

The People of the Library

An Introduction to Talmudic Literature and the Mythic
Transmission of Jewish Tradition for Clergy of Other Faiths

Presented by Rabbi Rafi Spitzer for the Schenectady Clergy Against Hate

17 March 2021

Mishnah Avot 1:1

Moses received the Torah at Sinai and transmitted it to Joshua,
Joshua to the elders,
and the elders to the prophets,
and the prophets to the Members of the Great Assembly.
They said three things: Be patient in [the administration of] justice,
raise many disciples, and make a fence around the Torah.

- Who is left out in this list of transmission?
- Who are the “Members of the Great Assembly”?
- What is “the Torah” that Moshe received at Sinai?

Babylonian Talmud Shabbat 31a

The Sages taught: There was an incident involving one gentile who came before Shammai. The gentile said to Shammai: How many Torahs do you have? He said to him: Two, the Written Torah and the Oral Torah. The gentile said to him: With regard to the Written Torah, I believe you, but with regard to the Oral Torah, I do not believe you. Convert me on condition that you will teach me only the Written Torah. Shammai scolded him and cast him out with reprimand. The same gentile came before Hillel, who converted him and began teaching him Torah. On the first day, he showed him the letters of the alphabet and said to him: *Alef, bet, gimmel, dalet*. The next day he reversed the order of the letters and told him that an *alef* is a *tav* and so on. The convert said to him: But yesterday you did not tell me that. Hillel said to him: You see that it is impossible to learn what is written without relying on an oral tradition. Didn't you rely on me? Therefore, you should also rely on me with regard to the matter of the Oral Torah, and accept the interpretations that it contains.

What is Oral Torah? (adapted from Wikipedia)

- According to Rabbinic Judaism, the **Oral Torah** or “Conversational Torah”(Hebrew: תורה שבעל פה ,lit. "Torah that is on the mouth") represents those laws, statutes, and legal interpretations that were not recorded in the Five Books of Moses, the "Written Torah" (Hebrew: תורה שבכתב ,lit. "Torah that is in writing").
- This holistic Jewish code of conduct encompasses a wide array of rituals, worship practices, God-human and interpersonal relationships, from dietary laws to Sabbath and festival observance to marital relations, agricultural practices, and civil claims and damages.
- According to Jewish tradition, the Oral Torah was passed down in an unbroken chain from generation to generation until its contents were finally committed to writing following the destruction of the Second Temple in 70 CE
- Belief that at least portions of the Oral Torah were transmitted orally from God to Moses on Mount Sinai is a fundamental tenet of faith of Orthodox Judaism. However, not all branches of Rabbinic Judaism accept the literal Sinaitic provenance of the Oral Torah, instead understanding it as the product of a historical process of continuing interpretation. (Is this true only of “not all branches of Rabbinic Judaism”? Or did earlier sages also understand it this way? We will return to this question!)

Six are the Orders of the Mishnah

- Order/Seder Zera'im (seeds, agriculture)
 - commandments pertaining to the plants of the land such as laws of prohibited mixtures, laws of the Sabbatical year, Orlah (fruit prohibited in the first years of a trees production), heave offerings, tithes, and other laws of agricultural gifts
- Seder Mo'ed (appointed times)
 - the holidays and the festivals their requirements and their varying laws, that which is prohibited, desirable and permitted therein, and those laws and commandments that are properly associated with each of these holidays
- Seder Nashim (women)
 - conjugal relations and enumeration of the laws pertaining to relations between men and women such as the Levirate marriage, Halitzah (a surviving brother's refusal to marry his deceased brother's wife), the marriage settlement document, betrothals and divorces

Six are the Orders of the Mishnah

- Seder Nezikin (damages)
 - civil and criminal laws, disputes between man and his neighbor, trade, business dealings, partnership in real estate and the like
- Seder Kodashim (holy things)
 - sacrifices according to their varying laws and multitude of types
- Seder Tohorot (purities)
 - the matter of purifications and their opposites

The First Mishnah of the Mishnah

- Mishnah is what we call the whole 6 volume set
- Within that are the Orders, discussed above
- Within that are the Tractates, which are subsections
- Within that are the Chapters, which subdivide the tractates
- And each chapter is divided into individual textual units / paragraphs, which are also referred to as “mishnahs” or “mishnayot”
- The Mishnah we learned together above (Moses received the Torah...) was the first Mishnah/paragraph of the first chapter of the Tractate “Pirkei Avot/Teachings of the Sages,” which is the ninth tractate of Seder/Order Nezikin/Damages, which is the fourth Seder of the Mishnah

A Brief History of Rabbinic Texts

from the Compilation of the Mishnah to the Publication of the Shulchan Aruch Slide I

CE 70 – CE 200: Tannaitic period. The Rabbis who taught from the destruction of the 2nd Temple to the compilation of the Mishnah, were called Tanna'im. Tanna'im mostly lived in the land of Israel.

- The **Mishnah** is a casebook of Rabbinic law. Around the year 200, Rabbi Yehudah haNasi selected and organized statements of the halakhah (Jewish law) of the Tannaim and organized them into the 6 sedarim/orders of the Mishnah.
- The **Tosefta** (appendix) is a supplementary collection of Tannaitic material organized along the lines of the Mishnah but which were not included in the Mishnah.
- **Midrash Halakhah** refers both to the process of deriving law from the Torah as well as to the books that preserve those kinds of interpretations.

The First Mishnah of the Mishnah

- What do I mean by “Casebook of Jewish Law”?
- Seder Zera'im, Masechet Brakhot, Perek Aleph, Mishnah Aleph
- Order Seeds, Tractate Blessings, Chapter 1, Mishnah 1

From when does one recite *Shema* in the evening? From the time when the priests enter to partake of their *teruma*. Until when does the time for the recitation of the evening *Shema* extend? Until the end of the first watch. That is the statement of Rabbi Eliezer. The Rabbis say: until midnight. Rabban Gamliel says: One may recite *Shema* until dawn.

There was an incident where Rabban Gamliel's sons returned very late from a wedding hall. They said to him: **We did not recite *Shema*. He said to them: If the dawn has not yet arrived, you are obligated to recite *Shema*. And that it is not only with regard to the *halakha* of the recitation of *Shema*, but rather, wherever the Sages say until midnight, the mitzva may be performed until dawn.** Rabban Gamliel cites several cases in support of his claim, such as **the burning of fats and limbs** on the altar. **And, with regard to all sacrifices, such as the sin-offerings and the guilt-offerings that are eaten for one day; although the Sages state that they may be eaten only until midnight, they may be eaten until dawn.**

If so, why did the Sages say “until midnight”? In order to distance a person from transgression.

A Brief History of Rabbinic Texts

from the Compilation of the Mishnah to the Publication of the Shulchan Aruch Slide II

CE 200 – CE 500: Amoraic Period. The Rabbis who taught between the Mishnah and the compilation of the Gemara, are called Amora'im. Amora'im lived in the Land of Israel and in Babylonia.

- The **Talmud Yerushalmi** or Palestinian Talmud is the Talmud produced in the Land of Israel in the Amoraic period. The Talmud Yerushalmi's primary concern is to make sense of the Mishnah in light of other Tannaitic material, and in particular, the Tosefta.
- **Gemara** is the teachings of the Amora'im. Talmud = Mishnah + Gemara.
- **Midrash Agadah** refers both to the process of interpreting the narratives of the TaNaKh as well as to the books that contain those Midrashim.
- The **Talmud Bavli**, or Babylonian Talmud, is the primary text of traditional Jewish study. The Talmud tries to make sense of the various legal theories of the Tannaim and tries to connect their legal statements to interpretations of the Torah. The Talmud was edited over many years, and the latest layer of the Talmud, the Stam, or the anonymous framework which relates the various sources to each other, were probably finished in the late 6th or early 7th centuries.

Contents of the Talmud

- Stories
- Legends
- Demonology
- Hagiography
- Legal discussion
- Biblical commentary
- Comparison of material from previous generations
- Cross cultural pollination (between the Land of Israel and Babylonia)

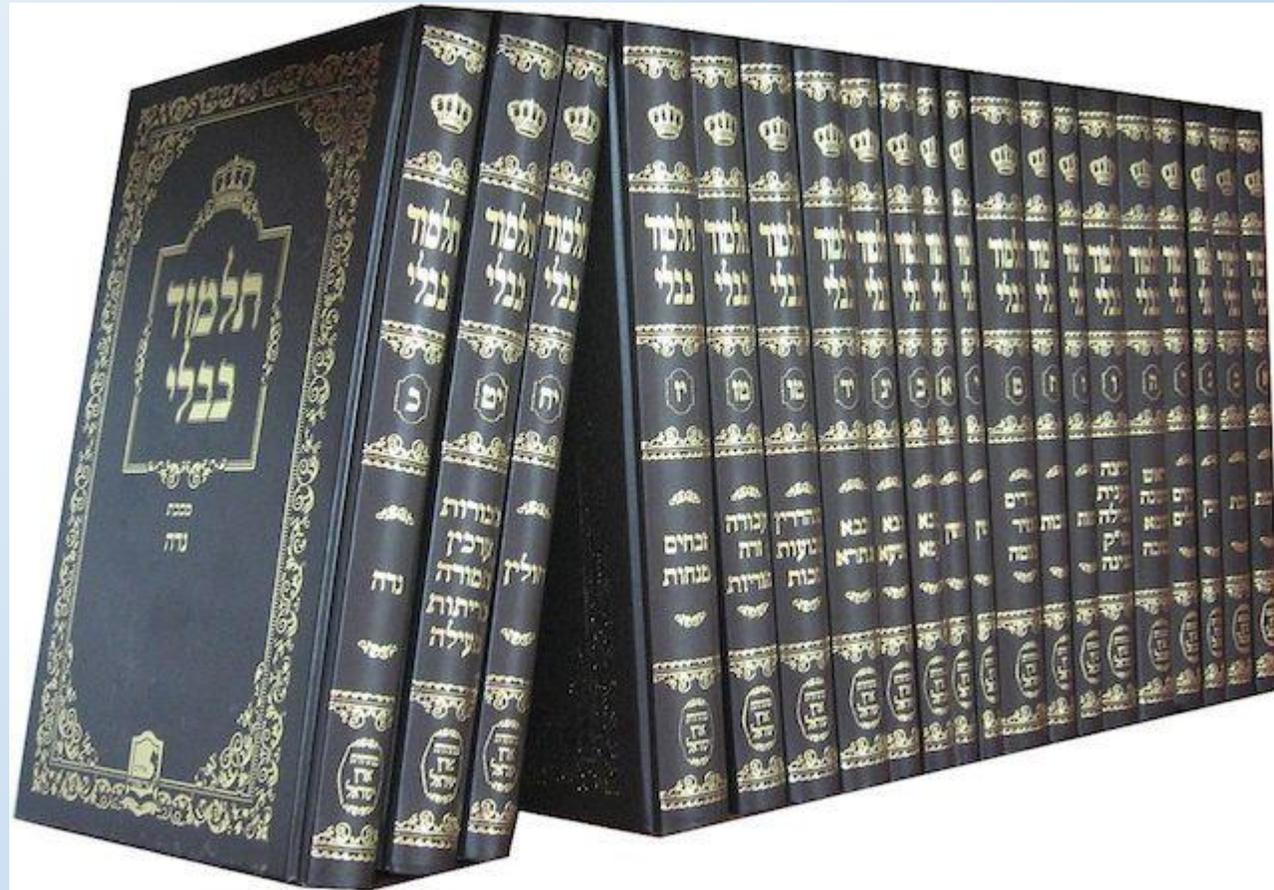
Contents of the Talmud cont.

- Rabbi x said a, Rabbi y said b. What was Rabbi X's reasoning? Perhaps logic, perhaps a textual interpretation? What was Rabbi Y's reasoning? Perhaps logic, perhaps a textual interpretation? Given Rabbi X's reasoning, how would Rabbi Y explain the textual interpretation X gave? Given Rabbi Y's reasoning, how would Rabbi X explain the textual interpretation Y gave? A story is told about Rabbi Z (student of Rabbi X) who sat at Rabbi Y's table, and behaved like Rabbi Y— is this because Z holds that Y is correct over his own teacher, or was it out of respect?
- Very seldom does the Talmud just come out and say what the law *is*— because the Talmud sees the process of interpreting the law (40 reasons why this is pure, 40 reasons why this is impure) as part of the process of understanding God's will. The *process* is the message.

What does the Talmud Look Like?

- [Here](#) is a picture of the first page of the Talmud
- Note that the Talmud starts on page 2 (there is always an antecedent to Jewish tradition, a conversation that has already begun)
- Note that the Talmud is written in Aramaic, not Hebrew (so students of the Talmud have to learn another language)
- Note that the Talmud is *always* printed with commentary on the page, so that the conversation is continual and cross-generational
- While this can be intimidating, and there is definitely a high bar to entry, I see it as profoundly invitational— each of us is empowered/obligated to join in and participate in “Conversational Torah”— each of our contributions expands the words of the Living God— is literally revelatory

The Talmud is Traditionally Published in 26 volumes– The Talmud set I have with English Translation is 42 Volumes, each about 2-3” thick



A Brief History of Rabbinic Texts

from the Compilation of the Mishnah to the Publication of the Shulchan Aruch Slide III

CE 1000 – CE 1500: Period of the Rishonim. The Rabbis from Rashi (approx. 1000 CE) to Karo (approx. 1500 CE) who wrote commentaries on the Talmud and the TaNaKh.

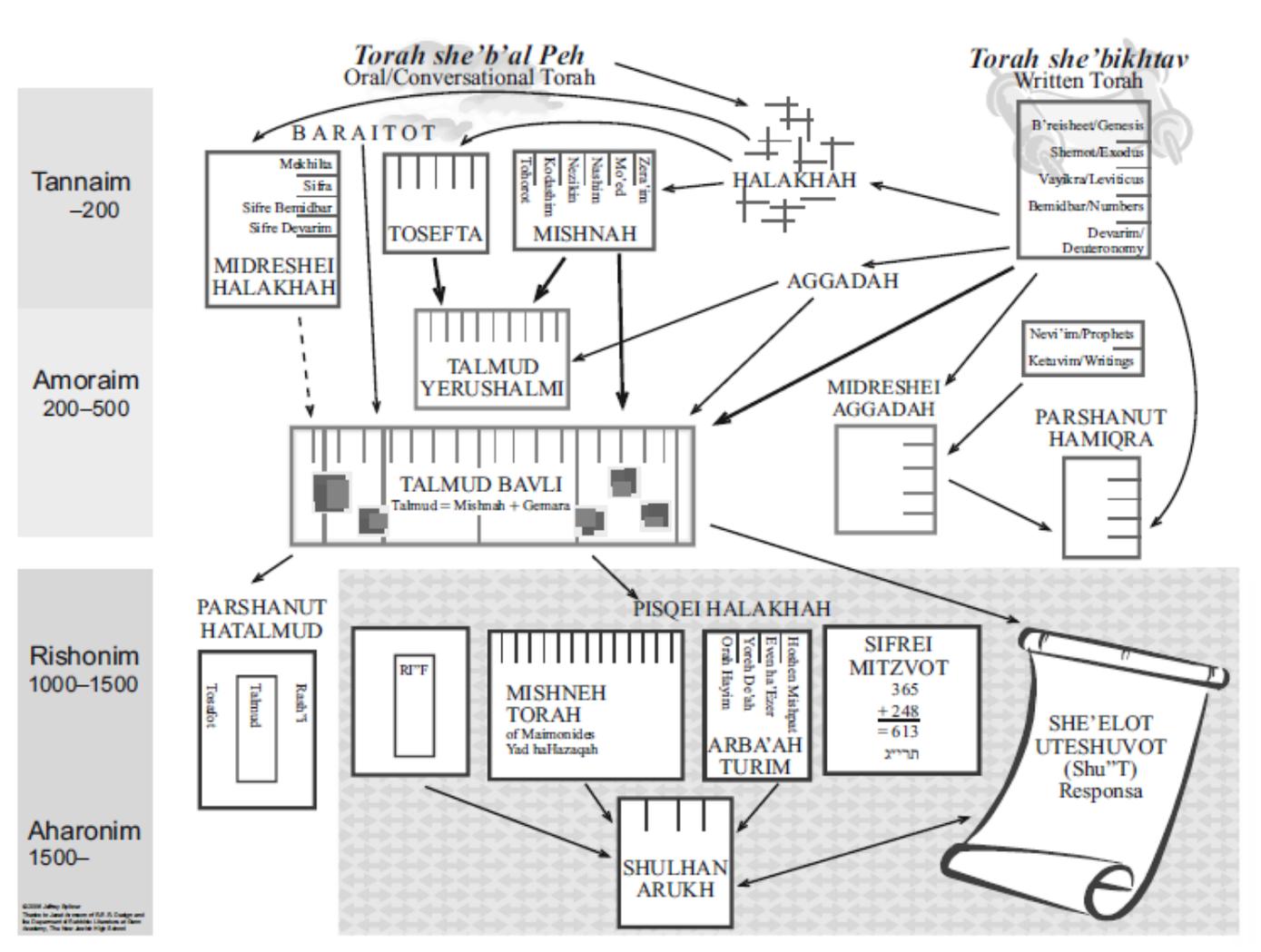
- **Rashi:** France, 1040 – 1105. Wrote a running commentary on the Talmud and on Torah.
- **Tosafot:** a group of scholars living after Rashi who wrote brief essays comparing and relating different parts of the Talmud in much the same way that the Talmud compared and related different parts of Tannaitic literature (Mishnah, Tosefta, Midrash Halakha, etc.)
- **Rif:** Algeria, 1013 – 1103. Wrote a halakhic digest of the Talmud by writing a version that removed all argumentation and stories.
- **Rambam** (Maimonides): Spain & North Africa, 1135 – 1204. Wrote the Mishneh Torah, a code of Jewish Law in 14 sections, as well as a commentary on the Mishnah, and works of philosophy.
- Yaakov ben Asher: Cologne, Toledo 1269 – 1343. Wrote the **Tur**, a code of halakhah which for the first time included comparative comments about the different approaches to the law in the Ashkenazic and Sephardic communities.

A Brief History of Rabbinic Texts from the Compilation of the Mishnah to the Publication of the Shulchan Aruch Slide IV

CE 1500 – contemporary times: Period of the Acharonim. Rabbis following the publication of the Shulchan Aruch.

- Yosef Karo: Spain, Portugal, Istanbul, Safed (Israel) 1488 – 1575. Wrote the **Shulchan Aruch** (set table), the most authoritative code of Jewish law based on the Rif, the Rambam, and the Tur.
- Moses Isserles: Poland 1520 – 1572. Wrote the **Mapah** (tablecloth), a commentary on the Shulchan Aruch containing the differing practice of Ashkenazic Jewry. Today, the Shulchan Aruch is *always* published with the commentary of the Mapah.

Rabbinic Literature Genre Map



- Color Version:
<http://conversationaltorah.com/tools/genremap/rngenremap.html>

Moses in Rabbi Akiva's Classroom: Menachot 29b

- **Rav Yehuda says that Rav says: When Moses ascended on High, he found the Holy Blessed One sitting and tying crowns on the letters of the Torah. Moses said before God: Master of the Universe, who is preventing You from giving the Torah without these additions? God said to him: There is a man who is destined to be born after several generations, and Akiva ben Yosef is his name; he is destined to derive from each and every thorn of these crowns mounds upon mounds of *halakhot*.**
- Note: It is very common for the Talmud to offer a story that a later rabbi told in the name of an earlier rabbi – the rabbis really believed in that chain of transmission, and that it was more meritorious to share something in the name of your teacher

Crowns on Letters of the Torah



Moses in Rabbi Akiva's Classroom: Menachot 29b

- **Moses said before God: Master of the Universe, show him to me. God said to him: Return behind you. Moses went and sat at the end of the eighth row in Rabbi Akiva's study hall and did not understand what they were saying. Moses' strength waned.**
- Note: The seventh row of the classroom was where the very beginners sat. Saying that Moses is in the 8th row is another way of underscoring that he “did not understand what they were saying.” It is not just that Moses is a “fly on the wall” at the back of the classroom, but also connected to lack of learning.

Moses in Rabbi Akiva's Classroom: Menachot 29b

- **When** Rabbi Akiva **arrived** at the discussion of **one matter**, **his students said to him: My teacher, from where do you** derive this? Rabbi Akiva **said to them: It is a *halakha* transmitted to Moses from Sinai.** When Moses heard this, **his mind was put at ease.**
- Note: When the rabbis say that something is “a *halakha*/law transmitted to Moses from Sinai” they mean that there isn't a clear derivation of the law from verses in the Torah at all. It is the rabbinic way of saying “because we said so” or “because: tradition!” This presents an irony, of course, which is that Moses was comforted when he heard his name, but the matter that they were discussing would likely have been something about which Moses was not, in fact, familiar, as it was not contained in the written Torah.

Moses in Rabbi Akiva's Classroom: Menachot 29b

- Moses **turned back around and came before the Holy Blessed One, and said: Master of the Universe, You have a man as great as this and yet You still choose to give the Torah through me?!**
- At the beginning, I showed some quotes from the Wiki article on Oral Torah, and it said that some modern Jewish movements don't consider the Oral Torah to be purely Sinaitic. I asked, "Is the understanding of the Oral Torah as the product of a historical process of continuing interpretation a new idea, or did ancient sages also see it that way?" I think that the author of the story of Moses in Rabbi Akiva's classroom, which is contained in the Talmud itself, suggests a more complex understanding of revelation and tradition than does the "Orthodox Jewish" view today.

Rabbinic Authority and the Oven of Akhnai

Bava Metzia 59b

- Apropos the topic of verbal mistreatment, **we learned** in a mishna **there** (*Kelim* 5:10): If **one cut** an earthenware oven widthwise **into segments, and placed sand between each and every segment, Rabbi Eliezer deems it ritually pure.** Because of the sand, its legal status is not that of a complete vessel, and therefore it is not susceptible to ritual impurity. **And the Rabbis deem it ritually impure,** as it is functionally a complete oven.
- **And this is known as the oven of *akhnai*.** The Gemara asks: **What** is the relevance of *akhnai*, a snake, in this context? **Rav Yehuda said** that **Shmuel said:** It is characterized in that manner due to the fact **that** the Rabbis **surrounded** it **with** their **statements like this snake,** which often forms a coil when at rest, **and deemed it impure.**

Rabbinic Authority and the Oven of Akhnai

Bava Metzia 59b

- The Sages **taught: On that day**, when they discussed this matter, **Rabbi Eliezer answered all possible answers in the world** to support his opinion, **but** the Rabbis **did not accept** his explanations **from him**.
- After failing to convince the Rabbis logically, Rabbi Eliezer **said to them: If the *halakha* is in accordance with my opinion, this carob tree will prove it**. The **carob tree was uprooted from its place one hundred cubits, and some say four hundred cubits**. The Rabbis **said to him: One does not cite halakhic proof from the carob tree**.

Rabbinic Authority and the Oven of Akhnai

Bava Metzia 59b

- Rabbi Eliezer **then said to them: If the *halakha* is in accordance with my opinion, the stream will prove it.** The water in the stream turned **backward** and began flowing in the opposite direction. **They said to him: One does not cite halakhic proof from a stream.**
- Rabbi Eliezer **then said to them: If the *halakha* is in accordance with my opinion, the walls of the study hall will prove it.** The walls of the study hall **leaned** inward and began **to fall.** Rabbi Yehoshua **scolded** the walls and **said to them: If Torah scholars are contending with each other in matters of *halakha*, what is the nature of your involvement in this dispute?** The Gemara relates: The walls **did not fall because of the deference due Rabbi Yehoshua, but they did not straighten because of the deference due Rabbi Eliezer, and they still remain leaning.**

Rabbinic Authority and the Oven of Akhnai

Bava Metzia 59b

- Rabbi Eliezer **then said to them: If the *halakha* is in accordance with my opinion, Heaven will prove it. A Divine Voice emerged from Heaven and said: Why are you differing with Rabbi Eliezer, as the *halakha* is in accordance with his opinion in every place that he expresses an opinion?**
- **Rabbi Yehoshua stood on his feet and said:** It is written: **“It is not in heaven”** (Deuteronomy 30:12). The Gemara asks: **What** is the relevance of the phrase **“It is not in heaven”** in this context? **Rabbi Yirmeya says:** Since **the Torah was already given at Mount Sinai, we do not regard a Divine Voice** as having legal authority, as **You already wrote at Mount Sinai, in the Torah: “After a majority to incline”** (Exodus 23:2).

An Interlude, to Check the Verses

Deuteronomy 20:11-14

- Surely, this Instruction which I enjoin upon you this day is not too baffling for you, nor is it beyond reach.
- **It is not in the heavens**, that you should say, “Who among us can go up to the heavens and get it for us and impart it to us, that we may observe it?”
- Neither is it beyond the sea, that you should say, “Who among us can cross to the other side of the sea and get it for us and impart it to us, that we may observe it?”
- No, the thing is very close to you, in your mouth and in your heart, to observe it.

An Interlude, to Check the Verses

Exodus 23:1-3

- You must not carry false rumors; you shall not join hands with the guilty to act as a malicious witness:
- You shall neither **side with the mighty** to do wrong—you shall not give perverse testimony in a dispute so as to pervert it in favor of the mighty—
- nor shall you show deference to a poor man in his dispute.

Rabbinic Authority and the Oven of Akhnai

Bava Metzia 59b

- The Sages said: On **that day**, the Sages **brought all the ritually pure items deemed pure by** the ruling of **Rabbi Eliezer** with regard to the oven and **burned them in fire, and the Sages reached a consensus in his regard and ostracized him. And the Sages said: Who will go and inform him of his ostracism? Rabbi Akiva**, his beloved disciple, **said to them: I will go, lest an unseemly person go and inform him in a callous and offensive manner, and he would thereby destroy the entire world.**
- **What did Rabbi Akiva do? He wore black and wrapped himself in black**, as an expression of mourning and pain, **and sat before Rabbi Eliezer at a distance of four cubits**, which is the distance that one must maintain from an ostracized individual. **Rabbi Eliezer said to him: Akiva, what is different about today from other days**, that you comport yourself in this manner? **Rabbi Akiva said to him: My teacher, it appears to me that your colleagues are distancing themselves from you.**

Rabbinic Authority and the Oven of Akhnai

Bava Metzia 59b

- Rabbi Eliezer **too, rent his garments and removed his shoes**, as is the custom of an ostracized person, **and he dropped from his seat and sat upon the ground.**
- The Gemara relates: **His eyes shed tears**, and as a result **the entire world was afflicted: One-third of its olives** were afflicted, **and one-third of its wheat, and one-third of its barley.** **And some say that even dough kneaded in a woman's hands spoiled.** The Sages **taught: There was great anger on that day, as any place that Rabbi Eliezer fixed his gaze was burned.**
- **And even Rabban Gamliel**, the *Nasi* of the Sanhedrin at Yavne, the head of the Sages who were responsible for the decision to ostracize Rabbi Eliezer, **was coming on a boat** at the time, and **a large wave swelled over him** and threatened **to drown him.**

Rabbinic Authority and the Oven of Akhnai

Bava Metzia 59b

- **Rabban Gamliel said: It seems to me that this is only for the sake of Rabbi Eliezer ben Hyrcanus. Rabban Gamliel stood on his feet and said: Master of the Universe, it is revealed and known before You that neither was it for my honor that I acted when ostracizing him, nor was it for the honor of the house of my father that I acted; rather, it was for Your honor, so that disputes will not proliferate in Israel. In response, the sea calmed from its raging.**

Rabbinic Authority and the Oven of Akhnai

Bava Metzia 59b

- The Gemara further relates: **Imma Shalom, the wife of Rabbi Eliezer, was the sister of Rabban Gamliel. From that incident forward, she would not allow Rabbi Eliezer to lower his head** and recite the *tahhanun* prayer, which includes supplication and entreaties. She feared that were her husband to bemoan his fate and pray at that moment, her brother would be punished. **A certain day was** around the day of **the New Moon, and she** inadvertently **substituted a full** thirty-day month **for a deficient** twenty-nine-day month, i.e., she thought that it was the New Moon, when one does not lower his head in supplication, but it was not. **Some say that a pauper came and stood at the door, and she took bread out to him.** The result was that she left her husband momentarily unsupervised.

Rabbinic Authority and the Oven of Akhnai

Bava Metzia 59b

- When she returned, **she found him** and saw **that he had lowered his head** in prayer. **She said to him: Arise, you already killed my brother.** **Meanwhile,** the sound of a *shofar* emerged from the house of **Rabban Gamliel** to announce **that the Nasi had died.** Rabbi Eliezer said to her: **From where did you know** that your brother would die? **She said to him: This is the tradition that I received from the house of the father of my father: All the gates of Heaven are locked, except for the gates of prayer for victims of verbal mistreatment.**

The People of the Library

All the books

Sefaria

Conclusion

Questions