



## Daniel Jeremy Silver Collection Digitization Project

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### **MS-4850: Daniel Jeremy Silver Papers, 1972-1993.**

Series IV: Writings and Publications, 1952-1992, undated.

Sub-series A: Books, 1961-1990, undated.

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Reel  
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22

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1391a

The Story of Scripture, draft, chapters 5 and 6, 1989.

not there

Two inquiries from the Jerusalem Talmud

1. The Tannaim, the sages of the second and third centuries, successors to the Pharisees after The Temple's destruction, were aware that there were still unresolved textual questions (J. Taanit 26a-b) and that flawed scrolls were in circulation.

The citation seems to be inaccurate, and I cannot locate the correct source.

not there

2. They would have denied with every breath that the Mishnah was a second Torah, which in fact it was. Indeed, they sometimes admitted as much: Mishnah Me'kademet le Mikra (J. Sab. 1c). In certain practical matters, Mishnah takes precedence over scripture.

Again, the citation seems to be one I have lost.

הנהגות אבותינו - חלק

הנהגות אבותינו חלק  
פ"ד  
הנהגות  
הנהגות חלק  
הנהגות חלק



cf. Neusner Yerushalmi Horayot

Re Talmud of the Land of Israel p 125

הנהגות  
הנהגות חלק

Dear Dan,

I could not find the reference  
in Neusner's The Talmud of the Land of Israel  
so I looked up הנהגות אבותינו חלק in

הנהגות חלק  
הנהגות חלק

there I found a reference to Horayot 3:8 - which in Neusner  
Talmud... is on p 125.

## ISRAEL'S SECOND SCRIPTURE

The two centuries that followed the disastrous rebellions against Rome (68-72 and 132-135 C.E.) saw the final selections made of those scrolls which would be considered Tanakh. The books which Tanakh embraced had been around for generations, but during these years the Palestinean leaders made the final decisions which would be included (Ezekiel, Esther, Ecclesiastes) and which would be excluded (Ben Sirach, Wisdom of Solomon). The Hebrew scriptures as we know them were now fully in place.

At first the general term, mikra, "that which is read," was accepted as an appropriate label for the Hebrew Scripture. By the fifth or sixth century C.E., the defining acronym Tanakh (Torah; Neviim, Prophets; Ketuvim, Writings) supplanted it, probably because it not only defined the anthology but also reflected the different degrees of authority accorded to the separate divisions. The term Tanakh does not suggest a single anthology of scrolls treated as equally significant but a three-tiered work. A single folio volume of the Tanakh would not appear until the sixth century.

Each scroll accepted as scripture had its own distinctive history. Each became part of a larger whole yet maintained its own place and weight. The five scrolls of the Sefer Torah and the works of the Prophets occupied a more significant role in Jewish thought than most of the Writings. The primacy of the Five Books of Moses, the heart of the Torah, was further symbolized by the fact that only these scrolls were placed in the Ark.

During these centuries the regulations which would govern the liturgical presentation of scripture were sorted out and firmly established. The Palestinian communities adopted a three or three-and-a-half year cycle for reading the entire Sefer Torah; the Eastern (Babylonian) communities adopted a one-year cycle which, after a considerable period, became Judaism's universal practice. Weekly portions were determined; they were read or more accurately, chanted during morning and afternoon services on the Sabbath. Selections from the weekly portion were also chanted at services on market days, Mondays and Thursdays. On the festivals, fast days, and the ~~New Moon~~ <sup>new moon</sup>, special readings were chosen because of their thematic or prescriptive relevance to the occasion. At first some communities took the idea of a continuous reading of the Torah quite literally and read successive sections of that week's portion on Monday and Thursday, concluding it on the Sabbath; but it became the rule that the complete weekly portion would be read each Sabbath <sup>AM. ✓</sup> and short sections <sup>on Sabbath afternoon and on</sup> from it on market days.

During later Talmudic times it became the custom on the Sabbath and holidays to add to the weekly portion of the Sefer Torah a section from the Prophets or Writings (Haftarah), probably to make clear that these scrolls, too, were deemed inspired. Selections varied considerably from place to place; in some locations the custom was that the portion was chosen by the congregation or a local preacher. By the eighth or ninth century, a defined pattern of such additional readings had been established, and the portion

not incl. by  
prescriptions?

selected was related thematically or by some midrashic tradition to the Torah portion mandated for that occasion.

Somewhat later still, the custom developed of reading one of the five short scrolls known as megillot on specific holidays and fasts. The recitation of the scroll of Esther on Purim is already assumed in the Mishnah. In Amoraic times (3rd/4th-6th centuries, C.E.) the practice developed of reading Song of Songs on the last two nights of Passover, Ruth on Shavuot and Lamentations on the Fast of the Ninth of Av (b. Sof 41a).

The Tannaim, the sages of the second and third centuries, successors to the Pharisees after The Temple's destruction, were aware that there were still unresolved textual questions (J. Taanit 26a-b) and that flawed scrolls were in circulation. Among the five things that R. Akiba (2nd cent.) is said to have taught R. Simeon b. Yohai was "When you teach your son, teach him from a corrected scroll"

(b. Pes. 11a). An uncorrected Torah scroll should not be kept for more than thirty days (b. Ket. 19b). The Tannaim proposed as a general rule that in deciding controversies about a particular text, if two scholars differed a third was solicited and the majority opinion prevailed (b. Sab. 39b). The same standard was said to have been used when two Torah scrolls shelved in The Temple archives were found to contain variant readings. A third scroll was consulted and the majority reading was considered the authoritative version (Sifre II: 356, J. Taanit IV, 65a, Soferim VI, ARA ver. B 46).

could not find ?

it appears that the text does not prove your pt.   
 'ki p'ni in   
 'ki p'ni in   
 'ki p'ni in

*nota se per*  
*Ar 1, 11*  
*Levi's*  
*And some*

A desire to fix the tradition and assert its dependability popularized pieties which emphasized that dependability. For instance, that the accepted version had remained unchanged since Moses: "Moses received the Torah at Sinai." Ezra's contribution was redefined as a limited one: placing diacritical marks above some ten passages where a word or words were to be omitted during the public reading to avoid any unwarranted or offensive assumptions about God's oneness, goodness, and power.

There was a well-established form for the inscription of a Sefer Torah. Some histories ascribed to Ezra and/or the Soferim, the priest-scribes of the late Persian period, the so-called Men of the Great Synagogue, the standardization of the chants for the reading of Torah and the proper form of text presentation, how the text should look on the parchment sheets. Each scroll was to be prepared from the skin of certain clean animals. Writing was to be done with a special quill and ink. The block letters of the Ashurit script were to be used, and were to be aligned under rather than on the line. The presentation of other Tanakh scrolls, with certain exceptions, particularly the Psalms and Esther, was less formally prescribed; but care was taken with all. All scrolls were written on parchment or leather and left unvocalized. Particular attention was paid to certain scribal niceties; for instance, some held that a scribe setting down the names of the sons of Haman in the scroll of Esther should write one above the other, as if they were half bricks laid on half bricks, to suggest a

badly built and unstable wall, a visual lesson that those who scheme against Israel will fail and their plans collapse. In contrast the "Song of the Sea" (Ex. 15:1-19) was to be inscribed "Two bricks over one brick", that is, one line of two strophes separated in the middle above a line with a single strophe set in the middle. The two lines were said to represent the layers of brick which the slaves had been forced to lay in building the store-houses of Pharaoh. As bricks laid in such an alternating pattern create a solid wall, so the promises of redemption expressed in this hymn are solid and dependable.

The work of writing out sacred texts came to be seen as a sacred obligation, "melechet ha-Kodesh," and a class of professional Torah scribes came into being. Not all sages had a good hand and one could rise to the rank of scholar without being able to write with ease or skill. Still, some held that as an act of piety every man should write a Torah scroll, which explains the otherwise surprising prescription in the Talmud "that a scholar should learn how to write" (b. Hul. 9a).

Writing a Sefer Torah required considerable technical skill and training. Around the sixth century the rules and customs which had developed over centuries to govern such work were collected into a treatise known as Masseket Soferim, A Treatise <sup>for(?)</sup> on Scribes. A precis of this work also appeared, Masseket Sefer Torah. Both guide books circulated widely and were included as appendices to editions of the Talmud.

THE TANNAIM WERE RESPONSIBLE FOR ESTABLISHING AND STRENGTHENING THE ELEMENTARY EDUCATIONAL SYSTEM WHICH HAD BEEN BEGUN DURING THE PRECEDING CENTURIES. ELEMENTARY EDUCATION HAD RATHER A NARROW FOCUS: THE ABILITY TO READ AND CHANT PROPERLY THE SEFER TORAH AS PART OF SYNAGOGUE RITUAL. THOUGH BY THE FIFTH CENTURY CURSIVE SCRIPT WAS THE ACCEPTED WAY OF WRITING LETTERS AND BUSINESS DOCUMENTS, A JEWISH BOY CONTINUED TO BE INTRODUCED TO THE SOLID BLOCK LETTERS OF THE ASHURIT SCRIPT BECAUSE IT WAS THE SCRIPT USED IN THE TORAH SCROLL. HE LEARNED THESE LETTERS ONE-BY-ONE, THEN IN COMBINATION, THEN HE WAS SET SHORT TORAH TEXTS. ALL READING WAS DONE ALOUD AND EVERY PHRASE AND SENTENCE WAS CHANTED OVER AND OVER AGAIN UNTIL THE STUDENT HAD IT DOWN PAT. LITTLE CONCERN WAS SHOWN FOR ANY BUT THE MOST RUDIMENTARY COMPREHENSION.

AFTER SEVERAL YEARS, THE QUICKER STUDENTS KNEW MOST OF THE SEFER TORAH BY HEART; WHAT THEY KNEW WERE PHRASES AND SENTENCES THEY ACCEPTED AS GOD'S OWN AND AS BASIC ELEMENTS OF THEIR FAITH; BUT THE HOW AND WHY OF SUCH CONNECTION COULD NOT HAVE BEEN CLEAR TO MOST OF THEM. THEY TOOK THE VALUE OF THE TORAH FOR GRANTED. THE ENVIRONMENT REINFORCED ITS IMPORTANCE AND SACREDNESS. IF THE STUDENT DID NOT UNDERSTAND WHAT WAS READ, HE KNEW THAT THE SAGES DID. STUDENTS WERE TAUGHT THAT THERE WERE NO PRIMARY OR SECONDARY TEXTS IN THE SEFER TORAH. NO ONE SAID TO THEM, THIS TEXT IS CRITICAL, THAT ONE ONLY ILLUSTRATIVE; ALL WERE ACCEPTED AS ESSENTIAL PARTS OF GOD'S MESSAGE. WHERE A MODERN MAY SEE AN INCONSISTENCY OF PHRASES, AND WAS AN AID TO PRONUNCIATION. SPECIALISTS, CALLED

OR SIMPLY A BIT OF TRIVIA, THE RABBINIC MIND SAW THE POSSIBILITY OF MEANING. THIS KIND OF EDUCATION CONDITIONED THE STUDENT TO ACCEPT AN EXEGESIS WHICH BINDS TOGETHER SENTENCES AND PHRASES WITH NO APPARENT CONNECTION BUT THAT MAY INCLUDE A SIMILAR TERM OR AN UNUSUAL GRAMMATICAL CONSTRUCTION.

✓ THE OBLIGATION OF KERAT HA-TORAH, READING FROM THE TORAH DURING PUBLIC WORSHIP, PRESENTED THE WORSHIPPER AN OPPORTUNITY TO PARTICIPATE VICARIOUSLY IN THE MOMENT OF REVELATION, SINAI, AND SO ACCLAIM THE COVENANT AND REJOICE IN ISRAEL'S ELECTION. BY SPEAKING THE WORDS GOD HAD SPOKEN, THE WORSHIPPER REAFFIRMED THE COVENANT AND DREW NEAR TO GOD. THE KERAT HA-TORAH CEREMONY DEVELOPED RULES OF ITS OWN. A SPECIFIC NUMBER OF READERS WERE REQUIRED: SEVEN ON THE SABBATH, THREE ON MONDAYS AND THURSDAYS. A MAN OF PRIESTLY DESCENT WAS TO BE CALLED FIRST, THEN A LEVITE, THEN THOSE OF LESS DISTINGUISHED BIRTH. TECHNICALLY, THOSE CALLED TO READ WERE TO READ; BUT THE UNVOCALIZED HEBREW TEXT AND THE TROPE WERE BEYOND THE COMPETENCE OF MOST SO IT BECAME THAT A MAN FULFILLED THE DUTY OF KERAT HA-TORAH WHEN HE RECITED THE DESIGNATED BLESSINGS WHICH PRECEDED AND CLOSED THE TORAH RADINGS, BLESSINGS EVERYONE KNEW BY HEART. ONE BETTER TRAINED THAN THE REST CHANTED THE TORAH TEXT.

CARE WAS TAKEN WITH THE READING AND THE CHANT. THE CHANT, WHICH DEVELOPED OUT OF THE LEARNING SONGS USED IN SCHOOLS, HELPED TO SEPARATE LONG AND SHORT SYLLABLES, SUGGESTED THE PROPER DIVISION OF PHRASES, AND WAS AN AID TO PRONUNCIATION. SPECIALISTS, CALLED

MASORETES, WOULD CONTINUE TO WORK FOR MANY CENTURIES PREPARING A STANDARD TEXT WHICH ANALYZED AND APPROVED EVERY VOWEL AND TROPE SIGN. THE FOLIO TEXTS PREPARED BY THESE GRAMMARIANS WERE NOT USED IN WORSHIP, WHERE ONLY A UNVOCALIZED SCROLL WAS CONSIDERED APPROPRIATE, BUT GUIDED THE READING OF THOSE CHARGED WITH THE DUTY OF KERAT HA-TORAH.

THE MASORETES ALSO DESIGNATED THOSE FEW TEXTS WHERE THE ACCEPTED READING DIFFERED FROM THE WRITTEN TEXT (KETIB U-KERI) AND WHERE A WORD WAS NOT TO BE READ (KETIB VE-LO KERI). THE EXISTENCE OF SUCH PROBLEM TEXTS SUGGESTS THAT AFTER A CERTAIN POINT IN TIME, PROBABLY AS EARLY AS THE FIRST CENTURY C.E., SCRIBES WOULD NO LONGER REVISE A TEXT FOR GRAMMATICAL REASONS AS THEIR PREDECESSORS HAD RATHER FREELY DONE. BY NOW, THE TORAH TEXT WAS WELL KNOWN AND SEEN AS HOLY. WHO KNEW WHETHER GOD MIGHT NOT HAVE INTENDED THE TEXT TO BE READ AS IT APPEARED, EVEN IF THAT READING SEEMED NO MORE THAN A COMMON SCRIBAL ERROR. PERHAPS THE "ERROR" WAS DELIBERATE. PERHAPS GOD INTENDED IT TO CONVEY SOME IMPORTANT MEANING.

THE SAGES APPRECIATED THE VALUE OF KERAT HA-TORAH AS A SPIRITUAL MOMENT AND AS A MEANS OF KEEPING ALIVE KNOWLEDGE OF THE TRADITION. THEY ENCOURAGED TORAH STUDY AND CREATED MECHANISMS LIKE THE TARGUM (AN ARAMAIC PARAPHRASE OF THE WEEKLY TORAH READING) TO INSURE THAT THE COMMUNITY UNDERSTOOD THE TORAH PROPERLY. OVER TIME SOME OF THESE RITUALS BECAME ACCEPTED CUSTOMS WHICH CONTINUED EVEN WHEN, AS IN THE CASE OF THE TARGUM, THE RITE NO LONGER

ה'תק"ו  
פ"ב

SERVED ITS ORIGINAL PURPOSE. TARGUM WAS ORIGINALLY SIMPLY AN EXTEMPORANEOUS  
 PARAPHRASE INTO ARAMAIC, THE COMMUNITY'S EVERYDAY SPEECH, BUT WHEN JEWS IN  
 THE 7TH AND 8TH CENTURIES CEASED TO SPEAK ARAMAIC, OPTING INSTEAD FOR ARABIC,  
 THE LANGUAGE OF THE NEW EMPIRE, IT BECAME A MEMORIZED RELIC RETAINED ONLY BY  
 THE INNATE CONSERVATISM OF RELIGIOUS LIFE. THE TREASURE TROVE OF DOCUMENTS  
 FOUND IN THE STOREROOM (GENIZAH) OF THE PALESTINIAN SYNAGOGUE OF OLD CAIRO  
 CONTAINED LETTERS WHICH INDICATE THAT LONG AFTER ARABIC HAD REPLACED ARAMAIC  
 AS THE PEOPLE'S VERNACULAR, YOUNGSTERS WERE TAUGHT AN ARAMAIC TARGUM AND  
 MUCH APPLAUDED WHEN THEY RECITED THE APPROPRIATE TARGUM IN THE SYNAGOGUE.

TORAH SCROLLS WERE NOW AVAILABLE IN EVERY SYNAGOGUE AND SCROLLS OF THE  
 PROPHETS AND WRITINGS MUST HAVE BEEN AVAILABLE IN MOST COMMUNITIES. INDIVIDUALS  
 COULD OWN SCROLLS. THERE IS A GOOD BIT OF DISCUSSION IN THE TALMUD ABOUT  
 DIVIDING SCROLLS AMONG HEIRS OR FOR SALE. A TORAH SCROLL COULD NOT BE DIVIDED.  
 SCROLLS OF OTHER THAN TORAH BOOKS MIGHT BE SEPARATED AT THE SEAMS UNDER CERTAIN  
 CONDITIONS. SYNAGOGUE SCROLLS, AT FIRST, WERE KEPT OUTSIDE THE PRAYER ROOM IN A  
 CABINET, TEVAH, WHERE THEY WERE LAID IN BINS AND BOUND, AS MANUSCRIPTS GENERALLY  
 WERE IN ANTIQUITY. IT IS NOT CLEAR IF SCROLLS OTHER THAN THE SEFER TORAH WERE  
 KEPT IN THE EARLY TEVAH, BUT BY THE FIFTH CENTURY, WHEN THE ARK BECAME A PERMANENT  
 ARCHITECTURAL FEATURE OF THE PRAYER ROOM, ONLY THE FIVE BOOKS OF MOSES WERE  
 KEPT THERE. IN FRONT OF THE ARK WAS A CURTAIN WHICH IN PURPOSE AND NAME,  
PAROCHET, RECALLED THE CURTAIN WHICH HAD FRONTED THE HOLY OF HOLIES IN THE  
 TEMPLE, WHERE THE ARK CONTAINING THE TABLETS OF THE LAW WAS SAID TO HAVE BEEN  
 KEPT IN PRE-EXILIC TIMES, AND WHERE IN THE SECOND TEMPLE THERE HAD BEEN AN  
 EMPTY SPACE FILLED WITH GOD'S PRESENCE. CUFTAINED IN THIS WAY, THE SEFER TORAH  
 WAS UNDERSTOOD AS GOD'S IMMANENT PRESENCE. MEN BOWED WHEN THEY CROSSED IN

Memorized  
 or deleted  
 altogether?

FRONT OF THE ARK AND ROSE WHEN IT WAS OPENED, BECAUSE OF ITS SACRED CONTENTS. POPULAR VENERATION OF THE SEFER TORAH SOMETIMES BORDERED ON IDOLATRY. FOR SOME THE SCROLL BECAME A SOURCE OF MIRACULOUS POWER, INDEPENDENT OF THE WORDS IT CONTAINED. OATHS WERE TAKEN BEFORE THE SCROLLS RESTING IN AN OPEN ARK.

THE SEFER TORAH HAD BECOME REVELATION, RESPLENDENT IN DIVINE MYSTERY, SYMBOL AND SUBSTANCE OF GOD'S WISDOM, THE SOURCE TOO HOLY TO BE HANDLED WITH ANY BUT THE MOST REVERENT HUMILITY. EVERY LETTER HAD ITS PURPOSE AND WAS A VEHICLE OF REVELATION. THE MIDRASH IS FULL OF INTERPRETATIONS WHICH TURN ON A SINGLE WORD OR LETTER. SERMONS AND TRADITIONS EMERGE UNEXPECTEDLY. R. HUNA BAR NATHAN ASKED R. ASHI: "WHAT IS THE POINT OF THE VERSE "KINAH AND DIMONAH

✓ AND ADDAH?" (JOSH. 15:22). R. ASHI REPLIED: "THE VERSE SIMPLY LISTS SOME TOWNS  
 > IN THE LAND OF ISRAEL." R. GEBIAH FROM (DE) ARGIZA UNDERSTOOD THE NAMES THIS  
 WAY: WHOEVER HAS CAUSE FOR RESENTMENT (KIN'AH) AGAINST HIS NEIGHBOR AND YET  
 ✓ HOLDS HIS PEACE (DOMEN), HE WHO ABIDES FOR ALL ETERNITY (ADE'AD) WILL ESPOUSE  
 ✓ HIS CAUSE" (B. GIT. 7A).

THE SAGES DERIVED MEANING NOT ONLY BY LOGICAL EXTRAPOLATION BUT FROM PECULIARITIES OF LANGUAGE AND STYLE, IRREGULARITIES IN SYNTAX, OR UNUSUAL SPELLINGS. NOT ONLY THE LETTERS BUT THE SPACES BETWEEN THEM HAD MEANING. AKIBA IS SAID TO HAVE DESCRIBED THE TORAH AS BLACK FIRE, THE WRITTEN WORDS, ON WHITE FIRE, THE SPACES BETWEEN THE WORDS. SINCE HEBREW HAD NO SEPARATE NUMERATION SYSTEM, AND USES THE ALPHABET FOR THAT PURPOSE, A TORAH SENTENCE WAS BOTH A SET OF IDEAS AND A SUM WHICH MIGHT SUGGEST WHEN THE MESSIAH WOULD COME. THE TORAH WAS BRIMFUL OF MEANING; INDEED, ITS WISDOM COULD NEVER BE EXHAUSTED.

HAVE DENIED WITH EVERY BREATH IN THEIR BODY THAT THE MISHNAH WAS A SECOND TORAH.

but the  
 Mishnah  
 is not a  
 second Torah  
 as the  
 Rabbis  
 thought  
 it was  
 a second  
 Torah  
 written  
 by  
 Moses  
 at  
 Sinai

GRADUALLY, THE ASSUMPTION OF THE DIVINITY OF THE SEFER TORAH MEANT THAT NO ONE DARED TOUCH OR TAMPER WITH A SEFER TORAH. BETWEEN THE FIRST AND THE TENTH CENTURIES, THE MASORETES PROVIDED THE TEXT WITH VOWELS, PUNCTUATION MARKS AND TROPE, MUSICAL NOTATIONS, AND DREW UP THOUSANDS OF BRIEF NOTES EXPLAINING USAGE, ETYMOLOGY, CITING OTHER EXAMPLES OF A PARTICULAR WORD, NOTING UNUSUAL TERMS AND THE LIKE. THEIR CAREFUL NOTES WERE ENTERED ON THE MARGINS OF FOLIOS, NEVER IN A SEFER TORAH TEXT INTENDED FOR SYNAGOGUE USE. THE CLASSIC BEN ASHER CODEX (9TH CENTURY), WHICH BECAME THE MASORETIC TEXT, THE STANDARD FOR ALL SUBSEQUENT HEBREW TEXTS, IS A MONUMENT TO CENTURIES OF PATIENT SCHOLARSHIP AND A TRIUMPH OF MANUSCRIPT ART, BUT IT WAS NOT INTENDED FOR SYNAGOGUE USE ANY MORE THAN WERE THOSE BEAUTIFULLY ILLUSTRATED TORAH MANUSCRIPTS WHICH WERE INSCRIBED AND PAINTED FOR WEALTHY PATRONS, PARTICULARLY IN SPAIN DURING THE FOURTEENTH AND FIFTEENTH CENTURIES. A FOLIO LIKE THE BEN ASHER CODEX WAS USED FOR RESEARCH AND TO CHECK OUT THE ACCURACY OF SCROLLS. THE TORAH SCROLL CARRIED A SPECIAL DEGREE OF HOLINESS AND WAS RESERVED FOR WORSHIP.

\* \* \* \* \*

ONE OF THE PARADOXES OF JEWISH HISTORY IS THAT AT THE VERY MOMENT WHEN HEBREW SCROLLS WERE BEING TRANSFORMED INTO A SCRIPTURE, ANOTHER BODY OF TEACHINGS WHICH JEWS WOULD ALSO CALL TORAH WAS BEING ORGANIZED. THIS OTHER BODY OF TEACHINGS, THE MISHNAH AND ITS LATER COMMENTARIES, THE TWO GEMARAS (PALESTINIAN AND BABYLONIAN), CAME TO BE KNOWN AS THE TALMUD AND IN A SURPRISINGLY SHORT TIME REPLACED THE TANAKH AS THE PRIMARY SOURCE BOOK TO WHICH JEWS TURNED FOR KNOWLEDGE ABOUT DOCTRINE AND DUTY. THEY CALLED THIS NEW TORAH MISHNAH AND WOULD HAVE DENIED WITH EVERY BREATH IN THEIR BODY THAT THE MISHNAH WAS A SECOND TORAH,

but you  
never do  
it as  
if it were  
a second  
"second" by  
mean. you  
wrong logically  
second.

WHICH IN FACT IT WAS. INDEED, THEY SOMETIMES ADMITTED AS MUCH, MISHNAH  
ME'KADEMET LE MIKRA (J. SAB. 1c). IN CERTAIN PRACTICAL MATTERS MISHNAH TAKES  
 PRECEDENCE OVER SCRIPTURE.

COMPLEMENTING A SCRIPTURE BY A BODY OF TRADITION IS NOT AT ALL UNUSUAL IN  
 RELIGIOUS HISTORY. THE CATHOLIC CHURCH INSISTS ON THE INFALLIBILITY OF ITS  
 SCRIPTURE, YET DERIVES ITS TEACHINGS PRIMARILY FROM CANON LAW. ULEMAS WILL CITE  
 THE SUNNA AND THE SHARIYAH AS WELL AS THE KORAN, AND RABBIS WILL QUOTE THE  
 TALMUD AS WELL AS THE BIBLE. WHAT IS SURPRISING IS THAT EACH OF THESE NON-  
 SCRIPTURAL ANTHOLOGIES BECAME, FOR ALL PRACTICAL PURPOSES, AN OPERATIVE  
 SCRIPTURE.

THE MATERIALS WHICH BECAME THE ORIGINAL SCRIPTURE TEND TO COME FROM THE  
 CREATIVE TIME OF THE FAITH'S BEGINNINGS, A PERIOD OF HIGH ENERGY AND CREATIVITY  
 WHEN THE FOUNDERS DEVELOPED THEIR IDEAS, OFTEN IN HIGHLY DRAMATIC LANGUAGE.  
 THE BIBLES OF THE WORLD ARE POWERFUL, DRAMATIC, AND EFFECTIVE DOCUMENTS, BUT  
 THEY ARE NEITHER SYSTEMATIC NOR FULLY CONSISTENT. THEY WERE NOT SO DESIGNED.  
 BUT AS THE FAITH MATURES THERE IS A PERCEIVED NEED FOR FILLING IN THE BLANKS:  
 INSTITUTIONAL NEEDS REQUIRE REVIEW AND DEFINITION, AND THE INSIGHTS OF THE  
 EARLY YEARS NEED TO BE CONCEPTUALIZED.

EACH OF THE SCRIPTURAL FAITHS CLAIMS THAT <sup>its</sup> THEIR SCRIPTURE IS INSPIRED, BUT  
 ONLY PROTESTANT CHRISTIANITY, AND MAINLY FOR ONLY A BRIEF PERIOD AT ITS BE-  
 GINNING, INSISTED ON THE SOLE SUFFICIENCY OF SCRIPTURE, WHAT THEOLOGICIANS CALL  
 THE DOCTRINE OF SOLA SCRIPTURA. THE REFORMATION'S BATTLE WAS WITH THE PAPAL  
 TRADITION. NOT WITH CHRISTIANITY. PROTESTANT CHRISTIANITY SUSPECTED ALL  
 TRADITION EXCEPT THAT WHICH WAS DERIVED DIRECTLY FROM SCRIPTURE. EVERYONE WAS  
 TO MAKE OF SCRIPTURE WHAT HE COULD. PROTESTANT CHRISTIANITY SOON DEVELOPED ITS

OWN TRADITIONS, SINCE NO FAITH, SCRIPTURAL OR OTHERWISE, CAN SURVIVE WITHOUT GIVING AUTHORITY TO THE RESULT OF YEARS OF CREATIVITY AND TEACHING. THE ROMAN CHURCH, LIKE ISLAM AND RABBINIC JUDAISM, INSISTS THAT AUTHORITY LIES IN SCRIPTURE AND TRADITION, AND GENERALLY DEFINES TRADITION AS THE OFFICIAL TEACHINGS OF THE CHURCH. ROME JUSTIFIED THIS CLAIM BY INSISTING THAT THE CHURCH WAS ESTABLISHED AND INSPIRED BY GOD AND GIVEN SPECIAL SPIRITUAL POWERS WHICH ALLOWED IT TO DEFINE THE MEANING OF SCRIPTURE AND TO DEFINE THE DUTIES AND DOCTRINES OF THE FAITH.

WE ARE NOT ACCUSTOMED TO THINK OF WORKS SUCH AS THE TALMUD OR CANON LAW AS A SECOND SCRIPTURE. EVERY FAITH TEACHES--AND ITS FAITHFUL ACCEPT--THAT ITS ORIGINAL SCRIPTURE CONTAINS THE FIRST AND LAST WORD. NO FAITH PLACES ITS SECOND SCRIPTURE ON THE ALTAR OR USES IT AS A MAJOR WORSHIP ELEMENT. THERE IS NO SCHEDULE OF READINGS FROM CANON LAW OR THE TALMUD DURING WORSHIP. THERE ARE MAGNIFICENTLY ILLUSTRATED BIBLES BUT NO ILLUMINATED TALMUDS. THE MASORETES WORKED FOR A MILLENNIUM TO PRESENT A CLEAN TEXT OF THE HEBREW SCRIPTURE; NO SIMILAR EFFORT WAS MADE TO EDIT A CLEAN AND AUTHORIZED TEXT OF THE TALMUD.

THESE SECOND SCRIPTURES ALSO DIFFER FROM THEIR BIBLES IN THAT NONE IS A GOOD READ. WHERE THE ORIGINAL SCRIPTURE CONTAINS PASSAGES OF POWER AND STYLE, THESE ACADEMIC AND SCHOLASTIC DOCUMENTS, THROUGH WHICH RELIGIOUS AUTHORITIES SOUGHT TO DEFINE WITH ELABORATE PRECISION THE PROPER ORGANIZATION OF THE RELIGIOUS COMMUNITY, ITS DOCTRINES AND DISCIPLINES, WERE WRITTEN IN DULL LEGAL STYLE.

WHEN WE THINK OF A SCRIPTURE WE CALL TO MIND THE COMPELLING AND FASCINATING MYTHS OF GENESIS, THE STRONG "THOU SHALT AND THOU SHALT NOT" CLAIMS OF THE COMMANDMENTS, THE POWERFUL PROPHETIC SERMONS OF AN AMOS, THE PASSIONATE LYRICISM

why not  
cite early  
scripture in well

yet certain  
parts of  
are quite  
poetic, lyrical  
compelling

OF THE PSALMS, LITERATURE WHICH APPEALS TO THE MIND AND SPIRIT, EVEN OF NON-BELIEVERS. AS LITERATURE THE MISHNAH FALLS SHORT OF THESE STANDARDS. IT READS AS WHAT IT IS, LISTS OF DISCRETE STATEMENT ABOUT TORAH LAW AND PRACTICE BROADLY ARRANGED BY TOPIC. THERE ARE FEW ILLUSTRATIONS OR PARABLES AND FEW COMPELLING SPIRITUAL PASSAGES. PRAYERS, IF THEY ARE CITED, ARE REFERRED TO BY THEIR OPENING WORD(S).

THE TALMUD IS A CHILD OF THE CLASSROOM. IT READS AS WHAT IT IS, CLASSROOM NOTES. THE TALMUD IS PRIMARILY A MANUAL, NOT LITERATURE. WHERE A PARABLE OR STORY IS CITED, IT IS HASTILY SKETCHED. SENTENCES ARE OFTEN PRESENTED WITHOUT ANY INDICATIONS OF LOGICAL CONNECTION TO WHAT PRECEDES OR WHAT FOLLOWS. SOMETIMES A CRYPTIC ONE- OR TWO-WORD NOTE MAY STAND FOR A WHOLE ARGUMENT. WHAT MAKES THE SECOND SCRIPTURES AUTHORITATIVE IS NOT ITS STYLE BUT THE IMPORTANCE ASSIGNED TO ITS CONTENT BY RECOGNIZED RELIGIOUS LEADERS.

THE SECOND SCRIPTURES ARE NOT SIMPLY CONVENIENT REARRANGEMENTS OF MATTERS DEALT WITH IN AN ORIGINAL MANNER, THOUGH THEY OFTEN CLAIM TO BE THAT. EACH DEFINES A STRUCTURE OF RELIGIOUS PRACTICE AND A FORMULATION OF DUTY AND DOCTRINE WHICH IN SOME WAYS BUILDS ON THE SCRIPTURAL TEXT AND IN MANY WAYS GOES BEYOND IT. CANON LAW AFFIRMS A RIGIDLY STRUCTURED CHURCH HIERARCHY, REQUIRES PRIESTLY CELIBACY, AFFIRMS THE BODILY ASSUMPTION OF MARY AND THE SACRAMENT OF CONFESSION, ESTABLISHES A CALENDAR OF HOLY DAYS AND FAST DAYS, DEFINES A HAGIOGRAPHY, AND GIVES TO THE PRIESTHOOD AUTHORITY TO DEFINE DOCTRINE AND PRACTICE AND TO THE POPE INFALLIBILITY: THEMES WHICH ARE EITHER MISSING IN THE NEW TESTAMENT OR ONLY VAGUELY SUGGESTED THERE. CANON LAW'S CLAIMS TO OBEDIENCE DEPEND LARGELY ON THE NEW TESTAMENT'S AUTHORITY, BUT THE DEGREE TO WHICH THE ROMAN CHURCH RESTS ITS AUTHORITY ON CANON LAW, WHAT IT TENDS TO CALL TRADITION, RATHER THAN ON THE NEW

TESTAMENT, CAN BE SEEN IN THE TRAUMA WHICH CONVULSED WESTERN CHRISTENDOM WHEN MEN LIKE ZWINGLI, LUTHER, AND CALVIN CLAIMED THAT CANON LAW WAS THE CREATION OF ERROR-PRONE CHURCHMEN AND THAT DIVINE AUTHORITY INHERED ONLY IN THE ORIGINAL SCRIPTURES.

LIKE THE TANAKH AND THE NEW TESTAMENT, THE KORAN WAS DESTINED TO INSPIRE AND VITALIZE ISLAM, BUT IT WAS NOT ALLOWED THE FINAL WORD IN DEFINING ISLAM'S INSTITUTIONS, DOCTRINES, AND PRACTICES. FOR THAT PURPOSE MUSLIMS TURN TO THE SUNNA AND THE SHARIYAH. THE KORAN ASSUMES THAT TRADITIONS OF ARAB JUSTICE AND LOCAL CUSTOM (SUNNA) WILL PLAY A MAJOR ROLE IN THE COMMUNITY AS IT GOES ABOUT THE TASK OF CONSECRATING A PARTICULAR WAY OF LAW AND OF LIFE. TO AUTHORIZE THESE PRACTICES, NEW IDEAS AND INSTITUTIONS WERE NEEDED AND VARIOUS STATEMENTS OF THE PROPHET WERE "RECALLED" WHICH HAD NOT BEEN INCLUDED IN THE KORAN. SOME OF THESE STATEMENTS MAY ACTUALLY HAVE BEEN MOHAMMED'S. OTHERS CERTAINLY WERE NOT, THOUGH THEY WERE CLAIMED TO BE. THE STANDARD USED TO DETERMINE WHETHER A SAYING WAS ACCEPTABLE OR NOT WAS SAHIB, 'IS IT SOUND.' THE TEST OF SAHIB WAS EXTRINSIC. DID THE SAYING HAVE A RELIABLE PEDIGREE? COULD IT BE TRACED BACK TO MOHAMMED THROUGH A CHAIN OF RELIABLE TRANSMITTERS? ISLAM AND ITS JURISTS WERE ABLE TO DEVELOP AND ARTICULATE A WAY OF LIFE AND A WAY OF FAITH, INCLUDING THE FIVE MANDATORY DAILY PRAYERS, WHICH WENT FAR BEYOND THE ACTUAL TEACHINGS OF THE KORAN. BY THE NINTH CENTURY ANTHOLOGIES OF SOUND TRADITIONS (AL-SAHIB) HAD BEEN COLLECTED. THE MOST ACCEPTABLE OF THESE WERE DRAWN TOGETHER AND AS LAW CODES BECAME THE BASIS OF ISLAM'S SECOND SCRIPTURE (SHARIYAH).

AT SOME POINT IN TIME THE TORAH, THE NEW TESTAMENT, AND THE KORAN BECAME THE SCRIPTURES OF THREE COMMUNITIES. EACH WAS A BRILLIANT AND IMAGINATIVE CLASSIC, BUT NONE WAS A SUFFICIENT GUIDE IN ALL MATTERS. EACH REQUIRED

INTERPRETATION, AND INTERPRETATION COULD NOT BE LIMITED TO A STRAIGHTFORWARD EXPLANATION OF THE TEXT ON WHICH ALL COULD AGREE. WHY NOT? BECAUSE NEW CONDITIONS CONSTANTLY AROSE WHICH THE CLASSIC TEXT HAD NOT CONTEMPLATED AND BECAUSE THE COMPLEX AND VARIED SCRIPTURAL TEXT HAS NO SELF-EVIDENT UNITY. ORTHODOX THEOLOGIANs TRIED TO DEFINE INTERPRETATION AS A NATURAL AND LOGICAL PROCESS WHOSE CONCLUSIONS ARE INEVITABLE. IN FACT, THERE IS NOTHING INEVITABLE ABOUT ANY INTERPRETIVE PROCESS. WORDS CAN BE GIVEN ALMOST ANY MEANING. TO AVOID CHALLENGE, EACH OF THE MAJOR WESTERN RELIGIONS GATHERED THE DESIRED "INTERPRETATIONS" INTO A SECOND SCRIPTURE.

EACH OF THESE SECOND SCRIPTURES HAS ITS OWN SHAPE AND STRUCTURE AND IS DIFFERENT IN FORMAT FROM THE ORIGINAL. THE BIBLE PRESENTS MATERIAL IN A RUSH OF POWERFUL STATEMENTS AND NARRATIVES. IT IS, FOR THE MOST PART, ORGANIZED CHRONOLOGICALLY. WHERE THE PENTATEUCHAL LAWS WERE PRESENTED AS SPECIFIC ITEMS IN VARIOUS LAW LISTS WHICH RELY LITTLE ON TOPICAL ARRANGEMENT, THE MISHNAH ARRANGES THE LAW INTO SIXTY-THREE CATEGORIES: 'BLESSINGS', 'CORNERS OF THE FIELD', . . .

ANOTHER IMPORTANT FEATURE OF THESE SECOND SCRIPTURES IS THAT THEY WERE NOT ORIGINALLY PREPARED WITH THE IDEA THAT THEY WOULD BE A BOOK. THE CHURCH TRADITION IS A COLLECTION OF INDIVIDUAL COUNCIL DECISIONS WHICH BECAME CANON LAW. THE SHARIYAH WAS DRAWN TOGETHER BY JURISTS WHOSE APPROACHES TO THE LAW WERE IN GENERAL AGREEMENT BUT WHO DIFFERED ON SPECIFICS.

TODAY WE CAN CHECK OUT A COPY OF THE MISHNAH FROM ANY GOOD LIBRARY OF JUDAICA, BUT IN THE THIRD CENTURY C.E. NO ONE COULD HAVE DONE SO. THE MISHNAH WAS ORGANIZED BY MEN WHO NEVER CONTEMPLATED ITS PUBLICATION BUT, RATHER, COMPOSED AND COMPILED IT AS AN ORAL MANUAL OF PRACTICES, PROCESSES, AND INSTRUCTIONS. IN ITS EARLY

DEVELOPMENT EVERY SECTION WAS TAUGHT ORALLY. 'THE MISHNAH'S AND THE TALMUD'S LANGUAGE BEARS ALL THE CHARACTERISTICS OF MATERIAL WHICH EMERGED OUT OF AN ORAL TRADITION: A SPARE, COMPRESSED STYLE, FORMS OF ARGUMENT DESIGNED TO EASE THE BURDEN OF MEMORY AS MUCH AS TO CLARIFY LOGICAL RELATIONSHIPS, AND THE USE OF MNEMONIC DEVICES.

WHO WERE THESE MEN WHO PROMOTED THE MISHNAH AGENDA AS THE RULE OF COMMUNITY LIFE? THEY WERE A LEARNED ELITE. NO ONE HAD ELECTED THEM TO ANY OFFICE. IN FACT, DURING MOST OF THE SECOND CENTURY THEY HELD NO OFFICIAL POSITION. THEIR AUTHORITY WAS AD HOMINEM, DERIVED FROM THE FACT THAT THEY WERE LEARNED MEN, CONFIDENT OF THEIR VIEWS AND INTENSE AND METICULOUS IN THEIR PRACTICE AT A TIME WHEN DEFEAT AND UNCERTAINTY HUNG HEAVY IN THE AIR. IN TROUBLED TIMES THERE IS A NATURAL TENDENCY TO DEFER TO THOSE WHO SOMEHOW REMAIN CONFIDENT. THESE SAGES, THE TANNAIM, SHOWED THEIR CONFIDENCE BY GIVING THEMSELVES A NEW TITLE - 'RABBI'. TODAY 'RABBI' SUGGESTS AN EXPERT IN RABBINIC LAW OR A CONGREGATIONAL MINISTER. THEN IT SUGGESTED THE AUTHORITY OF LEARNING AND SPECIAL KNOWLEDGE ABOUT GOD'S WILL RATHER THAN HUMBLE SCHOLARSHIP OR THE SHEPHERDING OF A FLOCK. RABBI COMES FROM A ROOT BEST TRANSLATED 'MASTER'.

THE PHARISEES HAD DEVELOPED THE IDEA THAT ALL ISRAEL MUST BECOME A KINGDOM OF PRIESTS AND A HOLY NATION, CLAIMING THAT THE CONCEPT OF PRIESTHOOD WAS NOT LIMITED TO A PARTICULAR CASTE BUT INCLUDED ANYONE WHO ACCEPTED THE PRIESTLY RULES OF PURITY AND WHO SERVED GOD WITH DEVOTION AND CARE. IN TEMPLE DAYS PRIESTS HAD LEARNED GOD'S WILL THROUGH ORACLES AND DIVINATION; THE LAY "PRIESTS" OF THE MISHNAH SCHOOLS DID SO BY CONSULTING THE TOFAH. THEY HELD THAT PIETY, LEARNING, AND THE HOLY SPIRIT HAD OPENED THE TORAH'S SECRETS TO THEM.<sup>?</sup> THE RIGHT TO TEACH AND LEAD WAS BASED ON LEARNING, SACRED LEARNING. THE RABBIS DID NOT SEE THEMSELVES

APPARATUS LINKING ITS RULINGS TO THE TORAH TEXT. RABBINIC

isn't about  
tradition  
any more  
claims  
of received  
wisdom to be  
considered  
false?

*without about  
77104*

NOR DID THEIR DISCIPLES REGARD THEM AS SIMPLE TEACHERS SATISFIED TO SPEND THEIR LIVES INTRODUCING STUDENTS TO TEXTS. THEY TAUGHT THEIR TORAH ON THE TORAH'S AUTHORITY AND THEIR OWN, AND CLAIMED THE RIGHT TO DEFINE THE HALACHA, THE WAY GOD INTENDED HIS COMMUNITY TO LIVE.

PERHAPS THE MOST SURPRISING FACT ABOUT THE MISHNAH IS THAT THE DECISION TO KEEP IT ORAL WAS A CONSCIOUS ONE. THE TANNAIM WERE LEGAL FOLK, USED TO SETTING OUT THEIR CAREFULLY REASONED AND NEATLY SCULPTED ARGUMENTS. MANUALS OF LAW ARE, AFTER ALL, REFERENCE WORKS TO WHICH A SITTING JUDGE OR LEGAL COUNSEL CAN TURN FOR PRECEDENT AND CITATION. WHY KEEP SUCH A WORK OFF PARCHMENT? WHY NOT MAKE A LAW CODE READILY AVAILABLE?

THE ANSWER IS THAT, DESPITE APPEARANCES, THE MISHNAH WAS NOT INTENDED TO BE A LAW MANUAL.

*17*

MISHNAH PRESENTS THE REQUIREMENTS OF JEWISH LIFE, TORAH, AS UNDERSTOOD AND ORGANIZED BY SEVERAL GENERATIONS OF TANNAIM. MISHNAH IS A COLLECTION OF DISCRETE TRADITIONS ORGANIZED INTO SIX THEMATIC CATEGORIES, ARRANGED ACCORDING TO TOPICS WITH LITTLE IF ANY ATTENTION BEING DRAWN TO HOW THESE RULES DERIVE FROM THE WRITTEN TORAH. TODAY THE MISHNAH IS A BOOK BUT IT BEGAN AS A PROCESS, A WAY OF ARRANGING MATERIAL, A WAY OF LOOKING AT THE LAW. THE RABBIS ARRANGED IN THEIR MINDS LISTS OF STATEMENTS OF LAW TOGETHER WITH A FEW SPARE DISSENTS AND COMMENTS, ARRANGED THEM TOPICALLY, AND REQUIRED THEIR STUDENTS TO MEMORIZE THESE COMPOSITIONS AS BASIC STATEMENTS ABOUT GOD'S REQUIREMENTS OF ISRAEL'S RELIGIOUS AND COMMUNAL LIFE.

THE MISHNAH PRESENTS LISTS OF TANNAITIC INSTRUCTIONS WITHOUT ANY APPARATUS LINKING ITS RULINGS TO THE TORAH TEXT. RABBINIC

STATEMENTS ARE GENERALLY PRESENTED ON THEIR OWN AUTHORITY. THE WRITTEN TORAH IS RARELY CITED AND THEN USUALLY IN AN AGGADIC CONTEXT. THE MISHNAH HAS BROKEN FREE OF THE TORAH TEXT. ITS THEMATIC UNITS ARE ORGANIZED AROUND SIX ORDERS (SEDARIM) WHICH, AS FAR AS ANYONE KNOWS, REPRESENT A MAJOR PHARISAIC-TANNAITIC INNOVATION.

WHEN I PRESENT THE MISHNAH TO A CLASS AND WE ANALYZE A PAGE OR TWO, THEY IMMEDIATELY TYPE IT AS A LAW CODE. IT CONTAINS LAW, AND LIKE ANY CODE, TENDS TO ARRANGE THE LAW TOPICALLY. THE MISHNAH CONTAINS LAW SPECIFICALLY DESCRIBED AS SACRED TRADITIONS RECEIVED BY MOSES AT MOUNT SINAI BUT NOT INCLUDED IN THE SEFER TORAH, TORAH L' MOSHE MI SINAI, AS WELL AS LAW PROMULGATED BY CONTEMPORARY AND EARLIER AUTHORITIES AS FAR BACK AS THE SOFERIM, THE LITTLE KNOWN RELIGIOUS LEADERS OF THE PERSIAN PERIOD. WHERE THE ORIGINAL TORAH RELATES LAW TO ONE EVENT IN ISRAEL'S PAST, SINAI, THE MISHNAH CITES LAWS ON THE AUTHORITY OF GENERATIONS OF SAGES BEGINNING WITH THE PHARISAIC LEADERS OF THE SECOND CENTURY B.C.E. AND RUNNING THROUGH THE TANNAIM OF THE SECOND CENTURY C.E. SOME RULES ARE PRESENTED WITHOUT ANY CITATION OF AUTHORITY, OTHERS ON THE AUTHORITY OF A PARTICULAR SAGE OR OF A GROUP OF SAGES.

IF MISHNAH IS A LAW CODE IT FAILS IN ONE MAJOR RESPECT. IT IS NOT EXHAUSTIVE OR CONCLUSIVE. IT ASSUMES MANY PRACTICES AND RULES WITHOUT SPECIFYING THEM; IT MAY CITE TWO CONFLICTING STATEMENTS WITHOUT RECONCILING THEM. SPREAD THROUGHOUT THE TEXT ARE A SMALL NUMBER OF BIBLICAL INTERPRETATIONS AND ANECDOTAL ILLUSTRATIONS WHICH ARE NOT ALWAYS APPARENTLY RELEVANT TO THE TOPIC AT HAND. IN BRIEF, IF IT IS A CODE, IT HAS BEEN SLOPPILY EDITED.

But what is  
its  
frame of  
reference?  
Does it  
presuppose  
knowledge  
of its own  
past?

maybe

WHY DID ISRAEL NEED A MISHNAH? ONCE IT CAME TO BE BELIEVED THAT THE WRITTEN TORAH COULD NOT BE REVISED OR AMENDED, THE ONLY WAY TO KEEP TORAH RELEVANT TO THE TIMES WAS TO BEND EVERY ENERGY TO ITS INTERPRETATION AND ENLARGEMENT.

WHY THEN NOT SIMPLY CONTINUE TO PRODUCE SCROLLS OF LEGAL EXEGESIS, SUCH AS WERE BEING DEVELOPED AT THE TIME, IN WHICH A WIDE RANGE OF RULES AND PRACTICES WERE DRAWN OUT OF THE BIBLICAL TEXT? AFTER ALL, EXEGESIS, MIDRASH, WAS THE CUSTOMARY WAY OF INTERPRETING SCRIPTURE AND THE SAGES ASSUMED THAT ALL JEWISH PRACTICE ULTIMATELY HAD ITS SOURCE IN THE WRITTEN LAW. A MIDRASH SCROLL MIGHT RELATE TO THE WRITTEN TEXT, AN EXTENSION OF BIBLICAL LAW OR A RULE NOT IMMEDIATELY APPARENT AS INCLUDED IN IT. THERE WERE SUCH VOLUMES. SOME WERE APPARENTLY BEING WORKED ON AT THE SAME TIME AND BY THE SAME MEN WHO WORKED ON THE MISHNAH. COPIES OF THE MEKHILTA, A VERSE-BY-VERSE COMPENDIUM OF RULES RELATING TO LAWS IN EXODUS, SIFRA (LEVITICUS), SIFRE (NUMBERS) AND SIFRE (DEUTERONOMY) WERE IN THE PROCESS OF BEING COMPILED; AND THOUGH RESEARCHERS STILL DEBATE WHEN THESE TEXTS WERE ACTUALLY PUBLISHED--THE JARGON TERM IS "REACHED CLOSURE"--THERE IS GENERAL AGREEMENT THAT A MAJOR PART OF EACH WAS DEVELOPED BY THE TANNAIM.

THE RABBIS PRIZED MIDRASH BUT EVIDENTLY FOUND THAT ITS VERSE-BY-VERSE ARRANGEMENT FOLLOWING THE BIBLICAL TEXT HAD MANY LIMITATIONS. IT IS DIFFICULT TO KNOW WHERE TO LOOK, FOR THE BIBLICAL TEXT IS REPETITIVE. IT PROVIDES, FOR INSTANCE, THREE DIFFERENT CALENDARS OF HOLY DAYS (EXODUS, LEVITICUS, AND DEUTERONOMY) AND THE LISTS DO NOT

ALWAYS USE THE SAME TERMS. LAWS RELATING TO SIMILAR THEMES ARE RECORDED IN SEVERAL PLACES IN SLIGHTLY DIFFERENT LANGUAGE. THE WRITTEN TEXT DID NOT DEAL WITH A WHOLE AREA OF REAL ESTATE LAW, AN ISSUE OF GREAT CONCERN TO A COMMUNITY SUCH AS JUDEA WHERE THERE HAD BEEN SIGNIFICANT EXPROPRIATION OF PROPERTY IN RECENT TIMES. THERE IS NO TEXT ESTABLISHING THE PERMISSIBLE LIMITS OF SABBATH TRAVEL. THE RABBIS WERE FULLY AWARE OF THE PROBLEMS INVOLVED IN PROVING THE DEPENDENCE OF THE ENTIRE ORAL LAW ON THE WRITTEN LAW: "THE LAW CONCERNING ABSOLUTION FROM VOWS (BY A SAGE) HOVERS IN THE AIR. THEY HAVE NO TEXT OR SCRIPTURE ON WHICH THEY CAN LEAN. THE LAWS OF THE SABBATH, FESTIVAL OFFERINGS AND SACRILEGE ARE AS MOUNTAINS HANGING BY A HAIR. THERE IS LITTLE SCRIPTURE AND MANY LAWS. THE LAWS CONCERNING CIVIL MATTERS, THE TEMPLE CULT, PURITY AND FORBIDDEN DEGREES (IN RESPECT TO MARRIAGE) HAVE SCRIPTURE ON WHICH TO DEPEND. BOTH THE FORMER AND THE LATTER (ALL THESE RULES) ARE ESSENTIALS OF THE TORAH" (M. HAG. 1:8). SOME LONG ACCEPTED PRACTICES HAD NO APPARENT BASE IN TORAH TEXT, OR AT MOST AN EXTREMELY TENUOUS ONE. THE RABBIS EVIDENTLY FELT THE NEED FOR A MORE READILY ACCESSIBLE AND MORE AUTHORITATIVE STATEMENT OF THE SPECIFIC RULES WHICH SHOULD GOVERN ISRAEL'S RELIGIOUS PRACTICE.

THE YEARS OF DEFEAT AFTER THE FAILED AND COSTLY REBELLIONS AGAINST ROME WERE DESPERATE TIMES. TO PROVIDE ISRAEL WITH A QUICK WAY TO UNDERSTAND WHAT WAS REQUIRED OF THEM WAS, THE RABBIS FELT, THEIR FIRST AND GRAVEST RESPONSIBILITY. LIFE HAD FALLEN APART FOR THE JEWS. URBANIZATION, HELLENIZATION, ROMAN AUTHORITY, THE APPEAL

OF THE MYSTERIES AND MILLENNARIAN CULTS, HAD SCMEHOW CULMINATED IN THE TRAGEDY OF 70 C.E.. THAT CATAclysmic EVENT HAD THE BELIEF WHICH THE PHARISEES HAD LONG ESPOUSED, THAT EVERYONE NEEDED TO BE SURE OF WHAT GOD'S INSTRUCTIONS REALLY WERE, SO THAT THERE COULD BE NO QUESTION OF WHAT WAS RIGHT, SO THAT THE COMMUNITY COULD DO THE RIGHT AND BE GUARANTEED GOD'S FAVOR. A SET OF FORMAL, HIGHLY ARTICULATED RULES HAD GOVERNED TEMPLE RITUAL. NOW A SIMILAR FORMAL, HIGHLY ARTICULATED SET OF RULES WOULD GOVERN AND REDEEM THE LIFE OF THE SURVIVORS. THE MISHNAH'S PURPOSE WAS TO DRAW TOGETHER THIS ENTIRE RANGE OF DISCRETE STATEMENTS ABOUT LAW AND PRACTICE, BRIEF CASE CITATIONS, EQUALLY BRIEF REFERENCES TO DIFFERING LEGAL OPINIONS, VARIATIONS OF CUSTOM AND COMMUNITY PRACTICE INTO THEMATIC BLOCKS.

THE SAGES GAINED STANDING DURING THOSE DESPERATE YEARS WHEN "THINGS FALL APART, THE CENTRE CANNOT HOLD, MERE ANARCHY IS LOOSED UPON THE WORLD, THE BLOOD DIMMED TIDE IS LOOSED. . ." (W. B. YEATS, THE SECOND COMING). AFTER THE YEAR 70 C.E. MOST JEWS SIMPLY HUNKERED DOWN AND TRIED AS BEST THEY COULD TO SURVIVE. THE TEMPLE, THE PRIESTLY VENUE, LAY IN RUINS. LOCAL GOVERNMENT BUREAUS WERE IN DISARRAY. SOME PRACTICAL MEN UNDOUBTEDLY TREATED WITH THE ROMANS FOR PERMISSION TO REBUILD THEIR LIVES AND THE SANCTUARY. SIMPLE FOLK WENT ABOUT THEIR WORK AS BEST THEY COULD. THE LOCAL SYNAGOGUES WERE A HELP, BUT PEOPLE STILL NEEDED TO BE WITH AND DRAN STRENGTH FROM STRONG AND CONFIDENT LEADERS. THE TANNAITIC MASTERS WERE THE ONLY SUCH GROUP WHO HAD AN ARTICULATED AGENDA. THERE WAS SIMPLY NO AUTHORITY OTHER THAN THE RABBIS FOR PEOPLE TO TURN TO FOR ADVICE,

yet the  
Temple ritual  
was intricate  
in

after

what  
treated?

PERMISSION, OR JUDGMENT. THEY WERE NOTABLE NOT ONLY BECAUSE OF THEIR PIETY AND LEARNING BUT BECAUSE OF THEIR CONFIDENCE IN THEIR TEACHING.

RECONSTRUCTION INEVITABLY FOLLOWS DEFEAT. VICTIMS ORGANIZE TO TAKE ADVANTAGE OF WHATEVER OPPORTUNITIES EXIST. IN TIME ROME FOUND IT EXPEDIENT TO ALLOW THE JUDEANS TO GOVERN THEMSELVES IN DOMESTIC MATTERS AND TURNED AUTHORITY OVER TO A NOBLE FAMILY WHICH HAD NOT BEEN IMPLICATED WITH THE REBELS. A MEMBER OF THIS FAMILY WAS NAMED: THE PATRIARCH, AN OFFICIAL NOMINALLY RESPONSIBLE FOR THE MAINTENANCE OF LAW AND ORDER AND THE COLLECTION OF TAXES. IT HAPPENED THAT THIS FAMILY, DESCENDANTS OF HILLEL, HAD LONG-STANDING TIES WITH THE PHARISAIC SAGES AND THEIR SUCCESSORS, THE TANNAITIC RABBIS. ROME WAS QUICK TO RECOGNIZE THE VALUE OF THE RABBIS IN MAINTAINING LAW AND ORDER AND MADE NO PROTEST WHEN THE PATRIARCHS TURNED TO TANNAIM FOR ADMINISTRATIVE HELP AS LAW OFFICERS AND MEMBERS OF THE VARIOUS COURTS OF APPEAL. NO OTHER GROUP HAD SUFFICIENT STATUS, LEARNING, AND COMMITMENT TO RESTRUCTURE THE COMMUNITY'S RELIGIOUS AND CULTURAL LIFE, TO BRING ORDER OUT OF CONFUSION, AND TO OFFER HOPE AND CLEAR DIRECTION. SO THE TANNAIM WERE COOPTED INTO THE SYSTEM AND THEIR THEORETICAL DELIBERATIONS INCREASINGLY HAD PRACTICAL CONSEQUENCE. THAT THE RABBIS BROKE NEW GROUND SHOWS HOW EAGER THE LEADERSHIP WAS DURING THIS PERIOD OF DEFEAT, CONFUSION, AND TURMOIL TO FIND A WAY TO EXPRESS CLEARLY THEIR PURPOSES AND COMMITMENTS.

THEY RECOGNIZED THAT A BRIEF MOMENT OF OPPORTUNITY WAS OFFERED BY THE POWER VACUUM WHICH FOLLOWED THE DEFEAT AND THAT THIS OPPORTUNITY

MIGHT BE LOST UNLESS THEY MOVED QUICKLY TO IMPOSE ON THE COMMUNITY THEIR VISION AND THEIR WAY AND TO MAKE THAT WAY CLEAR AND UNDERSTANDABLE. HAD THEY CONTINUED TO USE EXCLUSIVELY THE MIDRASHIC METHOD OF LINE-BY-LINE AND PHRASE-BY-PHRASE COMMENTARY, MANY MIGHT HAVE RECOGNIZED JUST HOW TENUOUS WERE THE RELATIONSHIPS BETWEEN WHAT THE TANNAIM TAUGHT AS TORAH AND THE ORIGINAL TORAH. WHETHER THEIR REASONS INCLUDED A DESIRE FOR COMPREHENSIVENESS OR A DESIRE TO CLOSE OFF ANY DOUBTS ABOUT THE AUTHORITY BEHIND THEIR PROGRAM OR SOME OTHER REASON, THE SAGES BEGAN TO ORGANIZE THEIR TEACHINGS IN A STRIKINGLY UNIQUE WAY--THE WAY WE CALL THE MISHNAH.

THE MISHNAH QUICKLY BECAME THE FOUNDATION STONE OF A RESHAPED TORAH TRADITION. THIS RABBINIC MODULATION WAS NOT A NATURAL AND INEVITABLE DEVELOPMENT FROM WHAT HAD BEEN BEFORE. QUITE THE CONTRARY, ITS STRAIGHTFORWARD, ALMOST APODICTIC STATEMENTS SUGGEST A HIGH DEGREE OF INNOVATION, AS CAN BE SEEN FROM THE OPENING PARAGRAPH OF THE WHOLE MISHNAH.

"FROM WHAT TIME IN THE EVENING MAY THE SHEMA BE

RECITED: FROM THE TIME WHEN THE PRIESTS ENTER

(THE TEMPLE) TO EAT OF THEIR HEAVE-OFFERING

UNTIL THE END OF THE FIRST WATCH. SO R.

ELIEZER. BUT THE SAGES SAY: UNTIL MIDNIGHT,

RABBAN GAMALIEL SAYS: UNTIL DAWN. HIS SONS

ONCE RETURNED (AFTER MIDNIGHT) FROM A WEDDING

FEAST. THEY SAID TO HIM, 'WE HAVE NOT RECITED

THE SHEMA.' HE SAID TO THEM, 'IF THE DAWN

So in Danby  
but I think  
it's incorrect,

eg see Albeck  
p. 13

לדעת ר' גמליאל  
עד חצות הלילה

לדעת ר' אלעזר  
עד זריחה

לדעת ר' גמליאל  
עד זריחה

HAS NOT RISEN YOU ARE (STILL) BOUND TO RECITE IT. <sup>SUCH AS</sup>  
 MOREOVER, WHEREVER THE SAGES PRESCRIBE "UNTIL MID- <sup>FROM A</sup>  
 NIGHT" THE DUTY FULFILMENT LASTS UNTIL DAWN. <sup>TAUGHT</sup> THE  
 DUTY OF BURNING THE FAT PIECES AND THE MEMBERS (OF <sup>DIRECTLY</sup>  
 THE ANIMAL OFFERINGS) LASTS UNTIL THE RISE OF DAWN. <sup>YOHANAN</sup>  
 WHY THEN HAVE THE SAGES SAID: UNTIL MIDNIGHT? TO <sup>RABBIS</sup>  
 KEEP A MAN FAR FROM TRANSGRESSION" (M. BER. 1:1). <sup>ASIDE FOR</sup>  
 THE WRITTEN TORAH INCLUDES THE SHEMA TEXT BUT MAKES NO MENTION OF <sup>TUPE</sup>  
 THE OBLIGATION OF DAILY RECITATION OF THE TIMES WHEN SUCH AN OBLI- <sup>2:41</sup>  
 GATION IS TO BE CARRIED OUT. AS THIS MISHNAH STATES, SUCH RULES  
 WERE RABBINIC FORMULATIONS. <sup>WHICH IS NOT TO SAY THAT THE MISHNAH</sup>

THE RABBIS DID NOT LOOK ON THEMSELVES AS INNOVATORS--THE LAW  
 WAS ALREADY IN THEIR MINDS AND HEARTS. BUT THE MISHNAIC STRUCTURE  
 AND METHOD WERE NEW: IT WAS ARRANGED BY SUBJECT CATEGORIES AND ITS  
 PRESCRIPTIONS FOR JEWISH PRACTICE WERE BASED ON RABBINIC AUTHORITY.  
 THE SAGES WERE CONFIDENT THAT THEY WERE BEING TORAH-TRUE, BUT FROM  
 OUR PERSPECTIVE THE DEGREE OF REORDERING AND RECASTING OF TEXTS  
 THEY INTRODUCED IS STRIKING. <sup>THEY</sup> <sup>WAS AGREEMENT AMONG THEM ON A PARTI-</sup>

7. EVERYONE ADMITS THAT THE MISHNAH REPRESENTS SOMETHING NEW UNDER  
 THE JEWISH SUN, BUT THE RABBIS WOULD HAVE ARGUED THAT THINGS HAVE  
 NOT BEEN SO MUCH CHANGED AS REORGANIZED, A MATTER MORE OF STYLE THAN  
 OF SUBSTANCE. LAWS SUPPLEMENTING THE WRITTEN TORAH HAD EXISTED SINCE  
 SINAI AND THE TANNAIM BELIEVED THEY HAD MERELY DRAWN TOGETHER WHAT  
 HAD ALWAYS BEEN PRESENT. RELIGIOUS REFORMERS ALMOST ALWAYS CLAIM  
 THAT THEY ARE NOT BREAKING NEW GROUND BUT GOING BACK TO THE ORIGINAL  
 REVELATION AND PROVIDING A FULLER UNDERSTANDING OF IT.

*Mishnah Hag 1:8*  
 STILL, THESE SAGES KNEW THAT THEIR EXTENSIVE RULES--SUCH AS THE ELABORATE DIETARY REGULATIONS--WERE A MOUNTAIN HANGING FROM A SINGLE SCRIPTURAL THREAD, AND THEY WERE AWARE THAT THEY TAUGHT TORAH WHICH INCLUDED MATERIAL WHICH COULD NOT BE DERIVED DIRECTLY FROM THE WRITTEN TORAH: "R. ZERIA SAID IN THE NAME OF R. YOHANAN: 'IF YOU COME ACROSS A HALACHA (A STATEMENT OF LAW BY THE RABBIS) IF YOU DO NOT KNOW ITS SCRIPTURAL SOURCE, DO NOT SET IT ASIDE FOR MANY LAWS WERE DICTATED TO MOSES ON SINAI (INDEPENDENTLY OF SCRIPTURE) AND ALL OF THEM ARE EMBODIED IN THE TORAH' (J. HAG. 1:8, J. ~~YES~~ <sup>Peah</sup> 2:4).

*3. 1001  
 Mishnah  
 Peah 2:4*  
 THE MISHNAH IS ORGANIZED ALONG BROAD THEMATIC LINES. PROOF TEXTS ARE GENERALLY MISSING, WHICH IS NOT TO SAY THAT THE MISHNAH IS INDIFFERENT TO THE BIBLE. IN FACT, THE MISHNAH CONTAINS AT LEAST A QUOTATION OR TWO FROM EVERY BOOK OF THE BIBLE EXCEPT FOR FIVE OF THE MINOR PROPHETS. IT IS IMPREGNATED WITH THE BIBLICAL SPIRIT. *is it?*  
 THE SAGES OF THE SECOND CENTURY SIMPLY ASSUMED THE SCRIPTURAL CONNECTION. THEY DID NOT CLAIM THAT WHAT THEY TAUGHT WAS AN ELEMENTAL PART OF THE SINAI REVELATION--THAT CLAIM WOULD COME LATER--BUT THEY CLEARLY ASSUMED THAT WHEN THERE WAS AGREEMENT AMONG THEM ON A PARTICULAR POINT, THEIR AGREEMENT ESTABLISHED THE POSITION'S VALIDITY AND HAD BINDING FORCE. AUTHORITY LAY WITH THE SAGES AND DERIVED FROM THEIR UNDERSTANDING OF TORAH.

WHY DID THE SAGES LABOR SO DETERMINEDLY TO ORGANIZE THESE BLOCKS OF THEMATIC MATERIAL? THEY PERCEIVED A NEED TO DEVELOP A CORE CURRICULUM FOR THE SCHOOLS AND A READILY AVAILABLE SOURCE WHICH WOULD ENABLE PEOPLE TO ORGANIZE THE GROWING BULK OF OFFICIAL RABBINIC

THOSE EARLY CENTURIES IT WAS NOT THE TEXT WHICH WAS CENTRAL BUT THE

TEACHINGS IN A WAY THAT MADE THEM EASY TO REMEMBER AND REFER TO.

BECAUSE THE MISHNAH IS FAMILIAR TO US AS A BOOK, WE TEND TO ASSUME THAT IT WAS EDITED BY SOMEONE BEFORE BEING SENT TO A PUBLISHER. MOST MANUALS DO, IN FACT, INDICATE THAT THE MISHNAH WAS PUBLISHED UNDER THE AUSPICES OF A WEALTHY AND POWERFUL PALESTINEAN PATRIARCH, JUDAH HA NASI, SOME TIME SHORTLY AFTER THE YEAR 200 C.E., AND THAT JUDAH'S MISHNAH WAS BASED ON THE WORK OF TANNAITIC PREDECESSORS WHO OVER THE PREVIOUS THREE GENERATIONS HAD DEVELOPED ITS TOPICAL ARRANGEMENT AND MUCH OF THE PRESENTED MATERIAL AS ELEMENTS IN THE CURRICULUM OF THEIR ACADEMIES. ACTUALLY, NO ONE PERSON WROTE THE MISHNAH AND NO ONE PERSON EDITED IT. THE MISHNAH WAS NOT INTENDED TO BE A BOOK. WHAT JUDAH SEEMS TO HAVE DONE WAS TO LEND HIS AUTHORITY TO ONE OF SEVERAL FORMULATIONS OF MISHNAH BEING DEVELOPED IN THE VARIOUS RABBINIC SCHOOLS AND BY SO DOING EFFECTIVELY END THE PROSPECTS OF OTHER ARRANGEMENTS. HIS MOTIVE APPEARS TO HAVE BEEN ADMINISTRATIVE. SOME MASTERS ARRANGED THE BLOCKS OF LAW ONE WAY, OTHERS ANOTHER. JUDAH, LIKE ANY GOOD ADMINISTRATOR, WAS EAGER TO REDUCE SEVERAL CHOICES TO ONE AND THEREBY REDUCE THE CHANCE FOR CONFUSION.

THE MISHNAH DID NOT BECOME ISRAEL'S SECOND SCRIPTURE IN 200 C.E. WHEN JUDAH AUTHORIZED A PARTICULAR TEXT. MANY JEWS OF THAT TIME PROBABLY DID NOT KNOW OF ITS EXISTENCE. THE RABBIS WERE STILL FEW AND OLD WAYS DISAPPEAR SLOWLY. THE MISHNAH'S AUTHORITY EXPANDED GRADUALLY AS THE RABBIS EXTENDED THEIR PREROGATIVES, AIDED BY THEIR ASSOCIATION WITH AND SUPPORT FROM THE OFFICE OF THE PATRIARCH, THE DELEGATED CIVIL LEADER OF THE PALESTINIAN COMMUNITIES. IN THOSE EARLY CENTURIES IT WAS NOT THE TEXT WHICH WAS CENTRAL BUT THE

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TEACHINGS AND THE TEACHERS. INDEED, THE GEMARA RARELY QUOTES TEXT - IT IS TANNA, 'HE TAUGHT,' NOT KATAV, 'HE WROTE'.

\* \* \* \* \*

ELEMENTARY EDUCATION WAS THE PROVINCE OF BEIT SEFER. HERE, AS WE HAVE SEEN, THE STUDENT LEARNED LITTLE BESIDE HIS LETTERS AND THE PROPER WAY TO CHANT THE SEFER TORAH TEXT, PERHAPS HOW TO TRANSLATE IT. THE SCHOOL'S GOAL WAS TO TRAIN THE STUDENT TO PARTICIPATE IN THE RITUAL OF READING/CHANTING THE SEFER TORAH. ELEMENTARY LEARNING AIMED AT CONTROL OF THE TEXT OF THE SEFER TORAH SO THAT EVERY MALE COULD PARTICIPATE IN THE RITE OF KERAT HA-TORAH.

HIGHER EDUCATION WAS CARRIED ON AT THE BEIT-HA-MIDRASH. MATRICULATION AT THIS LEVEL WAS OPEN TO STUDENTS WHO COULD SHOW MASTERY OF SEFER TORAH AND MISHNAH. "AT FIVE THE AGE IS REACHED FOR MIKRA, AT TEN FOR MISHNAH, AT FIFTEEN FOR TALMUD." MATRICULATION DEPENDED ON THE RECOMMENDATION OF A TANNA. THE LATER LITERATURE SUGGESTS THAT THEY CHECKED A STUDENT'S COMPETENCE BY TESTING HIS ABILITY TO FINISH A TORAH OR MISHNAH VERSE WHEN GIVEN ITS OPENING. THE TEST WAS A TEST NOT OF KNOWLEDGE BUT OF MEMORY. THE MISHNAH WAS THE SET TEXT STUDENTS HAD TO MASTER BEFORE THEY WERE ADMITTED TO ADVANCED STUDY. ITS TEXT DETERMINED WHAT WAS DISCUSSED IN THE SCHOOLS. THE TERM'S ASSIGNMENT WOULD BE A PARTICULAR TRACTATE, TO BE GONE THROUGH THOROUGHLY AND SYSTEMATICALLY. ON THE BASIS OF THESE DISCUSSIONS, SPECIFIC QUESTIONS ABOUT PRACTICE WERE ANSWERED. ISSUES WERE RAISED BUT NOT FINALLY ANSWERED, FOR THE MOST PART ON MATTERS OF MINOR DETAIL.

AT ITS UPPER LEVELS THE JEWISH SCHOOL SYSTEM WAS HIGHLY DECENTRALIZED. A YESHIVAH WAS SIMPLY THE PLACE WHERE THE MASTER SAT; HIS CLASS CONSISTED OF THOSE DISCIPLES WHO GATHERED AROUND. AKIBA TAUGHT AT B'NAI B'RAK, ELIEZER B. HYRAKANNUS AT LYDDA, ISHMAEL AT Kfar AZIZ. MOST TEACHING WAS DONE OUT OF DOORS. WE HEAR OF MASTERS TEACHING IN A VINEYARD, IN THE SHADE OF A DOVECOTE, IN THE OPEN FIELD, UNDER FIG AND OLIVE TREES, AND EVEN IN THE MARKETPLACE. APPARENTLY CONCERN THAT THE UNTRAINED MIGHT BE MISLED BY OVERHEARING CONVERSATION THEY DID NOT UNDERSTAND, OR BE DISTURBED WHEN THEY DISCOVERED THAT THE RABBIS DID NOT ALWAYS AGREE AMONG THEMSELVES, LED JUDAH HA NASI AND A FEW OTHERS TO PROHIBIT OPEN-AIR SESSIONS. BUT BUILDINGS WERE AT A PREMIUM AND SOME SCHOOLS CONTINUED TO BE HELD OUT OF DOORS. HOWEVER, THERE WERE ALSO SCHOOL BUILDINGS. A FEW YEARS AGO A LATE SECOND-CENTURY LINTEL WAS FOUND IN THE GOLAN WHICH HAD BEEN INSCRIBED: "THE SCHOOL OF ELIEZER HA-KAPPER." THINK OF LOW BENCHES BUILT INTO THE WALL RATHER THAN SHELVES, BOOKS, AND DESKS. SOME WEALTHY TEACHERS (HALAPHTA AT SEPPHORIS AND HANANIAH B. TERAYDOM AT SIKKIN) EVEN MAINTAINED DORMITORIES FOR THEIR DISCIPLES.

IN THE EARLY RABBINIC YEARS THERE WAS NO FIXED CURRICULUM AND NO GOVERNING BODY WHICH COULD HAVE ESTABLISHED ONE. SCHOOLS WERE AUTONOMOUS, BOTH GEOGRAPHICALLY AND IN TERMS OF INTEREST; AND, INEVITABLY, SEVERAL VERSIONS OF CERTAIN TOPICAL UNITS DEVELOPED. ONE REFERENCE SPEAKS OF THIRTEEN MISHNAH VERSIONS. MASTERS WERE SIMPLY MEN WHO SHARED A PARTICULAR VISION AND A GENERAL APPROACH TO TRADITION, WHO PROBABLY AGREED ON THE TOPICAL DIVISIONS AND ON THE

MAJOR TERMS OF DISCUSSION BUT DID NOT ALWAYS AGREE ON DETAIL. THE RECEIVED MISHNAH CONTAINS REFERENCES TO TEXT WHICH HAD BEEN REJECTED (MISHNAH RISHONAH) AND THE GEMARA OF THE PALESTINIAN TALMUD CONTAINS MISHNAH TEXTS AND FORMULA CALLED BARAITOT WHICH ARE SOMETIMES DIFFERENT FROM THOSE IN THE "OFFICIAL" VERSION: SO DOES TOSEFTA, ALSO AN EXPANSION AND ALTERNATE VERSION OF THE MISHNAH.

ONE OF THE MAJOR FUNCTIONS OF THE RECEIVED MISHNAH WAS TO PROVIDE THE SCHOOLS WITH A BASIC CURRICULUM SO THAT MEN WHO TRAINED FOR RELIGIOUS LEADERSHIP WOULD SHARE THE SAME BASIC KNOWLEDGE. THE SAGES HAD A SPECIAL FEAR OF RELIGIOUS DIVISION, WHICH THEY HELD TO HAVE BEEN A MAJOR FACTOR FOR JUDEA'S DEFEAT BY ROME AND THE DESTRUCTION OF THE TEMPLE. WHEN THE DISCIPLES OF HILLEL AND SHAMMAI, EARLY FIRST-CENTURY PHARISAIC SAGES, DID NOT FOLLOW THE EXAMPLE OF THEIR RESPECTIVE MASTERS, WHO COULD DISPUTE WITHOUT CREATING FRICTION, ONE SAGE COMMENTED THAT THE COMMUNITY WAS RENT APART AND "TWO TORAHS WERE FORMED" (TOS. SAN. 1:1): *Sanhed. 88b. Sota 47b*

JUDAH HA-NASI DID NOT ACTUALLY PUBLISH THE MISHNAH. WE DO NOT KNOW WHEN THE FIRST WRITTEN MANUSCRIPT OF THE MISHNAH APPEARED THOUGH IT SEEMS TO HAVE BEEN SET DOWN SHORTLY BEFORE THE END OF THE THIRD CENTURY C.E.; EVEN THEN THE MISHNAH REMAINED PRIMARILY A SET PIECE TO BE MEMORIZED BY STUDENTS INTENDING TO PURSUE GRADUATE JEWISH STUDIES. HOW COULD A GRADUATE STUDENT MEMORIZE A NON-EXISTENT TEXT? IN THOSE DAYS, EASILY. HE WENT TO A TEACHER WHOSE FIRST RESPONSIBILITY WAS TO REPEAT THE TEXT AGAIN AND AGAIN UNTIL HE HAD IT DOWN PAT. THE GEMARA USUALLY INTRODUCES QUOTATIONS FROM THE MISHNAH.

BY A FORMULA WHICH INDICATES THAT THE SAGE WAS QUOTING HIS MISHNAH FROM MEMORY. NEITHER TALMUD EVER CITES A BOOK CALLED THE MISHNAH OR SUGGESTS THAT A CITATION IS BEING QUOTED FROM A BOOK. THERE IS EVEN AN INCIDENT, CERTAINLY APOCRYPHAL, IN WHICH JUDAH HA-NASI HIMSELF IS ASKED ABOUT THE WORDING OF A PARTICULAR RULE IN HIS MISHNAH; AND COULD NOT IMMEDIATELY REMEMBER IT. WHAT DID HE DO? HE COULD NOT TURN TO THE LIBRARY SHELF, PICK UP THE BOOK AND LOOK UP THE QUOTATION. RATHER, HE TURNED TO THE PROFESSIONAL MEMORIZER ATTACHED TO HIS COURT WHO QUICKLY REMINDED HIM OF THE QUOTATION'S FULL TEXT.

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LIMITING ADVANCED STUDY TO DIRECT CONTACT BETWEEN MASTER AND STUDENT AND KEEPING THE TEXTS ORAL CONTRIBUTED SIGNIFICANTLY TO THE SUCCESS OF TWO KEY ELEMENTS OF THE RABBINIC AGENDA: IT CONCENTRATED INTERPRETIVE AUTHORITY IN THE HANDS OF THE MASTERS AND PREVENTED THE GROWTH OF ANY SIGNIFICANT CHALLENGE TO THEIR PLANS. THE SAGES CONTROLLED NOT ONLY THE SUBJECTS DISCUSSED IN THE SCHOOLS BUT THE TERMS ON WHICH ANY DEBATE WOULD TAKE PLACE. THERE WERE SAGES WHO CHALLENGED ANOTHER'S AUTHORITY, BUT APPARENTLY NO CHALLENGE RESULTED IN ANY DEBATE ABOUT THE AUTHORITY OF THE SECOND SCRIPTURE.

THE IMPACT OF THESE SCHOOLS DEPENDED UPON THE CHARISMA OF THE MASTER WHO WAS GENERALLY RECOGNIZED BOTH AS HEAD OF THE SCHOOL AND AS A HOLY MAN. WE HEAR OF MASTERS HEALING THE SICK, WRITING PROTECTIVE AMULETS, AND ORGANIZING PRAYERS FOR RAIN DURING PERIODS OF DROUGHT. THE POWER WHICH RADIATED FROM THESE SCHOOLS IS SURPRISING. THEY HAD NO STATUTORY AUTHORITY. TEACHERS ARE NOT USUALLY SEEN AS

SHAKERS AND MOVERS. BUT THE CENTURY AFTER THE DEFEAT OF 70 C.E. WAS A TIME WHEN THE TRADITIONAL SOURCES OF AUTHORITY HAD BEEN DECIMATED AND DISMANTLED BY THE ROMANS. SOMEONE HAD TO TAKE CHARGE.

AFTER THE DISASTERS IN 70 C.E. THE RABBINIC SCHOOLS WERE FIRST INSTITUTIONS TO REASSERT THEMSELVES, WHICH THEY COULD DO IN PART BECAUSE THE ROMANS DID NOT ASSOCIATE MOST OF THE MASTERS WITH THE REBELS. EVEN IN THE TERRIBLE CONFUSION WHICH FOLLOWS ON DEFEAT, PEOPLE NEEDED TO REGULATE THEIR LIVES. RULES, LAWS OF PERSONAL STATUS -- MARRIAGE, DIVORCE, AND INHERITANCE -- NEEDED TO BE ADMINISTERED. AND THE RABBIS, ARMED WITH THE NECESSARY KNOWLEDGE, WERE AVAILABLE TO ADMINISTER WHAT THEY AFFIRMED AS A GOD-MANDATED SET OF RULES.

THE TANNAIM PRESENTED THEIR MISHNAH IN HEBREW -- TO BE MORE SPECIFIC, IN A CONTEMPORARY HEBREW DIALECT WHICH RETAINED THE LOOK AND FLAVOR OF THE CLASSIC TONGUE, BUT DIFFERED FROM IT IN SEVERAL AREAS OF GRAMMAR AND SYNTAX AND INCLUDED WORDS WHICH WERE NEW OR HAD TAKEN ON NEW MEANINGS. THE USE OF HEBREW WAS A CONSCIOUS CHOICE. ARAMAIC WAS MORE GENERALLY SPOKEN BY PALESTINIAN JEWS. THE CHOICE OF HEBREW FOR THE MISHNAH WAS THE TANNAIM'S WAY OF SAYING: THIS IS TORAH, NO MISTAKE. GOD HAD USED HEBREW AT SINAI. THE PRIESTS HAD USED HEBREW IN THE TEMPLE, WHEN THEY SPOKE GOD'S PROTECTIVE BLESSINGS AND WHEN THEY RECITED THE SACRED FORMULAS AT THE ALTAR. THE TALMUD CALLS HEBREW LASHON HA-MIKDASH, THE LANGUAGE OF THE SANCTUARY.

THE MISHNAH WAS HOLY, THE AGENDA THROUGH WHICH ISRAEL COULD BECOME A "KINGDOM OF PRIESTS AND A HOLY NATION", THE CONDITION THE

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TANNAIM MOST DEVOUTLY LONGED FOR. WHILE THE MISHNAH WAS IN NEO-HEBREW, AS IS TANNAITIC LITERATURE GENERALLY, THE GEMARA WAS NOT. COMMENTARIES ON THE MISHNAH DEVELOPED IN THE VARIOUS SCHOOLS OF PALESTINE AND THE EAST. BEGINNING IN THE LATE THIRD CENTURY, THE ATTEMPT TO MAINTAIN ALL THIS MATERIAL IN HEBREW WAS LARGELY ABANDONED AND VARIOUS ARAMAIC DIALECTS BECAME THE LANGUAGE OF INSTRUCTION. ONE SUSPECTS THAT THE LANGUAGE CHANGE WAS PROMPTED BY THE VASTNESS OF THE OCEAN OF LEARNING AND MEMORIZATION INVOLVED AS WELL AS BY A GROWING LINGUISTIC DEFICIENCY AMONG THE TEACHERS. IT IS ALSO TRUE THAT BY THE THIRD CENTURY THE MISHNAH HAD ALREADY ESTABLISHED ITSELF AS THE CENTRAL OPERATIVE DOCUMENT OF JEWISH LIFE AND THERE WAS NO LONGER THE SAME NEED TO REINFORCE SYMBOLICALLY THE IDEA THAT THIS WAS TORAH.

THE MISHNAH HAD BEEN COMPLETED WITHOUT ANYONE SETTING PEN TO PARCHMENT. TEACHERS DREW TOGETHER IN THEIR MINDS BLOCKS OF MATERIAL ON A CERTAIN SUBJECT AND TAUGHT THEM AS A UNIT TO THEIR STUDENTS. A STUDENT'S FIRST ASSIGNMENT WAS TO MEMORIZE THE BLOCK. IF DISCUSSION DEVELOPED, ADDITIONAL MATERIAL OF INTEREST MIGHT BE ADDED, BUT IN THE BRIEFEST FORMULATION POSSIBLE. THE PROCESS WAS ONE OF FORMULATION, RECITATION, REPETITION, ADDITION, AND MEMORIZATION.

AND AS THE SAGES OBVIOUSLY DID NOT TAKE A LUDDITE VIEW OF LITERACY, SO WHY DID THEY GO TO ALL THIS TROUBLE? SEVERAL REASONS SUGGEST THEMSELVES, BUT THERE ARE MORE QUESTIONS THAN ANSWERS. THE EMPHASIS ON ORALITY GOES BACK AT LEAST TO THE PHARISEES. MANY JEWS WROTE BOOKS DURING THE SEVERAL CENTURIES BEFORE THE DESTRUCTION OF THE

TEMPLE, BUT THE PHARISEE SAGES WERE NOT AMONG THEM. ALL THAT WE HAVE OF EVEN THE BEST KNOWN PHARISEE, HILLEL, ARE A FEW GNOMIC SAYINGS, NOT ALL OF WHICH CAN BE VALIDATED AS ORIGINATING WITH HIM. WE TOUCH HERE OBVIOUSLY ON A PECULIAR FEATURE OF THE PHARISAIC MOVEMENT, ONE WHICH, UNFORTUNATELY, THE PHARISAIC TEACHERS DID NOT EXPLAIN. THEY DID NOT LEAVE TO POSTERITY ANY PROGRAMMATIC EXPLANATION OF THEIR WORK.

DID THEY WANT TO HIDE SOME PARTS OF THEIR TEACHING FROM ANYONE OUTSIDE THEIR FELLOWSHIP? THE ESSENES OF THE QUMRAN COMMUNITY SEEM TO HAVE WRITTEN FREELY BUT THEIR GROUPS PHYSICALLY SET THEMSELVES APART, WHILE THE PHARISEES REMAINED WITHIN THE LARGER COMMUNITY. WAS THIS EMPHASIS ON ORALITY PART OF A PHARISAIC EFFORT TO PROMOTE THEIR ROLE AS THOSE WHO MUST BE CONSULTED BY ANYONE WHO WANTED TO KNOW THE LAW, SINCE THE LAW WAS NOT PUBLISHED. THE PHARISEES SAW THEMSELVES AS THE NEW PRIEST CLASS WHO WOULD PRESENT GOD'S ORACLES AS THE PRIESTS HAD DONE IN THE TEMPLE. THEY WOULD DISPENSE TORAH TO JEWS AND ORGANIZE THEIR AFFAIRS. DID THE PHARISEES, WHO SOUGHT THE AUTHORITY OF THE PRIESTS AND TOOK ON SO MANY OF THEIR DUTIES, COPY THEM HERE ALSO? MANY BALK AT THIS SUGGESTION BECAUSE THEY ASSOCIATE THE SAGES WITH THE ENSHRINEMENT OF THE RELIGIOUS DUTY OF TALMUD TORAH AND ASSOCIATE TALMUD TORAH WITH A GENERAL ENCOURAGEMENT OF STUDY. BUT TALMUD TORAH WAS NOT A PHARISAIC MANDATE WHICH ENCOURAGED ECLECTIC READING; ONLY TORAH WAS MEANT TO BE READ.

✓ THE TANNAIM OFTEN QUOTED ISAIAH, "ANYONE WHO IS THIRSTY, LET HIM COME AND DRINK" (Is. 55:1). TRUE, PHARISAIC JUDAISM INSISTED

Duties or Restrictions?

THAT THE SEFER TORAH BE AN OPEN BOOK -- PROVIDED, OF COURSE, IT WAS PROPERLY INTERPRETED. ELIAS BICKERMAN FOUND EVIDENCE OF THIS OPEN APPROACH TO TORAH IN FOURTH CENTURY C.E. ICONOGRAPHY, "IN THE MITHRA TEMPLE AT DURA IT IS A MAGICIAN IN HIS SACRED ROLL CLOSED IN HIS HAND. IN THE SYNAGOGUE OF DURA A LAYMAN, WITHOUT ANY SIGN OF OFFICE, IS REPRESENTED READING THE OPEN SCROLL" (STUDIES IN JEWISH AND CHRISTIAN HISTORY 1:199. THE OPEN SCROLL IS THE SEFER TORAH).

AS CHILDREN OF A SKEPTICAL AGE, WE SEEK MOTIVES OF POWER AND PRIVILEGE BEHIND ALL HUMAN ACTIVITY. CYNICS, WITH SOME FAIRNESS, WILL POINT OUT THAT RESERVING A TRADITION TO THOSE WHO HAVE ACCESS TO IT AND THE SOLE RIGHT OF INTERPRETATION IS A WAY FOR A PARTICULAR CLASS TO MONOPOLIZE POWER AND PRESTIGE. TRADE SECRETS ARE A SOURCE OF PROFIT, PRESTIGE, AND POWER, AND THE RABBINIC MIND COULD NOT HAVE BEEN TOTALLY IMMUNE TO SUCH TEMPTATIONS. BUT I SUBMIT SUCH CRASS GOALS WERE NOT AS IMPORTANT TO THE SAGES AS THE POWER TO CONTROL THE DEFINITION OF TORAH. ONLY TRAINED MINDS COULD MASTER THE MISHNAH AS AN ORAL DOCUMENT. ONE COULD LEARN TORAH ONLY FROM A KNOWLEDGEABLE TEACHER, WHO WAS NOT LIKELY TO ACCEPT OR TRAIN STUDENTS WHOSE ATTITUDES WERE SUSPECT. MONOPOLIZING THE MEMORIZED MISHNAH, AS THEY DID, THE RABBIS INEVITABLY GAINED A DEGREE OF CONTROL OVER THE TRADITION.

THE SAGES' PREFERENCE FOR ORALITY MAY ALSO HAVE BEEN INFLUENCED BY THE HABIT, PARTICULARLY OF GREEK AND ROMAN RHETORS AND LAWYERS, NOT TO PUBLISH INTERPRETATIONS OF THEIR LEGAL CODES. A STUDENT IN THE ROMAN LAW SCHOOLS HAD TO MEMORIZE THE LAW EVEN IF TEXTS WERE AVAILABLE.

PERHAPS THE RABBIS DIDN'T WANT TO ALLOW ANYONE TO CHALLENGE THEIR TEXTS WITH OTHER TEXTS. MORE LIKELY, THEY WANTED TO MAKE SURE THAT THEIR TEXTS WERE CORRECTLY UNDERSTOOD. EACH TEXT CONSISTS, FOR THE MOST PART, OF A FEW BARE-BONED STATEMENTS WHICH NEED TO BE FLESHED OUT AND PROVIDED WITH CONTEXT. MANY TALMUDIC SAYINGS WARN AGAINST THOSE WHO KNOW TEXTS BUT HAVE NOT "SERVED THE RABBIS," THAT IS, WHO HAVE NOT BEEN TAUGHT THE ACCEPTED IMPLICATIONS OF THE TEXTS BY AN ACCREDITED MASTER (T. B. SOT. 22A). BY MAKING IT DIFFICULT FOR ANYONE TO LEARN THE TEXT SIMPLY BY MEMORIZING A BOOK IN WHICH TEXT APPEARED, THE SAGES BUILT INTO THEIR SYSTEM AN EXTRA SAFEGUARD AGAINST MISUNDERSTANDING AND DIVISION. NO BRIGHT AND UNTRAINED REBEL COULD GET HOLD OF A TEXT AND "PROVE" THAT THE SAGES HAD MADE THE TEXT SAY WHAT IT CLEARLY DID NOT. THE GOAL OF TALMUD TORAH WAS NOT TO DEVELOP A CRITICAL LITERARY SPIRIT BUT TO GAIN AND INSURE ACCEPTANCE OF THE RABBINIC POINT OF VIEW AS NORMATIVE. IN THE TWELFTH CENTURY MAIMONIDES, WITH HIS USUAL ACUTE PERCEPTION, RECOGNIZED MANY OF THE ISSUES WHICH MUST HAVE BEEN INVOLVED.

THE WORDS THAT I HAVE COMMUNICATED TO YOU ORALLY, YOU ARE NOT ALLOWED TO PUT DOWN IN WRITING (B. GIT. 60B) SHOWS EXTREME WISDOM IN REGARD TO THE LAW FOR IT WAS MEANT TO PREVENT WHAT HAS ULTIMATELY COME ABOUT IN THIS RESPECT. I MEAN THE MULTIPLICITY OF OPINIONS, THE VARIETY OF SCHOOLS, THE CONFUSIONS OCCURRING IN THE EXPRESSION OF WHAT IS PUT DOWN DOWN IN WRITTEN FORM" (B. TEM. 14B, GIT. 60B). THERE WERE ALSO ALL

but  
60B  
Tem 14 B

IN WRITING, THE NEGLIGENCE THAT ACCOMPANIES WHAT IS  
WRITTEN DOWN, THE DIVISIONS OF THE PEOPLE WHO ARE  
SEPARATED INTO SECTS, AND THE PRODUCTION OF CONFUSION  
WITH REGARD TO ACTIONS ( ).

THE RABBIS DO NOT SEEM TO HAVE BEEN UNASSUMING MEN. THEY KNEW  
WHAT THEY WERE ABOUT. THEY CALLED THEMSELVES RABBIS, MASTERS, A  
TERM WHICH CARRIED INTIMATIONS OF AUTHORITY. THEY RECOGNIZED THE  
MASTERY THAT SUCH A BODY OF KNOWLEDGE GAVE THEM. THEY WANTED TO  
BECOME THE RELIGIOUS AUTHORITIES OF JEWISH LIFE, BELIEVING THAT  
ONLY BY FOLLOWING THEIR WAY COULD THE COMMUNITY BE RIGHT WITH GOD.

RETAINING CLOSE CONTROL OVER THIS EMERGING BODY OF KNOWLEDGE  
LOCKED OTHERS OUT, IF YOU WILL, BUT MONOPOLISTIC REASONS WERE NOT  
THE ONLY ONES THAT IMPELLED THEIR ACTIVITY. TRADITION, AS ALWAYS,  
PLAYED A ROLE. MANY OF THE TRADITIONS THEY ESPOUSED HAD CIRCULATED  
ORALLY FOR CENTURIES. RELIGIONISTS, NOTORIOUSLY CONSERVATIVE,  
CERTAINLY REASONED THAT THEIR PREDECESSORS HAD ACTED AS GOD WANTED  
AND LOYALLY FOLLOWED SUIT.

IT IS EASY TO UNDERSTAND HOW THEY CAME TO BELIEVE THAT WHAT  
THE GOD OF ISRAEL WANTED WAS FOR JEWS TO OBEY THE TEXT. SCRIPTURE  
✓ SEEMED TO REQUIRE IT. THERE WAS EXODUS 34:27, WHICH THEY TRANSLATED:  
\* "THE LORD SAID TO MOSES, WRITE THESE LAWS, FOR FROM MY MOUTH ARE  
THERE LAWS." BY SEPARATING THE TWO FINAL CLAUSES THEY GAVE THIS  
TEXT THE MEANING "THAT LAWS GIVEN TO YOU IN WRITING ARE NOT TO BE  
TRANSLATED ORALLY AND LAWS TRANSMITTED ORALLY ARE NOT TO BE SET  
DOWN IN WRITTEN FORM" (B. TEM <sup>14B</sup> ~~14B~~, GIT 6LB). THERE WERE ALSO ALL

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60B  
Tem. 14 B

MANNER OF LATER RATIONALIZATIONS. SOME SAGES SUGGESTED THAT GOD

WANTED TO KEEP THE MISHNAH ORAL TO RESERVE THESE DOCUMENTS FOR ISRAEL'S SOLE BENEFIT (TANHUMA, VAYERA 9A). SOMEONE ELSE REPORTED MOSES HAD ASKED FOR PERMISSION TO WRITE OUT THE ORAL LAW, BUT GOD HAD REFUSED, KNOWING THAT GENTILES WOULD TRANSLATE THE WRITTEN TORAH INTO GREEK AND CLAIM IT FOR THEIR OWN, SAYING: "WE ARE ISRAEL." GOD IS MADE TO SAY: "ONLY THEY ARE MY CHILDREN WHO POSSESS MY MYSTERIES. THAT IS THE MISHNAH" (URBACH 305 NOTE 63). *Tan chuma Ki Tulin #37 Vayera #5*

HISTORY SUGGESTS THAT THERE ARE TWO KINDS OF THINKERS: ROMANTICS WHO DELIGHT IN GOLDEN WORDS LIKE 'JUSTICE', 'PEACE', 'BEAUTY', AND REALISTS WHO ARGUE THAT SUCH TERMS ARE MEANINGLESS UNLESS UNDERSTOOD WITHIN A SPECIFIC CONTEXT. ROMANTICS TEND TO DISMISS REALISTS AS NIT-PICKERS AND SPOIL-SPORTS. THEY ADMIT THAT LEGAL ANALYSIS IS USEFUL BUT FIND IT, FOR THE MOST PART, SPIRITUALLY UNSATISFYING. THE SOUL SHOULD BE ABLE TO SOAR ABOVE THE CONSTRAINTS OF QUALIFYING CLAUSES. SOME SPIRITS SOARED TO THE HEAVENS. BUT THEIR LABORS ON THE MISHNAH WERE CONCERNED WITH PRECISION AND ACADEMIC DEFINITION. MISHNAH PRESCRIBED AN ALMOST ENDLESS SERIES OF SPECIFIC AND DETAILED STRUCTURES FOR THE RELIGIOUS LIFE AND DEVOTES LITTLE SPACE TO MYSTICAL OR MESSIANIC FANCIES. THE RESULT IS THAT A SEARCHING SOUL WOULD NOT PICK UP A MISHNAH TO FIND CONSOLATION AND ENCOURAGEMENT. INDEED, THIS IS GENERALLY TRUE OF THE SECOND SCRIPTURES OF ALL TRADITIONS. CANON LAW MAY BE NEATLY ARGUED, BUT AS A GUIDE FOR A TROUBLED SOUL SEEKING SPIRITUAL ENCOURAGEMENT, IT IS INADEQUATE. FOR SPIRITUAL SUSTENANCE, EACH RELIGION TURNS TO ITS ORIGINAL

✓ SCRIPTURE. FOR THE DEFINITION OF DOCTRINE AND PRACTICE, IT TURNS TO ITS SECOND SCRIPTURE.

THE MISHNAH WAS NOT SHAPED AND DEVELOPED SOLELY AS A CODE OF PRACTICE FOR THE GOVERNANCE OF JEWISH LIFE. AT LEAST ONE-SIXTH OF ITS SIXTY-THREE DIVISIONS, ELEVEN TRACTATES IN ALL, RELATE TO THE OPERATION OF THE TEMPLE, WHICH, OF COURSE, WAS NO LONGER IN EXISTENCE WHEN THESE TRACTATES WERE PUT TOGETHER. YET, THESE TEXTS SEEM TO HAVE BEEN STUDIED WITH THE SAME ATTENTION TO DETAIL AND INTENSITY THE RABBIS EMPLOYED IN DISCUSSIONS OF IMMEDIATE MATTERS. THE MISHNAH IS JEWISH IN A CLASSIC JEWISH WAY. IT IS INTERESTED IN TODAY, THE BUSINESS OF LAW, AND TOMORROW, THE BUSINESS OF HOPE. IT LIVES IN TWO TIME ZONES, THE PRESENT AND END TIME, WHEN THE MESSIAH WILL COME. WHEN THE TEMPLE WILL BE REBUILT, IT WILL BE NECESSARY TO KNOW WHAT IS REQUIRED OF THOSE WHO WILL SERVE AT THE ALTAR.

THE MISHNAH'S STYLE IS PRESUMPTIVE. "CASES CONCERNING (PROPERTY) <sup>monetary matt</sup> ARE DECIDED BY THREE JUDGES; CASES CONCERNING THEFT OR PERSONAL INJURY BY THREE, CLAIMS FOR FULL DAMAGES OR HALF DAMAGES, TWO-FOLD RESTITUTION AND CLAIMS AGAINST THE <sup>Rapist</sup> ~~ADULTER~~, THE SEDUCER, AND 'HE THAT HATH BROUGHT <sup>Defamer</sup> ~~UNTO~~ AN EVIL NAME' (ARE DECIDED) BY THREE (JUDGES) SO R. MEIR. BUT THE SAGES SAY, "HE THAT 'HATH BROUGHT AN EVIL NAME' (MUST BE JUDGED) BY THREE AND TWENTY, <sup>since it may involve</sup> (FOR THERE MAY ARISE THERE FROM) A CAPITAL CASE" (M. SAN. 1:1). THE WRITTEN TORAH INCLUDES REFERENCES TO ORDINARY COURTS AND COURTS OF APPEAL; BUT THE PRINCIPLE THAT THE SERIOUSNESS OF THE PENALTY TO WHICH A PERSON MAY BE EXPOSED

SHALL DETERMINE THE NUMBER OF JUDGES REQUIRED TO HEAR A CASE CLEARLY GOES BEYOND ANYTHING STATED IN THE SEFER TORAH. THAT THIS MISHNAH FOLLOWS INEXORABLY FROM THE WRITTEN LAW WAS TAKEN FOR GRANTED, BUT NO ATTEMPT WAS MADE TO PROVE THE CASE. THIS METHOD -- OR ABSENCE OF METHOD -- IS TRUE THROUGHOUT THE MISHNAH. THE VALUE OF THE LAW IS, IN A SENSE, INDEPENDENT OF ITS PEDIGREE. THE RABBIS' JUDGMENTS HAD AN AUTHORITY INDEPENDENT OF THE WRITTEN TEXT. THESE MEN KNEW THEIR TORAH. THE PHRASE "HE THAT BRINGS AN EVIL NAME" IS USED IN DEUT. 22:19 ~~19:22~~ WHERE IT REFERS TO ONE WHO CASTS DOUBT ON A MAIDEN'S VIRGINITY, A REFERENCE THE SAGES WOULD HAVE RECOGNIZED IMMEDIATELY. THEY HAD NO NEED FOR CITATIONS. NO SYSTEM OF REFERENCE BY CHAPTER AND VERSE WOULD BE IN GENERAL USE FOR NEARLY ANOTHER THOUSAND YEARS.

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*literally: mikdash* AFTER THE DEFEATS OF 70 AND 135 C.E., THE SYNAGOGUE STOOD ON ITS OWN AS A MIKDASH ME'AT, A REPLACEMENT SANCTUARY. THE TANNAIM OF THE FIRST GENERATIONS AFTER THE DESTRUCTION OF THE TEMPLE ATTACHED TO THE SYNAGOGUE CERTAIN RITES WHICH HERETOFORE HAD BEEN RESERVED TO THE TEMPLE: THE BLOWING OF THE SHOPHAR ON CERTAIN OCCASIONS, THE HANDLING AND BLESSING OF THE ETHROG ON <sup>the intermediate days of</sup> SUCCOTH, AND THE BURNING OF INCENSE. *?* WORSHIP WAS CALLED AVODAH, THE SAME WORD WHICH HAD BEEN APPLIED TO TEMPLE CEREMONY. THE COMMUNITY NOW MET AND WORSHIPPED IN SYNAGOGUES, A PURELY LOCAL INSTITUTION WHICH EXISTED WHEREVER JEWS LIVED, WITH NO AUTHORITY OVER THE WHOLE COMMUNITY AND FEW LEGISLATIVE POWERS. THE RABBIS RECOGNIZED THESE LIMITS AND DID NOT ATTEMPT TO

USE THE SYNAGOGUE AS THE INSTITUTION THROUGH WHICH TO EXERT AUTHORITY. FOR THAT PURPOSE THEY TURNED TO THEIR SCHOOLS AND THE COURTS. THE SCHOOLS WERE USED TO DEVELOP THE LAW, THE COURTS TO ENFORCE THE LAW. THROUGH THEIR CONTROL OF SCHOOL CURRICULUM AND COURT PROCEDURES RABBINIC LAW SLOWLY AND INEXORABLY BECAME THE OPERATIVE LAW OF THE JEWS.

THE SAGES DID NOT HAVE ANY MANDATE TO LEGISLATE FOR THE COMMUNITY. THEIR CLAIM TO POWER CAME NOT FROM ANY TORAH TEXT BUT FROM THE HISTORY OF THE TIME AND THE NATURE OF THEIR STUDIES. THEY WERE MASTERS OF HALACHA, THE RULES WHICH WERE ACCEPTED AS GOD-ORDERED. THE CONSEQUENCES FOR THE MISHNAH ARE THAT, INSTEAD OF SEEMING TO MANDATE STATUTORY LAW, IT CONVEYS THE SENSE OF BEING AN IDEAL STATEMENT OF GOD'S LAW. THE MISHNAH SEEMS LESS INTERESTED IN PRACTICAL CONCERNS THAN IN DETERMINING WHAT IDEALLY SHOULD BE THE PRACTICE OF THE COMMUNITY IN REGARD TO SABBATH, MARRIAGE, OR CIVIL AND CRIMINAL LAW. THE MISHNAH SAGES DID NOT THINK PRIMARILY IN TERMS OF POWER AND AUTHORITY. INDEED, THEIR ASSUMPTION OF AUTHORITY SEEMS AS UNCOMPLICATED AS IT WAS BECAUSE DURING THESE FORMATIVE YEARS THE RABBIS WERE "MASTERS" OF THE LEGAL PROCESS AND SO DID NOT HAVE TO COMPROMISE WITH ANY OTHER GROUP. WHAT THEY DISCUSSED, AND CONSEQUENTLY THE MAJOR THRUST OF THE MISHNAH, IS THE IDEAL OF A TORAH COMMUNITY, THE RULES WHICH OUGHT TO GOVERN JEWISH LIFE.

ONE CAN SPECULATE ON THEIR MOTIVES. IN THOSE TUMULTUOUS TIMES, THE STUDY OF A BODY OF KNOWLEDGE FOR THE SIMPLE BENEFIT OF STUDYING

IT, TORAH LI-SHEMAH, WAS A WAY OF KEEPING SANE. IF YOU CAN CREATE A MEANINGFUL INNER WORLD WHEN ALL ABOUT IS CHAOS, MEANINGLESS, YOU CAN SOMETIMES REACH BEYOND DESPAIR. THERE WAS VALUE IN DISCUSSING SUCH ISSUES AS THE OPERATION OF THE ABANDONED CULT. HAD NOT GOD PROMISED SOME DAY TO RETURN THE SACRED FIRE TO THE TEMPLE? THE VERY LAST SENTENCE IN THE WHOLE MISHNAIC COMPENDIUM IS ONE OF ITS FEW MESSIANIC EXPRESSIONS: "R. SIMEON B. HALAFTA SAID: THE HOLY ONE, BLESSED BE HE, FOUND NO VESSEL THAT COULD HOLD ISRAEL'S BLESSING EXCEPT PEACE, FOR IT IS WRITTEN, 'THE LORD WILL GIVE STRENGTH TO HIS PEOPLE; THE LORD WILL BLESS HIS PEOPLE WITH PEACE' (M. UKTZIN 3:12, Ps 29:11). THIS HOPE WOULD BE REALIZED THE RABBIS BELIEVED, WHEN ISRAEL FULLY AND PROPERLY OBEYED GOD'S WILL. TO THEIR MINDS DISASTER WAS ALMOST ALWAYS DESERVED. THEY SIDED WITH JOB'S COMFORTERS. ISRAEL HAD SINNED, BUT GOD IS MERCIFUL AND AN OBEDIENT ISRAEL MIGHT MERIT GOD'S FAVOR. THEIR IDEAL TORAH WAY WAS A PRACTICAL CONTRIBUTION TO THE POLITICAL SITUATION BECAUSE BY FOLLOWING IT AND OBEYING GOD, ISRAEL WOULD REGAIN GOD'S FAVOR.

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IN THE FOURTH CENTURY THE MATERIAL INCLUDED IN THE MISHNAH AND OTHER CONTEMPORARY HALACHIC COMPENDIA CAME TO BE KNOWN AS THE TORAH SHE-BE'AL PEH, THE ORAL OR MEMORIZED TORAH. THE PHRASE WAS DESIGNED AS A COMPLEMENT TO ANOTHER, TORAH SHE-BI-KETAV, THE WRITTEN TORAH, AND WAS MEANT TO INDICATE THE EXISTENCE OF A SECOND SCRIPTURE. THE PIETY THAT BOTH TORAHS HAD BEEN PART OF THE REVELATION AT SINAI,

THAT A TWO-TIERED REVELATION HAD TAKEN PLACE IN MOSES' DAY, LATER BECAME A COMMONPLACE OF RABBINIC JUDAISM. ON ORDERS FROM GOD, MOSES HAD INSCRIBED THE WRITTEN TORAH AND MEMORIZED AN ORAL TEACHING WHICH HE HAD PASSED ON TO JOSHUA WITHOUT ADDITION OR CHANGE. IN HIS TURN, JOSHUA HAD PASSED THIS TRADITION TO HIS IMMEDIATE SUCCESSORS, AND THEY TO THEIRS. AN UNBROKEN CHAIN OF RESPECTED TEACHERS HAD PRESERVED THIS TEACHING ORALLY AND WITH FIDELITY DOWN TO RABBINIC TIMES. THE ORAL TORAH IS SEEN AS A COMPLEMENTARY TORAH, PART OF THE ORIGINAL REVELATION, FULLY SHARING IN ITS COMMANDING AUTHORITY.

DESPITE THE LATER POPULARITY OF THIS MYTH OF A TWO-TIERED TORAH, IT IS DIFFICULT TO IMAGINE MEN SUCH AS HILLEL OR AKIBA, SAGES OF THE FIRST AND SECOND CENTURIES, ACCEPTING IT WITH ANY DEGREE OF LITERALNESS. TO BE SURE, THEY KNEW OF SPECIFIC TRADITIONS LABELED TORAH LE-MOSHE MI-SINAI, TRADITION CLAIMING A PEDIGREE WHICH COULD BE TRACED BACK TO MOSES AT SINAI. SURPRISINGLY FEW OF THESE TRADITIONS, ACTUALLY ONLY TWO, ARE CITED IN THE MISHNAH. THE SAGES ALSO ARGUED THAT THIS ORAL LAW WAS AUTHORITATIVE, BUT THEY PRESENTED THE MISHNAH ON THEIR OWN AUTHORITY, NOT AS REVELATION. THE MISHNAH TEXT DOES NOT INCLUDE SUCH PHRASES AS : 'AND THE LORD SAID TO RABBAN SIMEON B. GAMALIEL, SAY TO THE CHILDREN OF ISRAEL.' RATHER, IT SAYS, "RABBAN SIMEON B. GAMALIEL SAID ~~OR~~ 'THE SAGES SAID.' (M. GIT. 6:6).

TO BE SURE, THE OPENING PARAGRAPH OF THE MISHNAH TRACTATE KNOWN AS PIRKE AVOT, THE SAYINGS OF THE FATHERS, EXPLICITLY STATES THE

PIETY OF THE ORAL LAW. <sup>?</sup> MOSES RECEIVED TORAH FROM SINAI AND GAVE IT TO JOSHUA. . . " (1:7). HERE TORAH (M. PIRKE AVOT 1:1) OBVIOUSLY INDICATES THE ORAL TRADITION. RECENT RESEARCH HAS MADE IT CLEAR THAT THIS PARTICULAR TRACTATE WAS A LATE ADDITION TO THE MISHNAH; AND THE EARLIEST DATABLE REFERENCE TO THE TWO-TIERED LAW COMES FROM A MIDRASH GENERALLY DATED TO THE LATE THIRD OR FOURTH CENTURY C.E. IN IT THE TITULAR HEAD OF THE TANNAIM, RABBAN GAMALIEL, RESPONDS TO SOMEONE NAMED AGENITOS THE HEGEMON, APPARENTLY A ROMAN OFFICER, WHO HAD ASKED THE MASTER, "HOW MANY TORAHS WERE GIVEN TO ISRAEL" AND IS TOLD "TWO, ONE ORAL, ONE WRITTEN" (B. SAB. 31A, YOMA 28B, KID. 66A) ✓

IN THE PRE-MISHNAIC ERA SADDUCEES HAD DENIED THAT THE UNWRITTEN TRADITION CARRIED AUTHORITY, AND THERE MUST HAVE BEEN MEN OF SIMILAR VIEWS IN THE COMMUNITY AFTER 70 C.E. HAD THE EARLY TANNAIM THOUGHT IN TERMS OF A SECOND TORAH, THEY WOULD NOT HAVE UNDERTAKEN THE EXTENSIVE AND ELEGANT EFFORTS THAT THEY INVESTED IN THE HALACHIC MIDRASH, THAT COMPLEX INTERPRETIVE EFFORT UNDERTAKEN TO PROVE THAT RABBINIC TEACHINGS WERE DERIVED FROM A CAREFUL READING OF THE WRITTEN TEXT. THE EARLIEST CLAIM ADVANCED FOR THE MISHNAH WAS NOT THAT IT WAS AN ACTUAL TRANSCRIPT WHICH GOD HAD SENT TO MOSES BUT THAT ITS TRADITION SOMEHOW PARTICIPATED IN THE AUTHORITY OF SINAI. THE TEXT MAKES THIS CLEAR SINCE IT CONTAINS COMMENTS BY SAGES WHO TAKE OPPOSING VIEWS AND INCLUDES REFERENCES TO OUTDATED OR ONCE ACCEPTED BUT NOW SUPERSEDED MISHNAH STATEMENTS (M. KET. 5:3, NAZ. 6:1, GIT. 5:6. . .). WHAT WAS CLAIMED, THOUGH THE SIMPLE FOLK AS

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ALWAYS TOOK THE MYTH LITERALLY, WAS THAT THE MISHNAH AND ITS COMMENTARIES, FAITHFULLY INTERPRETED THE TORAH, AN INTERPRETATION WHICH WAS A BLEND OF THE ORAL AND WRITTEN LAW TO WHICH ISRAEL HAD PRESUMEDLY BEEN BOUND SINCE SINAI.

THE MISHNAH LAYS OUT THE FUNDAMENTS OF THAT MODULATION OF THE JEWISH TRADITION WHICH WAS CHERISHED AND PRACTICED BY THE PALESTINIAN RABBIS. RABBINIC JUDAISM MINGLES TEACHINGS OF BOTH BIBLE AND TRADITIONS. THE MISHNAH AND ITS COMMENTARIES ARE RABBINIC JUDAISM'S FUNDAMENTAL DOCUMENTS, WHICH WERE STUDIED OVER THE CENTURIES IN THE RABBINIC ACADEMIES AND CITED IN RABBINIC RESPONSES. THIS LITERATURE DEALS PRIMARILY WITH QUESTIONS OF DISCIPLINE AND PRACTICE, AND ONLY SECONDARILY WITH QUESTIONS OF BELIEF AND DOCTRINE. THE CLINCHING ARGUMENT IN A DEBATE IS LESS LIKELY TO BE THE CITATION OF A TORAH TEXT THAN THE CITATION OF A DECISION MADE BY A SAGE OF THE MISHNAIC PERIOD. A PRONOUNCEMENT BY AN AMORA, A RABBI OF THE THIRD/FOURTH THROUGH SIXTH CENTURIES, CANNOT REVERSE A TANNAITIC STATEMENT, BUT IN THEIR TURN AMORAIC OPINIONS REPRESENT A SECOND LEVEL OF AUTHORITY ACCEPTED BY ALL SUBSEQUENT GENERATIONS. RABBINIC AUTHORITY RESTS ON THE RABBINIC TORAH AND ON THE RABBIS.

THERE IS ONE MISHNAH BUT TWO STREAMS OF MISHNAIC ELABORATION AND INTERPRETATION, TWO GEMARAS, ONE DEVELOPED IN THE ACADEMIES OF PALESTINE AND THE OTHER IN THE ACADEMIES OF THE EAST, IN THE AREA THE JEWS ANACHRONISTICALLY CALLED BAVEL, BABYLON. THE PALESTINIAN, OR JERUSALEM, TALMUD OCCASIONALLY, BUT INFREQUENTLY, QUOTES A

TO STUDY THE TALMUD WHICH REALLY WAS FIT ONLY TO BE BURNED.

BABYLONIAN SAGE. THE BABYLONIAN TALMUD DOES CITE PALESTINIAN SAGA. BUT THE SAGES EAST AND WEST RECOGNIZED THE MISHNAH'S AUTHORITY. DIVERGENCES IN INTERPRETATION WHICH DEVELOPED BETWEEN THE PALESTINIAN AND BABYLONIAN ACADEMIES, AS CODIFIED IN THEIR RESPECTIVE GEMARAS, SHOULD BE SEEN AS DEALING PRIMARILY WITH MARGINAL RATHER THAN WITH CENTRAL ISSUES. HAD THIS NOT BEEN SO, PALESTINIAN AND DIASPORA JEWS WOULD HAVE BASED THEIR LIVES ON DISTINCTLY SEPARATE SCRIPTURES AND SERIOUS DIVISIONS BETWEEN THE COMMUNITIES WOULD CERTAINLY HAVE ARISEN.

A THOUSAND YEARS AFTER THE PUBLICATION OF THE MISHNAH, CATHOLIC MISSIONARIES WERE PUZZLED THAT THEIR CONVERSIONIST SERMONS MADE SO LITTLE IMPACT ON JEWS. AN OCCASIONAL APOSTATE TRIED TO EXPLAIN TO THESE FISHERMEN FOR JEWISH SOULS THAT THE JEWISH TRADITION WAS TALMUDIC RATHER THAN BIBLICAL AND THAT TO UNDERSTAND JEWISH PIETY, THEY WOULD HAVE TO STEEP THEMSELVES IN RABBINIC LITERATURE. NO EASY TASK. THE TALMUD IS MASSIVE, ONLY PARTIALLY EDITED, WRITTEN IN VARIOUS ARAMAIC DIALECTS AND NEO-HEBREW. MOREOVER, CHRISTIANS HAD BEEN TAUGHT AS A MATTER OF DOCTRINE THAT JUDAISM HAD BEEN SPIRITUALLY INERT SINCE THE ONCE-CHOSEN PEOPLE REJECTED JESUS AND HAD BEEN REJECTED BY GOD; THAT THE SYNAGOGUE WAS BLIND AND ITS TALMUD NOTHING BUT A COMPENDIUM OF SUPERSTITIONS AND FOLLIES. AS EARLY AS 553 JUSTINIAN IN HIS NOVELLA CONSTITUTIO SIGNALS THIS APPROACH WHEN HE ALLOWS THE JEWS A RABBI BUT CONDEMNS THE STUDY OF THE SECOND SCRIPTURE. "FOR IT IS NOT PART OF THE SACRED BOOKS. . . AND CERTAINLY WITHOUT DIVINE" (BAUMGARTEN, JUSTINIAN AND THE JEWS, 37). THERE WAS LITTLE MOTIVATION TO STUDY THE TALMUD WHICH REALLY WAS FIT ONLY TO BE BURNED.

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STILL, THE APOSTATES SPOKE FAIR. THE JEWS AFFIRMED A TORAH TRADITION WHICH RESTED ON THE MISHNAH FAR MORE THAN ON THE BIBLE. OVER THE CENTURIES, MANY A YESHIVAH STUDENT SPENT HIS YEARS STUDYING THE TALMUD, YET RARELY HANDLED THE SCROLLS OF THE PROPHETS.

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JEWS HANDLE TORAH SCROLLS WITH CARE AND CEREMONY. AN ELABORATE SET OF SCRIBAL CONVENTIONS GOVERN THE WRITING. A QUILL MUST BE USED. THERE MUST BE FORTY-TWO LINES TO EACH COLUMN, CERTAIN LETTERS ARE DOUBLE SIZED, OTHERS HALF-SIZED, MANY LETTERS ARE CAPPED WITH CROWNS. THE WRITING SURFACE MUST BE ON CAREFULLY SIZED AND PREPARED PARCHMENT. NO ONE WOULD DREAM OF ADDING HIS OWN OR ANYONE ELSE'S INTERPRETATIONS IN THE TEXT OR MARGIN. ONCE INSCRIBED, A SEFER TORAH IS ENSHRINED IN THE SYNAGOGUE ARK BEHIND A CURTAIN, A PAROCHOT. WHOSE PRESENCE SUGGESTS THAT WHAT LIES BEHIND IS HOLY. THE INNERMOST SANCTUARY OF THE TEMPLE IN JERUSALEM, THE HOLY OF HOLIES, HAD BEEN SIMILARLY CURTAINED OFF. THE CONGREGATION RISES WHEN THE TORAH IS TAKEN FROM THE ARK. AS THE SCROLL IS PROCESSED MEN REACH OUT TO TOUCH ITS MANTLE WITH THEIR PRAYER SHAWLS AND THEN KISS THAT BIT OF SHAWL WHICH HAS BEEN TOUCHED WITH THE TORAH'S SANCTITY. BLESSINGS ARE SAID BEFORE AND AFTER THE ASSIGNED READING. CARE IS TAKEN THAT THE READING SHALL BE CHANTED FLAWLESSLY AND GREAT ATTENTION IS LAVISHED ON THE CEREMONIAL RETURN OF THE SCROLL TO THE ARK.

NO SUCH FORMALITIES WERE ATTACHED TO THE MISHNAH EITHER IN THE SYNAGOGUE OR IN THE SCHOOLS. THE MISHNAH PLAYED NO MAJOR ROLE IN SYNAGOGUE LITURGY. SEVERAL PARAGRAPHS FOUND THEIR WAY INTO THE

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PRAYER BOOK, BUT THE MISHNAH ITSELF WAS NEVER SYSTEMATICALLY READ OUT. NOR DID THE MISHNAH RECEIVE THE CAREFUL EDITORIAL OVERSIGHT THAT THE MASORETES GAVE TO THE TANAKH. NO SET OF FORMAL SCRIBAL CONVENTIONS WAS DEVELOPED TO GOVERN ITS MANUSCRIPT PRESENTATION; AND, ONCE PRINTING WAS AVAILABLE, NO EFFORT WAS MADE TO CONTINUE PRODUCING MISHNAH OR TALMUD MANUSCRIPTS AS THE SCRIBES CONTINUED TO PRODUCE TORAH SCROLLS. THE MISHNAH WAS A UTILITARIAN WORK. FROM THE BEGINNING SCHOLARS FELT FREE TO ADD NOTES IN THE MARGINS OF ITS TEXT. WITH THE DEVELOPMENT OF THE GEMARA, THE TEXT OF THE MISHNAH WAS BROKEN UP INTO BLOCKS, EACH OF WHICH WERE APPENDED THE AMORAIC COMMENTARY. TO BE SURE, IF A COPY OF THE MISHNAH WERE ACCIDENTALLY DROPPED ON THE FLOOR, THE CLUMSY READER WOULD PICK IT UP HASTILY AND KISS IT, BUT HE WOULD ACT THE SAME WAY WITH A PRAYER BOOK OR ANY OTHER TEXT WHICH CONTAINED THE NAME OF GOD. IF ONE WERE TO JUDGE A SCRIPTURE SOLELY BY WHETHER OR NOT IT IS TREATED AS A SACRED OBJECT, THE MISHNAH WOULD NOT QUALIFY.

THE MISHNAH WAS A SCHOOL RATHER THAN SYNAGOGUE TEXT. THE MISHNAH WAS RECITED, USUALLY FROM MEMORY, IN AN ATMOSPHERE WHICH INVITED DEBATE. ONE PARTICIPATED IN A SCHOOL OF MISHNAH AND TALMUD IN ORDER TO LEARN WHAT IT MEANT TO BE A JEW. THE WRITTEN TORAH HAD ITS CEREMONY, PUBLIC READING IN THE SYNAGOGUE; THE SECOND SCRIPTURE NEVER DEVELOPED A FORMAL PUBLIC RITUAL. INSTEAD IT BECAME THE FIXED CONTENT OF A KEY RELIGIOUS DISCIPLINE, TALMUD TORAH. TALMUD TORAH IS OFTEN MISTRANSLATED AS BIBLE STUDY. IT WAS A MUCH BROADER DISCIPLINE.

TALMUD TORAH WAS A NEW RABBINIC OBLIGATION. NO RULE MANDATING TALMUD TORAH APPEARS IN THE WRITTEN LAW. IT WAS A RABBINIC ENACTMENT TO WHICH THE RABBIS GAVE GREAT WEIGHT: "THESE ARE THINGS FOR WHICH NO MEASURE IS PRESCRIBED; CLEANSING, FIRST FRUITS, THE FESTAL OFFERING, DEEDS OF LOVING KINDNESS, AND TALMUD TORAH EQUALS ALL OF THESE" (*Peah 1:1*).

AMONG THE JEWS, LEARNING WAS PRAISED FOR ITS IMPORTANCE IN CHARACTER FORMATION. TALMUD TORAH, THE VIRTUE OF STUDY, WAS A DISCIPLINE QUITE UNLIKE WHAT ANY MODERN MEANS WHEN HE TALKS OF SCHOOLING. WE THINK OF THE CLASSROOM AS THE PLACE WHERE A STUDENT MASTERS A BODY OF USEFUL KNOWLEDGE. WE READ SILENTLY AND SEEK TO GRASP THE KEY FACTS AND TO DISCOVER WAYS TO SOLVE, OR AT LEAST UNDERSTAND, A PROBLEM. ONCE WE HAVE LEARNED A DISCIPLINE'S VOCABULARY AND METHODS, WE ARE SATISFIED IF WE KNOW WHERE TO LOOK UP THE REST. LEARNING EQUIPS US PRIMARILY WITH SURVIVAL SKILLS, AND DESPITE JOHN DEWEY AND OTHERS OF HIS MIND SET, WE HAVE NO ILLUSIONS THAT KNOWING HOW TO BUILD A BRIDGE OR WRITE ACCEPTABLE PROSE WILL MAKE US BETTER PEOPLE.

TALMUD TORAH TAUGHT THE JEW HOW TO PLEASE GOD AND, IN THE PROCESS, BECOME A BETTER PERSON. "THE MORE TORAH, THE MORE LIFE" (*Avot 2:7*), TOOK AS ONLY PART OF THEIR GOAL IMPARTING FACTUAL KNOWLEDGE OF JEWISH LAW AND PRACTICE. BASIC KNOWLEDGE OF THE LAW WAS ASSUMED SINCE IT GOVERNED LIFE IN THE COMMUNITY. RATHER, THE GOAL WAS THAT KNOWLEDGE OF TORAH WOULD PUT MORE TORAH INSIDE A

PERSON'S HEAD. TALMUD TORAH WAS A DISCIPLINE WHOSE VALUE WAS THE DISCIPLINE ITSELF. TORAH PRESENTED GOD'S OWN WORDS. RECITING GOD'S WORDS WAS A POWERFUL ACT OF IDENTIFICATION WITH GOD. KNOWING GOD'S WORDS WAS A POWERFUL TOOL IN ONE'S ETHICAL DEVELOPMENT. THE ANCIENTS BELIEVED THAT WE ARE WHAT WE KNOW. THE MORE TORAH SINGS IN YOUR MIND, THE MORE ABLE YOU ARE TO LIVE THE COVENANTAL LIFE. THROUGH REPEATED RECITATION THEY HOPED TO IMPRINT THE SOUND OF GOD'S WORDS ON THEIR MINDS, TO HEAR THEM AS GOD HAS SPOKEN THEM AT SINAI, TO RESPOND WITH THE IMMEDIACY WITH WHICH WE RESPOND TO A SPOKEN COMMAND.

TORAH WAS NOT LITERATURE BUT WORDS WHICH DERIVED FROM GOD'S OWN SPEECH. THOSE WHO CHANTED FROM THE SEFER TORAH PARTICIPATED IN A DIVINE ACT, SPEAKING ALOUD THE WORDS GOD HAD SPOKEN AT SINAI. WHEN THEY RECITED THE ORAL LAW, THEY SOUGHT TO HEAR NOT ONLY WHAT HE HAD SAID, THE WORDS, BUT THE TONE, INFLEXION, AND RHYTHM WHICH TRADITION ASSOCIATED WITH HIS SPEAKING.

RABBINIC EDUCATION REQUIRED A GOOD MEMORY. WHAT IS IN THE MIND REMAINS ALIVE. WHAT IS ON PAPER MAY BE REMEMBERED, OR MAY NOT BE. A BOOK MAY BE PICKED UP OR MAY NOT BE. A PRAYER WHICH IS LEARNED AND RECITED DAILY IS ALWAYS ON ONE'S MIND. ZAKHOR, REMEMBER, WAS FOR THE JEW NOT ONLY A MANDATE TO KEEP ALIVE HIS PAST BUT TO KEEP ALIVE THE TERMS OF GOD'S COMMANDMENTS.

MANY BELIEVED THAT BY RECITING AND STUDYING THESE TEXTS THEY WERE LEARNING TO FREE THEMSELVES OF EARTHLY CONCERNS AND JOINING

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THEIR HEARTS TO GOD. JUST AS THE GREEK THINKERS HAD BELIEVED THAT THE EXERCISE OF PURE REASON LED TO THE ACTIVATION OF THE INTELLECT AND TO A FORM OF TRANSCENDENCE, MORAL PURITY, AND PERHAPS EVEN IMMORTALITY, SO THE JEW WHO SPENT HIS DAYS WITH TORAH WAS BUSY NOT ONLY WITH GOD'S WORK, HELPING GOD OUT, BUT LIKE THE MONK WHO SPENT HIS LIFE IN MEDITATION AND DENIAL, APPROACHED GOD HIMSELF.

THE LEARNED WERE NOT THE ONLY ONES WHO ACCEPTED THE REDEMPTIVE VALUE OF TALMUD TORAH. IN THE TIGHT JEWISH COMMUNITIES OF THE MIDDLE AGES, IT WAS NOT UNCOMMON FOR ORDINARY WORKING PEOPLE TO FORM A FRATERNAL SOCIETY, A HAVURAH, AROUND THE TWIN AIMS OF PROVIDING MUTUAL AID AND A WEEKLY SABBATH REGIMEN OF BIBLE OR MISHNAH RECITATION AND STUDY. INDEED, THESE INFORMAL HAVUROT FOCUSED ON THE PSALMS AND THE MISHNAH FAR MORE THAN THE SEFER TORAH.

"THESE ARE THINGS WHOSE FRUITS A MAN ENJOYS IN THIS WORLD WHILE THE CAPITAL IS LAID UP FOR HIM IN THE WORLD TO COME: HONORING FATHER AND MOTHER, DEEDS OF LOVING KINDNESS, MAKING PEACE BETWEEN A MAN AND HIS FELLOW; AND TALMUD TORAH IS EQUAL TO THEM ALL"

*Shabbat (127a)* : TALMUD TORAH DESCRIBES AN ACTIVE INTELLECTUAL INVOLVEMENT, PRIMARILY WITH THE CONCERNS OF THE ORAL LAWS.

AFTER THE THIRD CENTURY, GRADUATE EDUCATION WAS CALLED TALMUD TORAH. THE ADVANCED STUDENT FOUND A MASTER WHO TAUGHT HIM TALMUD, MORE LAW. AND MUCH MORE INTERPRETATION. THE TEACHER PRESENTED THE TEXT AND REPEATED IT - (B. HOR. 13B). THESE TEXTS WERE NOT USUALLY UNENCUMBERED STATEMENTS OF MISHNAH LAW, BUT BLOCKS OF COMMENTARY

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AND FRAGMENTS OF CLASSROOM DISCUSSION WHICH DEFINED THE TEACHING AND TRIED TO UNDERSTAND ITS UNDERLYING PRINCIPLES. GEMARA LITERALLY MEANS STUDY. AFTER STUDENTS MEMORIZED A TEXT THERE MIGHT BE DISCUSSION OF THE CONCEPTS OF LAW AND THEOLOGY IMPLICIT IN IT OR OF THE APPROPRIATENESS OF THE USE OF HERMENEUTIC RULES IN ITS INTERPRETATION. AS THE SAGES RECOGNIZED THAT NOT ALL COULD MANAGE SUCH ERUDITE MATERIAL, THEY DECREED THAT SOMEONE WHO CAN DO NO MORE THAN READ OR RECITE THE SHEMA TWICE A DAY, MORNING AND EVENING, HAS FULFILLED HIS TALMUD TORAH OBLIGATION; BUT ONE SAGE ADDED: 'DON'T TELL HIM THIS LEST HE FEEL THIS IS ALL THAT IS REQUIRED', (CF B. MEN 99B).

THERE ARE TRACTATES ON THE SABBATH AND THE HOLY DAYS, CIVIL AND CRIMINAL LAW, MATTERS OF PERSONAL STATUS, VOWS, THE RULE OF THE NAZARITE -- ALL MATTERS REFERRED TO IN ONE WAY OR ANOTHER IN THE WRITTEN TORAH -- BUT THE MISHNAH GOES FAR BEYOND THE TORAH TEXT. DEUTERONOMY 6 CONTAINS A KEY LITURGICAL TEXT: "HEAR (SHEMA) O ISRAEL, THE LORD OUR GOD, THE LORD IS ONE" (V. 4). THE MISHNAH WAS NOT PRIMARILY INTERESTED IN THE THEOLOGY OF THE SHEMA BUT IN ITS PRACTICE. IS THE SHEMA ONLY THIS ONE SENTENCE? THE MISHNAH SUGGESTS A LENGTHIER RECITATION AND LATER MAKES IT CLEAR THAT IT REFERS TO A SET OF THREE BIBLICAL PASSAGES BEGINNING WITH DEUT. 6:4-9 AND INCLUDING DEUT. 11:13-21 AND NUM. 15:37-41. WHEN IS THE SHEMA TO BE SAID? TWICE DAILY AT CAREFULLY STIPULATED TIMES.

ISRAELI RABBINIC JUDAISM INTENDED TO REGULATE ALL ASPECTS OF THE INDIVIDUAL'S AND COMMUNITY'S LIFE.

✓ PRECEDING AND CONCLUDING BENEDICTIONS ARE STIPULATED AND THEIR WORDING CLOSELY EXAMINED (M. BER. 2:2FF). RULES DETERMINE WHETHER ONE CAN INTERRUPT THE RECITATION AND FOR WHAT REASONS. THERE ARE RULES CONCERNING THE WORSHIPPER'S POSTURE DURING THE RECITATION. VOICE LEVEL IS REGULATED. THERE ARE RULES WHICH GOVERN WHAT TO DO IN CASE A MISTAKE IS MADE. CERTAIN EXEMPTIONS ARE INDICATED: A BRIDEGROOM ON THE FIRST NIGHT OF HIS MARRIAGE IS NOT OBLIGATED TO RECITE THESE PARAGRAPHS.

WE KNOW THAT THE SHEMA WAS RECITED DAILY. ITS CENTRAL TEXTS ARE FROM THE SEFER TORAH, BUT THE TORAH CONTAINS NO LAW REQUIRING THAT THESE TEXTS, OR ANY OTHER, BE RECITED DAILY OR THAT SUCH RECITATION BE ACCOMPANIED WITH A PRESCRIBED SET OF BLESSINGS. IN RABBINIC DISCUSSIONS OF THE SHEMA WE COME UPON THIS STATEMENT: "HE WHOSE DEAD LIES BEFORE HIM IS EXEMPT FROM RECITING THE SHEMA, FROM SAYING THE TEFFILAH AND FROM WEARING TEFILLIM (PHYLACTERIES)" (M. BER. 3:1). ✓ THE TEFFILAH IS A SERIES OF PETITIONAL PRAYERS, USUALLY EIGHTEEN, WHICH TOGETHER WITH THE SHEMA CONSTITUTE THE CORE LITURGICAL FORMULAS OF THE SYNAGOGUE SERVICE. TEFILLIM ARE PHYLACTERIES, WORN DURING MORNING PRAYERS, WHICH CONTAIN SMALL PARCHMENT SCROLLS IMBED WITH SEVERAL BIBLICAL PASSAGES. THE MISHNAH HERE DESCRIBES EXISTING PRACTICES WHICH ARE NOT NECESSARILY GROUNDED IN THE TORAH'S TEXT. THERE IS NO SPECIFIC TORAH TEXT REQUIRING THAT THE TEFILLAH BE RECITED OR TEFILLIM PUT ON. UNLIKE BIBLICAL JUDAISM, RABBINIC JUDAISM INTENDED TO REGULATE ALL ASPECTS OF THE INDIVIDUAL'S AND COMMUNITY'S LIFE.

WHEN IN THE FOURTH CENTURY THE MISHNAH ACHIEVED SCRIPTURAL AUTHORITY, IT SANCTIFIED FOR JEWS A WIDE VARIETY OF CUSTOMS AND PRACTICES WHICH HAD GROWN OVER THE CENTURIES AND BESTOWED ON THEM THE CACHET OF EQUAL STANDING WITH THE INSTRUCTIONS CONTAINED IN THE WRITTEN TORAH. THIS ENLARGED SIGNIFICANTLY THE BODY OF REGULATIONS WHICH JEWS ACCEPTED AS OBLIGATORY.

THE MISHNAH EXUDES A NEW SENSE OF AUTHORITY. THE OPENING PARAGRAPH OF THE MISHNAH AS WE HAVE SEEN, CITED RABBI ELIEZER, RABBAN GAMALIEL AND THE HACHAMIM, THE SAGES, AS AUTHORITATIVE TEACHERS, RABBIS WHO OFFERED LAW ON THEIR OWN AUTHORITY. THE MISHNAH RARELY CITES TORAH TEXTS TO SUPPORT A RABBINIC POINT OF VIEW, EVIDENCE OF RABBINIC CONFIDENCE THAT THEIR AUTHORITY WAS SUFFICIENT TO ESTABLISH THE ORAL LAW.

THE RABBIS TAKE OVER FROM THE PROPHETS, PRIESTS, AND SCRIBES AS THE LEADERS WHO TRANSMIT TO ISRAEL GOD'S WORDS AND WILL. AUTHORITY NOW RESTS WITH THE LEARNED AND THEIR LEARNING. RABBINIC AUTHORITY, LIKE PROPHETIC AUTHORITY, WAS NOT AUTOMATIC. AS THERE HAD BEEN FALSE PROPHETS, SO SOME RABBIS FELL INTO ERROR. WE HEAR OF RABBIS BEING EXCOMMUNICATED. NOT ALL JEWS ACCEPTED THE FULL RANGE OF OBLIGATIONS WHICH THE RABBIS LAID OUT, BUT IN MOST OF THE JEWISH SETTLEMENTS THE MISHNAH WAS SLOWLY ACCEPTED AS FUNDAMENTAL AND AUTHORITATIVE. THE MISHNAH BECAME AND REMAINED THE BASIS OF A CURRICULUM THAT WAS EVER AFTER TO DOMINATE AND CONDITION THE JEWISH MIND. HOW THIS CAME ABOUT HAS NEVER BEEN SATISFACTORILY

EXPLAINED. CHRISTIAN LAYMEN RARELY READ CANON LAW. HOW IS IT THAT JEWISH NON-PROFESSIONALS READ THE MISHNAH, AND THAT THE MISHNAH AND THE GEMARA BECAME THE STAPLES OF A PROGRAM OF LIFELONG EDUCATION? PART OF THE ANSWER LIES IN THE NATURE OF THE SCHOOL SYSTEM THE RABBIS DEVELOPED, OF WHICH THE MISHNAH WAS THE CENTER-PIECE. PART OF THE ANSWER LIES IN THE NATURE OF THE JEWISH MIND WHICH TENDS TO PREFER THE PRACTICAL TO THE THEORETICAL.

THE TALMUD CONTAINS AN IMAGINARY DRAMA: MOSES DESCENDS TO EARTH TO VISIT THE SCHOOL OF R. AKIBA, PERHAPS THE MOST RENOWNED TANNA OF THE FIRST HALF OF THE SECOND CENTURY. HE SLIPS INTO A BACK ROW AND LISTENS ATTENTIVELY, BUT WITH GROWING PERPLEXITY. HE DOES NOT RECOGNIZE WHAT IS BEING TAUGHT IN HIS NAME. ACCORDING TO THE SAGE WHO INVENTED THIS STORY, MOSES IS SATISFIED WHEN HE HEARS AKIBA CERTIFY HIS TEACHINGS AS PART OF THE ORAL TORAH WHICH MOSES HAD RECEIVED AT SINAI. THE ONLY WAY ONE CAN UNPACK THIS STORY IS TO SUGGEST THAT MOSES DID NOT RECOGNIZE THE TEACHINGS BEING QUOTED IN HIS NAME AND, THEREFORE, THAT HE COULD NOT RECOGNIZE THE PRACTICE OF AKIBA'S DAY. SUCH ADMISSIONS OF CHANGE ARE RARE. THE JERUSALEM TALMUD DOES SAY: "IN THREE PLACES THE HALACHA UP-ROOTS SCRIPTURE." THE THREE SPECIFICS SEEM MINOR: THAT ONE MAY WRITE A DIVORCE DOCUMENT ON ANY KIND OF WRITING SURFACE RATHER THAN ONLY IN A SCROLL (DEUT. 24:1); THAT THE BLOOD OF A DEAD BEAST MAY BE COVERED BY ANY KIND OF GROWTH, NOT JUST DUST AS LEV. 17:13 REQUIRES; OR THAT THE EAR OF THE HEBREW SLAVE WHO

bmen  
296

Cf  
 b. Sota 16a  
 5/27/78  
 (Sulphate)  
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DURING THE SABBATICAL YEAR REFUSED HIS FREEDOM CAN BE PIERCED WITH A NEEDLE OR A BIT OF GLASS AND NOT JUST THE AWL AS Ex. 21:6 ✓ REQUIRES. IN NONE OF THESE CASES IS A BASIC CHANGE MADE IN THE TORAH LAW; A BILL OF DIVORCE MUST BE WRITTEN, THE BLOOD OF AN ANIMAL MUST BE COVERED, THE EAR OF A SLAVE WHO REFUSED HIS FREEDOM MUST BE PIERCED; BUT TO TINKER WITH EVEN THE DETAILS OF GOD'S OWN WORDS IS NO SMALL MATTER. THE WRITTEN TORAH SPECIFICALLY INSISTS: "YOU SHALL NOT ADD NOR SUBTRACT FROM IT." MISHNAIC JUDAISM WAS A NEW MODALITY, BUT THE RABBIS RARELY ACKNOWLEDGED THAT FACT.

BY INTERPRETING THE LAW TO INCLUDE BOTH CURRENT PRACTICE AND VENERABLE TRADITION, THE RABBIS CREATED A RELIGIOUS DISCIPLINE AND TEACHING WITH QUITE A DIFFERENT TEXTURE <sup>which (?)</sup> THAN THAT MANY JEWS HAD KNOWN BEFORE. AUTHORITY WAS TO REST WITH A LEARNED ELITE, PRECISE RULES WERE TO GOVERN ALL ASPECTS OF THE RELIGIOUS LIFE, WORSHIP WAS PROVIDED WITH A FIXED LITURGY, PART OF EVERY DAY WAS TO BE DEVOTED TO TALMUD TORAH, AND HOPE LAY NOT ONLY IN THE PROMISE OF NATIONAL RENEWAL BUT IN PERSONAL IMMORTALITY. THE MANAGEMENT OF ONE'S PRIVATE LIFE, THE FOOD AND DRINK ONE CONSUMED, THE GARMENTS ONE WORE, THE CARE OF ONE'S HOUSEHOLD, EVEN MARRIAGE AND PARENT-CHILD RELATIONSHIPS WERE TO BE GOVERNED BY A DEFINED AND ALL-ENCOMPASSING SET OF RULES. WHAT WAS RIGHT WAS RIGHT BECAUSE IT WAS STIPULATED. ✓ DUTY BEGAN IN OBEDIENCE RATHER THAN IN MAN'S CONSCIENCE. THE RABBIS BELIEVED IN DOING THE RIGHT THING FOR GOOD MOTIVES, BUT

THEY ALSO BELIEVED THAT THE FORCE OF HABIT AND COMMUNITY PRESSURE TO DO WHAT IS RIGHT CAN OFTEN LEAD TO DOING RIGHT FOR ITS OWN SAKE.

לפי מה ש  
אמרנו  
(Jer Hag. 1:6)  
ב. סוטה 22ב)

"DOES NOT UNDERSTAND" (B. SOT. 22A).

EVEN HOUSEHOLD PRACTICE COMES UNDER THE LAW: SEPARATE MEAT AND MILK DISHES, PROPERLY SLAUGHTERED MEAT, CONCERN FOR THE PURITY OF FOOD INTO WHICH OTHER FOOD MAY ACCIDENTALLY HAVE FALLEN, RULES GOVERNING THE CLEANSING OF POTS AND PANS WHICH HAVE BEEN RITUALLY CONTAMINATED. NEAT AND PRECISE RULES DETAIL HOW MARRIAGE CONTRACTS OR BILLS OF DIVORCE ARE TO BE WRITTEN, WITNESSED, AND HANDLED. RELATIONSHIPS WITH NON-JEWS WERE CAREFULLY REGULATED, AS WERE THE RELATIONSHIPS OF HUSBAND AND WIFE. CODES OF CIVIL AND CRIMINAL LAW WERE EXPANDED. IT IS RABBINIC REGULATION, ONE FROM THE WRITTEN TORAH, WHICH REQUIRES THE SEPARATION OF MEN AND WOMEN IN THE SYNAGOGUE AND LIMITS THE ROLE OF WOMEN IN THE SYNAGOGUE.

DETERMINED TO KEEP MISHNAH UNWRITTEN, THE SAGES INEVITABLY CONFRONTED THE UNEQUAL CAPACITIES OF INDIVIDUAL MEMORY. A GOOD MEMORY IS NOT ALWAYS ATTACHED TO A GOOD MIND. AS THE GREEKS KNEW OF RHAPSODISTS WHO COULD RECITE HOMER FLUENTLY BUT HAD NO UNDERSTANDING OF THE POEM'S MEANING, SO THE JEWS KNEW OF TANNAIM OF SIMILAR LIMITATION, "A BASKET FILLED WITH BOOKS" (B. MEG 28B). DURING THESE CENTURIES, WE HEAR OF MEN WHO WERE USED AS LIVING TAPE RECORDERS. LECTURERS IN ADVANCED SEMINARS COULD ASK SUCH MEN TO RECITE A BLOCK OF MATERIAL WHICH THE LECTURERS INTENDED TO DISCUSS OR SIMPLY TO REFRESH THE MASTER'S MEMORY OF THE EXACT WORDING OF A PARTICULAR CITATION (J. MA'ASER SHENI 5:1). THE TALMUD WARNS THAT DESPITE THEIR ABILITY TO RECITE BLOCKS OF THE TALMUD, MEMORY PROFESSIONALS WERE NOT TO BE TREATED AS SCHOLARS. "THE MAGICIAN MUMBLES AND DOES NOT UNDERSTAND WHAT HE SAYS; SIMILARLY, THE MEMORIZER RECITES BUT DOES NOT UNDERSTAND" (B. SOT. 22A).

What he says  
(what he says)

Is this  
Halakic?  
Sulka  
refers to  
synagogue  
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IN AN ACADEMIC WORLD WHICH EMPHASIZED ORAL KNOWLEDGE, THE  
 THE SAGES' EMPHASIS ON MEMORY GREW OUT OF A CONSCIOUS DECISION  
 AND THUS DIFFERS FROM THE OLDER TRADITIONS OF THE EARLY BIBLICAL  
 PERIOD WHERE FEW WERE LITERATE AND ORALITY WAS INEVITABLE. THE  
 SAGAS AND LAWS WERE RECITED IN THE VERNACULAR, HEARD AND UNDERSTOOD  
 BY ALL. IN RABBINIC TIMES BASIC LITERACY WAS FAIRLY COMMON, BUT  
 HEBREW HAD CEASED TO BE THE PEOPLE'S EVERYDAY SPEECH AND EVEN THE  
 HEBREW OF THE MISHNAH WAS SPOKEN ONLY BY A MINORITY. TO BE SURE,  
 THERE WAS STILL A FOLK TRADITION IN RABBINIC TIMES: TALES, CURES,  
 SUPERSTITION, CUSTOMS, CONVENTIONAL WISDOM, LEGENDS, TALES OF HOLY  
 MEN AND THEIR MAGIC, POPULAR MEDICINE AND THERAPIES, PASSED ON  
 NATURALLY FROM GENERATION TO GENERATION. THERE WERE POPULAR STORY-  
 TELLERS. FATHERS TAUGHT THEIR SONS, MOTHERS THEIR DAUGHTERS.  
 THERE WAS NO NEED TO SYSTEMATIZE THIS KNOWLEDGE AND SO, THOUGH IT  
 PENETRATED AND INFLUENCED EVERY ASPECT OF COMMUNITY LIFE, IT  
 WAS NEVER COLLECTED OR CODIFIED.

THE NEW ORAL TRADITION WAS QUITE DIFFERENT. IT WAS ELITIST,  
 SELF-AWARE, ARTIFICIAL IN THE PRECISE MEANING OF THE WORD, A  
 CREATION OF HUMAN ARTIFICE. THE SUBSTANCE OF THE NEW ORAL TRA-  
 DITION WAS A HIGHLY SOPHISTICATED TRADITION OF RELIGIOUS AND JURIDIC  
 ANALYSIS WITH WHICH ORDINARY FOLK HAD LITTLE CONTACT. IT BELONGED  
 TO A SCHOOLED, LITERATE AUDIENCE OF THE ACADEMY, NOT TO THE WORLD  
 OF THE STORYTELLER. STUDENTS LEARNED THESE TRADITIONS FROM A  
 MASTER, NOT AT HOME OR IN THE STREET.

IN AN ACADEMIC WORLD WHICH EMPHASIZED ORAL KNOWLEDGE, THE EDUCATIONAL SYSTEM NEEDED TO ENCOURAGE THE DEVELOPMENT OF THE MEMORY CAPACITY. BEGINNING STUDENTS WERE REPEATEDLY SET THE TASK OF RECITING TORAH VERSES THEY HAD LEARNED IN SCHOOL (B. HAG 15A-B, ✓  
B. GIT 58A) OR PORTIONS OF THE LITURGY (M. PES. 10:4; M. SUK. 3:15).

IN THE MORE ADVANCED CLASSES, A TEACHER MIGHT RECITE BIBLICAL VERSES DEALING WITH THE SABBATH OR A HOLY DAY, AND THEN A BLOCK OF RULES ELABORATING ON SABBATH OR FESTIVAL LAW AND ASSIGN THE CLASS THE RESPONSIBILITY OF LEARNING IT ALL BY HEART (M. SAB 7:2, 10:3-5, 12:1-3). WHEN A YOUTH BEGAN TO STUDY MISHNAH HIS TEACHER WOULD RECITE A BLOCK OF LAW AND THE STUDENT WOULD REPEAT IT UNTIL HE HAD IT MEMORIZED. MONTHS OF ROTE PRECEDED ANY DISCUSSION OF MEANING. THOUGH THE MASTERS TAUGHT THAT JUDAISM RESTED EQUALLY ON THREE VIRTUES -- TORAH STUDY; AVODAH, RELIGIOUS PRACTICE; AND GEMILUT <sup>Toughly service?</sup>

HASADIM, ACTS OF COVENANT LOYALTY -- FOR THE ADVANCED STUDENT TORAH STUDY WAS PRIMARY. HE NEED NOT LEAVE HIS STUDIES TO ATTEND WORSHIP IN THE SYNAGOGUE. TOLD THAT HIS SON, AN ADVANCED STUDENT, WAS SPENDING HIS TIME DOING GOOD DEEDS, A RABBI SENT HIM A STIFF NOTE WHICH SAID, IN EFFECT, 'YOU COULD HAVE DONE THOSE GOOD DEEDS AT HOME. THAT'S NOT WHY YOU ARE AT SCHOOL' (TOS. PES. 3:7 <sup>cf. J. GOLDIN, "SEVERAL SIDELIGHTS ON A TORAH EDUCATION," EX ORBE RELIGIONUM VOL. I (1971) P. 179 NOTE 4).</sup>

TO BE MEMORIZED IN THE FEWEST POSSIBLE WORDS (RS 3a) OR TEACHER WHO MADE AN ELEMENTARY ERROR AND RULED AGAINST

not in Liberman  
know 3:7 nor  
in Vilna ed  
3:7  
I'm quite certain I've seen  
the story in Bavli  
(? Feb '01)

How do these  
mishnaic texts  
reflect  
the  
pedagogical  
method you  
describe?

Cherry

✓ HOMEWORK MEANT REPETITION AND MORE REPETITION. FOR THE TEACHER, A LECTURE BEGAN BY RECITING THE TEXT TO BE DISCUSSED, THEN THE STUDENT REPEATED THE TEXT. IT WAS SUGGESTED THAT A TEACHER SHOULD REPEAT A VERSE OR PORTION AT LEAST FOUR TIMES TO MAKE SURE THE STUDENT HAD MASTERED IT (B. EREV. 54B). SOME TEACHERS AND STUDENTS WERE PREPARED TO REPEAT A LESSON FOUR HUNDRED TIMES. STUDENTS WERE ADVISED TO REPEAT A NEW SECTION IN THE EVENING, REVIEW IT THE NEXT MORNING, AGAIN AT NOON AND AGAIN IN THE EVENING (B. MEN. 18A). "ONE SHOULD ALWAYS RECITE EVEN IF ONE DOES NOT UNDERSTAND WHAT ONE IS SAYING" (B. A.Z. 19A). IT IS NOT UNUSUAL TO HEAR OF A STUDENT WHO "HEARD HIS MASTER REPEAT HIS INTERPRETATION FORTY TIMES UNTIL IT BECAME LIKE MONEY THAT HE CARRIES IN HIS PURSE," I.E., HE CAN SUMMON UP THE EXACT TRADITION AT WILL (B. MEG. 7B).

OBVIOUSLY, FEW STUDENTS MEMORIZED THIS ENTIRE OCEAN OF ATOMIZED LITERATURE. "HERE IS THE WAY IT REALLY IS OF A THOUSAND WHO START OUT TO LEARN HOW TO READ SCRIPTURE, ONLY A HUNDRED GO FURTHER; OF THE HUNDRED WHO STUDY MISHNAH, ONLY TEN GO FURTHER; OF THE TEN STUDYING TALMUD, ONLY ONE BECOMES AN AUTHORITY" (LEV. R. 2:1) S. ~~OF~~ S. ~~2:28~~ 2:28). IT WAS NO EASY MATTER TO MEMORIZE BLOCKS OF LAW OR BIBLICAL INTERPRETATION; BOTH MIDRASH AND MISHNAH REFLECT THE PRESSURE FOR COMPRESSION. "A TEACHER SHOULD PRESENT THE MATERIAL TO BE MEMORIZED IN THE FEWEST POSSIBLE WORDS" (Pes 3a). A JUDGE OR TEACHER WHO MADE AN ELEMENTARY ERROR AND RULED AGAINST THE

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(also B.R. 171)

Bavli

You left out the  
slow to hear &  
sure to love  
Hugs &  
and  
lots

It talks about  
the obligation to  
send out love to  
our world.

THE SPONGE, THE FUNNEL, THE STRAINER AND THE SIEVE. THE SPONGE ABSORBS EVERYTHING; THE FUNNEL TAKES IN AT THIS END AND LETS OUT AT THE OTHER; THE STRAINER LETS OUT THE WINE AND COLLECTS THE DREGS; THE SIEVE EXTRACTS THE COARSELY GRAINED FLOUR AND COLLECTS THE FINE FLOUR."

MASTERY OF THE RABBINIC AGENDA EARNED STATUS AND RESPECT, BUT THE MASTERS COULD NOT BE CERTAIN OF RETAINING THEIR KNOWLEDGE. IMAGINE THE FEARS THEY MUST HAVE HAD ABOUT POSSIBLE MEMORY LOSS CAUSED BY FEVER OR ILLNESS AS WELL AS AGE. WHEN HE BECAME ILL, JUDAH HA-NASI IS SAID TO HAVE FORGOTTEN THIRTEEN BLOCKS OF MATERIAL FROM HIS MISHNAH AND TO HAVE HAD TO BE TAUGHT THESE AGAIN BY OTHERS (B. NAH 41A, AZ 52B). TO AVOID ANY LAPSE OF MEMORY, SOME SAGES REPEATED ALOUD ALL THEY KNEW AS THEY WALKED OR WORKED. OTHERS DISCIPLINED THEMSELVES TO REPEAT THE ENTIRE ORAL LAW EVERY THIRTY DAYS (B. PES. 68B).

OVER TIME, PARTICULARLY IN THE EASTERN DIASPORA, THE MASTER CAME TO BE SEEN NOT ONLY AS MENTOR BUT AS EXEMPLAR OF THE TORAH WAY. THE STUDENT LITERALLY ATTENDED THE MASTER AND LEARNED BY COPYING HIS MANNER AND DAILY ROUTINES AS WELL AS BY MEMORIZING HIS RECITATIONS. LEARNING WAS NOT SIMPLY A MATTER OF MASTERING A BODY OF KNOWLEDGE, BUT INVOLVED EMULATING THE TEACHER WHOSE EVERY ACTION WAS BELIEVED TO EXEMPLIFY TORAH, JUST AS HIS SPEECH DEFINED TORAH. SCHOLARS AND DISCIPLES WERE DISTINCTLY COSTUMED. KNOWLEDGE,

?  
how he had  
forgotten  
the law

Berachot  
62a

SELF-CONFIDENCE AND CULTURE BREED AWE, AND RABBIS TENDED TO BE TREATED WITH THE AWE DUE A SHAMAN. SOME SEEM TO HAVE DELIBERATELY TRADED ON CHARISMA. OTHERS APPARENTLY RESTRICTED THEMSELVES TO THE PIETIES OF STUDY.

THE TEACHER SAT IN FRONT OF STUDENTS ON A PILLOW OR CHAIR WITH HIS DISCIPLES CROSS-LEGGED ON FLOOR MATS. AT PUBLIC LECTURES WHEN SEVERAL MASTERS AND STUDENTS WOULD MEET TOGETHER, A METURGAMAN OR AMORA (SPEAKER) WAS PROVIDED. THE SAGE EXPLAINED THE RULE TO THE METURGAMAN, WHO SHOUTED OUT THE SAGE'S THOUGHTS. QUESTIONS WERE GIVEN TO THE METURGAMAN WHO CONSULTED THE SAGE AND THEN ELABORATED THE SAGE'S ANSWER. THE METURGAMAN WAS OFTEN SOMETHING OF A SCHOLAR THOUGH NOT NECESSARILY A MASTER, THAT IS, SOMEONE PERMITTED TO VOTE IN THE COUNCIL OF SCHOLARS WHICH HAD FINAL AUTHORITY IN JUDICIAL MATTERS.

MEMORY WAS KEY AND KING. IT WAS A HIGH COMPLIMENT WHEN ONE SAGE DESCRIBED AS A CEMENTED CISTERN WHICH DOES NOT LOSE A DROP. THERE CAN BE NO DOUBT THAT METHODS FOR DEVELOPING THE ART OF MEMORY WERE MUCH DISCUSSED. THE TALMUD IS FULL OF ACROSTICS AND SIMANIM, SIGNS, PUT THERE BY EDITORS AND TEACHERS TO HELP FIX PARTICULAR FORMULATIONS IN THE MIND.

ONE SIMANHA FOCUSES ON A MEMORABLE PHRASE WHICH SUGGESTS AN EXTENDED LEGAL FORMULA. ANOTHER DEVICE TIED TOGETHER UNRELATED STATEMENTS BY PROVIDING THEM IDENTICAL OPENING FORMULAS, AN ANCIENT PRACTICE WE FIND IN THE ORACLES OF THE EIGHTH-CENTURY B.C.E. PROPHET AMOS ("FOR THREE TRANSGRESSIONS... YEA FOR FOUR").

Hebrew -  
even 2  
one master  
(?)

Av.  
2:11

Handwritten notes at the bottom of the page, including "for about 1000 years" and "the Talmud is full of acrostics and simanim".

NUMBERS WERE USEFUL: "THREE THINGS MUST A MAN SAY WITHIN HIS HOUSE WHEN DARKNESS IS DESCENDING ON THE EVE OF SABBATH, . ." THE FALLIBILITY OF SUCH DEVICES IS SUGGESTED BY A COMMENT UNFAVORABLY COMPARING THE MEMORIES OF THE SAGES OF THE GALILEE TO THOSE OF JUDEA: "THE SAGES OF JUDEA RETAINED THEIR KNOWLEDGE WHILE THOSE OF THE GALILEE DID NOT BECAUSE THEY EMPHASIZED SIMANIAS" (T., B. ER. 53A). VARIOUS BIBLICAL TEXTS WERE CITED TO "PROVE" THE IMPORTANCE OF THESE TECHNIQUES. "PUT IT (SIMA) IN THEIR MOUTHS" (DEUT. 31:19). "ERECT MARKERS (TZUPIM), SET UP SIGNPOSTS" (JER. 31:20). ONE TECHNIQUE ASSOCIATED BLOCKS OF MATERIAL WITH SOME SHORT, EASILY RECALLED STATEMENT: THUS, THE PHRASE, 'GREAT IS THE SANCTUARY OF MOSES,' SUGGESTED TO A CERTAIN R. MANESSEH THREE STATEMENTS ABOUT CHARITY WHICH BEGIN SUCCESSIVELY WITH "GREAT", "SANCTUARY" AND "MOSES". WHILE IT'S HARD TO PROJECT OURSELVES BACK INTO THE MENTAL GYMNASTICS OF SUCH A TOTALLY DIFFERENT CULTURE, WE CAN RECOGNIZE HOW THE BIBLICAL VERSES MEMORIZED IN CHILDHOOD AND FREQUENTLY HEARD IN THE SYNAGOGUE, BECAME THE LATTICE ON WHICH THE SAGE HUNG THE ASSOCIATED FORMULAS HE WANTED TO BE ABLE TO RECALL. HE SUMMONED THE TORAH TEXT TO REMIND HIMSELF OF ALL THAT HAD BEEN DEVELOPED FROM IT.

IT WAS SUGGESTED THAT STUDENTS FORM AN IMAGE OF THE MASTER WHO HAD PROMULGATED A RULE EVEN AS THEY MEMORIZED THE RULE, THUS FULFILLING THE REQUIREMENT THAT A RULE BE CITED IN THE NAME OF ITS PROPOUNDER (J. SHEK. (II, 7, 47A). THIS WAS A PECULIARLY JEWISH VERSION OF A GREGO-ROMAN MEMORIZATION TECHNIQUE WHOSE METHOD IS

how about Av 6:6  
 what about 5:8  
 7:3 2:11 2:12  
 1:1 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1

Subbath  
 2:7

Deut 31:19  
 Jer 31:20

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OUTLINED IN THE FIRST CENTURY TEXT AD HERENNIIUM. THE AUTHOR, AN ANONYMOUS TEACHER OF RHETORIC, CONSIDERED TWO ASPECTS OF MEMORY: AS A NATURAL ENDOWMENT, AND AS AN ENDOWMENT WHOSE EFFICIENCY AND CAPACITY CAN BE INCREASED BY CAREFUL TRAINING. HOW IS ONE TO TRAIN HIS MEMORY? SINCE SIGHT, THE AUTHOR BELIEVED, IS THE STRONGEST AND SHAPREST OF THE SENSES, THE BEST WAY TO FIX SOMETHING IN ONE'S MEMORY IS TO ASSOCIATE IT WITH A PLACE AND WITH OBJECTS IN THAT PLACE WHICH CAN BE EASILY RECALLED TO THE SCREEN OF THE MIND. THE AUTHOR SUGGESTS THAT THE READER WALK THROUGH A LARGE, MULTI-CHAMBERED BUILDING AND FIX IN HIS MIND THE SHAPE OF EVERY ROOM AND THE PLACEMENT OF OBJECTS IN EACH ROOM. THEN WHEN HE WANTS TO MEMORIZE A SPEECH OR A TEXT HE SHOULD ASSOCIATE THE VARIOUS IDEAS HE PROPOSES TO PUT FORWARD WITH EACH OF THE ROOMS HE HAD WALKED THROUGH AND EACH SENTENCE OR PHRASE WITH AN OBJECT IN THE APPROPRIATE ROOM. TO RECALL THE SPEECH, HE HAS ONLY TO WALK THROUGH THE ROOMS IN HIS MIND.

THE JEWISH SAGES SEEM TO HAVE USED A WRITTEN TEXT AS THE ROMANS USED A BUILDING. THE PARAGRAPHS, WORDS AND LETTERS BECAME KEYS TO MEMORY. THE PHRASES AND LETTERS OF A MEMORIZED TEXT CAN STAND FOR THE PALACE AND ITS VARIOUS ROOMS AND OBJECTS. THE PLACES SELECTED FOR THIS PURPOSE ARE VERY MUCH LIKE WAX TABLETS OR PAPYRUS, THE IMAGES LIKE THE LETTERS, THE MANAGEMENT AND DISPOSITION OF THE IMAGE LIKE THE SCRIPT AND THE DELIVERY IS LIKE THE READING' (YATES P. 7, THE ART OF MEMORY, CHICAGO, 1966).

Did not  
del

TODAY STUDENTS ATTEND A LECTURE TO LEARN A SPECIFIC BODY OF KNOWLEDGE AND ARE RELATIVELY INDIFFERENT TO THE PROFESSOR'S PRIVATE LIFE AND CHARACTER. THAT LEARNING AND CHARACTER CAN BE SEPARATED IS A MODERN ATTITUDE WHICH THE ANCIENT WORLD DID NOT READILY ACCEPT. CLASSIC THEORIES OF EDUCATION TREATED LEARNING AS ESSENTIAL TO THE DEVELOPMENT OF CHARACTER. LEARNING, THE GREEKS SAID, WAS WHAT DISTINGUISHES MAN FROM BRUTE, GREEK FROM BARBARIAN. THEIR THEORY OF EDUCATION ASSUMED THAT THE PURPOSE OF SCHOOLING WAS TO INITIATE THE YOUTH INTO HIS COMMUNITY'S WAYS OF LIFE AND TO HELP HIM BECOME A GOOD CITIZEN BY HELPING HIM TO KNOW, UNDERSTAND, AND CONFORM TO ITS CUSTOMS.

LEARNING WAS SEEN AS MORE THAN A CLASSROOM-BOUND EXPERIENCE. THE ROMAN TEACHER WAS A PEDAGOGUE, OFTEN A FREED GREEK SLAVE, WHO WAS WITH HIS CHARGE CONSTANTLY, TEACHING HIM NOT ONLY TO READ AND WRITE BUT HOW TO BEHAVE IN ALL POSSIBLE SITUATIONS. THE CHILD WAS TOLD THAT HIS GOAL SHOULD BE TO PATTERN HIMSELF ON HIS MENTOR. HE WAS TO SHAPE HIS MIND AND BODY INTO AN ESTHETICALLY AND ETHICALLY PLEASING PERSONNA. HIS STUDIES WERE NOT ENDS IN THEMSELVES, AS THEY ARE FOR US, BUT WAYS TO DEVELOP ASPECTS OF CHARACTER. PHILOSOPHY WAS THE QUEEN OF THE DISCIPLINES BECAUSE IT OPENED THE MIND TO ORDERLINESS OF THE UNIVERSE, AN ORDER THE STUDENT WAS TO DUPLICATE IN HIS PERSON. USHA OVER THE RITUAL FITNESS OF AN OVEN. A VOTE WAS IT WAS A RARE JEW WHO HAD HIS OWN PEDAGOGUE, BUT THE UNDERLYING JEWISH APPROACH TO LEARNING WAS NOT VERY DIFFERENT. THE

RABBIS USED MUSAR TO MEAN BOTH INSTRUCTION AND CORRECTION AS TO  
 MANNERS AND MORALS. PROVERBS PLAINLY SAID, "TRAIN UP THE CHILD IN  
 THE WAY THAT HE SHOULD GO" AND THE SAGES OFTEN QUOTE AS CONVENTIONAL  
 WISDOM A MAXIM SPOKEN ORIGINALLY TO QUOTE ANOTHER PURPOSE, "~~ANN~~ AM  
HA-ARETZ HASID," WHICH THEY TOOK TO MEAN AN IGNORANT MAN CANNOT  
 HAVE A GOOD CHARACTER. THE GOAL WAS TO LEAD A RIGHTEOUS LIFE.  
 THE ANCIENT WORLD ASSUMED THAT THE MORE LEARNING, THE MORE  
 VIRTUE, AND THAT THE PHILOSOPHER WOULD DISTINGUISH HIMSELF IN ALL  
 AREAS OF LIFE AND BE THE PROPER LEADER FOR HIS CITY. MEN CAME  
 TO PLATO OR ZENO NOT ONLY TO LISTEN TO THEIR PHILOSOPHY BUT TO  
 BENEFIT FROM THEIR EXAMPLE. SIMILARLY, LEARNING PRESUMEDLY MADE  
 THE RABBIS MORE TORAH-LIKE AND, THEREFORE, BETTER EQUIPPED TO  
 GUIDE AND ORGANIZE COMMUNITY LIFE. THE RABBI BECAME A ROLE MODEL  
 FOR HIS DISCIPLES WHO SAW HIM AS A LIVING TORAH, WHOSE EVERY ACT,  
 THE WAY HE DRESSED, ATE, CONVERSED, EVEN THE WAY HE CLEANED HIM-  
 SELF, WAS A REFLECTION OF TORAH. THE RABBIS' ACTIONS AS WELL AS  
 THEIR WORDS REFRACTED TORAH. BECAUSE KNOWLEDGE ALLOWED THEM TO SHARE SOME OF GOD'S POWERS, EVEN TO  
 THE EXTENT OF DEFINING GOD'S WILL. SINCE TORAH IS A DIVINE DISCIP-  
 LINE, THEIR ADVICE AND DEEDS ULTIMATELY PARTICIPATED IN DIVINITY.  
 A LATE LEGEND MAKES THIS POINT. A DEBATE RAGED AMONG THE SAGES OF  
 THE ACADEMY OF USHA OVER THE RITUAL FITNESS OF AN OVEN. A VOTE  
 WAS TAKEN. ALL THE SAGES BUT ONE DECLARED IT FIT. THE DISSENTER  
 WAS ABSOLUTELY CONVINCED OF HIS VIEW AND TOLD HIS COLLEAGUES THAT

for 2:6

Av. 5  
 2:12 1'k  
 2:12 1'k  
 2:01

Bechorot  
 62

8m  
 59v

HIS VIEW WAS IN FACT GOD'S. GOD WOULD BACK HIM UP. HOW? GOD WOULD CAUSE A LARGE TREE IN THE YARD TO MOVE. THE TREE MOVED. THE VOTE WAS TAKEN AGAIN AND THE SAGE REMAINED A MINORITY OF ONE. GOD, HIMSELF, COULD NOT STAND AGAINST THE WILL OF THOSE WHO HAD THE CREDENTIALS OF TALMUD-TORAH.

LESS THE RABBIS OF THE TALMUDIC PERIOD WERE NOT MEMBERS OF A CLERICAL PROFESSION. UNLIKE THE LEADERS OF THE QUMRAN COMMUNITY, MOST DID NOT WITHDRAW FROM THEIR COMMUNITIES. UNLIKE HELLENISTIC TEACHERS AND RHETORS, THEY DID NOT LIVE OFF TUITION OR ESCHEW BUSINESS OR THE CRAFTS. THOSE FORTUNATE ENOUGH TO INHERIT WEALTH OR TO HAVE BEEN BORN INTO THE PRIEST CLASS LIVED OFF THEIR INHERITANCE OR TITHES. OTHERS EARNED THEIR LIVING AS BEST THEY COULD. SOME HELD PUBLIC OFFICE, SOME WERE ARTISANS. ALL TAUGHT -- ONLY A VERY FEW OF THEM IN LARGE LECTURE HALLS -- BUT GENERALLY WE SHOULD ENVISION A SAGE RECITING AND DISCUSSING TORAH WITH A FEW ADVANCED STUDENTS.

CENT THEORETICALLY, THE RABBINATE WAS A MERITOCRACY OPEN TO ALL WHO QUALIFIED, BUT, AS IS ALWAYS THE CASE, THE SONS OF THE MASTERS, BECAUSE OF THEIR EARLY TRAINING AS WELL AS FAMILY CONTACTS, WERE AT AN ADVANTAGE. ONE JOINED A MASTER ONLY AFTER YEARS OF PATIENT MEMORIZATION AND A LONG AND ARDUOUS EDUCATIONAL EXPERIENCE. JOINING A MASTER INVOLVED A PROLONGED PERIOD OF APPRENTICESHIP AND FAITHFUL PERSONAL SERVICE AS WELL AS ATTENDANCE AT HIS LECTURES.

DIASP IN THE CENTURIES IMMEDIATELY AFTER THE DESTRUCTION OF THE SECOND TEMPLE, A STRANGE THING HAPPENED IN JEWISH LIFE. A

COMMUNITY TO WHOM BOOKS OF VARIOUS KINDS HAD BEEN IMPORTANT, A COMMUNITY WHICH HAD EASILY ADOPTED THE LITERARY INTERESTS OF THE HELLENISTIC WORLD, TURNED ITS BACK ON MOST OF THE LITERATURE WHICH ITS LITERARY FOLK HAD PRODUCED, AND WITH THE EXCEPTION OF THE TWENTY-<sup>four</sup>~~two~~ SCROLLS WHICH WERE ACCEPTED AS SCRIPTURE, TRIED TO CREATE A BOOK-LESS CULTURE. COMPARISONS WITH CHRISTIAN LITERATURE OF THE TIMES OFFER A STRIKING CONTRAST. THE GOSPELS ARE NOVELLAS, BIOS. PAUL'S WRITINGS ARE LITERARY. MANY OF THE ANTE NICENE FATHERS PROUDLY SIGNED THEIR NAMES TO THEIR BOOKS.

NONE OF THIS LITERARY ACTIVITY SEEMS TO HAVE HAD A JEWISH PARALLEL. THERE DOES NOT SEEM TO HAVE BEEN AN ACTUAL BAN ON WRITING DOWN RAB- BINIC LAW, CERTAINLY NOT ONE WHICH WAS ENFORCED, ALTHOUGH THERE WERE TRADITIONS KNOWN IN THE SCHOOLS OF THE FOURTH AND FIFTH CENTURIES THAT NO ONE WAS TO WRITE DOWN THE ORAL LAWS, AYN KOTEVIM HALACHOT B'SEFER (SCHOL. TO MEG. TAANIT)? FOR SOME REASON, AFTER THE FIRST CENTURY JEWS SEEM TO HAVE LOST INTEREST IN WRITING BOOKS. JUST BEFORE THE REBELLIONS, THERE WERE A NUMBER OF JEWISH HISTORIANS LIKE JOSEPHUS, BUT FOR CENTURIES AFTER HIM, NOT ONE. JEWS NOT ONLY STOPPED WRITING BOOKS BUT APPARENTLY LOST INTEREST IN MUCH OF THEIR LITERARY PATRIMONY. THE SAGES DID NOT BOTHER TO READ, TEACH, OR COPY LITERATURE WHICH HAD BEEN PRODUCED BY DIASPORA JEWS THOUGH WE KNOW THAT SOME OF THE RABBIS, AND CERTAINLY THE DIASPORA COMMUNITIES, SPOKE GREEK. NOR WAS THEIR INDIFFERENCE LIMITED TO BOOKS IN GREEK. A SIMILAR FATE BEFELL MOST OF THE

How  
about  
Git 60B  
562B  
res. in  
p. 211  
p. 212  
(quoted  
whole p. 211)

SCROLLS WRITTEN IN HEBREW OR ARAMAIC WHICH WERE NOT INCLUDED IN THE TANAKH.

RABBINIC CULTURE WAS NOT ANTI-LITERATE, FAR FROM IT. THESE WERE MEN WHO BENT EVERY EFFORT TO HAVE THE COMMUNITIES ESTABLISH THE FIRST WESTERN MANDATORY EDUCATIONAL SYSTEM FOR BOYS. ONE OF THE IMPORTANT RITES OF THE SYNAGOGUE WAS THE CHANTING OF PORTIONS OF THE TORAH AND IT WAS THE TASK OF TUTORS AND PRIMARY TEACHERS TO PREPARE EVERY MALE CHILD FOR THIS ACT. THE SAGES WERE LITERATE BUT EVIDENCE LITTLE LITERARY INTEREST. AS FAR AS WE KNOW, FOR MORE THAN HALF A MILLENNIUM AFTER THE FIRST CENTURY NO JEW SET OUT ON HIS OWN TO WRITE A BOOK. THERE WERE COMPILATIONS BUT NOT COMPOSITIONS. PHILO HAD NO SUCCESSOR AS AN AUTHOR OF TORAH COMMENTARY. JOSEPHUS HAD NO SUCCESSOR AS HISTORIAN. THE BOOKS THAT EMERGE - THE MISHNAH, TOSEFTA, THE HALACHIC MIDRASHIM - WERE NOT PLANNED. THEY REPRESENT A DEPOSIT OF ACADEMIC NOTES.

THERE IS NO INDICATION OF BOOK BURNING OR OFFICIAL CENSORSHIP, BUT, RATHER, OF A DELIBERATE DECISION BY THE RABBIS TO LIMIT THE CURRICULUM OF THEIR SCHOOLS TO THOSE WORKS THEY ACCEPTED AS SCRIPTURE. INsofar AS WE CAN RECREATE THEIR THINKING, IT WOULD SEEM THAT THEY FELT THAT THE TRAGIC REBELLIONS AGAINST ROME WERE MISJUDGMENTS, IN PART THE RESULT OF THE WEAKENING OF JEWISH LIFE BY INTELLECTUAL CONFUSIONS AND RELIGIOUS DIVISION ENGENDERED BY MISPLACED CONFIDENCE IN MISLEADING TEXTS AND IDEAS. GOD, THE TANNAIM SEEM TO HAVE BELIEVED, HAD BEEN DISPLEASED BY FALSE DOCTRINE AND IMPROPER PRACTICE. TO

REGAIN GOD'S FAVOR, JEWS HAD TO PAY CAREFUL ATTENTION TO THE "RIGHT" WAY. CARE MUST BE TAKEN THAT THE CURRICULUM FOCUSES ON TORAH AND ITS PROPER INTERPRETATION, THAT IS, ON THE TORAH THE RABBIS ACCEPTED. THE SAGES HAD NO INTEREST IN BEING KNOWN AS AUTHORS. THEY WERE INTERPRETERS OF TORAH. THE WORK THE RABBIS PRODUCED OVER THE SIX CENTURIES AFTER 70 C.E. WERE COMPILATIONS OF TORAH, THE TOSEFTA, THE TALMUD(S), THE HALACHIC MIDRASHIM, GENESIS AND LEVITICUS RABBAH. TO US THESE ARE ORDINARY BOOKS, LINES OF TYPE ON PAPER TO BE STUDIED AND RESEARCHED IN THE USUAL WAY; BUT IF YOU COULD GO BACK TO THE EARLY RABBINIC SCHOOLS AND ASK THEIR LIBRARIAN FOR A COPY OF ANY OF THOSE WORDS NO BOOK WOULD HAVE BEEN BROUGHT TO YOU. TALMUD WAS A PROCESS, NOT A PARCHMENT. IF YOU KNEW THE SUBJECT MATTER OF ONE OR ANOTHER OF THE TALMUD'S TRACTATES AND ASKED FOR THE VOLUME DEALING, SAY WITH DAMAGES, ASSUMING THAT YOUR GUIDE WAS EAGER TO BE HELPFUL, HE WOULD HAVE EXCUSED HIMSELF FOR A BIT AND RETURNED WITH A SAGE WHO SPECIALIZED IN THAT SECTION OR WITH A SCHOOL OFFICIAL CALLED A TANNA, A REPEATER, WHO SERVED AS THE SCHOOL'S MEMORY BANK AND COULD RECITE THE RELEVANT MATERIAL.

WHAT WE DO NOT KNOW IS WHETHER JEWS OF TROUPS OTHER THAN THE TANNAIM WROTE. IF THEY DID THE SAGES HAD NO INTEREST IN THEIR WORK AND ALLOWED IT TO DISAPPEAR. OUT OF SIGHT WAS OUT OF MIND, LITERALLY; ONLY THE MATERIAL THE TANNAIM CARED ABOUT SURVIVED.

IT WAS NOT UNCOMMON FOR A GRADUATE STUDENT TO GO FROM ONE

STUDENT TO ANOTHER TO LEARN THE SPECIFIC TRADITIONS IN THE AREAS IN WHICH EACH MASTER SPECIALIZED. WHEREAS A VARIETY OF BOOKS HAD PLAYED A MAJOR ROLE IN THE SCHOOLS OF THE HELLENISTIC AGE, LIKE BEN SIRAH'S THEY PLAYED A MINOR ROLE IN THE RABBINIC ACADEMIES. THERE WERE FEW, IF ANY, READING ASSIGNMENTS. THE TALMUD DOES NOT REFER TO A SINGLE YESHIVAH LIBRARY.

WHILE ONE WAS EXPECTED TO LEARN THE TEXTS BY RECITATION AND REPETITION, THIS WAS NOT A BOOKLESS WORLD. THERE WERE, OF COURSE, BIBLICAL SCROLLS. SOME SAGES KEPT PINKASIM, NOTEBOOKS, WHICH SEEM TO HAVE BEEN LITTLE MORE THAN PRIVATE LISTS OF RULES, HALACHOT, KEPT BY STUDENTS OR TEACHERS AS AIDS TO MEMORY. WE HEAR OF SCHOLARS WHO KEPT SHORTHAND NOTES (MEGILLOT SETARIM) OF "SCROLLS OF SECRETS." IN THE FOURTH CENTURY STUDENTS ARE DESCRIBED WRITING OUT A TEXT OF THE MISHNAH FOR CLASSROOM USE. WE ARE TOLD THAT SOME BABYLONIAN STUDENTS MADE NOTES ON THEIR CLASSROOM WALLS (B. HUL. 60B, B. SHAB 19A). THERE WERE ALSO ROLLS OF AGGADAH THOUGH, IN TIME, THE SAME EMPHASIS ON ORAL TRANSMISSIONS SEEMS TO HAVE GOVERNED AGGADAH AS GOVERNED THE LAW. ONE OF THE FOUNDERS OF THE EASTERN RABBINIC COMMUNITY, RAV, IS SAID TO HAVE CONSULTED SIFREI D'AGGADATA, COLLECTIONS OF TORAH-RELATED MIDRASHIC MATERIALS (B. GIT. 60A). THERE IS A REFERENCE TO A SEFER AFTARTA, A COLLECTION OF SECTIONS OF PROPHETIC READINGS USED IN THE LITURGY (B. GIT. 60A). BUT THAT IS THE SUM OF IT. IT SERVED AS THE BASIS OF THEIR EDUCATIONAL CURRICULUM AND LEGAL DECISIONS. DESPITE THE CEREMONIAL

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Amelish-  
notebooks

WHAT THE MASTERS EMPHASIZED WAS MEMORY AND THEY TOOK FOR GRANTED THAT THE ORAL LAW SHOULD BE KEPT ORAL. THERE IS NO EVIDENCE FROM THE THIRD TO THE SEVENTH CENTURY, WHEN COLLECTIONS OF GEMARA BEGIN TO APPEAR, THAT THE SAGES MADE ANY CONCENTRATED EFFORT TO PREPARE A STANDARDIZED TEXT OF ANY RABBINIC WORK. IT WAS THE KNOWLEDGE AND MEMORIES OF THE MASTER RATHER THAN THE TEXT OF THE MANUSCRIPT WHICH DETERMINED MEANING. NO MISHNAIC RITUALS, NO KERAT HA-MISHNAH, WAS DEVELOPED. THE MISHNAH AND OTHER RABBINIC ANTHOLOGIES WERE CREATIONS OF THE SCHOOL AND BELONGED IN THE SCHOOL. THEIR IMPORTANCE LAY IN THE FACT THAT TORAH CAME OUT OF THESE SCHOOLS. AS WE SHALL SEE, AFTER THE THIRD CENTURY RABBINIC DECISIONS WERE, FOR THE MOST PART, GIVEN DE FACTO AUTHORITY BY THOSE -- THE PATRIARCHS AND THE EXILARCH -- REQUIRED TO ORGANIZE THE JEWISH COMMUNITY'S DOMESTIC LIFE; CONSEQUENTLY, THIS ACADEMIC MATERIAL BECAME THE BASIS OF THE NEW TORAH TRADITION.

WHAT BEGAN AS A LOOSELY DEFINED SECOND SCRIPTURE WHICH CLAIMED THAT MUCH OF ITS "ORIGINAL" MATERIAL HAD THE SAME AUTHORITY AS THE SEFER TORAH CAME TO BE DESCRIBED AS TORAH SHE-BEAL PEH, AS AN ORAL SCRIPTURE CO-EQUAL TO, IF NOT IN FACT SUPERIOR TO, THE TORAH SHE-BI-KETAV, THE WRITTEN LAW. BY THE FOURTH CENTURY THE CONCEPT OF THE TWO TORAHS HAD BEEN BROADLY ACCEPTED. THE IMAGE IS OF CO-EQUAL ELEMENTS. BUT IN ACTUAL PRACTICE THE SAGES GAVE THEIR ORAL TORAH THE GREATER WEIGHT. IT SERVED AS THE BASIS OF THEIR EDUCATIONAL CURRICULUM AND LEGAL DECISIONS. DESPITE THE CEREMONIAL

1.8. They ~~accepted future~~ committed to the ~~hope~~ on this point  
 themselves to accepting future legislation 335  
 not exactly the same point

CARE WITH WHICH THEY TREATED THE SEFER TORAH, THEY DID NOT HESITATE  
 TO DECLARE FLATLY: "IN THREE AREAS THE HALACHA (THE LAW AS THEY  
 TAUGHT IT) OVERRIDES A SPECIFIC SCRIPTURAL INSTRUCTION (J. KID  
 1:20? URBACH P. 294). ILLUSTRATIONS OF THIS ATTITUDE CAN BE MUL-  
 TIPLIED. "THE COVENANT WAS MADE AT SINAI ONLY ON ACCOUNT OF THE  
 ORAL TORAH" (B. GIT. 60B, B. (SHEV. 39A) "BOTH WRITTEN AND ORAL  
 LAWS HAVE BEEN PROCLAIMED AND WE CANNOT TELL WHICH IS THE MORE  
 PRECIOUS, BUT SINCE IT IS WRITTEN "AL PI (LITERALLY BY THE MOUTH)  
 OF THESE WORDS HAVE I MADE A COVENANT WITH YOU AND WITH ISRAEL"  
 (EX. 34:33). WE INFER THAT THE ORAL TORAH (LIT. THE TORAH BY  
 MOUTH) IS THE MORE PRECIOUS" (J. PEAH 2:4, (IVA)? INDEED, THE  
 REGIMEN OF RABBINIC JUDAISM DURING ITS FORMATIVE CENTURIES WAS  
 SINGULARLY FREE OF ANY BIAS TOWARD A NARROW SCRIPTURALISM.

IN RABBINIC THOUGHT THE AUTHORITY OF THE SAGE WAS AT LEAST  
 EQUAL TO, IF NOT HIGHER THAN, THAT OF ALL THE PROPHETS EXCEPT  
 MOSES, AND WE FIND STATEMENTS TO THE EFFECT THAT "SINCE THE DE-  
 STRUCTION OF THE TEMPLE PROPHECY WAS TAKEN AWAY FROM THE PROPHETS  
 AND GIVEN TO THE SAGES" (B. B. 12A). THE PROPHETS WERE FORCED TO  
 SHOW SIGNS. THE SAGE WAS BELIEVED ON THE AUTHORITY OF HIS TEACHING  
 (URBACH 30B? NOTE 65). LIKE THE PROPHETS, THE SAGE COMES TO BE SEEN  
 AS A HOLY MAN. HE HAS THE SPIRITUAL POWER AND KNOWLEDGE TO HEAL  
 AND TO INTERCEDE AND THE AUTHORITY TO SAY "ONE DOES THIS" AND  
 "ONE DOES NOT DO THAT."

THEIR PURPOSES.

See above p 317

תורה  
 שבעה  
 עשר  
 שנים  
 נכתבה  
 בלשון  
 קודש  
 ונאמרה  
 בלשון  
 חול

12 b has  
 נאמר  
 בלשון  
 חול  
 ונאמר  
 בלשון  
 קודש

12a  
 הלכה  
 כדברי  
 רבי

THE SYNAGOGUE'S LITURGY EMERGED FROM THE SCRIPTURAL TRADITIONS OF THE COMMUNITY. PEOPLE KNEW THE RUBRICS AND MELODIES FROM THEIR USE IN WORSHIP. THERE WERE NO PRAYER BOOKS. INDEED, HERE AGAIN WE NOTE A CONSCIOUS EFFORT TO KEEP THE TORAH TRADITION IN THE HEART AND THE MIND RATHER THAN ON PAPER. AS FAR AS WE KNOW, AFTER THE GENERATION OF PHILO AND JOSEPHUS, THAT IS, AFTER THE DESTRUCTION OF THE SECOND TEMPLE, FOR PERHAPS SEVEN CENTURIES NO SAGE WROTE A BOOK, BE IT HISTORY, APOLOGETIC, OR A CODE. NONE OF THE LITERATURE OF THE PERIOD -- MISHNAH, TOSEFTA, TALMUDIM, HALACHIC MIDRASHIM, ETC. -- WERE BOOKS IN THE SENSE OF MATERIAL PRESENTED BY A SINGLE AUTHOR ON A PREDETERMINED THEME; RATHER THESE ARE SIMPLY COLLECTIONS OF FORMULAS AND MEMORIZED NOTES WHICH EMERGED OVER A NUMBER OF GENERATIONS, COLLECTED AND SET DOWN AS GUIDES TO ACTION RATHER THAN AS SHAPED LITERATURE.

THE RABBIS OF THE PERIOD WERE LITERATE BUT NOT BIBLIOPHILES. THEY STUDIED TORAH. THEY DID NOT WRITE BOOKS. THEY HAD LITTLE INTEREST IN ESTABLISHING LIBRARIES. THEY FINALIZED THE ANTHOLOGY OF VOLUMES WHICH WOULD EVER AFTER BE KNOWN AS TANAKH, THE WRITTEN SCRIPTURE, BUT THEIR WORK WAS AT LEAST IN PART TO SET ASIDE ALL OTHER EARLY WORKS. THE LITERATURE WHICH SURVIVES FROM THE PERSIAN AND HELLENISTIC PERIODS SURVIVE BECAUSE OF HAPPY CHANCE - THE DEAD SEA FIND - AND THE INTEREST OF THE CHURCH (THE APOCALYPSE-PHILO). THE RABBIS WERE INTERESTED ONLY IN THOSE TEXTS WHICH SUITED THEIR PURPOSES.

THE YEARS WHEN TRADITION IS NOT YET BECOME SCRIPTURE WAS A TIME OF DEVELOPMENT AND CHANGE. SCRIPTURE SUGGESTS "SO IT HAS ALWAYS BEEN." NOT SO. NO HISTORIC, TIME-INFORMED STUDY CAN ACCEPT THE PROPOSITION THAT JUDAISM IS SIMPLY THE SUM OF ITS TORAH BOOKS OR THAT JEWISH DISCIPLINES AND VALUES ARE FULLY SET OUT IN THESE BOOKS. THAT WAS NOT THE INTENTION OF THE PROPHETS OR SAGES OR THE RABBIS FOR WHOM THE BOOK WAS A TOOL, NOT A TOTALITY.

ROUTINES. NO OTHER HEBREW SCROLLS WERE HOLY TO THE TOUCH. THE SCROLLS OF THE MIKRA, PARTICULARLY THE FIRST FIVE, THE SEFER TORAH, HAD ACHIEVED A SPECIAL SANCTITY IN JEWISH POPULAR IMAGINATION. THEY HAD BECOME SCRIPTURE.

THE MAGISTERS WRITERS OF THE PERIOD BETWEEN THE DESTRUCTION OF THE TEMPLE AND THE BEGINNING OF THE ARAB CONQUESTS AROUND 638 C.E. AS THE ERA OF THE MISHNAH AND THE TALMUD AND THERE CAN BE NO GAINSAING THE SIGNIFICANCE OF THE PERIOD AND ITS ACHIEVEMENT FOR THE FUTURE DEVELOPMENT OF JUDAISM. THIS NEW TEXT, THE TALMUD (COMPRISING MISHNAH AND GEMARA, THE COMMENTARIES ON MISHNAH), DEFINED THE WAY OF LIFE HELD SACRED BY THE RABBIS AND SET OUT A CORE CURRICULUM FOR THE JEWISH SCHOOL AND FOR CONTINUING JEWISH EDUCATION. OVER THE SUBSEQUENT CENTURIES, THE JEW KNEW HIS EVERYDAY JUDAISM THROUGH THE TALMUD. AND THE TALMUD WOULD VIE WITH THE SEFER TORAH FOR SCRIPTURAL PRIDE OF PLACE.

THE MISHNAH-TALMUD CULTURE REMAINED FOR A LONG TIME LARGELY

consider  
the  
Mishna  
Tosfos 11221

