In this chapter

The failure of the “Great Revolt” against Rome and the destruction of the Temple in 70 CE resulted in the disappearance of the Sadducees and Essenes, and the prevalence of a Pharisaic style of Judaism that we refer to as “rabbinic” because its leaders and teachers bore the title “Rabbi.” The literature of the rabbis was largely concerned with academic questions of law and exegesis. The earlier portion of this era, known as “Tannaitic,” produced diverse compendia of oral religious teachings. The later period, the “Amoraic,” was largely devoted to the study of Tannaitic traditions, especially the Mishnah, a code of religious law compiled by Rabbi Judah the Patriarch. The diverse genres and topics of rabbinic learning are surveyed. The most important of these are: midrash (scriptural studies), mishnah (non-biblical traditions), halakhah (laws) and aggadah (non-legal topics). The Amoraic era produced two vast commentaries on the Mishnah, the Palestinian and Babylonian Talmuds, whose structure, contents and distinctive style of logical debate are described in this chapter.

Main topics covered

- The historical context of rabbinic Judaism
- The generations of the Tannaitic era: Yavneh, Usha, Tiberias
- The era of the Amoraim
- The genres of the oral Torah: midrash and mishnah, halakhah and aggadah
- The Talmuds: Palestinian and Babylonian
The historical context of rabbinic Judaism

Following the destruction of the Temple by the Romans in 70 CE, we no longer hear of the sectarian controversies that dominated the earlier generations. It is generally understood that the Pharisees were the only one of the sects to survive, and that the “rabbis” of the talmudic era were the heirs to Pharisaism. The influence of the Sadducees was so narrowly identified with the Temple and the priesthood that their ideology was largely irrelevant to a Judaism that was struggling to survive without their Temple. We know so little about the Essenes that it would be overly speculative to surmise what befell them after 70. At any rate, they had always been a small, exclusive community removed from the mainstream of Jewish life, so they were unlikely to play a major role in post-Temple Judaism.

The following centuries were largely a time of consolidation of ideas and institutions that had emerged from the previous eras. The religious developments of that time are known to us largely from works of literature that were redacted and became the foundation of Jewish life and thought in later times. These works, known as the Talmuds and the Midrash, will be described in greater detail further on in this chapter. The religious leaders who composed these works, and whose opinions are recorded in them, were known as “rabbis.” The Hebrew word *rabbi* means “my master,” and it is a term of respect that came into common use as a title for religious scholars towards the end of the first century CE. The use of the title became regulated as formal procedures were established for the ordination of authorities in the interpretation of Jewish religious law—which was the rabbis’ main function. It is therefore common to refer to this era and its literature as “rabbinic.”

Although Jewish communities could be found throughout the expanses of the Middle East and the Mediterranean basin, the religious literature that survived as authoritative was confined to two main geographical centers: the land of Israel (which the Romans named Palestine after the Philistines who had occupied its coastal planes in biblical times) and Babylonia (Mesopotamia, the fertile area between the Tigris and Euphrates Rivers).

This was a momentous era in both general and Jewish history. The destruction of Jerusalem left the Jews not only without their cherished center of worship, the holy Temple, but also resulted in immense loss of life and property, political repression, economic deprivation and social dislocation. It was the climax of a fierce insurrection against the the Roman empire that had broken out in 66, but it did not exhaust the determination of Jews to break the yoke of their conqueror. A garrison of Jewish Zealots held out until 73 at the desert fortress of Masada. Further revolts would break out, in 115 in Cyrene (Libya) and in Israel in 135. This last revolt, which was once known only from some vague allusions in rabbinic texts and in Roman historians, has been subject to major scholarly reevaluation in recent decades as the result of new archeological discoveries. From the new evidence we have learned much about the personality
of the leader, Simeon bar Kuziba, known as Bar Kokhba, whose surviving letters reveal him as a forceful general with a strong religious commitment. The extensive networks of underground passages that have been discovered in Judea attest to the intense and widespread popular support that the revolt enjoyed. The archeological artifacts also tell us a story of extensive destruction that followed in the wake of the rebellion’s suppression, as numerous Jewish villages in Judea became desolate.

This was also a time of important changes in the world at large. The Roman empire was facing threats, both from its far-flung frontiers and in the anarchy of its internal politics. A crucial turning point in world history, and one that had a major impact on the status of the Jews, was the emperor Constantine’s adoption of Christianity in the early fourth century. In Babylonia, an important political transition occurred in 224 CE when the Hellenizing Parthian (Arsacid) dynasty, which had been tolerant of Jewish communal and religious autonomy, was overthrown by the centralist Sassanian dynasty whose aggressive advocacy of the dualistic Zoroastrian religion posed a threat to Judaism, sometimes erupting into outright persecutions.

It is remarkable that the chronology of the major works of Jewish literature that were produced during this era has no substantial correlation with the political events that are of interest to historians. In spite of the determined efforts of historians to furnish historical explanations for literary or spiritual milestones, the evolution of rabbinic
literature seems to follow an internal logic of its own, unconnected to historical events. Sometimes the incongruity appears so glaring that one is moved to suspect that the rabbis did this on purpose, in order to preclude the impression that the eternal truths of the Torah are subject to the vagaries of history.

The generations of the Tannaitic era: Yavneh, Usha, Tiberias

As distinct from the important political and military milestones that marked the conventional history of the rabbinic era, the internal Jewish historiography of rabbinic literature speaks of two main divisions that were of religious significance to the development of Jewish religious tradition. They refer to the earlier division as the age of the Tannaim. The term derives from an Aramaic root (it is actually the Aramaic cognate to the Hebrew root that underlies mishnah). The term was coined by later scholars to express the fact that their knowledge of the earlier oral traditions reached them by means of human memorizers, who were known as tannaim and whose job was to recall and recite the oral texts that served as topics of discussion in the academy. Apart from a few individual passages in Tannaitic literature that are ascribed to Jewish sages from early in the Second Temple era, the oldest strata of substantial, organized rabbinic traditions seem to date from the generation preceding the destruction of the Temple, the middle of the first century CE. The end of the Tannaitic

Jewish religious symbols on a second-century Roman goblet: seven-branch candelabrum, lions (of Judah), the Temple, shofar (ram’s horn), palm frond, etc.
era is conventionally identified with the official oral publication of its most authoritative and influential literary product, the Mishnah. The precise date of this event cannot really be fixed with any certainty. It occurred some time around the end of the second or the beginning of the third century CE. In reality, there is no straightforward demarcation between the Tannaitic era and what follows, because several collections of Tannaitic teachings were redacted and published in the years following the completion of the Mishnah.

It is common among scholars of rabbinic history and literature to subdivide the Tannaitic era into generations whose names are derived from the towns that served as prominent scholarly centers, or as the homes of important scholars. In keeping with that convention, the decades immediately following the destruction of the Temple are referred to as the generations of **Yavneh**. Yavneh [also transliterated as Jabneh; or by the Greek form “Jannia”] was a town on the Mediterranean coast where, according to rabbinic tradition, an assembly of Pharisaic sages convened in order to continue the process of religious scholarship that had been carried on during the days of the Temple. A legend that is related in rabbinic traditions describes how Rabban Yohanan ben Zakkai, one of the great leaders of his time, was in Jerusalem while the city was being besieged by the Romans, and while Jerusalem’s internal politics and institutions were under the control of extremist Zealots in whom the moderate Rabban Yohanan had no confidence. As it became clear that Jerusalem was doomed to destruction, he devised a desperate plan to have himself smuggled out of the city walls under the pretext that he had died and his corpse was being conveyed for burial. Once he had succeeded in reaching the enemy camp, he was able to impress the Roman general Titus by accurately predicting his imminent appointment to the Imperial throne, so that he could make some requests that would insure a future for Jewish religious life: He asked for Yavneh and its sages; and the safety of the Patriarchal dynasty (descendents of the great Pharisaic sage Hillel the Elder). Although there are many reasons to question the historicity of this story, it is nonetheless true that during the period of its operation, the assembly at Yavneh was a very important center whose activities had a lasting impact on the survival, vitality and character of Judaism.

The entire period between 70 and 133-5 CE is often designated the “Yavneh era,” though we are obviously dealing with two or more generations. This was a momentous time in Jewish religious scholarship. The literary sources testify to a conscious endeavor to preserve the oral traditions, including the collection and sifting of dozens of disputes that were ascribed to the schools of Shammai and Hillel who were active during the preceding generation. It is generally understood that this was the beginning of the process that would culminate in the redaction of the major works of Tannaitic literature. Other issues that were dealt with by the scholars of Yavneh included: the redefinition of the festival calendar, deciding which rituals could be continued in the absence of the Temple; the establishment of a judiciary system, and the establishment of Yavneh itself as the replacement for the Jewish supreme court (Sanhedrin, Syhedrion) that had formerly been housed in the Temple; and dealing with the problem of Jewish property that had been expropriated and transferred illegally by the Roman authorities. With the loss of
the Temple, new importance was attached to another institution, the synagogue. During this generation, there are reports in rabbinic literature that would indicate that the sages were arguing about whether certain books, such as Esther and Ecclesiastes mostly from the Ketuvim, had sacred status. Insofar as these reports are historically reliable, it is not clear that the question they were discussing was one of “canonization,” whether they should be included among the sacred scriptures of the Bible.

The Yavneh stratum of rabbinic literature is distinguished by its structures of formal argumentation. When a question was posed to the scholars for which there was no straightforward answer, the rabbis argued the various position, whether by elaborate logical interpretations of biblical texts or by appeal to received oral traditions, according to defined protocols; after which the question was settled by majority vote.

The latter segment of the Yavneh era was dominated by the figure of Rabbi Akiva ben Joseph. He is recognized as an important pioneer in the areas of biblical interpretation, where he developed a distinctive hermeneutical school; and in the topical organization of oral traditions. Rabbi Akiva died a martyr’s death at the time of the Bar Kokhba rebellion for openly defying the Roman edicts against the practice and teaching of Judaism.

The middle decades of the second century CE are often designated as the generation of Usha, named for a village in the Galilee that was the home of one of its more distinguished sages, Rabbi Meir. Usha was also the place where some important legal enactments were issued, apparently in response to social crises that arose at that difficult time. The shift of the center of rabbinic activity from Judea (the southern region of the land of Israel, especially the area around Jerusalem) to Galilee (in the north) was an important consequence of the Bar Kokhba revolt. The uprising had provoked a systematic repression of the Judean Jewish community, including the razing of Jerusalem to the ground and its replacement by a new pagan city named Aelia Capitolina. From the time of Usha onwards, we witness a rapid decline in Hebrew as a spoken language. It had been a living vernacular in Judea, but was displaced by the Galilean dialect of Aramaic.

The final generation of the Tannaitic era, extending from the latter part of the second century to the beginning of the third, was marked by a gradual normalization of relations with the Roman administration. The rabbinic personality who dominated this generation was Rabbi Judah the Patriarch (Ha-Nasi). As remembered by the Jewish tradition, Rabbi Judah (he is usually referred to merely as “Rabbi” or “Rebbi”; or as “our holy rabbi”) united in himself the virtues of scholarship, piety, wealth and political stature. Undoubtedly the achievement for which he is most reverently remembered was his redaction of the compendium of oral tradi-
tions known as the Mishnah, which will be discussed below, and which was regarded as the culmination of a major era in the development of Jewish religious literature.

The era of the Amoraim

Once the Mishnah was published, it appears that it was accepted almost immediately as an authoritative statement of Jewish law. Several additional collections of Tannaitic traditions were compiled during the early decades of the third century, and most of these—at least, in their final versions—presume the Mishnah’s existence and compare their own teachings to those of the Mishnah. The authority of the Mishnah was such that, following the centuries that were devoted to the process of collecting and organizing its traditions, now that it existed as a completed work, it came to serve as the text that was studied and interpreted by the next generations of rabbinic scholars.

The scholars of these generations, who produced commentaries on the Mishnah, were known as the Amoraim [singular: Amora]. The Hebrew or Aramaic word refers to the special functionaries in their academies whose job was to recite aloud the statements of the leading rabbis so that they could be heard and understood by all those who were present—a kind of human loud-speaker system. By extension, the word came to be applied to the scholars themselves.

The time-period of the Amoraic era is not easy to define with precision. At the beginning of the era, there was a period of transition in which some rabbis were treated as Tannaim and others as Amoraim; and some were believed to fit into both categories. More complex is the question of defining the end of the Amoraic era. Some traditional documents equate it with the deaths of the supposed redactors of major works, in the early or late fifth century. More recent academic scholarship has demonstrated that the redaction process was far more prolonged than any of those dates would allow for, and that major sections of the rabbinic corpus, especially in Babylonia, were being added well into the sixth and seventh centuries. This, of course, would require a reevaluation of how we define the extent of the “age of the Amoraim.”

With the Amoraic era, the Babylonian rabbis emerged as a recognized force in Jewish religious scholarship. As far as we can tell, the literature of the Tannaitic era was produced entirely in the land of Israel. Although some of the individual rabbis who are cited in those works might have come from Rome or Babylonia, their inclusion in Tannaitic literature reflected their presence at discussions that took place in Israel. Another external difference between the two literary eras lies in the languages in which the literature was composed. Almost all the teachings of the Tannaim were composed and transmitted in rabbinic Hebrew. Amoraic works, on the other hand, contain extensive passages in Aramaic.
By the time we emerge into the medieval era, it is clear that the Mishnah, as interpreted in the Amoraic commentaries, had eclipsed all the other works of Tannaitic literature. Understandably, later authors, especially those who were writing from a traditionalist perspective, have tended to project this situation onto earlier generations. The truth is, however, that the Mishnah does not contain the entirety of the Jewish oral tradition. Many other compendia of oral law traditions have come down to us from the Tannaim.

The genres of the oral Torah: midrash and mishnah

The collections of ancient rabbinical teachings were all part of the oral Torah. Accordingly, they were not written down during the era of the Talmud and Midrash. Thus, when we refer to them as works of religious literature, it is important to bear in mind that we are using the word “literature” in a special sense, referring to texts that were memorized. Eventually these texts were set to writing, though we are unable to date that development with any precision. Clearly, written texts of the Talmud were in use by the tenth century or earlier; though even at this stage, written texts were not cited in the discussions in the talmudic academies of Babylonia.

Although, as we shall see shortly, the rabbis produced an extensive and diverse body of teachings, almost all of those works can be reduced to four basic prototypes, based on their relationship to the Bible and to legal or non-legal subject matter.

Not surprisingly, much of the scholarly activity of the rabbis was devoted to the intensive study of the Bible, especially the Torah. The segment of their teachings and literature that is related to the Bible is referred to as midrash. The word is derived from a Hebrew root meaning “to seek out” or “to search.” Early rabbinic (and presumably pre-rabbinic) scholarship formulated elaborate hermeneutical methods for interpreting biblical texts, methods that were probably influenced by the logical methods that the Hellenistic rhetors and jurists employed for the interpretation of Homer and of law codes; however, those methods were evolved in ways that were distinctive to rabbinic Judaism.

For example, one of the more common midrashic tropes is known in Hebrew as the gezerah shavah [roughly: comparison of equal things]. In its simplest form, it is based on the premise that the meaning of an obscure word or expression can often be clarified by seeing how it is employed in other passages; this is a scientific principle that underlies much scholarly lexicography. However, the rabbis extended the
use of the method so that the identification of words (even very common words) in virtually any two passages in the Bible could be used as a justification for applying the details of one verse to the other. The rabbis themselves acknowledged that the unrestrained use of this kind of gezerah shavah could allow a skilful interpreter to prove anything he wished; therefore they declared that it could not be used to derive new teachings, but only to support interpretations that had already been received as traditions.

Historically, the methods of midrashic interpretation were employed both to elicit new possibilities of meaning from the biblical texts, and to find post facto scriptural support for teachings that had been passed down on the authority of the oral traditions. In any given instance, it is not immediately obvious which of these possibilities is the correct one.

The term midrash can be applied to a number of different phenomena. There are entire works of midrash that are organized to follow the sequence of a biblical work. It is also possible to find individual units of midrash, teachings that are derived from biblical verses, or at least attached to them in some manner, even though these units are embedded in larger literary settings that are not midrashic. “Midrash” can designate a particular interpretation that employs the rabbinic hermeneutical methods, or a literary genre.

Not all rabbinic teachings were derived from the Bible. The oral tradition included many components that were not mentioned at all in the Torah, such as the extensive elements of customary practice that were incorporated into rabbinic civil law. There were also frequent instances where a basic principle was derived from the midrashic study of a biblical text, but these principles were expanded to a degree that the biblical source was no longer apparent. For example, the Torah states repeatedly that it is forbidden to perform acts of labor on the weekly Sabbath, though it provides very few specific examples of which particular activities are included in the prohibition. Rabbinic tradition formulated a detailed list of thirty-nine archetypes of forbidden types of labor, each of which has its own minimum measure of how much a person has to do in order to be punishable. The detailed specifications of each type of labor rarely have any explicit connection to any text in the Torah; and an early rabbinic tradition observed, “the laws of the Sabbath… are comparable to mountains hanging on a hair, in that they consist of a small element of scripture and very many laws.”

Therefore, some collections of rabbinic traditions were organized independently of the Bible. The term that refers to this material is mishnah, a Hebrew word whose basic meaning is “that which is memorized by rote.” As with midrash, the term can be employed to designate either a complete collection, individual passages that conform to this format, or the genre as a whole. The most obvious types of mishnah are organized logically by subject matter; however, the
rabbis would also assemble units according to other criteria: for example, bringing together statements by a particular rabbi, or statements that follow a common literary format.

Halakhah and aggadah

The oral traditions of the rabbis were also subdivided into two categories according to their content: they can deal either with matters of law, or with other topics. The legal component is known in Hebrew as halakhah, probably in the sense of “the way in which one walks.” The component that deals with other matters is known as aggadah (or haggadah), meaning “that which one says or tells.” The distinction reflects the idea that halakhah, by its nature, establishes obligatory rules that must be observed in practice; whereas the aggadah consists of theoretical opinions, which may be expressed with relative freedom, and which are not usually subject to official regulation.

The definition of halakhah is relatively clear and precise. It can refer either to an individual law, or to the general category of legal discourse. The discussions of halakhic questions in rabbinic literature are usually very technical and precise in their scope. The rabbis dealt with how the various laws were derived, whether from the Torah, from oral traditions, or by logical inference. They discussed how to apply the laws to situations that were not mentioned in earlier sources, and especially about how to rule in cases where two different halakhic principles come into conflict. Statements about the theological or moral rationales for the laws were not usually regarded as belonging to the domain of halakhah, but to the aggadah.

Aggadah encompasses an enormous variety of subjects and literary formats. It encompasses interpretations of non-legal passages of the Bible; diverse types of stories, including hagiographic tales and legends about pious rabbis; miscellaneous information about the world, folklore, medical advice; moralistic observations and proverbs; parables; texts of prayers; and much more.

It would appear that the main setting for the creation of aggadah was in the preaching by rabbis to their communities when they gathered to hear the ceremonial reading of the Bible, especially on the Sabbaths and festivals. At those times, it was customary for the rabbis to deliver sermons, which were literary discourses in which the words of the scriptures were expounded to produce lessons that were directed to the audiences. The most frequent literary structure that is found in classical aggadah is what is known as a petihta; literally: an opening or introduction. The standard petihta begins with the citation of a verse from a section of the Bible other than the one that is supposed to be read on the present occasion. The preacher interprets that verse, developing the discourse until it reaches its culmination with the opening words of the day’s designated biblical reading. The most plausible explanation for this peculiar structure is that it was designed to serve as a prelude to the congregational reading from the
scriptures. This kind of rhetorical preaching was most common in the land of Israel, which is where most works of aggadic literature were composed. The Babylonian rabbis were less interested in the aesthetic dimensions of biblical expositions, and treated their aggadic interpretations as a more academic, analytical activity.

The era of the Tannaim produced quite a diverse legacy of works, all of them involving combinations of the four categories that were described previously. It is characteristic of rabbinic culture that it produced almost no literary works that can be ascribed to a single author, or even to a single generation. The normal pattern, insofar as we can reconstruct it from the structures and contents of the actual works, is of an ongoing process of collecting the traditions of previous generations, while adding new interpretations to the received corpus. Thus, the major works of rabbinic literature were produced by academies, or by schools of masters and disciples. We know very little about the institutional setting in which those works were composed, nor is it clear how they determined when these works had reached completion.

**Halakhic mishnah**

The classic instance of this combination was the collection known as the *Mishnah* that was redacted by Rabbi Judah the Patriarch. The Mishnah was composed in an elegant dialect of Hebrew, of the sort that was spoken at the time of its composition. *Mishnaic Hebrew* differs considerably from the Hebrew of the Bible. The process of collecting and organizing the oral teachings went on for several generations, at least from the time of Yavneh. The traditions contained in Rabbi Judah’s Mishnah are predominantly from the school of Rabbi Akiva, as transmitted and interpreted by his chief students, especially Rabbi Meir. Rabbi Judah the Patriarch studied with most of Rabbi Akiva’s main disciples.

What distinguishes the Mishnah among rabbinic works is its logical arrangement of the diverse traditions. It divides the whole body of Jewish law into six general sections, each of which is known in Hebrew as a *seder* (order):

1. *Zera‘im* “Seeds”—laws relating to agriculture, especially to tithes and other portions that must be set aside from produce for religious use.
3. *Nashim* “Women”—family law, dealing with topics like marriage and divorce.
6. **Tohorot** “Purity”—the variegated situations in which people or things can contract ritual impurity; how the impurity is conveyed; how purification may be achieved; the restrictions that are created by the impurity.

The six orders of the Mishnah are further divided into individual treatises on specific topics, each of which is known as a *massekhet* [tractate]. In all, there are sixty tractates in the Mishnah, though in standard use some of the longer ones are divided into two or three volumes. Each tractate is divided into numbered chapters, and the chapters are made up of numbered units, each of which is known as a *mishnah* or *halakhah*.

To take one example of the Mishnah’s structure: the second seder, the one devoted to the sacred calendar, consists of the following tractates:

a) **Shabbat**: the Sabbath, concerned mostly with defining activities that are forbidden as “work” on that day.

b) **Eruvin**: This tractate deals with the prohibitions against carrying outside a private domain or traveling outside one’s home on the Sabbath; and with various legal mechanisms that the rabbis devised for overcoming those prohibition, such as by treating a neighborhood as if it were a single property.

c) **Pesaḥim**: Laws of the Passover festival.

d) **Shekalim**: Laws related to the collection of funds for communal offerings and upkeep of the Temple. The collection was conducted at a set time of the year.

e) **Yoma** [or: *Kippurim*]: Laws of the Day of Atonement.

f) **Sukkah**: Laws of the feast of Tabernacles (Sukkot).

g) **Yom Tov** [or: *Beẓah*]: Regulations governing activities that are forbidden or permitted on a festival (as distinct from the Sabbath).

h) **Rosh Ha-Šanah**: Laws related to the Jewish New Year and New Moon.

i) **Ta‘anit**: Laws of fast days, especially those related to droughts and other calamities.

j) **Megillah**: Laws related to the holiday of Purim (Feast of Esther).

k) **Mo‘ed Katan**: laws governing the intermediate days of Passover and Tabernacles, which have a quasi-sacred status that is not as severe as full-fledged festival days.

l) **Ḥagigah**: Laws relating to the pilgrimage festivals, with special reference to the sacrifices that should be offered in the Temple on those occasions.
Apart from some inconsistencies in the first order, the sequence of tractates in each order is according to the decreasing number of chapters.

The structure of a typical mishnah unit is “casuistic”; that is to say, it briefly describes a situation, and then determines whether it is permissible or forbidden, pure or impure, and so forth. Frequently, it will present conflicting views: “In such-and-such case, Rabbi X says: It is permitted; and Rabbi Y says: It is forbidden.”

A peculiar feature of the Mishnah is that some opinions are attributed to named rabbis, whereas others are presented anonymously, or with the formula “and the sages say…” The prevailing rabbinic understanding was that the anonymous statements represent the majority positions, and are therefore to be accepted as binding law.

The range of generations represented in the Mishnah extends from the days of the Second Temple through to the late second century. For the most part, it does not include teachings of Rabbi Judah the Patriarch and his contemporaries. However, the bulk of the datable material comes from the generation of Rabbi Akiva’s disciples, the “Usha” generation in the mid-second century.

Though the above description of the literary structure of the Mishnah represents its typical format, it should be noted that there are many exceptions. Thus, while each tractate is devoted to a particular topic, it is not unusual to find digressions. For example, the tractate Megillah discusses the major ritual observances of the Purim holiday, particularly the communal reading of the Book of Esther. However, the first chapter contains a series of mishnahs on a range of topics that include: festivals and the Sabbath, the Day of Atonement, vows, impurity from genital secretions and skin diseases, the writing of scriptural passages in scrolls and ritual objects, sacrifices, the status of altars and sanctuaries during the era before the building of the Temple. What all these diverse laws have in common is a literary format that follows the pattern “The only difference between X and Y is Z.” It is likely that these mishnahs constituted a literary unit in an earlier collection of oral laws that was arranged according to common literary formats, and that a subsequent editor chose to keep them together when he incorporated them into his new collection, though only one of the passages was really relevant to the subject of the tractate. Such inconsistencies may be encountered quite frequently in the Mishnah.

Another collection of Tannaitic halakhah that was composed in the mishnah format is known as the Tosefta. The word means “supplement” or “appendix”; meaning:
supplements to the Mishnah. The Tosefta follows the sequence of the Mishnah’s orders and tractates, and collects diverse kinds of supplementary materials, such as alternative versions of the Mishnah’s sources, explanations of words in the Mishnah, or comparisons between different laws and concepts that were mentioned in the Mishnah. The Tosefta contains many traditions from contemporaries of Rabbi Judah the Patriarch, leading scholars to date its redaction a generation later than the Mishnah.

**Halakhic midrash**

The Tannaitic era produced an extensive literature of works that were devoted to the interpretation of the commandments of the Torah according to the methods of midrash. Traditionally, this genre has been known as “halakhic midrash” or “Tannaitic midrash.” Most of the collections of Tannaitic midrash were redacted—at least, in their final versions—after the publication of the Mishnah. This is clearly evident from the many places where an exposition concludes: “Based on this, the rabbis have said…” at which point they cite a passage from the Mishnah.

**Aggadic mishnah**

The Mishnah format was not often applied to aggadah. There are, however, exceptions to that rule, including a very significant one. A unique tractate in the Mishnah collects sayings about wisdom, Torah, theology and moral values. The tractate is found in the fourth order of Mishnah, Nezikin, among treatises on civil and criminal law. It is known in Hebrew as Avot, “Fathers,” because it begins with an enumeration of the “fathers” of the oral tradition, from Moses through to the generations of the Tannaim. The opening chapters describe the sequence of transmission of the Torah; and for each post-biblical authority, it adds several (usually, three) maxims that were associated with that sage. Later chapters are arranged by topics or by formal criteria.

Avot has enjoyed a continuing popularity among traditional Jews. There is a widespread custom of studying it on Saturday afternoons, especially during the long days of summer. It is often published as a separate volume, or included in prayer books. It is also referred to as “Pirkei Avot”: “the chapters of the fathers.”
Aggadic midrash

As was mentioned previously, the main wellspring of rabbinic aggadah was in the sermons that were preached in the synagogues. While a great deal of aggadic midrash is included in the compendia of Tannaitic (“halakhic”) midrash, the compilation of specialized works of aggadic midrash was a phenomenon associated with the Amoraic era. The “classical” age of aggadic midrash is usually dated to around the fourth century in the land of Israel. It is common to classify the aggadic midrash collections into two types:

1. Homiletical: consisting mostly of structured literary sermons on general themes.

2. Exegetical: containing line-by-line explanations of the biblical text.

Which type a work belongs to is usually determined by the nature of the biblical book to which the midrash is attached. To cite an obvious example, the technical laws of sacrifices and ritual purity that fill the pages of Leviticus do not lend themselves easily to aggadic interpretation; hence, the redactors of Leviticus Rabbah limited themselves to homilies on more general topics.
The literature of aggadic midrash is very extensive. The body of “classic” midrashic works produced in Amoraic Israel includes collections on Genesis, Leviticus, and several books of the Ketuvim that are designated for public reading during the liturgical year. A compendium known as the Pesiqta deRav Kahana consists of homiletical aggadic midrash for readings on festivals and special Sabbaths, when the assigned scriptural readings in the synagogues do not follow the sequential order of the Torah.

A separate family of aggadic midrashic works goes by the general name of “Tanhuma,” after the name of a Rabbi Tanhuma whose name appears frequently in them. What distinguishes these collections from others is their tendency to merge the individual and discontinuous comments of the earlier works into a continuous presentation, which sometimes adds up to a sequential narrative. The dates of the Tanhuma literature have not been determined with precision; the current theory argues that their composition began in the land of Israel during the Byzantine era, around the fifth century, and evolved for some time afterwards.

The Talmuds: Palestinian and Babylonian

In the Amoraic schools, a tanna (memorizer of earlier traditions) would recite passages from the Mishnah along with related material from other Tannaitic traditions. These would then be expounded by the head of the academy and submitted to the scholars for discussion and debate. The records of these discussions, creatively edited and elaborated over the generations, form the basis for the vast works known as the Talmuds. The word “talmud” derives form a Hebrew root meaning “study” or “learning.” Two Talmuds have come down to us, from the
land of Israel and from Babylonia, and their structures and purposes are basically similar. Both are organized as commentaries on the Mishnah.

The Talmud of the land of Israel was completed earlier, around 400 CE according to the general scholarly consensus (with some sections perhaps earlier than that). It is often referred to in English as the Palestinian Talmud or the Jerusalem Talmud. The latter name, which reflects a common Hebrew usage (“Talmud Yerushalmi”), is not technically correct, given that the city of Jerusalem had been demolished by the Romans prior to the Amoraic era. It covers (though not always completely) thirty-nine of the Mishnah’s sixty tractates. Most of the missing tractates are from the orders dealing with sacrificial worship and purity.
The Babylonian Talmud, by way of comparison, covers 36 ½ tractates. Of the Mishnah’s order Zera’im, concerned with agricultural regulations, the only tractate included in the Talmud is Berakhot, which deals with blessings and prayers. This situation is usually ascribed to the fact that most of the agricultural laws were not considered binding outside the land of Israel. Accordingly, it is not surprising that the Palestinian Talmud covers all these tractates. The absence of the order “Tohorot” (about rules of purity) from both talmuds can also be accounted for by the premise that most of the laws found there could not be observed following the destruction of the Second Temple. The single exception is the tractate “Niddah” which discusses the impurity of menstruating women. Several of those laws were still of practical relevance.

The discussions in the Talmuds deal with many aspects of the Mishnah, often going far beyond what would be necessary for an explanation or clarification. The discussions in the Babylonian Talmud are far more complex than in the Palestinian. This is often attributed to the fact that it underwent a prolonged period of redaction and reworking. Furthermore, it appears that the Babylonian rabbis generally had a more pronounced tendency towards logical virtuosity.

Some of the ways in which the Talmuds discuss the Mishnah include:

- demonstrating how the Mishnah’s rulings or disputes derived from biblical sources and their interpretations.

- exploring the logical principles that underlie the Mishnah’s statements. Once such principles have been proposed, it is normal to show how differing understandings of the Mishnah’s reasons can lead to differences in applying the law to specific cases.

- resolving contradictions, whether perceived or actual, between different statements in the Mishnah, or between the Mishnah and other traditions. This can be done, for example, by stating that what appear to be two conflicting sources are actually speaking about differing circumstances; or that they represent the views of different rabbis.

The distinctive literary and intellectual flavor of the Talmuds derives largely from their intricate use of logical argumentation and debate. Some of these debates were actually conducted by the Amoraim; however, most of them were hypothetically reconstructed by the Talmuds’ redactors, in the sense of “This is what Rabbi X could have argued had the objection been posed in his presence.” As in the Mishnah, the talmudic rabbis encouraged multiple opinions and interpretations. Whereas the Mishnah usually limits itself to simple statements of the conflicting views, without explaining their underlying reasons, the Talmuds try to verify the integrity of the positions of the Tannaim and the Amoraim. Proof texts are adduced in order to corrobor-
rate or disprove the respective opinions. The process of inference that is required to derive a conclusion from a proof text is often logically complex and indirect. Every effort is made to uphold the logical consistency of the opinions ascribed to the rabbis, even if it requires forced and unconvincing interpretations of the evidence.

In addition to the Bible, Mishnah and the teachings of the Babylonian Amoraim, the talmuds cite and discuss several other kinds of sources.

These include:

- Teachings by the Tannaim that were not included in the Mishnah. Such sources are designated “external mishnahs” (in Aramaic: *baraita*).

- Many traditions of the Palestinian Amoraim were cited and incorporated into the Babylonian Talmud, and vice versa.

- Approximately one third of the Babylonian Talmud is devoted to aggadah, while the Palestinian Talmud contains only half that proportion. (In the land of Israel, separate compendia were created in which to collect the genre of aggadic midrash.)

- Records of legal rulings by the rabbis from cases over which they presided as judges.

Readers who have not been brought up in a traditional Jewish setting may find themselves wondering what Talmud study has to do with religion. The subject matter of these works usually consists of minute technical analysis of obscure legal questions, matters that modern society does not classify as religious pursuits. It must however be remembered that for Jews (as for several other religious communities), the ultimate expression of divine revelation is in the form of laws. This is certainly true for traditional Jews who believe that the most momentous event in history was when God revealed the Torah to the children of Israel at Mount Sinai. The Torah consists primarily of laws and commandments, and it has always been assumed that the intensive study of religious law is a fundamental act of religious devotion. Jewish religious law encompasses not only matters of belief, liturgy and ritual, but also covers the full range of civil and criminal laws. For Jews, all these laws have their origin in a divine revelation, and their observance forms the basis of the eternal covenant between God and the people of Israel.

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**Discussion questions**

1. The compilation of the Mishnah is often presented as a response to the destruction of the Second Temple. Discuss some of the strengths and weaknesses of this approach.
2. In what ways can the rabbinic model of Judaism be considered more or less “democratic” than its rivals?

3. The surviving literature of the rabbis is limited to a relatively small number of genres and topics. What significant areas of Jewish religious life might thereby be excluded from our knowledge?

4. What reasons can you think of for insisting that part of the religious tradition not be written down?

5. The presentation in this chapter was largely restricted to the Jewish communities of Israel and Babylonia. Did developments in other lands have lasting significance for Judaism?

Key points you need to know

• Following the destruction of the Second Temple, the dominant form of Judaism was Pharisaic, as interpreted by the rabbis.

• The sages of Yavneh reinterpreted Jewish tradition to allow its continuation without the Temple and its sacrificial worship.

• Rabbinic literature assembled oral traditions and produced new teachings in the realm of halakhah (law) and non-legal matters (aggadah).

• The Tannaim developed sophisticated hermeneutics for expounding the Torah, known as midrash.

• The Mishnah, a topical arrangement of Jewish religious law, was regarded as the crowning achievement of Tannaitic Judaism.

• The Amoraim conducted elaborate analytical debates about the interpretation of the Mishnah. These debates are the basis of the Palestinian and Babylonian Talmuds.

Further reading


