can be seen in the way it coheres with the notion of "anthology" as expressed by Eliezer Segal to account for the presence of material unrelated to mishnah commentary within the BT.

The establishment of the correct positions for the recitation of the *Shema*, the struggles rabbinic sages faced in the process of assuming leadership regarding prayer practices, and their nuanced attitudes to Greco-Roman culture are themes evinced by this narrative. Furthermore, the narrative's thematic motifs pull in different directions. Tension is particularly evident concerning the motif of "destroyers of beards." On the one hand, this story seems to divulge the sages' desire to identify with the role of bearded Greek philosophers, while on the other hand it appears to be a subtle critique of Greco-Roman beard-cutting rituals. These are also some of the thematic motifs in the other stories analyzed in my study that do not arise exclusively from commentary on the mishnah texts.

The advisability of applying historical analysis together with literary analysis is also demonstrated in this chapter. The existence of the variant versions of this aggadah indicates that during the Amoraic period this narrative had some fluidity. Redactional variations in the PT version became evident when analyzed in comparison with the earlier *Sifre* and Tosefta versions.

5.5 Chapter Four: The Words of the Scribes

This chapter displayed yet another aspect of the complexity of some PT narratives. The aggadah analyzed in this chapter demonstrates that the PT's practice of reinterpreting biblical and earlier rabbinic passages is similar to the type of redactional work that is often ascribed to BT Stammaim. Therefore, my analysis of this aggadah further challenges the notion that the PT developed with little redactional intervention. The differences between this narrative and the Tannaitic versions containing some aspects of this aggadah indicate that PT composers/redactors utilized earlier traditions, freely edited them, and also applied their own creative literary input. In other words, the sections of this narrative that are also found in earlier sources became more elaborate as they passed through the hands of the composers/redactors of the PT. Furthermore, the various sections of this redacted narrative, as it appears in the PT *Berakhot* version, all contribute to the underlying theme of the rabbinic sages' desire to fulfill leadership roles. The royal parable in this story discloses rabbinic ideology and rabbinic self-representation: by utilizing the motif of edicts from emperors—which was familiar within the Greco-Roman context—it pictures God removing the authority that was previously bestowed upon prophets and transferring such authority to rabbinic sages. In addition, purposeful redaction is indicated by the numerous versions of this narrative, located in various tractates within the PT, which seem to fit the contexts in which

they are found. This narrative, along with the others analyzed in this dissertation, evinces some of the techniques utilized by the early rabbinic sages in an attempt to establish their leadership roles and authority concerning ritual matters.

<div align="center">***</div>

This study has attempted to contribute to the recent scholarship that has rejected the traditional notion of the PT being an unedited or poorly edited text, as well as the corollary theory that the PT was hastily and improperly compiled. I conclude that the portions of the PT that I have analyzed exhibit creative literary compositional techniques as well as substantial and careful redaction. A consistentent set of themes runs through the narrative portions I have analyzed in the first chapter of tractate *Berkahot* in the PT. These themes are also found in other stories in this tractate. The stories in my study all address the recitation of the *Shema*. In addition, in "Myrtle—A Contested Site," the students of R. Zeira advocate accommodation with Rome. This sentiment coheres with the literary theme of the first story analyzed, "A Tale of Two Sages," featuring the sages R. Hiyya and R. Shimeon ben Halafta. That is, by advocating a slow course for redemption, R. Hiyya in effect is promoting the notion of accommodation with Rome. "A Tale of Two Sages" is related in another way to "Myrtle—A Contested Site." The first story advocates that the stages leading to redemption will advance slowly. In the second story, redemption is also a theme. The narrative discusses the importance of reciting the "redemption blessing," the final blessing of the *Shema*, immediately prior to the recitation of the *Shemonah Esreh*.

In two of the stories, "Myrtle—A Contested Site" and "Destroyers," we witness criticism of Greco-Roman practices. At the same time, the composers/redactors of the PT clearly seem to have been acculturated with Greco-Roman literary techniques, which they

readily adopted for their own purposes. Furthermore, all of the stories focus on the sages'

processes of self-identification in a formative period and their attempts to establish their

authority to control ritual practice.

The similar themes portrayed in the stories I have analyzed indicate literary and

redactional complexity in tractate *Berakhot* in the PT. Literary intentionality can also be seen

in the ways that the stories are harmonized with the literary contexts in the *sugyot* in which

they appear and the ways in which they are harmonized with each other. In addition, the

themes and motifs in these stories run throughout the stories in the entire tractate as I have

indicated. The most central theme running through a majority of the stories pertains to the

sages' efforts to establish prayer practices and the correct rules regarding such practice.

Whereas scholars have concluded that the stories in the BT depict the rabbis as the leaders of

the Jewish people, the stories in the PT in tractate *Berakhot* depict the rabbis engaging in the

process of attempting to attain leadership roles. This supports the findings of scholars who

have determined that it took centuries for the rabbinic sages to fully attain leadership roles.

The degree to which the arguments of this thesis can be applied to the aggadot in other

tractates in the PT will need to be determined through further study. If the themes within the

stories in tractate *Berakhot* are found in other tractates of the PT we may be able to make

further conclusions about the culture of the rabbinic sages who produced the PT.

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Appendix: Genizah Fragment of *y. Berakhot* 1:3, 3b "Destroyers"

מעשה בר' אלעזר בן עזריה ור' ישמעאל שהיו נתונים במקום אחד

והיה ר' אלעזר בן עזריה מוטה ור' ישמעאל זקוף

היגיעה עונות קרית

נזקף ר' אלעור בן עזריה והיטה ר' ישמעאל

אמ' לך אלעזר בן עזריה לר' ישמ[ע]אל

אומרין לאחד מלך בשיק מה לך מגדל את זקנך

והוא או' כנגד המשחיתים

אני שהייתי מוטה נזקפתי ואתה שהייתה [זקוף] הטיתה[3]

An incident with R. Eleazar ben Azariah and R. Ishmael when they were staying in a certain place.
And R. Eleazar ben Azariah was reclining and R. Ishmael was standing upright.
The designated time to recite [the Shema] arrived.
R. Eleazar ben Azariah stood upright and R. Ishmael reclined.
R. Eleazar ben Azariah said to R. Ishmael,
"[your actions are analogous to] one [who] says to someone in the marketplace, 'Why have you grown your beard?'
And he says, 'Let it be against the destroyers.'
I [R. Eleazar] was reclining and I stood up but you [R. Ishmael] were standing up and you reclined."

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[3] Ginzberg, *Yerushalmi Fragments From The Genizah*, 1, 5.