
11

Progressive *Derash* and
Retrospective *Peshat*:
Nonhalakhic Considerations
in Talmud Torah¹

Yaakov Elman

The bulk of Orthodox Jewry has looked upon academic Jewish studies with suspicion from its inception. Even before *Wissenschaft des Judentums* entered the Academy in the last quarter of the nineteenth century, the movement was viewed as part and parcel of the Enlightenment and of the Reform movement, and thus as attempting to supersede traditional learning in scope, method, and result, as well as advocating major changes in educational methods and curriculum.² On the whole, the attempts of

¹My thanks to Professors Shalom Carmy and Shnayer Leiman, and Rabbi Irwin Haut, for their comments on an earlier version of this paper. I cannot forbear thanking Mr. Zvi Erenyi and Mr. Zalman Alpert and the staff of Gottesman Library for numerous favors in connection with this paper and others, and Rabbi Martin Katz for the loan of several works and general and generous access to his personal library. Please note that I have not updated the literature cited; the paper remains essentially as revised in the summer of 1991.

²M. Steinschneider's comment regarding giving Judaism "a decent burial" comes to mind; see S. W. Baron's interesting discussion of Steinschneider's

Rabbi Azriel Hildesheimer and others to find a place for academic scholarship within Orthodoxy failed. The task has not become easier in the last half century, though the possibilities of doing so have increased tremendously.

In the following discussion I intend to examine some of these possibilities; I will survey some increasingly common methods currently employed in academic scholarship on *Torah she-bev'al peh* with an eye to defining their usefulness within the context of traditional learning.

The fact that there is value to be found in some current trends does not guarantee that this will continue in the future. Academic studies and traditional scholarship are on divergent paths, and that fact is not likely to change. It is doubtful that full certainty can ever be attained, and this is particularly true for the humanities; this ceaseless search for radical methodological innovation has been anathema to most traditional Jews in the recent past. Nevertheless, I intend to concentrate on what seem to be “assured results” (read: “not improbable conclusions”),³ or methods that seem likely to lead to such results in the future—in particular, methods that seek to uncover the structural elements and aesthetic considerations that are inherent in the texts of *Torah she-be'al* in

attitude to the religious side of Jewishness, which ranged from indifference to hostility, “Moritz Steinschneider’s Contributions to Jewish Historiography,” in *Alexander Marx Jubilee Volume on the Occasion of His Seventieth Birthday*, ed. S. Lieberman (New York: Jewish Theological Seminary, 1950), English Section, pp. 83–148, esp. pp. 85–100, and see Gershon Scholem, “The Science of Judaism—Then and Now,” in *The Messianic Idea in Judaism and Other Essays on Jewish Spirituality* (New York: Schocken, 1972), pp. 305–313.

It may be argued that certain Orthodox institutions and individuals looked upon such studies with favor, chiefly those who regarded Rabbi Azriel Hildesheimer as their exemplar of *talmid hakham cum* Jewish scholar. However, we cannot ignore the fact that, for reasons sociological, individual, and religious, Rabbi Hildesheimer’s experiment faced opposition, some of it fierce, in Orthodoxy as a whole, and even in Germany; see Mordechai Breuer, *Juedische Orthodoxie im Deutschen Reich, 1871–1918: Sozialgeschichte einer religiösen Minderheit* (Leo Baeck Institute) (Frankfurt am Main: Juedische Verlag bei Athenäum, 1986), pp. 164–166, 170–186; and David Ellenson, *Rabbi Esriel Hildesheimer and the Creation of a Modern Orthodoxy* (Tuscaloosa: University of Alabama Press, 1990), pp. 78–114, and esp. 143–156.

³See Nahmanides’ comments quoted below, p. 237.

the form in which they eventually took. The following lengthy survey will thus be rather narrowly focused; that narrow focus will, I hope, make it more rather than less useful.

I

Examination of the compatibility of academic work on *Torah she-be'al peh* with traditional methodologies requires first a definition of the salient characteristic(s) of those “traditional methodologies” to which academic methods will be contrasted.

This becomes all the more urgent given the vast number of methodologies developed over the centuries since the reduction of *Torah she-be'al peh* to written form, including some that, vigorous for centuries and employed by some of the great names of Jewish learning, now lie neglected and more than half forgotten. What common thread joins all of them?

Broadly speaking, if one statement may be said to exemplify all of traditional Jewish study it is *ki lo davar rek hu mikkem—im rek hu—mikem*: “for it is not an empty thing for you, [it is your very life, and if it appears devoid of meaning]—it is you [who have not worked out its significance].”⁴ The methodological consequences of this principle of “omniscience” is the Bavli’s statement that *kol heikha de-ika le-midrash darshinan*: “wherever we can interpret midrashically we do.”⁵

The primary focus of this talmudic principle is clearly *Humash*. But its area of application is much broader, for the techniques that *Hazal* employ in their interpretation of *Humash*, and by extension, *Nakh*, came to be used, *mutatis mutandis*, for any hallowed text—tannaitic texts and amoraic texts in turn, *Rishonim* and *Aharonim*. In particular, the doc-

⁴*Yerushalmi Ketubot* 8:11 (32c), based on Deuteronomy 32:47.

⁵*Bekhorot* 6b; see *Pesahim* 24a–b; I have dealt with this principle more extensively in “It Is No Empty Thing? Nahmanides and the Search for Omniscience,” *Torah Umadda Journal* 4 (1993), pp. 1–82.

This coinage has gained some currency through its use by James Kugel in his *The Idea of Biblical Poetry: Parallelism and Its History* (New Haven and London: Yale University Press, 1981), pp. 103–104.

trine that Torah texts of immediately divine origin are formulated with a wondrous exactitude and tolerate no superfluities became a template for the key that fits all properly constructed locks, all hallowed texts of *Torah she-be'al peh*.

Moreover, not all results are equally desirable: the significance which is sought excludes the merely aesthetic as well as the particularistic. As to the latter, that means that the text's significance must be, whenever at all possible, of more than local importance, that is, for a limited time or place, or of limited applicability.⁶ As to the former, literary or aesthetic values are not allowed to obtrude into canonical texts—almost by definition. Clearly, a canonical text is—almost by definition—too important for aesthetics to play an important role in its formulation.

The thrust of learning is always to demonstrate the harmony of a particular text within as wide a halakhic context as possible, and to build a halakhic system out of the disparate—and sometimes inconsistent—elements of its sources. In this context, significance almost always involves a substantive halakhic or quasi-halakhic point, or in the case of aggadic texts, a moral or theological point. To achieve that purpose, all hallowed texts serve as renewable resources to be exploited in every way possible. Thus, the Mishnah can be interpreted in the same way as a biblical verse.

For example, *Mishnah Shabbat* 11:4 is interpreted *both* in Bavli and Yerushalmi—in Bavli, *Shabbat* 100b, and Yerushalmi, *Shabbat* 11:4 (13a)—as a *yittur lashon*, no different than a Pentateuchal superfluity.

The Mishnah reads:

If one throws [an object] four cubits in the sea, he is not liable. *If there is a pool of water and a public road traverses it, and one throws [an object] four cubits therein, he is liable.* And what depth constitutes a pool? Less than four handbreadths. *If there is a pool of water and a public road traverses it, and one throws [an object] four cubits therein, he is liable.*

⁶Again, there are always exceptions; Tosafot, in continuing the program of the Bavli, often creates distinctions in applicability in order to reconcile contradictory texts. This method, which reaches back to the earliest texts of *Torah she-be'al peh* and which was originally used to reconcile contradictory biblical verses, came naturally to be applied to texts of *Torah she-be'al peh*.

On this the *Gemara* records the following discussion:

One of the Rabbis said to Rava: The duplication of “traversing” is fine—it informs us that “traversing with difficulty” is [still] considered “traversing”⁷ while “use with difficulty” is not considered “use.” But why the duplication of “pool?”

The *sugyah* concludes with three suggestions as to the cases covered by this duplication. One is that the Mishnah wishes to distinguish between summer and winter; the second, attributed to Abaye, distinguishes between pools that are less than four cubits across, where people will wade through it, and those that are four cubits across, when they prefer to go around it; finally, Rav Ashi modifies Abaye's suggestion, proposing that people are wont to step across pools less than four cubits rather than wade through them.⁸ Naturally, each distinction must be provided with a reason for the necessity to state both possibilities, a *tzerikhuta*.

The application of scriptural exegetic techniques to the Mishnah is panrabbinic; it is found in both Bavli⁹ and Yerushalmi. In this respect at least, the Yerushalmi is no more *peshat*-oriented than the Bavli.¹⁰

⁷The Yerushalmi (*Shabbat* 11:4 [13a]) attributes this explanation to the fifth-generation Amora Rabbi Hananiah, in the name of Rabbi Pinhas, a contemporary of Rava and Abaye.

⁸Note that there are three proposals for the *tzerikhuta*; this will assume greater importance in light of our discussion in the section of this chapter that deals with literary considerations.

⁹Modern scholarship is gradually coming to understand the change in the status of the Mishnah that gave rise to such modes of interpretation; see the summary sections of chapters 2–8 of Y. N. Epstein, *Mavo le-Nusah ha-Mishnah* (Jerusalem: Magnes, 1963–1964); and, most recently, Avinoam Cohen, “Bikoret Hilkhatit le'umat Bikoret Sifrutit be-Sugyot ha-Talmud (Perek be-Hithavvut ha-Shikhvatit shel ha-Bavli),” *Asufot* 3 (1989/90): 331–339, and the literature cited in nn. 1, 14, and 30; and see David Hanschke's important observations, “Abaye ve-Rava—Shte Gishot le-Mishnat ha-Tannaim,” *Tarbiz* 49 (5740): 187–193, where he attributes this approach to Rava.

¹⁰*Contra* the conventional academic view. See most recently David C. Kraemer, *The Mind of the Talmud: An Intellectual History* (New York: Oxford University Press, 1990), pp. 16–19, based in part on Zechariah Frankel, *Mevo ha-Yerushalmi* (Breslau: Schletter 1870; reprint, Jerusalem, 1967), pp. 152–153.

Because the Mishnah of the Bavli and Yerushalmi seem to have been transmitted independently, they serve as independent witnesses to the text, and so the redundancy cannot be attributed to scribal error (ditto-graphy).¹¹ It also has no obvious structural, literary explanation.¹²

There are of course limits to Amoraic and post-Amoraic *derash* of the Mishnah. As in Scripture, *kol* is considered a *ribbuy* (e.g., *ha-kol la-atoyei mai*);¹³ reinterpretation is often employed (e.g., *peshita* implies that the plain sense of the Mishnah or *baraita* cannot be its intended meaning since that is too simple; it thus constitutes an introduction to a *derash*). But not all the *middot* appear; there is no mishnaic analogue to the scriptural *gezerah shavah*, for example. The essential point is that the text is taken to encompass more than a common-sense exegesis would allow.

This concern with accounting for every aspect of the text in terms of halakhically substantive interpretations was applied to Talmud as well, despite the demurrer of the Rid cited below. Thus one of the standard approaches to the Bavli in the *pilpul* of the late *Rishonim* and their suc-

¹¹The Mishnah text of the Bavli and Yerushalmi may be considered independently transmitted versions of the original, of equal validity in many of the cases in which they differ. See Saul Lieberman, *Tosefet Rishonim* vol. IV (Jerusalem: Bamberger and Wahrman, 1939), introduction; and David Rosenthal, *Mishnah Avodah Zarah: Mahadurah Bikortit u-Mavo* (Jerusalem: Hebrew University, 1980), introduction, pp. 3–21.

¹²Modern scholarship generally finds here a conflation of two sources, without wondering overmuch why the formulation in both is identical. See Hanokh Albeck, *Shishah Sidrei Mishnah*, vol. II (Tel Aviv: Devir, 1952), “Hashlamot,” p. 415; and Avraham Goldberg, *Perush la-Mishnah: Masekhet Shabbat* (New York: Jewish Theological Seminary of America, 1976), pp. 224–225.

Note also that Hazal themselves are quite capable of providing source-critical explanations of such cruces (e.g., *Mishnah Berakhot* 7:3, see bBer 50a, though admittedly there the sources seem contradictory; however, see GRA ad loc.). Apparently in this case the sources were simply not available. The matter requires more investigation.

Finally, here neither Tosafot Yom Tov nor the GRA, who are exemplars of the recognition that the Mishnah may be interpreted in terms of *peshat* and *derash*, nor Tiferet Yisrael, who praises the *peshat* Mishnah-exegesis of Rabbi Menashe of Ilya (see section II of this discussion), remarks on this exegesis.

¹³See Y. I. Ephrati, *Tekufat ha-Saboraim ve-Sifrutah be-Vavel uve-Eretz Yisrael* (Petah Tikva: Agudat Benei Asher, 1973), pp. 159–273.

cessors, developed in the *yeshivot* of the Rhineland of the fifteenth century, is the pair of *qushyot* called *farbrengers* and *oisbrengers*.¹⁴ These are applied when a two-part *baraita* is cited in a *sugyah* but only one part is directly relevant to the issue at hand; it is standard practice for the Bavli to quote the whole *baraita*.¹⁵ If it is the *resha* that is superfluous, the question is called a *farbrenger*, if the *sefa*, it is an *oisbrenger*.¹⁶ The standard solution to these *qushyot* is to prove that both parts of the *baraita* are necessary, for a difficulty could be raised if only the one were quoted; the seemingly superfluous part thus comes to repair the breach before it can be made.

Note that this exegetical principle was first formulated in the fifteenth century; presumably these cases were not considered problematic before then, and this particular phenomenon was considered as merely part of the Bavli's style of citation. It was widely used for centuries, and is recommended by the Shelah, employed (without the terminology) by the Maharam Schiff,¹⁷ and appears in *Yad Malakhi*¹⁸ and *Halikhot Olam*¹⁹ and elsewhere, *despite the fact that a simple redactional principle can account for all these cases*. That is, it is standard practice for the Bavli to quote the complete *baraita* in order to place the *baraita* “in the record,” so to speak, and this was recognized by many *Aharonim*; indeed, by some of the same *Aharonim* who recommended the use of these *qushyot*.²⁰

¹⁴See *Shenei Luhot ha-Brit, Masekhet Shevuot*, p. 30; Mordecai Breuer, “*Aliyat ha-Pilpul veka-Hillukim bi-yshivot Ashkenaz*,” in *Sefer Zikkaron le-Moreinu ha-Rav Yehiel Yaakov Weinberg* (Jerusalem, 1969–1970), pp. 241–55; and H. Z. Dimitrovsky, “*Al Derekh ha-Pilpul*,” in *Salo Baron Jubilee Volume* (New York: Columbia University Press, 1975), pp. 111–191 [Hebrew section].

¹⁵To this, as to nearly every statement that can be made of the Bavli, there are of course exceptions; on occasion even the parts of the *baraita* relevant to the discussion are never quoted; see for example *Pesachim* 48a.

¹⁶See Dimitrovsky, “*Al Derekh*,” pp. 144–149; for the distinction just presented, see pp. 148–149, and see Shelah, *Torah she-be'al peh, Kelal Baraitot*, who recommends it as a proper *kushya* (*inyan amiti*) so long as the contradiction that is said to eventuate is not *be-derekh ha-pilpul ha-rahok*.

¹⁷See “*Al Derekh*,” p. 145, n. 185. Maharam Schiff *ad Giutin* 52a, s.v. *ha-reshut be-yado*, where it is clear the *baraita* concerned is cited in full (including interpolated *laatuyeis!*) in order to present a collection of “*Hilkhot Apotrofin*.”

¹⁸Alef, n. 87; see “*Al Derekh*,” p. 144, n. 178.

¹⁹See “*Al Derekh*,” p. 146, n. 192.

²⁰“*Al Derekh*,” p. 145.

The purpose of this technique and similar ones is thus to give a halakhic meaning to every formal textual characteristic. In time, this desire led to the replacement of the aesthetics of form with various conceptual symmetries. When this could not be done, the original structures were often ignored and fell into oblivion. Halakhic, moral, or theological edification became the criterion by which the success of a *hiddush* was measured; merely aesthetic considerations were irrelevant.

By the same token, scholastic edification required that aesthetic embellishments be integrated as vital pointers to *conceptual*—in this context, halakhic, moral, or theological—elements of the proposed interpretation.

This distinction may be found in other contexts as well; compare the attitude toward the use of parables by Maimonides and Maharal.

Know that the prophetic parables are of two kinds. In some of these parables each word has a meaning, while in others the parable as a whole indicates the whole of the intended meaning. In such a parable very many words are to be found, not every one of which adds something to the intended meaning. They serve rather to embellish the parable and to render it more coherent or to conceal further the intended meaning; hence the speech proceeds in such a way as to accord with everything required by the parable's external meaning. Understand this well.²¹

Maimonides' view, that details may merely serve as embellishment, did not prevail, either in regard to parables or to any other hallowed text. Quite apart from the controversies surrounding the *Guide*, it would seem that this view ran counter to the deeper currents of Jewish textual interpretation, which demanded holistic textual exegesis which gives meaning to every element and simply abhors the idea that "not every [word] adds something to the intended meaning."

This is a far cry from what became the mainstream interpretation of *Aggadah*. Compare Jacob Elbaum's characterization of the Maharal's exegesis: "In fine, the strange episodes, the far-fetched statements, the details and stylistic usage which appear as no more than ornamentation are all intended to convey deeper meanings. Nothing, not even the seemingly most trivial detail, is mentioned in vain."²²

²¹Moses Maimonides, *The Guide of the Perplexed*, trans. Shlomo Pines (Chicago: University of Chicago, 1963), introduction to pt. 1, p. 12.

²²See Jacob Elbaum, "Rabbi Judah Loew of Prague and his Attitude to the

The recognition that aesthetic or rhetorical considerations play a role in the construction of *sugyot* has been almost totally rejected. Rather, the principle of omniscience with its concomitant emphasis on halakhic and theological factors continued to gain in importance, and was applied as widely as possible.²³

Naturally, the halakhic significance of texts of *Torah she-be'al peh* tends to make their study self-referential. One consequence of this was that it could become increasingly abstract and irrelevant to *halakhah le-maaseh* and matters that relate to the external world; the model it works with is seldom subjected to independent verification. Because of its emphasis on the universal, it is impatient with the limitations of geographical and historical context, and blind to cultural context. All of Torah learning exists *sub specie aeternitatus*. All is subordinated to the production of *hiddushim* in substantive matters of *halakhah* or *musar*,²⁴ or to show that an inconcinnity in wording hints at such a *hiddush*, known from another source.

The proof of the pudding is in the eating, however, and much of our *pilpul* has ever been considered inapplicable to halakhic determination. Thus, the Shelah felt compelled to differentiate between *pilpula de-kushta*, "pilpul of truth," and *pilpula de-havla*, "pilpul of futility." The *Rishonim* were very well aware of the need to distinguish between a *shinuya dehiqa*, a forced solution, and the proper sort; the former carried little weight in halakhic determinations.²⁵ Halakhic decision making could not be allowed to divorce itself from textual, and hence this-worldly, consider-

Aggadah," in *Studies in Aggadah and Folk-Literature*, ed. Joseph Heinemann and Dov Noy (Jerusalem: The Magnes Press, 1971), pp. 28–47; the quote is from p. 39. The italics are mine.

²³This analysis attempts to trace the direction of Jewish exegesis of sacred texts in broad strokes; it cannot account for every exegetical method ever developed. In some cases, as in the various forms of Brisker analysis, the mode of analysis applied the principle of omniscience to nontalmudic texts (e.g., *Mishneh Torah*) and so to some extent talmudic interpretation suffered by comparison.

²⁴See Rashi on *Megillah* 14a, s.v. *nevuah she-hutzrekhah*, where he defines *hutzrekhah le-dorot* as a concern with these matters.

²⁵See Hanokh Albeck's collection of sources on this matter in *Mavo la-Talmudim*, pp. 545–556.

ations. And so along with the increasingly abstract, purely theoretical *lomdut* or *pilpul* there always existed a practically oriented, and thus (to some extent) more *peshat*-oriented hermeneutic. Again, however, the need of the halakhic system to take account of changing conditions did not permit this latter to develop devoid of *derash*; the cutting edge of *halakhah* required the creation of new interpretations of old texts.²⁶

In this unreconstructed world, where, as information theory teaches us, entropy and disorder increase in the realm of knowledge and its transmission no less than in the material world, the principle of omniscience serves as a bulwark against disorder; it is the Torah's analogue of the Law of Conservation of Matter and Energy. Omniscience smoothes the jagged edges of contradiction and redundancy, but those edges remain to goad us on to new and more inclusive systematization, to allow scope for the intellectually edifying to overcome the world's irrationalities, which at base mirror this world's basic hostility to truth—the intellectual equivalent of Heisenberg's Uncertainty Principle, so to speak. In this sense, the Torah too is in exile.²⁷ Omniscience is a foretaste of the world of *tikkun*.

Omniscience is the concrete embodiment of the doctrine of *Torah min ha-shamayim*; all recognized Torah compositions are treated as divinely inspired, with some of the same canons of interpretation applied

²⁶Study of the extent to which the reciprocal relationship between these two streams in promoting this endeavor is a desideratum; my impression is that their relationship was never stable.

²⁷Rabbi Zadok ha-Kohen of Lublin puts it this way:

[God alone] has this understanding, that contrary propositions may be true; [in this case,] the Torah [which prescribes sacrifice for atonement, see *Makkot* 2:6] is true while [the power of repentance], which is its contrary, is also true. This matter is not yet to be understood by the human intellect, and [thus] one must forgo his own reasoning as against a Sinaitic *halakhah* in practical matters, for in practice two contraries cannot be true, as is explained at the end of *Tikkunei Zohar Hadash* [p. 121a] regarding [God's fore-]knowledge and [man's] free will—knowledge is intellectual, [that is, theoretical,] while free will involves action. [The same point is made] at the end of the Ari's *Arba Me'ot Shekel*, that is, that in thought [it is possible] for two contraries to be true, but not in practice. [*Dover Tzedeq*, p. 149b]

What is contradictory in this world will in the end be thoroughly resolved, or rather, understood as not contradictory at all.

to them as to Holy Writ itself. All of them fall under the stricture of *lo davar rek*.²⁸ Nevertheless, the abstract and ahistorical nature of such learning is not without its problems.

For one thing, there is the problem of language, which is ultimately limited on the human plane, no matter how ingenious and far-reaching our means of *derash* may be. In the case of *Torah she-be'al peh*, the amount of play²⁹ via inconsistency left in the system of the Bavli, say, is not sufficient to allow all points of view to be equally well-founded; not all *hiddushim* will be logically compelling. Thus, Nahmanides long ago noted that

every student of our Talmud knows that there are no absolute proofs in the disputes of its commentators, nor unanswerable difficulties (*qushyot halutot*) on the whole, for in this science, unlike the calculations of areas or the data of astronomy, there are no clear demonstrations. Rather, we put all our efforts in every disputed case to cast doubt (*leharhiq*) on one of the opinions with considerations that tend [in the opposite direction] (*sevarot makhri'ot*), and to show that textual difficulties arise from it (*ve-nidhoq 'aleha ha-shemu'ot*) and place the advantage with its opponent from the plain meaning of the [relevant] *halakhot* and proper meaning of the *sugyot* [involved], together with the agreement of an understanding intellect (*sekhel ha-navon*).³⁰ This is the purpose of our efforts and the intent of every God-fearing scholar in the science of *Gemara*.³¹

Why should this be so? I suggest that this is because most *hiddushim* worth pursuing are not inevitably and absolutely *reasonably* implicit in the texts that are cited in support of them. From the time of the *Geonim* on we have striven to go beyond the text, and the greater the departure of our own context from that of the text we employ, the less certainty we have regarding the result. Fairly soon we must deal with relative weights of competing arguments, and the only way to deal with such

²⁸Needless to say, the comments of Rashi and the codification of the Rambam have been and continue to be subjected to just this kind of analysis. Indeed, every work that is an accepted object of study may be included in this category; see section II of this discussion.

²⁹Note the Yerushalmi: if the Torah had been given absolutely determined (*hatukhah*), no creature could live (*lo hayatah le-regel 'amidah*) (*Sanhedrin* 4:2 [22a]).

³⁰Reading *navon* rather than *nakhon*.

³¹From the Introduction of Nahmanides' *Sefer Milhamot*.

problems of interpretation, in the absence of a universally recognized authority, is consensus. But the distance between consensus and certainty is often sizable. To some extent, attention to *peshat* allows us to measure that distance and orient ourselves.

For the *Rishonim*, for example, the weight of sources, plainly understood, was of decisive importance in halakhic decision making. It was vital to distinguish between *shittot* that followed the plain meaning of relevant sources fairly closely and those that had to resort to *shinuya dehiqa* to reconcile those sources.³²

Peshat thus remained an important consideration in *pesak halakhah*. But its importance lies primarily in the realm of deciding between alternate views; the formation of those views is not likely to owe much to *peshat*.

This is in sharp contrast to the role that *peshat* in the exegesis of *Torah she-bi-Khtav* played in such determinations. It may be appropriate at this point to cite the Rashbam's rationale for his interest in *peshat* despite the lack of interest Hazal showed for this particular facet of exegesis.

Let those who love right judgement understand well that which our Rabbis taught us that "no verse departs from its plain meaning."³³ Even though the essentials of Torah come to teach us and let us know the haggadot, the halakhot, and the laws by means of hints of *peshat*, [that is,] linguistic superfluities and the Thirty-two Rules of R. Eliezer son of R. Yose the Galilean, and by the Thirteen Rules of R. Ishmael, the earlier authorities, because of their piety occupied themselves with the *derashot* which are the essence (*iqqar*), and due to this were not accustomed to the profundities of the plain meaning of Scripture. [Furthermore,] this [occured] because the Sages said: "Don't allow your children to [spend] much [time]³⁴ with *higayon*."³⁵ They also said: "He who occupies himself with Bible is of intermediate merit; he who occupies himself with Talmud—there is no greater merit."³⁶ Because of

³²See n. 25 above.

³³*Shabbat* 63a.

³⁴Current editions of *Berakhot* read: "Keep your children from . . .".

³⁵*Berakhot* 28b; on this see Mordecai Breuer's illuminating article, "Mine^cu Beneikhem min ha-Higayon," in *Mikhtam le-David: Sefer Zikaron ha-Rav David Ochs z"l*, ed. Y. D. Gilat and E. Stern (Ramat Gan: Bar-Ilan University, 1978), pp. 242–261; Rashbam, in accordance with the predominant view among Ashkenazi *Rishonim*, interprets this word as referring to the study of Bible, while the Sephardim take it as the study of philosophy.

[all] this they were not so accustomed [to deal] with the plain meaning of verses, as it states in Tractate Shabbat: "I was eighteen years old and had learned all the Talmud and I did not know that 'a verse does not depart from its plain meaning.'"³⁷

Rashbam felt that the importance of *peshat* had to be established as a valuable aspect of biblical exegesis. That battle was unnecessary in regard to *Torah she-be'al peh*, since lip service had been and continued to be paid to the primary importance of *peshat*. Nevertheless, *peshat* was rather narrowly defined, and the study of the Bavli—which in geonic times became *Torah she-be'al peh par excellence*—hardly concerned itself with aspects of the text other than the halakhic or moralistic. Very early in his learning career the student learned that these are irrelevant and of no interest to those to whom one looks for approval.³⁸

Thus, while the awareness that pilpulist methods would not uncover the plain meaning of the talmudic text was common, the primary concern with halakhic and moral considerations in the study of the Bavli led to the almost complete neglect of other aspects of the text.

One distinction should be made in this connection, however. Purely halakhic literature—responsa and codes—by its nature is centered on *halakhah*, and other aspects of authoritative texts are truly irrelevant to its concerns. Here *derash* in its widest sense is the cutting edge of *halakhah*

³⁶*Bava Metzia* 33a. Rashbam has condensed the *baraita*.

³⁷Rashbam to Genesis 37:2, ed. Rosen, p. 49. The Talmudic quote is from *Shabbat* 63a.

³⁸Before leaving the Rashbam's analysis I would venture one more observation. It seems to me that the Rashbam's—and, needless to say, that of Rashi's (see Mizrahi on Exodus 22:8)—matter-of-fact acknowledgment that much of *halakhah* is not based on *peshat* is intellectually and spiritually healthier than the attempt of some *Aharonim* (Malbim and Rabbi Yaakov Mecklenberg come to mind) to wrest *halakhah* from the toils of *derash* and treat every halakhic pronouncement as the product of a profound understanding of *peshat*, a *tour de force* that often does little to enhance our understanding of either *Torah shebi-Khtav* or *Torah she-be'al peh*.

This point has been made by Yehudah Copperman, "Ha-Ra'uy ve-ha-Ratzuy ve-ha-Mehayyev bi-Peshuto shel Mikra," in his *Li-Peshuto shel Mikra: Kovetz Ma'amarim* (Jerusalem: Haskel, 5734), pp. 68–75, and his "Horaat ha-Torah be-Misgeret Bet ha-Sefer ha-'Al Yesodi, Helek II," in the same volume, pp. 53–67, esp. pp. 62–67.

as it faces new problems and conditions, and fashions new analogies to meet them. *Perush* and *tosafot*, which were originally equivalent and which originally emphasized the local *peshat*, as did Rashi in his commentary, gave way to the Tosafists' extended meta-*peshat*—the local *sugyah* as seen against the backdrop of all of Shas.³⁹ But even in the realm of *peshat*, *perush* gave way to *hiddush*, and *hiddush* requires at least a modicum of *derash*, a turning away from the concerns of the text at hand, and placing it into a context to some extent foreign to it. As we shall see, these contexts seldom allowed certain aspects of the text to emerge.

II

The realization that the Mishnah may be interpreted as both *peshat* and *derash* is not new; it goes back to the *Tosafot Yom Tov*⁴⁰ and the GRA,⁴¹

³⁹See E. E. Urbach, *Baalei ha-Tosafot* (Jerusalem: Mosad Bialik, 1980), p. 21. Rabbi Kalman Kahana's distinction, adopted from Dr. Philip Bieberfeld, between *mashmaut*, the local *peshat*, *peshat* in terms of the verse or *parashah*, as opposed to *peshat*, or meta-*peshat* in our terms, the *peshat* in terms of the entire Torah, comes to mind. See K. Kahana, *Heker ve-Iyyun: Kovetz Ma'amarim* (Tel Aviv, 5720), pp. 91–94.

⁴⁰The *locus classicus* is *Mishnah Nazir* 5:5, where the analogy to Biblical interpretation is explicit.

⁴¹See Binyamin Rivlin, *Gevi'i Gevi'a Kesef* (Warsaw, 5618), p. 23b. On the whole issue and its relationship to the ongoing development of Jewish study, see the interesting exchange in *Shematin*: Y. A., "Parshanut she-lo ka-Hazal," *Shematin* 8:31 (5731): 63–65; A. Neuman, "Parshanut she-lo ka-Halakhah," *Shematin*, n. 32, pp. 17–19; A. Kurman, "Parshanut she-lo ka-Halakhah ve-she-lo ka-Hazal," *Shematin* 9:32 (5732): 8–17, n. 33, pp. 36–41. See also Kalman Kahana, "Darkei *Perush ba-Mishnah*," *Heker ve-Iyyun*, pp. 132–152. A fairly large literature has grown up around the issue; see most recently Yaakov S. Spiegel, "Derekh Ketzarah bi-Lshon Tanna'im ve-al Peshat u-Derash ba-Mishnah," *Asufot: Sefer ha-Shanah le-Mada'ei ha-Yahadut*, vol. 4 (5750), pp. 9–19, and his bibliographical notes on pp. 20–21, nn. 36–42; my thanks to Professors S. Carmy and D. W. Halivni for drawing my attention to this article. My approach and that of Spiegel are somewhat different but convergent; see my "Rabbi Zadok HaKohen on the History of Halakhah," *Tradition* 21 (1985): 1–26, esp. p. 16. See too my "Rabbi Moses Samuel Glasner: The Oral Torah," *Tradition* 25 (1991): 63–68, esp. p. 68, and see Spiegel's remarks, "Derekh Ketzarah," p. 24.

and may even be traced back to the Rid,⁴² and even to the Yerushalmi.⁴³

Once this realization took hold, especially in the GRA's time and after, the question became: Since the Bavli does not always provide us with *peshat* in the Mishnah, are we permitted to pursue the plain meaning of mishnaic texts and ignore the Talmud's exegesis? Essentially, the answer *Klal Yisrael*⁴⁴ gave was a qualified yes, with the proviso that the one proposing the nontraditional interpretation be of recognized stature. The GRA might do so, Rabbi Manasseh of Ilya might not.⁴⁵ But once the gate was opened, others pushed through.⁴⁶

The wider implications of this undoubted fact do not seem to have been clearly enunciated until the late nineteenth century, primarily,

⁴²See A. Y. Wertheimer and A. Lis, eds., *Piskei Ha-Rid le-Rabbenu Yeshayah di-Trani le-Massekhtot Berakhot ve-Shabbat* (Jerusalem, 1964), p. 229; Rid notes that "the Mishnah is to the Amoraim as the Torah is to the Tanna'im." However, Rid there distinguishes between the Amoraim and the Tannaim in this regard. As we shall see, this distinction was obliterated in the course of time, and any accepted work was given the same status as Torah in this regard.

⁴³See *Yerushalmi Pe'ah* 2:6 (17a), ed. Vilna 2:4, 13a: *havivin hen ha-devarim ha-nidrashim min ha-peh min ha-devarim ha-nidrashim min ha-ketav*.

⁴⁴On the role of *Klal Yisrael* in this process, see immediately below.

⁴⁵The *maskilim* later in the century found fairly ample precedent for their endeavors; see S. Y. L. Rappoport, *Erekh Milin* (Warsaw, 5674), pp. xii–xiii, and the literature cited in n. 41. On Rabbi Menashe of Ilya see Isaac E. Barzilay, "The Life of Menashe of Ilya (1767–1831), *PAAJR* 50 (1983): 1–37, and especially his "Manasseh of Ilya (1767–1831) as Talmudist," *JQR* 74 (1984): 345–378. One interesting and instructive instance involves his interpretation of *Mishnah Shabbat* 20:4, which drew the fire of the *Sho'el u-Meishiv*, but turns out to have been that of Rabbenu Hananel and other *Rishonim*, then still in manuscript, unknown to Rabbi Joseph Saul Nathausen; see *Heker ve-Iyyun*, pp. 139–143.

My thanks to Professor Barzilay for giving me the benefit of his work on Rabbi Menashe.

⁴⁶See my discussion regarding "the opening of gates" in this discussion. In truth, the proposition is hardly radical in the context of Jewish learning and ample precedent exists for new interpretations of old texts; on the matter of proposing "un-talmudic" interpretations of the Mishnah, see the literature cited in Irwin H. Haut, *The Talmud as Law or Literature: An Analysis of David W. Halivni's Medorot Umasorot* (New York: Bet Sha'ar Press, 1982), p. 49, nn. 14 and 15. His sources include Rabbi Hayyim Ibn Attar, Rabbi Naftali Berlin, Rabbi Yehezkel Landau, Rabbi Yaakov Emden, the Maharal, and the Reshash.

though not exclusively,⁴⁷ in hasidic works.⁴⁸ However, hasidic thought addressed the question from a different point of view, one whose relevance to the problem of *peshat* and *derash* is not immediately apparent. I must thus venture a short digression.

Given the belief in the continuing presence of Divine inspiration (*ruah ha-kodesh*) over the centuries,⁴⁹ a mainstay of hasidic thought for which ample precedent can be found in the works of the *Rishonim* and *Aharonim*, two questions arise. How are we to distinguish works written under its influence, on the one hand, and what practical difference does the presence of that inspiration have, on the other? I hasten to add that this use

⁴⁷Not only among *hasidim*; this view is attributed to Rabbi Hayyim of Volozhin in a letter from Rabbi Shelomo Hakohen of Vilna to Rabbi Hayyim Berlin and published in *Hameir* 2 (5724); see D. Eliach, *Kol ha-Katuv la-Hayyim* (Jerusalem, 5748), p. 160, n. 9, and cited by Y. S. Spiegel, "Derekh Ketzarah," p. 26.

⁴⁸As indicated above, however, the beginnings of this realization, as applied to specific texts, can be traced back much further. However, this insight does not seem to have been generalized and used to justify the regnant methodologies of Torah study until the nineteenth century, presumably in the wake of the challenge of Reform and biblical criticism, just as the Karaite challenge sparked an interest in *peshat* in Geonic and post-Geonic times.

From all the foregoing, however, it is clear that the enunciation of this point of view in the late nineteenth century represents the distillation of much earlier thought; a study of the process remains a desideratum.

⁴⁹Note the citation of Psalm 51:13 in the *Selihot* services; the implication of our request not to be deprived of *ruah ha-kodesh* is that it is still available to us. See too Maimonides' *Guide of the Perplexed*, II:45, where the lowest grade of *Ruach ha-Kodesh*, *siyata di-Shemmaya*, would still seem available to us. This is quite apart from the question, which A. J. Heschel answered in the affirmative, as to whether Maimonides (and other *Rishonim*) believed that prophecy was still possible; see A. J. Heschel, "Ha-he'emin ha-Rambam she-Zakhah li-Nevu'ah?" in *Sefer ha-Yovel li-Kvod Levi Gimzberg*, A. Marx, et al., eds., (New York: American Academy for Jewish Research, 5706), pp. 159–188 [Hebrew section] and "Al Ruah ha-Kodesh bi-Ymei ha-Benayim (ad Zeman shel ha-Rambam)," in *Sefer ha-Yovel li-Kvod Alexander Marx li-Mlot lo Shiv'im Shanah*, ed. Saul Lieberman (New York: Jewish Theological Seminary, 1950), pp. 175–208. See also Reuven Margaliyot's introduction to his edition of *She'elot u-Teshuvot min ha-Shamayim* (Jerusalem: Mosad Harav Kook, 5717). Most recently, see Bezalel Naor, *Lights of Prophecy* (New York: Union of Orthodox Jewish Congregations, 1990), especially pp. 3–11 [English section].

of *ruach ha-kodesh* does not carry the theological freight of scriptural or prophetic inspiration. In our context *ruach ha-kodesh* refers to the exegetical strategies permitted in interpreting these texts; it does not extend the infallibility of scriptural divine or prophetic inspiration to posttalmudic works.

Rabbi Zadok Hakohen of Lublin answers the first question, on how to distinguish works written under the influence of *ruach ha-kodesh* from more mundane texts as follows:

What is clear to the intellect and is known as stemming from God,⁵⁰ may He be blessed, is as *Torah she-bi-khtav*, and all that is written in a book can be viewed (*hu me'ein*) as *Torah she-bi-khtav*, . . . even what is written in *Shulhan Arukh* and in the *Posekim* at this time. . . .⁵¹

What does Rabbi Zadok mean by "known as stemming from God"? He explains this in a comment one of his earlier works:

In writing from God [what] He gave him to understand⁵²—in the composition of *Shulhan Arukh* and its glosses⁵³ which were accepted in all of Israel⁵⁴ as a book of decisions in our generations in all areas of Torah law and a

⁵⁰See *Resisei Laylah*, *maamar* 56, 165b, where Rabbi Zadok himself writes that as long as *Torah she-bi-Khtav* was not clearly perceived by the soul in total revelation (*ki lo nitatzemah adayin ba-nefesh be-gilluy gamur*) so that the root of the soul be totally [enlightened] by the light of *Torah she-be'al peh* which permeates the body. For until the Talmud was sealed there was no *Torah she-be'al peh* in it perfection (*shelemutah*) in its total revelation in this world.

Another rendering of *shelemutah* is possible, though less likely: "in its totality." If this is what Rabbi Zadok intended, the last sentence would add another condition to the *heter* of reducing Oral Torah to writing: it must be *complete* in extent as well as being totally revealed in depth of understanding. He might then be referring to the Maharal's distinction between Oral and Written Torah in *Tiferet Yisrael*, ch. 68 (London ed.), p. 211.

⁵¹*Peri Zaddik* V, p. 16b.

⁵²Based on 1 Chronicles 28:19. The use of this verse in this context itself has a history. Rabbi Zadok apparently drew it from *Urim ve-Tumim* on *Kitzur Tekafo Kohen*, nn. 123–124, but the Shelah had already used it; see *Torah she-be'al peh*, *klal Mishmah*.

⁵³I.e., the glosses of the Rema.

⁵⁴See immediately below; Rabbi Israel Dov Ber of Zledniki requires even less.

person's conduct according to the Torah—certainly their words did not come by happenstance (*mikreh*); rather, God, may He be blessed, sent His spirit over them that their words should correspond to [matters] which they [themselves] had not intended, for God does not abandon His pious ones,⁵⁵ and in a matter such as this composition which was accepted by Klal Israel.⁵⁶

Klal Yisrael thus can recognize the presence of *ruach ha-kodesh* in a work. This is hardly surprising in the context of hasidic thought, given the kabbalistic triad of God, Israel, and Torah.⁵⁷ Note that Rabbi Zadok does not speak of the role of the *sages of Israel*, as he so often does in

⁵⁵A reference to Psalms 37:28.

⁵⁶*Mahshevet Harutz*, pp. 6a–b. Rabbi Zadok finds this doctrine implicit in the Rabbi Jonathan Eibeschutz's *Urim ve-Tumim* on *Kitzur Tekafo Kohen*, nn. 123–124, 48b (end); but the condition of acceptance by Kelal Israel is later; see below. Rabbi Yonatan writes:

Once the Rav[, the author of] *Beit Yosef* and Rema disregarded [the doctrine of *kim leh* against the majority of decisors] there is no need to concern oneself with it; the scholars of the generation accepted upon themselves (*kiyyemu ve-kibbelu*) to keep and act according the formulation contained in the short version [of *Beit Yosef* contained in] the Shulhan Arukh and the glosses of the Rema. In my opinion, there is no doubt that this was all 'in writing from God [what] He gave them to understand.' [This is because] there is no doubt that they could not have intended [to advert to] all the *kushtot* that the Aharonim posed on them and the sharp and profound answers given, and likewise the many laws included in smooth and compact form (*be-metek ve-kotzer leshonam*). How could [this be, given] the great amount of work—the work of Heaven—which was laid upon them; who is the man who can produce a compilation on all the Torah, taken from all the words of the Rishonim and Aharonim without the work—the work of Heaven—being all but impossible (*yikhbad alehem*)? Rather, [we must assume] that the spirit of God stirred in them that their formulation should correspond to Halakhah without the conscious intention of the writer—[rather] it was God's desire that allowed them to succeed [in this endeavor].

⁵⁷See *Zohar* 3:73a for the first two elements; the third first appears as part of the triad in the works of the Ramahal; see see Y. Tishby, "Kudsha' Berikh Hu', Oraita ve-Yisrael Kula' Had Hu'"—Mekor ha-Imrah be-Ferush 'Idra' Rabba" le-Ramhal," *Kiryat Sefer* 50 (5735): 480–492 and "Hashlamot le-Maamari al Mekor Imrah 'Kudsha' Berikh Hu', Oraita ve-Yisrael Had Hu,'" in the same issue, pp. 668–674.

connection with the unfolding of *Torah she-be'al peh*; instead, *Klal Israel* takes on the function of such determinations.⁵⁸ Naturally, *hakhmei Yisrael* play a role, but in this matter the *klal* too must signal its agreement.

Rabbi Zadok thus offers an "operational definition" of *ruach ha-kodesh*.⁵⁹ What then of the consequences of such categorization? While the answer is implicit in the citation from Rabbi Zadok's comment that "their words should correspond to [matters] which they [themselves] had not intended,"⁶⁰ the point is made more precisely in a work published in Rabbi Zadok's own lifetime, but is attributed to the Besht by Rabbi Israel Dov Ber of Zledniki, a disciple of Rabbi Mordekhai of Tchernobil.

Works composed⁶¹ until the [time of] the Maharsha—including [those of] the Maharsha—were [composed] by Divine inspiration (*ru'ah ha-kodesh*), and

⁵⁸Though he does not cite them, it is hard to avoid associating the pivotal role of *Klal Yisrael* in the granting of prophecy to the prophets (see *Yevamot* 64a; the *Shekhinah* does not rest on fewer than 22,000 of Israel) or Rashi to Leviticus 1:1 s.v. *le'mor*, based on *Sifra* ad loc., see Albo, *Sefer ha-Ikkarim* 3:12. Communication requires two pivots, even when it is not a two-way process, and the parameters of *ruach ha-kodesh* or *ruach ne-nevu'ah* will be determined by recipients as well as the giver. See below.

⁵⁹This applies to any text which is accepted by *Klal Yisrael*; in *Peri Tzaddik* II, p. 117b, he applies this principle to *piyyutim*.

⁶⁰Taken from Rabbi Jonathan Eibeschutz; see n. 56. The same point is made in the *responsum* of Rabbi Hayyim Halberstam (see n. 63); he also uses the text in *Bava Batra* 12a so beloved by Rabbi Zadok.

⁶¹As it stands, this statement leaves open the possibility that works *composed* but not *published*, or published and neglected, were nevertheless written under the influence of Divine inspiration. This is quite apart from the question of the status of Karaite and other ancient heretical works, of which neither Rabbi Israel may have been aware. However, Divine inspiration implies some dissemination of the work in question at some time; otherwise, why would the writer have been impelled to compose it in the first place?

In the case of the Maharsha (1555–1631), his fame in his own time and the publication of much of his work during his own life insured that his work would not be neglected. Some of his *hiddushim* were published as early as 1602, and no decade thereafter passed without another volume appearing.

Why the pre-Maharsha era constituted such an apparent "golden age" is not altogether clear. Undoubtedly the relative scarcity of surviving works of *Rishonim* and of printed works altogether had something to do with this. However, it seems

since they were by Divine inspiration, they are [considered as] Torah itself (*hu Torah atzmah*). . . . [As for] works after the Maharsha, some have Divine inspiration and some do not; nevertheless, once they are accepted by [or: among] Jews (*etzel benei Yisrael*), even if they are not accepted by [or: among] all (*etzel ha-klal*) but only a segment (*bi-frat*) which is called a community (*ha-nikra be-shem tzibbur*),⁶² the power of Divine inspiration extends

most likely that the catastrophe of Tah Va-Tat and the ensuing Sabbatean heresy, which began some seventeen years after the Maharsha's passing, signaled a change of an era for Rabbi Israel. In this regard it is noteworthy that Rabbi Yonah Landsofer (1678–1712), writing in the very early eighteenth century, advised his sons to study the Maharsha's works carefully, since "the spirit of God spoke through him, for without Divine inspiration it would have been impossible to compose such a book" (*Derekh Tovim* [Frankfurt, 1717; undated Brooklyn reprint, Zhitomir, 1875], p. 13).

This also provides an estimate of the elapsed time necessary for such judgments to be rendered. Rabbi Landsofer wrote about a century after the first volume of the Maharsha's *hiddushim* appeared, and about eighty years after his death. Note also that the reason he gives stems more from the charisma of the work than of the man. Undoubtedly, charismatic individuals of whatever time are said to possess divine inspiration in their own times; whether this extends immediately to their works is a moot point, though two such examples, the Ari and the Besht, are known more from their disciples' works.

⁶²Clearly Rabbi Israel refers here to works accepted by *hasidim* and rejected by others. Note that his litmus test is less severe than Rabbi Zadok's; the work must be accepted only by part of *Klal Yisrael*.

It may not be out of place to consider the problem raised by the apostasy of a large segment of Israel, as in the days of Elijah, for example (see 1 Kings 19:18), or of a smaller segment, perhaps, as in the time of Shabbatei Zvi. As to the first, it may be that this rule was not in effect when prophecy itself was available and the edifice of *Torah she-be'al peh* had not yet been completed; the role of *Klal Yisrael* is a result of the linkage of the souls of all Jews to the Mishnah (see *Resisei Laylah*, p. 165a). The outcome of this reasoning is somewhat surprising: *the triad of God, Torah, and Israel is historically determined!*

The case of Shabbatai Zvi is less problematic; it merely took some time for the consensus of *Klal Yisrael* to develop. There is also a time lag involved. Until the consensus of the community forms, the work's status is, as it were, in suspension. Spiegel makes this point in regard to Maimonides' *Mishneh Torah*; see "*Derekh Ketzarah*," p. 26, and note his reference to *Teshuvot ha-Rashba* 4:118.

Rabbi Israel provides for this by stipulating that the rule applies "as long as it is not against the Will of the Creator."

Nevertheless, the questions of who constitutes *Klal Yisrael* or a *tzibbur* for

to that work as long as it is not against the Will of the Creator, may He be blessed.⁶³

Rabbi Israel Dov Ber goes on to spell out the consequences of this very clearly. Works composed under the influence of Divine inspiration may be interpreted with all the methods of PaRDeS—*peshat*, *remez*, *derash*, and *sod*—just as the Torah itself.⁶⁴

the purposes of determining what texts have this status, and the bounds of "the Will of the Creator" are undeniably troublesome.

⁶³Rabbi Israel Dov Ber of Velezniki, *She'erit Yisrael* (Zhitomir, 1867; enlarged edition Koenigsberg, 1877; reprint, New York, 1985), 6c. See A. Wertheim, *Halakhot va-Halikhot ba-Hasidut* (Jerusalem: Mosad Harav Kook, 1989), p. 58, n. 98; and see Spiegel, "Derekh Ketzarah," pp. 25–26, where other sources for this idea are cited.

This idea has become increasingly popular over the last few centuries; aside from the references Spiegel cites, which deal primarily with the Mishnah, more general statements, or statements referring to works other than the Mishnah, can be found in Rabbi Moshe Sofer, *She'elot u-Teshuvot Hatam Sofer*, *Even ha-Ezer* II, no. 102, 49c–d, on the *siyata di-Shemmayya* which a *talmid hakham* receives, and Rabbi Hayyim Halberstam, *She'elot u-Teshuvot Divrei Hayyim*, *Yoreh De'ah* II, no. 105, 33d–34a, regarding the inspired nature of Rabbi Hayyim ibn Attar's *Or ha-Hayyim*; see also n. 61 above. My thanks to Rabbis Shalom Carmy and Menahem Silber for much stimulating conversation on this topic.

⁶⁴While Rabbi Zadok does not state this directly, the same view may be derived from his comments. According to Rabbi Zadok (based on *Me Shilo'ah*, *Nedarim*), God created two books, the Torah and the world; the former is a commentary on the latter. It is clear however that each functions in a symbiotic relationship, with events in the world illuminating the Torah as well. *Hiddushim* in Torah can influence events in the world (*Tzidkat ha-Tzaddik*, *maamar* 90, p. 25b). (In essence this adds a fourth corner to the zoharic triad of God, Torah, and Israel.) Since actions in the world may be interpreted according to PaRDeS (*Tzidkat ha-Tzaddik*, *maamar* 177, p. 62a–b), it follows that so can those works which are considered "as Torah." Though this may seem a rather roundabout argument, it is implicit in the system of equivalences Rabbi Zadok has set up.

Nevertheless, given the number of times Rabbi Zadok mentions the idea that *hiddushim* in Torah can effect changes in this world, or the importance of *hiddush* in his system in general, it is a matter of amazement that he does not state this directly. While it is possible that he did so in his lost works, or that I have missed the reference, the very absence of this point in all extant discussions of *hiddush* tends to cast doubt on my interpretation.

Thus, *peshat* and *derash* exist in all mainstream Jewish texts, but they are not equal in perceived value; the drive for omnisignificance, on the one hand, and for *hiddush*, on the other, tips the balance in favor of *derash*. This is not to say that all periods are equal in this respect; as we might expect, periods of creative ferment alternate with periods of creative tension, which prepare the way for another cycle, for the next “paradigm change.”⁶⁵ Moreover, the preference for *derash* is often disguised or over-

Moreover, his interpretations of rabbinic texts, even when they involve *sod*, are not dependent on the more usual methodologies of *sod* as on a systematic approach to his sources, which gives each a place in his complete system, usually by identifying concepts in Nigleh with their concomitants in Nistar. When a source for such identification is lacking, Rabbi Zadok carefully delineates the exact relationship, usually by means of the word *mistama*, which serves as a marker for lack of a direct linkage. Thus, the type of wordplay that Rabbi Israel Dov Ber has in mind, as is evidenced by *She'erit Yisrael*, is more in the mainstream of hasidic discourse than Rabbi Zadok's methods.

Despite this, I think that Rabbi Israel Dov Ber has enunciated a principle that is implicit in most of rabbinic learning.

⁶⁵See Thomas Kuhn, *The Structure of Scientific Revolutions*², (Chicago: University of Chicago Press, 1970). Sociologically, the role of *Klal Yisrael* may be defined as one of setting the parameters within which *hiddushim* will be developed. The process may be exemplified by the Maharal's unsuccessful attempt, persistent though it may have been, to restructure the curriculum of rabbinic study in the *hadarim*, with an emphasis on a thorough mastery of basic texts (Tanakh, Mishnah) before proceeding to *Gemara*, and *Gemara* and Rashi before proceeding to Tosafot; see S. Asaf, *Mekorot le-Toledot ha-Hinnukh be-Yisrael*, vol. 1 (Tel Aviv: Devir, 1954), sec. 30, pp. 45–52; and see Aharon Fritz Kleinberger, *Mahshavto ha-Pedagogit shel ha-Maharal mi-Prag* (Jerusalem: Magnes, 1962), pp. 143–155; Otto Dov Kolko, “Ha-Reka ha-Histori shel Mishnato shel ha-Maharal mi-Prag,” *Zion (Sefer ha-Yovel)* (1984/5): 277–320, esp. pp. 297–307. But since such cultural processes can carry human reason far from the intentions of the Torah's Creator, *Klal Yisrael's* collective cultural consciousness requires a gyroscope to keep it on course; *nuach ha-kodesh* serves that function.

It may be argued that it is the *talmidei hakhamim* who, as primary preservers and innovators of Torah, control the process; but such a view ignores the mutuality inherent in their leadership role. It also minimizes the role that responsa play in determining—directly or indirectly—the direction of *Talmud Torah*. Moreover, the extent to which *Klal Yisrael* lives up to its ideals of the democratization

laid with a strong concern for what is considered *peshat*. It is rather the value placed on innovation or omnisignificance that in the end determines whether what eventuates is *peshat* or *derash*. Other factors also come into play. Thus, the extent to which the Bavli (or any other document) actually coheres as a complete system will determine whether Tosafot's attempts to understand each and every passage as part of a large, overarching system are actually *peshat* or *derash*. In some cases this approach will yield *peshat*, in others *derash*. In the latter case, the Tosafists are *creating* a system rather than *describing* an already existent one. It is not the conscious intent that determines the outcome, but the extent to which the assumptions that govern the exegetical methodology actually mirror the concerns of the text. Needless to say, since many of these problems have not yet been fully solved, we are sometimes hard put to determine whether a particular interpretation falls under the heading of *peshat* or *derash*.

In general, however, *peshat* represents the past, the known; *derash* represents *hiddush* and the future, the cutting edge of learning. Thus the *Gemara* gives priority to *derash*—*kol heikha de-ika le-midrash darshinan*—wherever we can *darshn*,⁶⁶ we do; it is only when we cannot, when our ingenuity fails us, that we resort to *peshat*.

Thus, *peshat* and *derash* coexist but in tension, with the drive to *hiddush* overcoming intellectual inertia inherent in traditional or traditionalist cultures.

It must be stressed however that one need not accept a hasidic understanding of the role of Divine inspiration in human affairs to recognize

of rabbinic learning will determine not only the role of the laity (the *hamon am*), but the vitality of the Torah that the rabbinic class produces. *Talmidei hakhamim* are also members of *Klal Yisrael*, and do not, in the best circumstances, remain a caste unto themselves, hermetically sealed off from the rest of *Klal Yisrael*. In the long run, certainly in the posttalmudic era, controversies that are *le-shem shammayim* are mitigated, and yield melds and blends of tendencies rather than pure types, and even movements that are rejected by the body of Israel, such as Karaitism and Sabbateanism, contribute to the tradition, if only negatively, and, if some modern scholars are to be believed, even positively. On this latter point, see section VI of this discussion.

⁶⁶As used by the *Amora'im* who enunciate this principle, Rav Ashi and Mar b. Rav Ashi, *darash* = *shannuyei* = to make distinctions; see *Pesahim* 24b and *Kiddushin* 4b.

that this description of the process of learning and *hiddush* actually corresponds to historic reality. Although we may reject *sod* as a legitimate interpretive strategy for Shas, as Rabbi Yisrael Dov Ber asserts it is,⁶⁷ various alternatives to *peshat*, loosely termed *derash*, remain to us.

Nevertheless, human beings differ in abilities and perceptions, and some are born literalists; the community of Torah must find a place for them. In the dynamic equilibrium of differing methodologies of Torah study, *pashtanim* serve as anchors, showing us how far we have gone in our embrace of the new. Often we have so lost sight of the old that it seems new to us.

The recognition that the *Amora'im* at times employ *derash* in their interpretation of the Mishnah naturally led later commentators to interpret these *mishnayot* in a fashion closer to the *peshat*. Of the many examples that might be cited,⁶⁸ Rabbi Menashe me-Ilya's interpretation of *Mishnah Bava Metzia* 1:1, which contradicts the *Gemara's* explicit *derash* of the superfluities in this mishnah, but was praised by *Tiferet Yisrael*, *ad loc.*, is noteworthy. In contrast to the *Gemara*, which understands the mishnah's redundancies as referring both to cases of lost objects and disputes over sales, Rabbi Menashe denies that the mishnah deals with the latter at all.⁶⁹ The redundancies are thus "merely" stylistic.

Since the Renaissance, when sensitivity to any challenge to *emunat Hakhamim* has increased tremendously, this right of interpretation has itself been challenged.⁷⁰ The question need not detain us since, as noted, ample precedent exists for the alternate point of view.

⁶⁷He practiced it as well, as an inspection of the section entitled "*Likkutim*" will bear out.

⁶⁸See literature cited in nn. 40–42. Although *Tosafot Yom Tov's* comments on *Mishnah Nazir* 5:5 have become a *locus classicus* for this principle, and have engendered much debate, I have chosen an example that is less open to criticism, even though it postdates the GRA. As to the latter, one example of many is his interpretation of *Mishnah Berakhot* 7:3; see *Shenot Elyahu ad loc.*, s.v. *ehad asarah*.

⁶⁹See papers referred to in n. 45 above.

⁷⁰See Rabbi Meshullam Roth, "He'arot le-Sifrei ha-Tosafot Yom Tov," in *Likvod Yom Tov: Maamarim u-Mehkarim*, ed. Y. L. Maimon (Jerusalem: Mosad Ha-Rav Kook, 5716), pp. 70–109, esp. 90–94. His comments vis à vis the GRA are clearly tendentious; see the second part of Kurman's article cited in n. 41 above.

III

Even if *peshat*-oriented exegesis remains of secondary importance, it has always had a place within our *derash*-oriented system. Generally speaking, as noted above, however, it is only when our ingenuity fails that we resort to *peshat*.

However, *peshat* is the essence of an academic study of *Torah she-be'al peh*; therein lies its glory and usefulness, and therein lie the problems it brings in its wake.

To arrive at the plain meaning of the texts, both traditional learning and academic study requires an accurate knowledge of their provenance in every sense of the word: their historical provenance, in all its senses—political, cultural, religious, socioeconomic, including matters of realia; their linguistic, geographic provenance; it requires concern for structural and literary elements, for form-critical and source-critical matters; it requires first and foremost establishing a text, and thus brings text-critical matters into its purview.

Little need be said of source-critical approaches, since the *Gemara* itself pioneered the method. Traditionally the statute of limitations on these methodologies has been considered expired since the close of the Bavli, and the revival of such investigation marks academic scholarship in the eyes of the world of the *yeshivot* and is thus viewed with suspicion. In principle, however, and in stark contrast with the impossibility of employing such methods in *Humash*,⁷¹ the view of most rabbinic compositions as *compilations*, and the consequent desire to trace them back to their component parts (and in this respect *Mishnah* differs little from *Mishneh Torah*)⁷² is clearly the regnant view of the *Amora'im*.

While source-critical concerns did not pass over the great divide of the close of the Bavli to the *Rishonim*, most of the methods enumerated above did. Some of them were of great concern to the *Rishonim*, chiefly those

⁷¹I do not say "Bible" in general. See Rabbi Aryeh Leib of Metz, *Gevurot Ari* (Jerusalem, 5721), p. 56a on *Yoma* 54a, s.v. *teyuvta*, where he notes that Ezra followed his sources in compiling the Books of Chronicles. See M. Breuer, "Torat ha-Te'udot shel Baal Shaagat Aryeh," *Megadim* 2 (5747): 9–22. Note also that M. Eisemann cites this source and others of similar nature in his introduction to the Artscroll *Divrei ha-Yamim*, (Brooklyn, NY: Mesorah Publications, 1987).

⁷²See my "History of Halakhah," especially p. 19.

involving textual and lexicographic matters, including realia when relevant, but also historical and geographical matters at times, and even redactional questions were taken up in episodic fashion. In short, the *Rishonim* were alive to nearly all the elements that go into achieving a proper understanding of the text that is alive to all its nuances. The major differences between their methodologies and those of modern academics have to do with the relative importance of these questions and the differing amounts and sources of information regarding the world outside the texts. But beyond that I daresay that there is little in method for which precedents cannot fairly easily be found in the words of the *Rishonim*.

THE NEW SOURCE CRITICISM

Arguably the most important “discovery” of academic scholarship of the last generation, or at least the increasing awareness of academic talmudists, is the recognition of the importance of the *stama di-Gemara*.⁷³ The “*stam*,” as it has come to be known, plays a decisive role in the presentation, arrangement, and *wording* of many of the constituent elements that comprise Shas. The *stam* serves in large measure to organize and orient the (earlier) sources contained in the Bavli. Increasingly, the focus of research has turned to an examination of the *stam*’s viewpoint vis-à-vis those of its sources and an assessment of its substantive contribution to the Bavli.

RECONSTRUCTING THE SUGYA

This brings us to perhaps the first question an Orthodox would-be academic must ask himself: How does *emunat Hakhamim* bear on all this? It is clear that new methodologies are not ipso facto forbidden; the history

⁷³A consensus has grown up that sees the *stam* as generally late and post-Amoraic, and that sees these anonymous portions of the Bavli as constituting a stratum of its own, whenever dated; see S. Y. Friedman, “Al Derekh Heker Ha-Sugya,” in *Mehkarim U-Mekorot: Ma’asaf Le-Mada`ei Ha-Yahadut*, vol. I, ed. H. Z. Dimitrovsky (New York, 1977–1978, pp. 283–321; D. W. Halivni, *Mekorot U-Mesorot* (New York: Jewish Theological Seminary, 1982), Moed, vol. I [Shabbat], introduction; and *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge, MA: Harvard University Press, 1986), pp. 76–92.

of *darkei limmud* is a long and fascinating one, though little researched. In particular, the Orthodox would-be academic student of *Torah she-be'al peh* must ask himself whether *emunat Hakhamim* requires us to take the *sugya* as we find it.⁷⁴ For example, if the *sugya* involves a dialogue between two *Amora'im*, must we take it at face value? At first blush, the answer would seem to be yes. But in this, as in so many other matters, our instincts are more *frum* than the practice of the *Rishonim*. Perhaps *Gemara* is too important to be left to the theologians.

In any case, whether on the level of the *memra* or the *sugya*, Tosafot saw clearly that we do *not* possess the *ipsisissima verba* of the *Amora'im*, but a redacted text. This proceeds directly from the observation that *memrot* are preserved in different versions in different *sugyot*. For example, the following *pesak* of Rabbi Papa is reported in *Bava Batra* 176a and *Kiddushin* 13b. In *Bava Batra* the formulation is as follows:

The Memra

Rav Papa said: The *halakhah* is that a verbal loan may be recovered from the heirs [of the debtor] but may not be recovered from purchasers. It “may be recovered from the heirs”—*in order not to lock the door in the face of borrowers*; “but it may not be recovered from purchasers”—because there is no general knowledge of the transaction.⁷⁵

In *Kiddushin* we find:

Rav Papa said: The *halakhah* is that a verbal loan may be recovered from the heirs [of the debtor], but not from purchasers. It “may be recovered from

⁷⁴The question of post-Amoraic additions to the text of the Talmud has long been answered in the positive; Rav Sherira already noted the Saboraic origin of the first *sugya* in *Kiddushin*, and the *Rishonim* comment as Geonic additions to the text; see *Iggeret Rav Sherira Gaon*, ed. B. M. Lewin (reprint, Jerusalem: Makor, 5732), p. 71; idem, *Rabbanan Sabora'ei ve-Talmudam* (Jerusalem, 5697) [originally in *Azkarah le-Nishmat ha-Rav A. Y. Kook* (Jerusalem, 5697), pt. 4, pp. 145–208]; Y. S. Spiegel, “Leshonot Perush ve-Hosafot Me'uharot ba-Talmud ha-Bavli,” in *Mehkarim be-Safrut ha-Talmud, bi-Lshon Hazal u-ve-Farshanut ha-Mikra*, ed. M. A. Friedman, et al. (Tel Aviv: Tel Aviv University Press, 5743), pp. 92–112.

⁷⁵Literally, “there is no voice.” No witnesses or scribe can testify to the loan having been made.

the heirs"—because the obligation is biblical; "but it may not be recovered from purchasers"—because there is no general knowledge of the transaction.

Tosafot in *Bava Batra*⁷⁶ suggest that Rav Papa only made the initial statement; the following interpretation is that of "the Gemara." In the one case, the explanation selected can be accepted whether or not one holds that the obligation is biblical, while in the parallel in *Kiddushin*, the statement is only acceptable to the former.

It is noteworthy that Tosafot in *Kiddushin*⁷⁷ attempt to reconcile the two sources by suggesting (in Rabbenu Tam's name) that Rav Papa's initial dictum applied only to loans of biblical authority, such as damages, valuations (*arakhin*), and sacrificial vows.⁷⁸

Shakla ve-Tarya

The same may be said of *shakla ve-tarya*; talmudic dialectic has been carefully arranged, in some cases, with an eye to literary effect. For example, there is an interesting comment found in collections of Tosafot that were not included into the standard editions of Shas.⁷⁹ In the course of a discussion (in *Bava Metzia* 14b) as to whether one who sells land that does not belong to him can collect its produce (*perot*) and the

⁷⁶S.v. *goveh*.

⁷⁷S.v. *amar R. Papa*.

⁷⁸See Urbach, *Baalei ha-Tosafot*, pp. 630–633 and 651–654, regarding the identity of the compilers of the printed Tosafot to *Kiddushin* and *Bava Batra* 144b–176b; both were apparently compiled by disciples of the Ri.

A similar case, where the *setama di-gemara* adds explanatory material to earlier traditions, is noted in Tosafot *Bava Metzia* 112a, s.v. *umman* regarding the query made to Rabbi Sheshet there and its parallel in *Bava Kamma* 99a; see also *Tosafot Niddah* 34b, s.v. *ki*.

On the question of later accretions to earlier texts, see Rabbi Y. Y. Weinberg, *Mehkarim ba-Talmud* (Berlin, 5697–5698), pp. 174–179; reprinted in *Seridei Eish* (Jerusalem: Mosad Harav Kook, 1977), pp. 121–124.

⁷⁹According to E. E. Urbach, *Baalei ha-Tosafot*, pp. 646–648, the printed Tosafot are Tosafot Touque, taken in part from Tosafot Sens. This is not to say that literary comments were either edited out or excluded from the printed Shas; after all, we have cited a number of redactional comments culled from our printed collections of Tosafot.

increase in its worth (*shevah*), a matter in dispute between Rav and Samuel, Rav Nahman proffers an interpretation of Samuel's position, which Rava disputes. He does so on the basis of the *sefa* of whose *baraita* whose *resha* is not only cited next but is determinative for the proper interpretation of the *baraita*. The Tosafists, alive to incongruity, ask why the *sefa* is dealt with before the *resha*. Our printed Tosafot suggest that this is because the *makshan*⁸⁰ wished to utilize a source—the *sefa*—that dealt directly with the question of *shevah* rather than the *resha* that dealt with *perot*, since the dispute was essentially about the former.

However, the incongruity remains. Since the desired deduction cannot be made from the *sefa* in any case, why not go immediately to the *resha*?⁸¹ This question is taken up in two collections of *tosafot* that did not "make it" into Shas, *Tosafot Ha-Rosh*⁸² and *Tosafot Rabbenu Peretz*.⁸³ It is worthwhile citing their solutions in the exact wording in which they are given: "*orheih de-Talmuda le-hakshot tehillah davar she-yakhhol lidhot*

⁸⁰Apparently Rava, but see below.

⁸¹There is an interesting dispute between Maharsha and Maharshal on the exact nature of this question. According to Maharsha, the question is why Rava, who eventually makes his point from the *resha*, should begin with the *sefa*. Maharsha's answer is simply that Rava did not yet derive his point from the *resha*. Maharshal separates the two *makshanim*; according to him—hotly disputed by Maharsha—the second *makshan*, that is, the *makshan* who employs the *resha*, was not aware of Rava's interpretation of the *resha* and could not understand why he first had recourse to the *resha*.

The exact nature of Maharsha's objection to this interpretation, which he terms *dahuq*, is unclear; either he considers the separation of Rava from the second *kushya* as forced, or he considers that the second *makshan* must have known of Rava's deduction. It is noteworthy that this latter technique of positing lack of awareness by one master of the statement of another is now considered one of the controversial aspects of modern scholarship, but it was not always so; see *Helkat Binyamin* on *Shabbat*, published in 1913 in Pietrkov (reprint, 1954 by Temple Sholom of Philadelphia) with the *haskmah* of Rabbi Hayyim Soloveichik.

It should be noted that the incongruity discussed here is stronger than that which gave rise to an *oisbrenger*.

⁸²Moshe Hershler and Yehoshua Dov Grodzitzki, eds., *Tosafot Ha-Rosh al massekhet Baba Metzia* (Jerusalem, 5719), 48b, s.v. *ka-tani miha*.

⁸³Hayyim Ben Zion Hershler, *Tosafot Rabbenu Peretz le-massekhet Baba Metzia* (Jerusalem, 5730), 37a, s.v. *mide-resha*.

be-kal" (*Tosafot Ha-Rosh*); "orheih de-Talmuda hu le-havi tehillah re'ayah she-yesh lidhot" (*Tosafot Rabbenu Peretz*).⁸⁴ It is the way of the Talmud first to ask a question which may easily be pushed aside, or to bring a proof which can be rejected. Note that while *Tosafot Ha-Rosh* emphasizes *lehaqshot*, *Tosafot Rabbenu Peretz* has *le-havi re'ayah*. It is noteworthy also that both refer to *talmudic* style, and not to Rava personally. It marks a recognition that Rava did not determine the shape of the *sugya* that includes his comments, but that his comments have been arranged and organized by the *Talmud*. It is also noteworthy that these comments are not included in the *Otzar Mefarshai Ha-Talmud*.⁸⁵

The Sugya

The same observation applies to *sugyot*. There are some thirty-odd *sugyot* that contain detailed debates between Rabbi Yohanan and Resh Laqish. Several of them contain contradictory accounts of the positions held by the two disputants, but rather than present the parallel debates as alternatives (*ika de-amri, ika de-matni lah*), the *sugya's* redactor(s) first present one version, and then, in response to a problem, the attributions are reversed,⁸⁶ or the dispute is redefined.⁸⁷

Tosafot mentions several such cases, and⁸⁸ the point has been the subject of hot debate in modern scholarship, particularly between Abraham Weiss⁸⁹ and Samuel Atlas⁹⁰ in the last generation. Atlas took *Tosafot's* view; Weiss insisted that these *sugyot* merely reflect divergent traditions that were spliced together, and denied vehemently that they constitute so-called fictitious *sugyot*.

⁸⁴This is of course the embodiment of the principle of *ein adam omed al divrei Torah ela im ken nikhshal ba-hem tehillah* (Gittin 43a), and see Rabbi Zadok, *Tzidkat ha-Tzaddik, maamar* 49, pp. 13b–14a; for the nonce see my "History of Halakhah," p. 15.

⁸⁵Again, Maharsha and Maharshah dealt with quasi-substantive issues, not iterative-redactional ones.

⁸⁶This occurs in *Bava Batra* 154b.

⁸⁷*Bekhorot* 4b; see *Tosafot* s.v. *ella iy itamar*.

⁸⁸*Tosafot Bava Batra* 154b, s.v. *beram*; *Bekhorot* 4b, s.v. 'ela.

⁸⁹*Le-Heker ha-Talmud*, vol. 1 (New York: Feldheim, 5715), pp. 18–32; and his "Sugyot shel Keta'im," *Ha-Tzofeh le-Hokhmat Yisrael* 9:2 (1925): 97–116.

⁹⁰"Le-Toledot ha-Sugya," *Hebrew Union College Annual* 24 (1952–1953): 1–21 [Hebrew section].

Weiss's vehemence may be traced to the singular importance he placed on these dialogues between Rabbi Yohanan and Resh Lakish. According to his reconstruction of the history of the *sugya* as a literary form—and a literary form is merely one way of reconstituting reality—the sugyatic form was devised in Eretz Israel in early Amoraic times, perhaps in Rabbi's *bet midrash*. These early, well-developed debates between Rabbi Yohanan and Resh Laqish thus assume a great importance in tracing this history.

In at least one case Weiss has a powerful argument. For each divergent and contradictory part of the *sugya* involved (*Bava Batra* 154a–b) we can find parallels in the Yerushalmi (*Bava Batra* 9:8 [17a]), thus suggesting that the *sugya's* contradictions reflect a problematic reality. The question of whether Rabbi Yohanan had actually changed his mind was evidently put to him directly, and his denial was essentially disregarded in both Talmuds, by being recorded alongside reports of his contradictory statements. But in a large sense Weiss begs the question. If the redactor of these *sugyot* had two divergent traditions about the views held by each of the disputants, and about the nature of the dispute to begin with, why not compile an *ika de-matni lah sugya* rather than making an about-face after presenting us with what seems to be a bona fide dialogue? The *sugya* is arranged so as to force us to arrive at *Tosafot's* conclusion—that we are to reject the initial formulation of the dispute and the initial debate. *Ein adam omed al divrei Torah ela im ken nikhshal ba-hem tehillah*.⁹¹ It is almost as if the redactor wants to teach us that not every tradition is to be given full faith and credence.⁹²

This element of artifice, of redactional art, points to one of the cornerstones of academic Talmud scholarship of the last twenty years: the discovery of the importance of the *stama di-Gemara* as the organizing voice of the Bavli. It is noteworthy that the *Rishonim* speak of *orheih de-Talmuda* or *Gemara*, thus giving the redactional part of Shas a cohesive character as against the variegated *memrot* and other sources contained therein. Again, the *Baalei Tosafot* were there first.

⁹¹*Gittin* 43a; see n. 84 above. On the existence of "educational *sugyot*" see L. Jacobs, "Further Evidence of Literary Device in the Babylonian Talmud," in *Studies in Talmudic Logic and Methodology*, (London: Valentine, 1961), pp. 60–69.

⁹²David C. Kraemer has made much of this point in his *The Mind of the Talmud: An Intellectual History of the Bavli* (New York: Oxford University Press, 1990), see especially pp. 99–170.

The Redaction of the Bavli

Despite the recognition by some *Rishonim* in some cases of the important role of the *stam*, the notion of an anonymous, collective authorship was rejected, without apparently ever seriously being considered. The notion was foreign; it was clear that such an important work had to bear the imprimatur of an important sage or group of sages—"R. Xva-haverav" or "R. Y. u-vet dino." Thus, though *Iggeret Rav Sherira Gaon*, the prime historical source for this period, makes no mention of Rav Ashi as the redactor of the Bavli, most *Rishonim* came to see him as such.

One proof for this was discerned in the opening *sugya* of *Hullin* which contains a discussion between Rav Ashi and Rav Aha b. Rava regarding the exact implications of the opening *ha-kol* of mHul 1:1 and the use of the participle *shohatin*. In the course of this discussion Rav Ashi has cause to explain the exact significance of a point he had made earlier. However, as *Tosafot* (2b s.v. *ana*) points out, that earlier point is not presented in the *sugya* as having been made by Rav Ashi, but rather by *sugyat ha-gemara* or *setama di-gemara* itself. From here, *Tosafot* conclude, is proof that Rav Ashi redacted (*sidder*) the *Gemara*.

However, because of the episodic nature of interest in such questions, *Tosafot* did not pursue such matters with the same intense interest as substantive issues were given. Again, redactional issues did not figure into the principle of omnisignificance, and so remained of secondary importance. Thus, the fact that there are *sugyot* that testify to a *stama di-Gemara later than Rav Ashi* was not noted, at least not here and not by *Tosafot*.⁹³ But the works of the *Rishonim* are replete with comments that testify to their recognition that parts of the Bavli date to Saboraic or Geonic times.⁹⁴

⁹³See for example the post-Rav Ashi debate in *Bezah* 40a; see also J. Kaplan, *The Redaction of the Babylonian Talmud* (New York: Bloch Publishing House, 1933), pp. 95–101; and D. W. Halivni, *Mekorot u-Mesorot: Be'urim ba-Talmud le-Seder Mo'ed* (New York: Jewish Theological Seminary, 5735), pp. 348–350.

⁹⁴See Yaakov L. Spiegel, "Leshonot Perush ve-Hosafot Me'uharot ba-Talmud ha-Bavli," in *Te'udah: Kovetz Mehkarim shel Bet ha-Sefer le-Mada'ei ha-Yahadut al shem Hayyim Rosenberg 3, Mehkarim ba-Safrut ha-Talmud bi-Lshon Hazal u-ve-Farshanut ha-Mikra*, ed. M. A. Friedman, A. Tal, and G. Brin (Tel Aviv: Tel Aviv University, 5743), pp. 92–112, based on his unpublished dissertation, *Hosafot Me'uharot (Sabora'ot) ba-Talmud ha-Bavli* (Ph.D. diss., Tel Aviv University, 1976).

In all candor, however, it must be admitted that despite the attention paid to these questions from the beginnings of the *Wissenschaft des Judentums* movement, academic scholarship cannot claim to have progressed much beyond the *Rishonim* in these matters, at least in devising generally accepted answers to the most general questions of the date and process of redaction of the Bavli or other early rabbinic compilations.⁹⁵ Nevertheless, some claim to progress can be made, at least in the matter of the framing of general questions and devising methods to answer them.

It is generally accepted that the most methodologically meaningful division of the Bavli's text is between the *setama di-gemara* and its attributed sources, *mishnayot*, *baraitot*, and *memrot*. In my own work, I generally avoid the matter of absolute dates, and treat the *stam* phenomenologically⁹⁶; at most I hope for a limited (i.e., limited to the text at hand) relative chronology. But, as I hope to have demonstrated, even that may yield results that are useful for the construction of an intellectual history and interesting from a theological standpoint.⁹⁷

⁹⁵Indeed, both in America and in Israel, there are some who consider the entire enterprise futile. Jacob Neusner rejects the possibility of source criticism for rabbinic compositions entirely and concentrates on whole "documents," as he terms them, and many Israeli scholars concentrate on lower, or textual, criticism with little if any attention paid to wider issues.

⁹⁶The consensus noted above (see n. 73) of the role of the *stam* as a late redactional layer is important in this regard. A late date for the *stam* implies that it is evidence that redactional activity came at the end of the formation of the Bavli, as opposed to theories of punctuated or continuous redaction; see the summary in Rabbi Kalmin, *The Redaction of the Babylonian Talmud: Amoraic or Saboraic?* (Cincinnati: Hebrew Union College Press, 1989), pp. 1–11, and charts on pp. xvii–xviii.

The theory of punctuated redaction is far from dead, however; see most recently D. Rosenthal, "Arikhot Kedumot Hameshukka'ot ba-Talmud ha-Bavli," in *Mehkarei Talmud: Kovetz Mehkarim ba-Talmud u-vi-Tehumim Govehim*, ed. Y. Sussman and D. Rosenthal (Jerusalem, 5750), pp. 155–204; and the works of N. Aminoah, in which he has systematically focused on redactional problems in his series *Arikhat Masekhta/ot . . . ba-Talmud ha-Bavli*—in order of publication: *Kiddushin*, *Bezah*, *Rosh Hashanah*, *Taanit*, *Sukkah*, *Mo'ed Katan*, (Tel Aviv: Tel Aviv University Press, 1976/77–1988).

⁹⁷See "Righteousness as Its Own Reward: An Inquiry into the Theologies of the Stam," *Proceedings of the American Academy for Jewish Research* 57 (1991): 35–67, and "Is There Then Anger Before the Holy One?" Aspects of the The-

These post-Amoraic additions range from whole *sugyot*, as in the case of the opening *sugya* of *Kiddushin*, which Rav Sherira Gaon in his famous epistle attributes to the *Sabbora'im*, to smaller pieces within *sugyot*, which nearly every Rishon can be shown to have noted. This information is not particularly esoteric or hard to find. But because of the way the principle of omniscience has been applied, it is unconsciously downplayed, and most *yeshiva leit* are unaware of the extent of the phenomenon. Nevertheless, consideration of all these redactional aspects on the part of the *Rishonim* remain a very minor matter within the matrix of their approaches to Talmud study, for the reasons I have set forth. Academic methodologies, while anchored in the works of the *Rishonim*, clearly diverge from them by making these methods the center of their interest. And as the principle of omniscience more and more excluded any elements but substantive ones, these matters slowly all but sank out of consciousness in the work of the *Aharonim*, with very few exceptions.

I have already quoted the Rashbam's observation on the history of biblical exegesis as he understood it. After the comments quoted, he then adds the famous report of Rashi's feelings on the matter toward the end of his life:

Even Rabbenu Shlomo, my mother's father, Enlightener of the Eyes of the Exile, who interpreted the Torah, Prophets and Writings, paid attention to the plain sense of Miqra, and I Samuel son of Meir, his son-in-law, *z.t.l.*, debated with him and before him [on these matters] and he admitted to me that if he had time, he would have to produce other commentaries according to the *peshatot* which are newly discovered every day.⁹⁸

Evidently he felt himself as part of a vital, burgeoning movement that would uncover aspects of the biblical texts neglected for centuries. Here we have not "the opening of new gates," in Rabbi Zadok's terms, but the reopening of old ones. To some extent that feeling can be found among those who are sensitive to literary and structural aspects of the texts of *Torah she-be'al peh* in our own time.

ology of the Stam," AJS Twenty-first Annual Conference, Boston, December 19, 1989.

⁹⁸*Perush ha-Torah le-Rashbam*, ed. Rosen, p. 49.

IV

LITERARY CONSIDERATIONS

Traditionally, as noted above, aesthetic considerations in textual exegesis come into play only when our ingenuity fails. This failure of interpretative power occurs most often, it seems to me, in the face of structural elements or literary features that do not lend themselves to halakhic innovation or moral edification; they remain in the realm of the aesthetic. Because of our drive for edification, we tend to ignore those elements in a text that cannot be used as grist for our mill. This was not always so; the *Gemara* is certainly aware of such elements in tannaitic texts,⁹⁹ and the *Rishonim* are aware of such elements in *sugyot* and—be it known—in Bible as well.

I would like to begin with an example of the latter. Most halakhic verses in *Humash* are in prose form; one of the few exceptions are the laws of the Jubilee and *shemittah* year of Leviticus 25, much of which is couched in loose poetic form, that is, the parallelism that typifies biblical poetry: one verse is tightly constructed in synonymous parallelism (*kefel inyan be-millim shonot*),¹⁰⁰ and legal distinctions between the two stichs of the verse can fairly easily be proposed.

One exception to this is 25:37, which is composed in good chiasmic style, with the first word of the first stich parallel to the last of the second, and the last of the first with the first of the last.

et kaspékha lo titten lo be-neshekh,
u-ve-marbit lo titten okhlekha.

Your silver you shall not give for interest (*neshekh*);
For increase (*marbit*) shall you not give your foodstuffs."

⁹⁹As for example in the *eidi de-tanna . . .* exegesis of *mishnayot* and *baraitot*.

¹⁰⁰This phrase recurs with monotonous regularity among the Sephardic *pashtanim*, Ibn Ezra, and Radak, and, when no moralistic comment lies at hand (*kol heikha de-ika le-midrash . . .*), by Abarbanel, but not with such regularity that we do not find even Radak making distinctions rather than achieving synonymy by force majeure.

Conceivably we might distinguish between the words *neshekh* and *marbit*, or perhaps silver and foodstuffs; the anonymous, presumably redactional, introduction to the first *sugya* of *Bava Metzria* 60b will have none of it, and goes to considerable lengths to prove that *neshekh* (the “bite” taken from the borrower) and *marbit* (the “increase” that the lender gets) cannot be separated; when there is *neshekh* there is *marbit*, and when there is *marbit* there is *neshekh*.

This discussion serves to introduce a *memra* of Rava, which explains the redundancy of the conventional parallelistic structure of biblical poetry as being halakhically motivated. According to Rava, one who collects interest transgresses two prohibitions (*laavor alav bi-shenei lavin*).¹⁰¹ Thus, in standard fashion, a matter of biblical style is given halakhic significance. Of interest here, however, is the comment of Tosafot.¹⁰² Rava’s halakhic interpretation accounts for the redundancy of parallelism (“*kefel inyan be-millim shonot*,” as Radak or Ibn Ezra might say), but why does the Torah use two synonyms for usury (*neshekh* and *tarbit*) where one would suffice: why not *neshekh-neshekh* or *tarbit-tarbit*? The answer proposed is purely aesthetic: because the variation in wording is *na’eh yoter*—more aesthetically pleasing. The same point is made by Rabbenu Tam in regard to the use of *keret/kiryah* in Proverbs 11:10–11; the biblical writer will not repeat the same word in successive verses if at all possible.¹⁰³

¹⁰¹The whole issue of multiple *lavin* requires examination; for the time being my unpublished “The Exegesis of Redundant Passages in Rabbinic Literature: The Unfolding of an Exegetical Principle,” presented at the Association for Jewish Studies Twenty-second Annual Conference, Boston, December 17, 1990, must suffice.

¹⁰²Ad loc., s.v. *lamah hillekan*.

¹⁰³This principle is cited again in Tosafot *Bava Metzria* 111a, s.v. *lamah hillekan*. Urbach, *Baalei ha-Tosafot*⁴, pp. 646–648, notes that though these are basically Tosafot Touque, based on Tosafot Sens, the redactor added material of his own as well. Since the Rosh, too, drew on Tosafot Sens (see Urbach, p. 590; p. 594, n. 30 and text), that may have been his source, but since these comments are oddities, and not typical of Rabbi Shimshon of Sens, or the Ri for that matter, that is not overly likely. Urbach notes that Tosafot ha-Rosh to *Bava Metzria* are “longer and more detailed than our Tosafot, and many comments are cited there in the name of the Rivan, the Rashbam, Rabbenu Tam, Riva and the Ri which are not in our Tosafot” (p. 595). Among the compiler’s other sources are his teacher the Maharam, as well as the commentaries of Rabad

Even halakhic texts may allow scope for the writer’s aesthetic sense. This, too, is an application of the *heikha de-ika* principle; once the *Gemara* foreclosed the option of making substantive halakhic distinctions between the two cola, all that remained was a nonhalakhic explanation. Note also that the use of parallelism functions to add a count which the usurer has transgressed; the Tosafists address themselves to the question of why the Torah employed two synonyms for one halakhic concept. Though their approach constitutes a *pis aller* in the context of traditional exegesis, it is noteworthy for being stated so openly.¹⁰⁴

The *Amora'im* (in their *eidi de-tanna* exegeses) and *Rishonim* (as Tosafot here)¹⁰⁵ clearly recognized that not every word in tannaitic or talmudic texts, respectively, is to be construed as halakhically meaning-

and Ramah. Others comments of this type may have been filtered out in the course of time. Maharsa and Maharam do not discuss this Tosafot, Maharam Schiff suggests an emendation, to which the Reshash objects on the basis of Tosafot *Bava Kamma* 65a, s.v. *likhtov*. However, aside from the question of authorship of the relevant Tosafist comments, Reshash counterposes two different types of repetitions, those which occur in parallel and those which occur in certain expressions, whose specialized use for *derashot* is clear.

It is significant that this suggestion was mostly ignored by the *Aharonim*; indeed, as perspicacious a commentator as Rabbi Aryeh Leib Zinz, in his *Maayanei he-Hokhmah* (Warsaw, 5634; p. 95b), after noting Tosafot’s question, totally ignores the proffered solution (and the *sugya*’s assertion that *neshekh* and *tarbit* cannot be separated) and proposes one that is casuistically omniscient. While his solution is not without philological merit, his utter disregard—he does not trouble to refute it—for Tosafot’s solution is striking.

As to Rabbenu Tam, see *Sefer Teshuvot Dunash ben Labrat im Hakhra’ot Rabbi YaaKov Tam*, ed. Z. Filipowski (London, 1855), pp. 13–14. He makes similar remarks on pp. 44–45, 54, 91–92; see Richard C. Steiner, “Meaninglessness, Meaningfulness, and Super-Meaningfulness in Scripture: An Analysis of the Controversy Surrounding Dan 2:12 in the Middle Ages,” *Jewish Quarterly Review* 82 (1992): 442, n. 59. Unfortunately, none of these examples occurs in an halakhic context.

¹⁰⁴It is noteworthy that Tosafot Ha-Rosh ad loc., ed. Hershler-Groditzki, p. 163b, s.v. *laavor alav*, adds an alternative possibility: *i nami le-shum derashah sheni shani kera be-dibbureih!* Tosafot Rabbenu Peretz does not discuss the matter at all.

¹⁰⁵See also Rashi on *Sanhedrin* 60a, s.v. *hakha ketiv*.

ful. Some statements, queries, proffered solutions, phrases, and clauses are included for their rhetorical, mnemonic, educative power, or “merely” aesthetic appeal. In my opinion, it is in this province of Torah learning that academic scholarship, with its concern for rhetoric, for the literary, formulaic, structural aspects of *explication du texte*, can make its contribution.¹⁰⁶ In our search for interpretations ever more edifying and elegant, we lose sight of some of the elegancies inherent in the texts we so laboriously study.

STRUCTURAL CONSIDERATIONS WITHIN THE BAVLI

Aesthetic Aspects

My first example is a case in which the structure serves only as an aesthetic means of arranging a fairly large body of material. The structure is essentially external to the meaning and the flow of the sugya. The first sugya of *Pesahim* is arranged somewhat like those sugyot already discussed, where a putative dispute turns out to be contrived. In this case, the sugya concludes that a dispute between Rav Huna and Rav Yehudah is simply a matter of terminology with no substantive implications at all. Ostensibly the question at dispute is the meaning of *or* in the expression *or le-arbaah asar*; according to Rav Huna, the meaning is said to be *naghei*, taken at first to mean “light” or “day,” while Rav Yehudah interprets it as *leylei*, “night.” In the end, Rav Huna’s *naghei* is taken as a euphemism for “night,” and the dispute—is no dispute.¹⁰⁷

My primary concern here, however, is not with this aspect of the sugya,

¹⁰⁶See my “The Order of Arguments in *Kalekh-Baraitot* in Relation to the Conclusion,” *JQR* 79 (1989): 295–304.

¹⁰⁷For a somewhat similar case see the first sugya of *Gittin*. It has not escaped the notice of scholars that initial sugyot seem disproportionately contrived and/or linguistic in nature—recall Rav Sherira Gaon’s characterization of the first sugya of *Kiddushin* as Saboraic. Abraham Weiss classified nearly all such sugyot as Saboraic; see his lecture, *Ha-Yetzirah shel ha-Sabora'im* (Jerusalem: Magnes, 5713).

but with the interesting, symmetrical arrangement of introductory terminology, a symmetry that is lacking in our printed editions, but which may be detected in some manuscripts.¹⁰⁸

The sugya takes up the question of whether *or* can refer to darkness or night in good philological fashion,¹⁰⁹ with no fewer than fifteen proofs, both biblical and rabbinic, though mostly the former, back and forth. In our editions, the first thirteen are prefaced with *metivei*, and the last two with *ta shema*. In the manuscripts of the Oriental tradition, the proofs are divided into two groups, one of seven and one of eight. The first seven are prefaced with *metivei*, and of the last eight, seven are introduced with *ta shema*, with the exception of the middle—the fourth—argument, which is marked with *metivei*. The symmetry goes beyond mere order, however. Of the first group of seven, the first three and the last three conclude that *or* means “day,” while the middle—the fourth—proof concludes the reverse. Of the group of eight, the first three conclude that *or* is “night,” as do the last three but one, while the middle of this group of seven—the fourth again—concludes the reverse.

¹⁰⁸We are uniquely blessed with manuscripts for *Pesahim*; indeed, E. S. Rosenthal managed to divide them into two families. The following remarks are based on his article, “Kamah Dugmot Boletot le-Yehudah shel Masoret Nusah Ito,” printed as an introduction to MS Valmadonna of *Pesahim*, *The Pesahim Codex: Babylonian Talmud: the facsimile of the ca. 1447–1452 Provence [?] manuscript* (London: Valmadonna Trust Library, 1984), pp. 7–59.

¹⁰⁹Note that the opening sugya of *Kiddushin*, attributed to the Saboraim by Rav Sherira Gaon, is also concerned with philological matters, in this case the gender of the word *derekh*. According to Avraham Weiss, most opening sugyot are of Saboraic origin; see n. 107.

¹¹⁰See diagram on the next page, taken from E. S. Rosenthal’s analysis (n. 101). But not quite; here too Izhbitz has its say. See Rabbi Yaakov Leiner (son of Rabbi Mordecai Joseph), *Seder Haggadah shel Pesah im Sefer ha-Zemanim* (Lublin, 1910), p. 8, cited in S. Y. Friedman, “Mivneh Sifrut be-Sugyot ha-Bavli,” *Divrei ha-Kongres ha-Olami ha-Shishi le-Madda’ei ha-Yahadut*, vol. 2 (Jerusalem: ha-Iggud ha-Olami le-Mada’ei ha-Yahadut, 1979), p. 402. There is no mention of this in his father’s *Mei Shiloah* (New York, 1984), “Likkutei ha-Shas,” p. 115a.

- 12 *מתיב* מר"א זוטרא : (כריתות פ"א 'מותיב מד זוטרא :... מכלל דאור אורתא מ"ג) ...שמע" מינה" אור אורתא הוא. 'שמע"א מינה' ! שמע מינה.
- 13 'מתיבי' : (כרי' ב' זבחים נ"ד ב') ... אלמא אור אורתא הוא, שמע מינה' הוא, שמע מ'ינה' !
- 14 'תא שמע" : (כרי' ב' יומא פ"ד ב"א) ... 'תא שמע' : אור אורתא הוא, שמע מינה' !
- 15 'ת"ש רתני דבי שמואל : לילי... אלמ' אור אורתא הוא ? 'תא שמע דתאנא דבי שמואל : לילי... שמע מינה : אור אורתא הוא -

<אלא"ו בין רב הונא ובין רב יודא"ו > דכולי עלמ' אור אורתא הוא, ולא פליגי : מר כי אתרי' ומר כי אתרי' : באתרא דרב הונא קרו : נגהי, ובאתרי' דרב יהוד' קרו : לילי' !

מכל השינויים השונים¹², שיש בסוגייה זו בין שתי מסורות הנוסח, הצגנו כאן רק את החילוף שבין 'דיבורי ההצעה' שלהן. שכן זה יש בו כדי לחשוף את יסודות 'הסידור' של סוגייה מורכבת זו.

מן נוסח 'הוולגאטה' ניכר, שאינו מקפיד על צורת המבנה של השמועה. מתוך חמשה עשר פיסקיראיות¹³ - ... אלמא אור יממא [אור אורתא] הוא וכו' - פותחים שנים עשרה, לפי רובי רובין¹⁴ של עדי נוסח זה, כדיבורי ההצעה : 'מתיבי' : לעומתן

10 בכ"י ש רב זוטרא.
 11 כך ד"א + כ"א (= כ"י ע) ! אבל כ"י מפקש (בלא לרשום כאן חילופים קלים) "אלמא" וכך גם בקטעי גניזה גא. גנ' !
 12 בקטע גניזה גנ נתחלפו המספרים 13-14 : מס' 13 : ח"ש אור יום הכפורים וכו'. מס' 14 : ח"ש (!) דתניא : יכול יהא לאור לשלישי (!) כך גם להלן <הא > מרקאמי : יכול יהא נאכל לאור לשלישי (!) וכו'. לכאורה נשמט מס' 13 : 'מתיבי רתני' יכול יהא נאכל לאור לשלישי וכו'. כ"אביו* של קטע גנ והושלמה בגליון ותדרה שלא במקומה - וכשכיל זה אף הוצעה ח"ש : [אך ר' להלן הסימן בהערה 18].
 13 'מתיבי' כ"י א ! הש' גנ.
 14 כ' נדה ח' ב'.
 15 נוסף בגליון מימין, וכצ"ל :
 16 חסר בנוסח 'לישנא אחרינא' (כ"י ע).
 17 ר' הע' 5.
 18 גם עדים מורחיים אינם חורגים מן המסגרת. כגון קטע גניזה אופ' - עד כמה שיש לרדן ממה שנישחמר הימנו (הוא מתחיל כאמצע מס' 10), הוא מציע במס' 11. 13 מתיבי, ורק במס' 14-15 תא שמע. בקטע גניזה נ"י יש התחלפות מעניינת : מס' 10 : <משיאין עומד מללח אור יכול לסימן > מתיבי אין משיאין וכו'. מס' 11 : 'ת"ש' ונעל לחיבה זו נכתב (כנראה בידי הסופר עצמו ?) בין השורות 'מתיבי' : היה עומד ומקריב וכו'. מס' 12 : מתיב מר זוטרא וכו'.

לישנא אחרינא : נוסח הוולגאטה :

- 'קס"ד : דמאן דאמר "נגהי" - נגהי ממש, ומאן דאמר "לילי" - לילי ממש.
- 1 'מתיבי' : (כרא' מד :ג) ...אלמא אור יממא הוא... נדחה.
- 2 'מתיבי' : (שמואל כ כג :ד) ...אלמא אור יממא הוא... נדחה.
- 3 'מתיבי' : (כרא' א :ה) ...אלמא אור יממא הוא... נדחה.
- 4 'מתיבי' : (תלים קמג :ג) ...אלמא אור אורתא הוא... נדחה.
- 5 'מתיבי' : (איוב כד :ד) ...אלמא אור יממא הוא... נדחה.
- 6 'מתיבי' : (איוב ג :ט) ...אלמא אור יממא הוא... נדחה.
- 7 'מתיבי' : (תלים קלט :א) ...אלמא אור יממא הוא... נדחה.
- 8 'מתיבי' : (פס' פ"א מ"ג) ...אלמא אור אורתא הוא, ש"מ' !
- 9 'מתיבי' : (תוס' פס' פ"ג י"ג) ...אלמא אור אורתא הוא... נדחה.
- 10 'מתיבי' : (כרי' ב' ר"ה כ"ב ב') ...אלמא אור אורתא הוא, שמע מינה' !
- 11 'מתיבי' : (כרי' ב' זבחים י"ט ב') ...אלמא אור אורתא הוא, שמע מינה' : אור איממא הוא... נדחה.

6 תא שמע ש ק"ה ובגליון משמאל : נ"א : מתיבי. [ור' להלן הע' 22-21].
 7 מספר זה קצר ביותר : בנוסח הוולגאטה בכל העדים נקטע אפילו ניסוח היחשובה : "אלמא אור יממא הוא" (או כיו"ב) ואילו הרחיקה חתוכה וקצרה : אורה שאני ! (הינו : 'אורה' ודאי יממא). מס' 3 נתקטע הרבה בכ"י ע : 'מתיבי' ויקרא אלהים לאור יום. למאיר ובא קראו יום' הינו : מתיבי' ויקרא אלהים לאור יום <אלמא אור יממא הוא. הכי קאמי : למאיר ובא קראו יום ! בכ"י עת כתובה כריתא זו להלן נו, כ שלא במקומה ובקטוע, סימן שתוספת היא זו מתוך התוספתא. כסיום לתלמוד שעל פ"ד מ"ז (במקום זה שעל מ"ה סופה : 'ביהוד' היו עושים מלאכה בערבי פסחיים וכו') אבל דווקא כלשונה של תוספתא פס' פ"ג י"ג (הוצ' ליברמן עמ' 155 ש' 58 ואלוף) : 'תנו רבנן : מאימתי ארבעה עשר אסור במלאכה ? ר' אליעזר בן יעקב אומר : מאור ארבעה עשר. ר' יהודה אומר : משעת הניח החמה. אמ' לו ר' אליעזר בן יעקב : היכן מצונו יום אחד שמקצנו מותר בעשיית מלאכה ומקצנו אסור' וכו'.

In this case the arrangement seems totally aesthetic, and as such was totally ignored by the commentators.¹¹⁰ At times, however, such symmetrical literary arrangements seem to imply more than they are meant to, and cause the *Rishonim* no end of trouble.

Structural Considerations that Bear on Halakhic Interpretation

My next example is one in which recognition of the structure of the *sugya* has important consequences for the proper understanding of its flow of argumentation. The opening *sugya* of *Perek ha-Ishah Rabbah*, *Yevamot* 87b–88a, deals with the source of the principle that the testimony of one witness can in certain circumstances be accepted in matters of *issur veheter*. The case involves a woman whose husband has gone abroad and disappeared. A single witness comes to court and claims that the woman's husband is dead. The *Gemara* concludes that such testimony may be accepted; the question is why. The *sugya* makes several attempts to determine that source, all of which come to naught, at which point it concludes that since the case is that of a woman who may ultimately be faced with the catastrophe of losing both her first husband, presumed dead until now, her second husband, whom she will now have to leave, and to have her children by him declared *mamzerim* (not to mention losing her *ketubah*)—we treat her leniently. The conclusion of the *sugya* runs:

Rav Zera said: Because of the severity with which you deal with her in the end, you deal leniently with her at the start.

Let him not deal leniently or severely!

The Rabbanan deal leniently with her because of her [state of] *iggun*.

As Avraham Weiss pointed out, the *sugya* does not in the end answer the question it posed at the start. The terms of the investigation involve the essential question of whether this rule (of accepting the testimony of one witness in such cases) is either of biblical or rabbinic¹¹¹ origin.¹¹²

¹¹¹It is true that the question as it now stands is posed as *mi-de-oraita minimalan*, but since the discussion involves tannaitic texts this reading is difficult to maintain.

¹¹²See A. Weiss, *Al ha-Yetzirah ha-Sifrutit shel ha-Amora'im* (New York: Horeb, 1961–1962), pp. 34–40; and S. Y. Friedman, "Perek ha-Ishah Rabbah ba-Bavli, be-Tzeruf Mavo Kelali al Derekh Heker ha-Sugya," in H. Z. Dimitrovski, *Mehkarim u-Mekorot I*, (New York), pp. 275–441; his analysis of this *sugya* is on pp. 323–330. Friedman concludes that the word *mi-de-Oraita* is Geonic.

But in the end the answer seems to be that it is rabbinic (Rabbanan). And, indeed, the *Rishonim* disagree about the matter. Rabbi Aharon Halevi, cited in *Nimmukei Yosef* and *Tosafot Yeshanim*, holds it to be of biblical origin, for halakhic reasons, while Rashi, the Meiri, and Ri¹¹³ take it (for different reasons) as rabbinic, as the text itself seems to indicate.

The *sugya* is highly organized, and its structure may be illustrated diagrammatically.¹¹⁴

הסוגיא הראשונה: עד אחד נאמן (פז ע"ב — פח ע"א)

- מדקתני... אלמא עד אחד מהימן¹
 ותנן נמי הוחזקו... אלמא עד אחד מהימן
 ותנן נמי עד אחד אומר אכלת חלב... אלמא עד אחד מהימן
 א. מדאורייתא מגא לן: דתניא או הודע... ש"מ עד אחד נאמן
 — וממאי משום דמהימן, דלמא משום דקא שתיק... תדע דקתני
 סיפא...
 ב. אלא סברא היא, מירי דהוה אחתיכה ספק של חלב ספק של שומן
 ואתא עד אחד... דמהימן
 — מי דמי... הא לא דמיא אלא לחתיכה דוראי חלב... דלא
 מהימן. מי דמי התם אפי' אתו בי מאה לא מהימני, הכא כיון דכי
 אתו ביתרי מהימני, חד נמי ליהימני, מירי דהוה אטבל הקדש
 וקונמות
 (1) האי טבל היכי דמי...
 (2) הקדש נמי...
 (3) קונמות נמי...
 ג. אלא² אמר ר' זירא מתוך חומר שהחמרת עליה בסופה הקלת עליה
 בתחלתה³
 — ולא⁴ ליחמיר ולא ליקיל
 משום⁵ עיגונא אקילו בה רבנן.

¹¹³See *Tosafot* 88a, s.v. *mitokh*, and 89b, s.v. *kevan*; he meets Ra'ah's objection re *akirat davar min ha-Torah* by suggesting that the Rabbis may do so in cases closely analogous to one in which the Torah permits the particular course

1. בד"ח: נאמן.
2. כ"ה בכ"ו, כ"מ, כ"ל, כ"א, כ"מ"ב, וכ"ה כנמקי יוסף ובחדושי הריטב"א. כ"ה ליתא תיבת "אלא".
3. כ"ה בכ"ו, כ"ל, כ"א, כ"מ"ב וכ"מ. בד"פ: כתחלה.
4. כ"ה בכ"ל, כ"א, כ"ו, כ"מ, וכ"מ"ב; בד"פ: לא.
5. בכ"מ כ"מ"ב וכ"ל: אלא משום, וראה מאירי, עמ' 320. וכ"ה "אלא משום" ברשכ"א ובנמקי יוסף, ובפירוש ר' אברהם מן ההר בשם "אית [דרגסין]", ומסיים: "והכל אחד" (עמ' ר). והשוה כללי התלמוד לר' כצאלא אשכנזי, ספר לדוד צבי, סי' 59. אולם ר"י קולון כתב "בשום ספר" לא גרס אלא "שו"ת מהרי"ק, שרש לב, הראשון, ועיי"ש לדעתו מה נפקא מינה בדבר).

Thus the *sugya* may be divided into three sub-*sugyot*, each dealing with one possible solution to the problem posed: either the rule is biblical, rabbinic, or the product of *sevarah*. Each of these possibilities is provided with a three-step proof, but the proofs of the first two sub-*sugyot* are refuted, while the third is hardly subjected to much analysis or discussion.

The *sugya* in its current form has thus been arranged as an introduction to Rav Zera's comment, and some of its constituent elements can be traced to other parts of Shas.¹¹⁵

The subordinate character of the analysis can be illustrated in another way; not only is Rav Zera's *memra* accepted without much ado, but the earlier arguments seem to have been selected only to be refuted. Why, we may wonder, should proof I(1), which can be so easily refuted, be proposed altogether?¹¹⁶ On the other hand, why have better proofs, available elsewhere in Shas, not been proposed?¹¹⁷

However, as Friedman points out, once the literary character of the *sugyah* is recognized, the halakhic problems it engenders assume a different character. This *sugya* is thus a more elaborate example of the rule cited above in the name of *Tosafot Rabbenu Peretz: orheih de-Talmuda hu lehavi tehillah re'ayah she-yesh lidhot*, the Talmud's way is first to bring a proof that can easily be refuted.

of action (*davar domeh*), or, to put in another way, *be-davar she-yesh ketzat taam u-semakh lo hashiv oker davar min ha-Torah*, it is permitted.

¹¹⁴The diagram is based on one prepared by S. Y. Friedman, "Perek," p. 323.

¹¹⁵See the analyses cited in n. 107.

¹¹⁶See Weiss, pp. 38–39.

¹¹⁷Friedman, "Perek," p. 327; see *Sotah* 2a, 31b, and 47b.

It is noteworthy—and typical—that here, too, there is no halakhic deficit incurred by the fact that the *Rishonim* did not take the literary nature of the *sugya* into account, at least not explicitly. The debate on the halakhic basis of *ed ehad ne'eman be-issurim* was conducted on halakhic grounds, as well it should be.

That being the case, the *Rishonim* could hardly ignore the halakhic difficulties noted above, and others besides. In particular, the great divide of the absolute invalidity of one witness for matters concerning a woman's personal status (*davar shebi-ervah*) as contrasted with less severe prohibitions for which one witness may sometimes suffice. Thus, the arguments attempted from *tevel*, *hekdesb*, and *konamot* in the last half of the *sugya* seem totally irrelevant to the issue at hand. These cannot serve as a precedent for releasing a woman from her marital ties on the testimony of one witness. Why then does the *sugya* include them?

The Ramban faces this issue squarely, and suggests that these are "*she'elot be-alma*"—merely questions that raise a point of interest, rather than offering pertinent arguments, or as he writes, "*hahi sugya le-hagdil Torah u-le-haadirah*,"¹¹⁸ "this *sugyah* [was constructed merely] to enlarge and magnify Torah," that is, to extend the discussion without regard to halakhic necessities in the here and now. And the Ramban proceeds to ignore this *sugya* in his halakhic discussion of the issue of the status of the testimony of one witness in matters of *issura* anent *Hullin* 10b.

On the other hand, Rashba in his *hiddushim* to *Hulin* strenuously objects (without mentioning the Ramban by name!) to this understanding of this *sugya*. "Did they then debate this issue for no reason, since [this debate has] no practical effect in halakhic decision-making? Even though I have seen the greatest among the commentators explain [this *sugya*] in this way, it is not clear in my eyes, since this is not the way of the Talmud."¹¹⁹ And

¹¹⁸See *Hiddushei ha-Ramban al kol Masekhet Hullin*, ed. S. Z. Reichman (Bronx, NY, 1955), col. 30a. The phrase, which appears in approximately this form in Isaiah 42:21 appears in *Hullin* 66b, and entered rabbinic literature from there.

¹¹⁹See *Hiddushei Ha-Rashba le-Rabbenu Shelomo b'R Avraham Adret: Masekhet Yebamot*, ed. Shmuel Dickman (Jerusalem: Mosad Harav Kook, 1989), cols. 479–480: "Atu bikhdi shakli ve-tari bah kevan de-la nafka lan minah midi, ve-af al pi she-ra'iti le-Gedolei ha-Mefarshim she-pershu ke-inyan zeh eino mehuvar be-einai she-ein zeh shitat ha-Talmud." Later still he comments, "*ve-ein ha-taam ha-zeh maspek be-einai*," "this reason is not sufficient in my eyes" (col. 480).

indeed, in his comments to this *sugya*, the Rashba struggles mightily to impart halakhic significance to each part of this difficult *sugya*.

The disagreement may be seen as one regarding the nature of Shas itself, as the Rashba himself notes, since he denies that presenting “*she’elot be-alma*” is the way of the Talmud. The Ramban however uses this exegetical principle elsewhere in his *hiddushim*, and clearly sees the essentially nonhalakhic nature of other ostensibly halakhic discussions.¹²⁰ And though the Ramban does not explicitly discuss the tripartite division of the *sugya*, he is keenly aware of distinction between proofs and mere discussion, not only in his discussion of the last part of the *sugyah*, but also in his analysis of the other part, and particularly the introduction.

Thus an awareness of the structure of this *sugya*, and others, adds to our appreciation and understanding of the text, even when it does not add to our halakhic knowledge. In this case, as in others, it serves to explain some of the difficulties a purely halakhic interpretation encounters; in this case, these difficulties essentially reduced this *sugya*, but for its conclusion, to a cipher that had little if any influence on the subsequent course of halakhic determination. As noted above, the *Rishonim* distinguished between weak and strong arguments; the aesthetic aspects of the text often explain the existence of the former.

The Preference for Threes

The discussion above has alerted us to the importance of the number three as a structural element in some *sugyot*. This preference for a division into threes,¹²¹ where the first two attempts are unsuccessful, while the third is ac-

¹²⁰See his comments on *Shevuot* 24b, or *Avodah Zarah* 52a (ed. Chavel, col. 208).

¹²¹Note that the *sugya* examined in section 1 (*Shabbat* 100b) presented three suggestions for the *tzerikhuta*. In that case it does not seem that Rav Ashi’s proposal was considered superior to the others.

Jewish learning has long appreciated the significance of the number three. Rabbenu Tam went so far as to opine that *rov divrei Hakhamim meshullashin* (*Sefer ha-Yashar*, ed. Schlesinger, p. 71). But its use in determining the make-up structural elements of compositions, large and small, has in general been ignored. For a discussion of the significance of this division into threes, see S. Y. Friedman, “Al Derekh Heker ha-Sugya,” pp. 316–319, and the literature cited there; see especially p. 318, n. 132, and p. 329 n. 24 and text; see also his “Mivneh Sifrut ha-Sugyot ha-Bavli,” pp. 387–402.

cepted, is recognized by the *Rishonim*, though fitfully. More important, this method of analysis never achieved popularity; omnisignificant, halakhic solutions were always preferred, even when they encountered difficulties.

This preference for division into threes as an organizing principle applies both on the macro and micro level, as our analysis of *Yevamot* 87b–88a demonstrated. This preference operates outside the sugyatic form, as well. For example, the Bavli contains thirty-four¹²² collections of three halakhic deductions introduced by the phrase *shema minah telat*, but only four cases of *tartei shema’it minah*.¹²³ This is not because three deductions are more common than two. Indeed, there are instances in which two deductions are listed, but not marked by an introductory phrase.¹²⁴ Clearly, and not surprisingly, Babylonian rabbinic culture evinced a strong preference for division or collation by threes.

On occasion this preference overcomes halakhic considerations. Thus, two of the three deductions of Rav Huna b. Rav Joshua in *Pesahim* 98a are not independent statements, and thus the three can be reduced to two.¹²⁵ The opposite also occurs; *Bava Batra* 90b contains four deduc-

¹²²Actually, there are twenty-seven cases and seven duplicates. The cases are: *Berakhot* 27a, *Shabbat* 40b, *Eruvin* 10a, 101b, *Pesahim* 4a (=Mo’ed Katan 20b), 5b, 78a (=Kiddushin 7b, *Zevahim* 12a [Temurah 26b, Keritot 27a]), 107a, *Bezah* 35b, Mo’ed Katan 16a, 18a, *Yevamot* 46b, *Ketuvot* 21b, 90b, *Nedarim* 7b, 8b, *Kiddushin* 46a, 52a, *Bava Metzia* 63a, *Bava Batra* 24a, 90b (=Menahot 77a, *Bekhorot* 5b), *Sanhedrin* 19a, *Avodah Zarah* 43a, *Zevahim* 78a, *Menahot* 42b, *Hullin* 106a, *Niddah* 30a.

¹²³*Pesahim* 91a, *Bava Kamma* 66a, 94a, *Menahot* 99a.

¹²⁴See *Pesahim* 77b.

However, *Yoma* 25a, where Abaye makes two deductions from a *baraita*, is not altogether certain, since it may be attributed to Abaye’s stylistic preference; as it happens, there is no other case of Abaye’s use of the phrase on his own (in contrast, three attestations of Rava’s use of the phrase exist: *Pesahim* 5b, *Kiddushin* 46a, *Bava Batra* 24a). Likewise, though *Menahot* 42b is based on a query Abaye made of Rav Samuel b. Rav Judah, the deductions in the form we have them are anonymous, though they predate Rav Ashi. Again, though Abaye uses the phrase in *Eruvin* 10a, he does so in reminding Rabbi Joseph of his own earlier statement; finally, his son Rav Bibi’s use of the phrase in *Eruvin* 101b tells us nothing about his father’s preferences.

¹²⁵See Tosafot s.v. *u-shema minah yesh dihui be-damim*, where Ri notes that *dihui me-ikaro hevei dihui* is coeval with *yesh dihui be-damim*. In the end he has to produce an unlikely *uqimta* to justify the inclusion of both deductions, one that

tions, but two are combined to reduce the number to three.¹²⁶ As David W. Halivni puts it, “[the phrase] *shema minah telat* became a formula (*melitzah*) that was used even when [applied to a case] in which there were not exactly three [deductions]. There is no need to emend the passage here; if there are not exactly three, there certainly are close to three [deductions].”¹²⁷

THE COST OF OMNISIGNIFICANCE

We pay a price for omnisignificance; our millennia-long obsession with it has caused us to lose our appreciation of *peshat* and its parameters. We

does not fit the case in *Pesahim*; see also *Tosafot Kiddushin* 7b, s.v. *shema minah*, where the same collection appears, but anonymously, and with a different *ukimta* proposed. Rabbenu Hananel *ad Pesah'im* 98a (ed. Metzger, p. 210) explains the matter differently; he apparently does not hold that the rubric requires independent deductions.

Similar cases occur in *Ketuvot* 21b (see *Tosafot* s.v. *u-shema minah*) and *Bava Batra* 24a (see *Tosafot* s.v. *u-shema minah*).

D. W. Halivni discusses this phenomenon in his analysis of *Nedarim* 8b (*Mekorot u-Mesorot*, Nashim [Tel Aviv: Devir, 1968], pp. 271–272) where one deduction is artificially divided into two. However, Halivni asserts that *Nedarim* 8b is a unique occurrence (but see his comment re *Berakhot* 27a and *Pesahim* 4a. It seems to me that he defines this artificiality too narrowly).

¹²⁶Similarly, see *Niddah* 30a, and *Tosafot* ad loc., s.v. *shema minah telat*, where *Tosafot* raises the possibility of a fourth deduction, but Rabbenu Tam concludes that it is not cited because it is too obvious (“*peshita leh leha-Shas*”). In the light of the evidence presented here, we may classify Rabbenu Tam’s solution as omnisignificantly inclined, the upshot being that this collection was put together after the decision was made regarding Abaye’s *ye’al kegam* opinions. Rabbenu Tam’s suggestion serves to tighten *Shas*’ cohesion.

In contrast, see *Menahot* 42b, where two deductions seem to have been raised to three. Indeed, the first and third deductions are so close in meaning and phraseology as to have constituted a lower critical problem for the *Aharonim*; see *Tzo’n Kodashim* ad loc., and the first two constituted a problem for the late *Amora'im*, and Rav Ashi concluded that they were not at all independent deductions, but that the second gives the reason for the first (“*mah taam*”).

¹²⁷Halivni, *Mekorot U-Mesorots*, p. 272. See Irwin H. Haut, *The Talmud As Law or Literature*, pp. 30–34, where he strenuously defends a halakhic interpre-

have become locksmiths with but one key, a master key for, say, all Yale locks, but one that cannot deal with those of other manufacturers. At best, this makes us blind to aspects of the text we are bound to study, and thus render them less meaningful. At worst, by reading out of context, we misread texts without realizing it. Now, misreading is a species of creative reinterpretation, but, I submit, the difference inheres in precisely this point: creative reinterpretation is conscious; misreading is unknowing and misguided.

This misreading most often occurs in *Tanakh* because commentators—especially *Aharonim*—ignore the nature of the text. Thus poetic or narrative texts are treated no differently from halakhic ones. This is not the place to go into the vexed problem of the meaning of parallelism in biblical poetry, a matter that has been the subject of increasing debate in the last few years,¹²⁸ but clearly the more we ignore form-critical aspects of the texts we deal with, the more we are likely to misread them, to take them out of context. Reading poetry as a legal brief, or a legal brief as pure narrative, will not aid our understanding of either. Admittedly, this is a greater problem in *Tanakh*, where the variety of forms and genres is far greater than we meet with in *Torah she-be’al peh*, but there are such cases there, too, especially in aggadic material.

The “Rabbah b. Bar Hanna stories” in *Bava Batra* 73af are a case in point. Of all the complex and esoteric explanations that have been offered for these outwardly seeming “tall tales,” no mainstream traditional commentator, to my knowledge, has considered that these stories were

tation of *Pesahim* 4a. In the light of the data presented here, which neither Halivni nor Haut adduced, it would seem that the literary nature of this phrase cannot seriously be in doubt.

¹²⁸A partial bibliography would include Rabbi Alter, *The Art of Biblical Poetry* (New York: Basic Books, 1985); E. R. Follis, *Directions in Biblical Poetry* (Sheffield, *Journal for the Study of Old Testament Supplementary Series* 40, 1987); A. Berlin, *The Dynamics of Biblical Parallelism* (Bloomington: Indiana University Press, 1985); J. L. Kugel, *The Idea of Biblical Poetry: Parallelism and Its History* (New Haven: Yale University Press, 1981); D. Pardee, *Ugaritic and Hebrew Poetic Parallelism: A Trial Cut* (‘nt I and Proverbs 2) (Leiden: E. J. Brill, 1988); T. Collins, *Line-forms in Hebrew Poetry* (Rome: Biblical Institute Press, 1978); S. A. Geller, *Parallelism in Early Biblical Poetry* (Chico, CA: Scholars Press, 1979); M. O’Connor, *Hebrew Verse Structure* (Winona Lake, WS: Eisenbrauns, 1980).

meant to be taken as read. The cultural gap between Amoraic Babylonia, and its canons of polite discourse, and those of sixteenth-century Central Europe or nineteenth-century Baghdad, has been taken as nil. And yet Shas is full of stories that require latter-day apologetical interpretations. Again, a *peshat*-oriented commentary, uncomfortable as we might find it, would give us an index of our distance from the cultural standards of our forebears.¹²⁹

This is not to say that even a partial literary approach is without its problems. For such a recognition brings with it a new perception of the nature of the Bavli. It is one thing to recognize the existence of structures alongside halakhic considerations, or where there are no halakhic ramifications, as in our analysis of *Pesahim* 2a-3a; when we deal with *sugyot* that the *Rishonim* took as purely halakhic, and find that aesthetic considerations have affected the redaction of the text, our perception of the Bavli as a legal work must change. And, as I have stressed throughout this chapter, Jewish learning has always proceeded in the halakhic direction.

I offer no solution, nor is it my place to do so. If, as seems likely,¹³⁰ the aesthetic element in the formation of *sugyot* must be factored in to achieve a proper understanding of their true dynamic, we ignore it to our peril, as we have done, until very recently, in Bible. The difference is that biblical interpretation does not have the same quality of urgency for Orthodox Jews that halakhic discussion does.¹³¹ By right, such considerations vis à vis Talmud ought to be more difficult to ignore, but given the momentum of current and past methodologies, I suspect that the points I have raised will not make much headway, except among those whose inborn literary sense makes such patterns compelling.

¹²⁹For an excellent example of the opportunities that some aggadic passages provide for understanding that gulf and the socioreligious tensions that lie behind our talmudic texts, see Daniel Sperber, "On the Unfortunate Adventures of Rav Kahana: A Passage of Saboraic Polemic from Sasanian Persia," in Shaul Shaked, *Irano-Judaica: Studies Relating to Jewish Contacts with Persian Culture throughout the Ages* (Jerusalem: Ben-Zvi Institute, 1982), pp. 83–100. This area of scholarship has recently been enriched by a number of important books and studies, but they lie beyond the scope of this already overlong paper.

¹³⁰The evidence of this has been steadily accumulating and does not seem likely to stop.

¹³¹See my review of *Sinai and Zion in Tradition* 24 (1989): 99–104, especially 99–100.

V

In a sense our discussion up to now has concerned what might be termed matters of taste—esthetic considerations—or the importance of redactional and literary questions as opposed to halakhic ones, though I hope to have shown that these can be closely intertwined at times. Nevertheless, *pesak halakhah* has its own canons of proof and evidence, and there is no reason that aesthetically oriented methodologies should affect practical or even theoretical *halakhah*. I would be remiss if I did not at least devote a little space to one area of study that has ever and anon been considered dangerous to tradition.

INTELLECTUAL HISTORY

Because the Academy has for a century placed a supreme value on history as the means to a true understanding of texts and cultural phenomena, questions of redaction and/or authorship have achieved major importance. Textual understanding in this view is to be gained only by viewing the text under study in its *context*. For reasons that lie within the province of the sociology of knowledge, context has nearly always meant *historical* context. One consequence of this view is that academic study tends to emphasize differences—between texts and within texts—in the attempt to trace the *development* of the text and the ideas it contains. Thus it is most likely to clash with traditional learning in matters that flow from this emphasis, since traditional scholarship has an entirely different agenda, one which tends to minimize dissension¹³² and multiply legal distinctions, one which sees Torah *sub specie aeternitatis*, and so all but denies the applicability of the intellectual history to Torah.

One index of the homogenization process is that individual *Tanna'im* and *Amora'im* often lose their individuality in our tendency to look at Shas as one piece. This applies not only to individual sages, but to texts as well. One of the most delicate areas in which few Orthodox scholars care to tread is that of historical development and cultural differentiation.¹³³ For a century and more, Western humanistic scholarship has

¹³²See Rashi *Ketubot* 57a, s.v. *ha qa-mashma' lan*.

¹³³Rav Yitzhak Hutner draws an explicit connection between the fear of studying Yerushalmi without a sure guide and that of studying history; see his

emphasized the key role of history and historical development in understanding the nature of any social institution.¹³⁴ Since all Torah is, as noted above, *sub specie aeternitatis*, we tend to read traditional texts in light of the whole of tradition, and thus lose the flavor of each time and text. More precisely, since the triumph of the Bavli, we read all texts in the light of normative Torah *she-be'al peh*, the Bavli. Once again, aside from missing many of the nuances of texts outside the Bavli, and the contribution to the pluralism of Torah, we also lose another element of *peshat*. For example, even in the matter of a seemingly panrabbinic subject such as theodicy, a careful examination of Babylonian sources and those of Eretz Israel will indicate that there is indeed a difference between the approaches of the two Talmuds.¹³⁵

Generally speaking, the *Tanna'im* link the sufferings of the righteous to some spiritual shortcoming or to the presence of the wicked in this world, and are disinclined, at least as portrayed in the surviving material, to allow for exceptions to the rule of "measure for measure."¹³⁶ Amoraic sources in *Eretz Yisrael* do not go much beyond the tannaitic response, essentially limiting such occurrences to isolated instances.¹³⁷ The one notable exception is the matter of vicarious atonement and collective retribution, where *Genesis Rabbah* and other homiletical *midrashim*¹³⁸—but apparently not the Yerushalmi—admit to a certain inequitable distribution of suffering.

Pahad Yitzhak: Iggerot u-Mikhtavim, n. 86. A partial translation is provided in my "History, Pure and Impure," *Jewish Action* 47:1 (5747): 17–20.

¹³⁴See Robert A. Oded, Jr., *The Bible without Theology: The Theological Tradition and Alternatives to It* (San Francisco: Harper & Row, 1987), pp. 1–39, for an account of this obsession with history and historical development.

¹³⁵See my "The Suffering of the Righteous in Palestinian and Babylonian Sources," *JQR* 80 (1991): 315–339.

¹³⁶See for now the discussion in E. E. Urbach, *Hazal: Emunot ve-De'ot* (Jerusalem: Magnes, 1978), pp. 227–253, 428–454; and see A. Aderet, *Me-Hurban li-Tekumah: Derekh Yavneh be-Shikkum ha-Umah* (Jerusalem: Magnes, 1990), pp. 149–157, especially his observation on p. 152; see my "Righteousness As Its Own Reward," sect. 2, and compare Urbach, p. 237.

¹³⁷An exception is the marked Palestinian concern to explain the fact that although death was brought into the world by sin, the righteous suffer that penalty as well as the wicked; see A. Marmorstein, *The Doctrine of Merits in Old Rabbinical Literature* (reprint, New York, 1968); pp. 67–70.

¹³⁸See in particular the material on Genesis 18 collected in *Genesis Rabbah*

A number of scattered but significant *sugyot* in the Bavli, however, propound the view that suffering in its widest sense (including poverty, lack or loss of children, and the like) may be undeserved, and this for reasons having nothing to do with collective retribution or vicarious atonement. Suffering may be ascribed to the effects of unfocused divine anger,¹³⁹ the exigencies of historical necessity,¹⁴⁰ the hazards of everyday life,¹⁴¹ astrological circumstance,¹⁴² the sin of Adam and Eve,¹⁴³ and more.

How did this difference come about? The key figure in the introduction into rabbinic circles of this new approach to the age-old problem of theodicy seems to have been Rava. Rava's name¹⁴⁴ recurs over and over in *sugyot* that tend to limit the operation of Divine providence, on the one hand, and the applicability of a measure for measure understanding of providence. For example, it is he who holds to the principle of *ein*

49; see J. Theodor and Ch. Albeck, *Midrash Bereshit Rabbah*, 2nd ed. (Jerusalem, 1965), pp. 496ff.

¹³⁹*Berakhot* 7a, *Avodah Zarah* 4a–b, *Sanhedrin* 105b; dealt with these *sugyot* in detail in "Is There Then Anger Before the Holy One? Aspects of the Theology of the Stam," AJS Twenty-First Annual Conference, December 19, 1989.

¹⁴⁰*Taanit* 5b.

¹⁴¹*Kiddushin* 39b; see "Righteousness As Its Own Reward: An Inquiry into the Theologies of the Stam," *Proceedings of the American Academy for Jewish Research* 57 (1991), section 3.

¹⁴²*Hagigah* 28a; see "Righteousness As Its Own Reward," sec. 6. I hope to deal with this further in "The Image and Function of Death in Babylonian Rabbinical Literature," D.v., scheduled for delivery at the 1991 AAR/SBL Annual Meeting, November 23–26, 1991.

¹⁴³*Shabbat* 55b; see "Righteousness as Its Own Reward," sec. 2.

¹⁴⁴Even in the manuscripts. The question of the reliability of attributions in rabbinic literature has been a matter of dispute for the past decade; see J. Neusner, *Judaism: The Evidence of the Mishnah* Chicago: University of Chicago Press, 1981. pp. 15–22; J. Neusner and A. J. Avery-Peck, "The Quest for the Historical Hillel," in *Formative Judaism: Religious, Historical and Literary Studies*, ed. J. Neusner (Chico, CA, 1982), pp. 49–51, 62–63. These strictures do not apply to our case, where an unusual, not to say controversial, opinion is consistently attributed to one Amora in a variety of settings, and the manuscript evidence is fairly consistent. See D. W. Halivni, "Sefekei de-Gavrei," *PAAJR* 46–47 (1979–1980), pp. 67–83 [Hebrew section].

somekh al ha-nes, “one does not rely on a miracle,” in his dispute with Abaye regarding the opening of the Temple doors (*Pesahim* 64b); it is he who modifies Rav Joseph’s more expansive formulation of the role of Torah study in protecting the one occupied from misfortune. Rava points to the cases of Doeg and Ahitophel,¹⁴⁵ the classic rabbinic instances of scholars come to a bad end, and he proposes that

Torah protects [one from misfortune] and rescues [one from the evil inclination] when one is occupied in its study; when one is not occupied with it, it protects but does not rescue.¹⁴⁶ Mitzvot protect one [from misfortune] whether he is actively occupied with them or not, but they certainly do not rescue him [from the evil intention].¹⁴⁷

Bava Kamma 60a–b establishes the existence of an *‘idan ritha*, a time of plague, famine, or other communal misfortune, during which the righ-

¹⁴⁵Note that Rabbi Ammi is supposed to have noted that Ahitophel did not die before he had lost all his knowledge of Torah (*Bava Batra* 106b)!

¹⁴⁶According to *Berakhot* 5a, “whoever engages in Torah study—sufferings are kept from him.” This dictum, attributed to Resh Laqish, is reworked by his colleague Rabbi Yohanan as follows: “If one has the opportunity to study Torah and does not study it, the Holy One, blessed be He, brings disfiguring diseases on him to stir him up.” It is significant that Rabbi Yohanan is quoted (*ibid.*) as asserting that even sufferings that interfere with Torah study and prayer may yet be considered “sufferings of love” (suffering that is not occasioned by sin but demonstrate God’s concern for the sufferer’s spiritual well-being; see E. E. Urbach, *Hazal*, p. 394) in contrast to the view of others (Rav Jacob b. Idi and Rav Aha b. Hanina) that chronic or disabling illness cannot be considered “sufferings of love.” As Rav Huna is reported as having stated a generation later, “If the Holy One, blessed be He, is pleased with someone, He crushes him with sufferings.”

Nevertheless, it is clear that mainstream rabbinic opinion (to the extent to which it can be determined from the Bavli) held that sufferings could be warded off by Torah study or other *mitzvot*. And, on the other hand, the Rabbis could not deny the evidence of their senses: even scholars of note fall victim to disease and suffering. This question falls outside the area of the present summary, which is primarily concerned with communal suffering in times of divine anger: plague, war, famine, and the like.

¹⁴⁷*Sotah* 21a.

teous and wicked suffer alike.¹⁴⁸ The *sugya* contains advice, attributed to Rava,¹⁴⁹ to close one’s windows in time of plague—not bad advice at all, but not quite in the same category as fasting, prayer, donating charity, and so forth. In *Mo’ed Katan* 28a, Rava concludes, based again on an argument from experience, in this case the lives of Rabbah and Rav Hisda, that “[length] of life, children, and sustenance do not depend on [one’s] merit, but on *mazzal*.”¹⁵⁰ In essence, then, merit has no part, or, perhaps, little part, in determining the basic circumstances of one’s life.

¹⁴⁸See my “When Permission is Given: Aspects of Divine Providence,” *Tradition* 24:4 (Summer, 1989): 24–45. Rav Joseph’s espousal of the view of the *Mekilta* does not contradict his insistence—as interpreted by the *stam*—in *Ketubot* 30a–b that, though the four modes of execution by a human court have ceased, God carries them out by other, natural means. bB. Q. 60a refers to communal catastrophe; bKet 30a–b to individual sin and punishment.

Whether this *baraita* is original to the *Mekilta* is doubtful, since it occurs in no other Palestinian source, and is one of a number of such teachings that the Bavli attributes to Rabbi Joseph; see E. Z. Melammed, *Halachic Midrashim of the Tannaim in the Babylonian Talmud* [Hebrew], 2nd ed. (Jerusalem, 1988), pp. 87–88; and my “Suffering of the Righteous,” p. 339, n. 62, and associated text.

Finally, it is likely that the protection afforded by Torah study and the performance of *mitzvot*, in Rav Joseph’s view (*Sotah* 21a), does not apply to cases of *idan ritha*.

¹⁴⁹So in all manuscripts and witnesses but for *Aggadot Ha-Talmud*, which reads Rabbah; see *Dikdukei Soferim ad loc.*, n. tet.

¹⁵⁰See Tosafot *ad loc.*, *Rosh Hashanah* 18a (= *Yevamot* 105a) and Tosafot, *ad loc.*, s.v. *Rava va-Abaye*. The Talmud there explains Rabbah’s short lifespan as stemming from his descent from the high priest Eli (see 1 Samuel 3:14). The *stam* there counterposes Rabbah and Abaye; the former, who engaged primarily (or exclusively) in Torah study, lived forty years, while Abaye, who devoted himself both to Torah study and good works (*gemilut hasadim*), lived sixty years. According to Tosafot in *Yevamot*, Rava holds, like Rabbah, that Torah study alone provides atonement, but this contradicts the information provided by *Sanhedrin* 98b, not to mention *Mo’ed Katan* 28a, in which Rava attributes Rabbah’s short life span to his *mazzal* (though it might be argued that it was his bad luck to be born a descendant of Eli!). Tosafot in *Rosh Hashanah* takes this problem into account, and suggests that while Rabbah did engage in good works, Abaye did more in this regard.

Rava's view apparently struck root, and I have elsewhere traced its influence on a number of anonymous *sugyot* or anonymous interpolations in earlier *sugyot*.¹⁵¹

What historical or cultural factors predisposed Babylonian scholars to accept such a view when those in *Eretz Yisrael* did not must for the moment remain a matter of speculation, though the Babylonian ambience, with its ancient fatalism, cannot be ruled out as a factor.¹⁵²

At any rate, once we cease viewing the Bavli as a unitary document that sustains only those opinions that later generations deemed normative, we will notice patterns that will add to our understanding not only of *Torah she-be'al peh*, but of our lives in God's world as well.

Again, because of the idea that *Torah* is *sub specie aeternitatis*, a certain chronological homogenization has taken place, with later *hiddushim* read back into texts that did not originally contain the idea.¹⁵³ In part,

As to the tradition itself, note that Rabbah and Rav Hisda are classified as "absolutely righteous" men because their prayers for rain were immediately effective (*Mo'ed Katan* 28a); according to *Taanit* 24a, however, Rabbah once called for rain unsuccessfully and lamented that he and his generation, though their study of the Mishnah was more extensive, were not as worthy as the second generation Rav Judah [b. Ezekiel], a statement otherwise attributed to Abaye in *Berakhot* 20a. It would seem that the variant Rava (see *Dikdukei Soferim* ad loc., pp. 144–145 n. *lamed*) is to be preferred. Then again, these may be conflicting traditions.

¹⁵¹See my "Righteousness as Its Own Reward."

¹⁵²I hope to return to this matter at a later date; for now, see Thorkild Jacobsen's essay, "Ancient Mesopotamian Religion: The Central Concerns," reprinted in his collection, *Toward the Image of Tammuz and Other Essays on Mesopotamian History and Culture*, ed. William L. Moran (Cambridge, MA: Harvard University Press, 1970), pp. 39–47.

¹⁵³Since by definition a traditional system will seek its validation in the past, the past, by remaining alive, is constantly subject to conscious and unconscious reinterpretation. Thus the *Amorai'im* will read back into the Mishnah concepts or terminology that must be dated as post-Mishnaic; see for example R. D. Z. Hoffmann, "Zur Einleitung in dem Midrasch Tannaim zum Deuteronomium," *Jahrbuch der Jüdisch-Literarische Gesellschaft*, 7, pp. 304–33, specifically, p. 312, n. 2, on post-Mishnaic terminology the Bavli provides for its analysis of *Mishnah Nedarim* 1:1. In this case, the distinction between *yadot* and *kinnuyim* is tannaitic, though in all probability the term *kinnuy* in this sense is not.

this is natural and unconscious, and given the need for integrating new ideas into the body of Torah thought, inevitable and necessary. All traditional systems do so.¹⁵⁴ But by ignoring the chronological aspect of the process we lose a certain self-awareness that is useful in keeping track of where this constant process of omni-interpretation is taking us. Here too the Academy is—by default—the custodian of *peshat* as a benchmark.

Again Izhbitz offers us a paradigm.

As is known, whenever anyone understands any matter clearly, the light of that Gate [of knowledge] becomes open to the world and is open to all, for this is the principle that God established for all the generations, even though they continually decline in ability. For once these lights are made available to each generation by the sages of Israel by the great ones among the sages of Israel, they are not sealed up; they remain open forever, and become fixed laws for all Israel. Therefore, even though later generations are inferior [to earlier ones], they nevertheless maintain their awareness [of knowledge], as dwarves [on the shoulders of] giants . . . and they themselves continue the process of this opening of new Gates. Even though they themselves are greatly inferior [in comparison to their forebears, their insights] are more profound, for they have already passed through the Gates opened for the earlier generations.¹⁵⁵

Once these insights have been gained, they become part of Torah, "and become fixed laws for all Israel," and, as integral parts of Torah, lend their weight to the interpretation of the whole. This is the process of the unfolding of *Torah she-be'al peh*, and it is one of the functions of academic scholarship to reverse the process and study its unfolding. This not only gives us a deeper understanding of how we have arrived at where we are, but allows us to examine the options not chosen by *Klal Yisrael*. Some may be worthy of resurrection in the light of later circumstances and challenges; in other cases, we will understand even more clearly why the particular viewpoint was ignored or consigned to oblivion. *Ein adam omed al divrei Torah ela im ken nikhshal ba-hem tehillah*.

There is also a moral point in all this, which should not be lost. Those who open the gates and thus open the way for a new understanding of all of previous learning should be given the credit for their discovery.

¹⁵⁴For those who doubt that our system is progressive, see my "History of Halakhah."

¹⁵⁵*Resisei Laylah, maamar* 13, p. 14b. See my "History," p. 6.

VI

As the central endeavor of Jewish intellectual activity, *Talmud Torah* requires special sensitivities, whether carried out within or without the walls of the *yeshivah*. My discussion of the role of academic methodologies cannot be complete without some mention of the interaction of an Orthodox academic with those whose *yirat Shamayim* is either suspect, lacking, or in some sense defective.

Undoubtedly, the Rambam's principle of accepting truth from wherever¹⁵⁶ it comes is relevant, but its application, never without difficulty, has become increasingly controversial in recent times. The consensus of *Klal Yisrael* seems to militate against cooperation of any sort with those outside the camp of the strictest understanding of *Torah min ha-Shammayim*.

This is so whether we speak of Jews whose understanding of *Torah min ha-Shammayim* puts them beyond the pale, so to speak, or non-Jews whose contribution to *Talmud Torah* might be expected, at first glance, to be nil, since we have Hazal's word that while *hokhmah* is to be found among them, Torah is not.¹⁵⁷ This is so despite such precedents as Aher and Rabbi Meir, or Doeg and Ahitophel, or even Menasseh, king of Judah, the halakhic consequences of whose dream conversation with Rav Ashi were eventually enshrined as *halakhah le-maaseh*.¹⁵⁸

Again, current consensus discountenances such possibilities for us. Here, too, however, the role of such people within the realm of *Torah shebi-Khtav* can serve as a paradigm for the case of *Torah she-be'al peh*. The fact that the words of such *koferim* as the Pharaoh of the Exodus could be included in the Torah, *become sanctified thereby, and interpreted in the same ways as any other part of Torah*, was of singular significance to Rabbi Zadok.¹⁵⁹

In one place Rabbi Zadok derives this principle from Moses' encounter with God in Exodus 33.

¹⁵⁶*Mishnah im Perush Rabbenu Moshe ben Maimon*, introduction to Avot, ed. Kafih, vol. 2 [Hebrew only ed.] (Jerusalem: Mosad Harav Kook, 5725), p. 247b.

¹⁵⁷See *Eikhah Rabbah* 2:13, ed. Buber, p. 114.

¹⁵⁸*Sanhedrin* 102b; Menasseh's *halakhah* is codified in *Shulhan Arukh, Orah Hayyim* 167:1.

¹⁵⁹Though he does not mention the source in his discussion of this issue, we may add the debate between the Pharisees and a Galilean Sadducee regarding dating documents by (non-Jewish) regnal years in a similar vein; see *Yadayim* 4:8.

"I call in the Name of God"¹⁶⁰—Hazal took this to refer to the Thirteen *Middot ha-Rahamim*;¹⁶¹ and, as is known, these [correspond also] to the *middot* by which the Torah is interpreted, which [constitute] the foundation of *Torah she-be'al peh* and the wisdom of the sages of Israel. And then He revealed [to Moses] all that a veteran disciple would innovate, as Hazal have said.¹⁶² Regarding this He said: "I will be gracious to those to whom I would,"¹⁶³ etc., *even though he may not be worthy* [italics mine—Y.E.]. For [Moses] saw that even junior disciples were destined to innovate great things which were hidden from the great ones of the prior generations.¹⁶⁴ Nevertheless, they left room for each one to complete [the building of Torah (*le-hitgadder*)] with his own portion of wisdom which [God] grants those who fear Him.¹⁶⁵ This applies even to one who is by nature [*be-toladah she-nigzar alav*] either wise or foolish, [and] even though the righteous and wicked are not mentioned [in this context], [which] depends on personal choice [free will, as opposed to ingrained nature], it is uncontroversial that there are scholars who acted in as evil a manner as Doeg, Ahitophel and Aher¹⁶⁶—whose Torah nevertheless was not rejected. For the bestowal of wisdom is not according to [one's] apparent deeds but according to the Supernal Will, without a revealed reason, and therefore He says regarding

¹⁶⁰Exodus 33:19.

¹⁶¹*Midrash Hagadol* ad loc.; see also *Leket Tov*. As is common in *Peri Tzaddik* no source is given; Rashi *ad loc.* cites *Rosh Hashanah* 17b on Exodus 34:6, and it may be to this that Rabbi Zadok refers. If so, he has equated the two verses because of the occurrence of the verb *qara* in both. However, his use of another part of Exodus 33:19 below favors the first possibility.

¹⁶²*Peah* 2:6 (17a); see also *Exodus Rabbah* 47:1, *Leviticus Rabbah* 22:1.

¹⁶³Exodus 33:19.

¹⁶⁴See n. 153 above and the article therein cited.

¹⁶⁵See my "From the Pages of Tradition: Rabbi Moses Samuel Glasner: The Oral Torah," *Tradition* 25:3 (Spring, 1990).

¹⁶⁶Compare *Takkanat ha-Shavin*, pp. 67b–68a:

Many words of Torah were given over to outside [forces] [and] need to be taken out from them, just as there are in the Written Torah many *parashiyot* from the Nations [containing] the words of Laban, Esau, and Pharaoh, and similarly, the section of Bilaam and Balak and so on; these are words of Torah that were given over to wherever they were, from [the time] of the sin of Adam, and which returned to their holiness at the time of Mattan Torah, when the entire Torah was taken out of its storage place, to be revealed to the souls of the Israelites in its entirety.

this: "I will be gracious [to whomever I will]," even though he is not worthy or merits such [insights].¹⁶⁷

Elsewhere he derives this principle from the very fabric of Creation.

Everyone may attain an understanding of *hokhmah* and *divrei Torah*, even though he has no [*ein lo*] *yirat Shamayim* which precedes [Torah], [nor] the inner urge from Below [*itoreruta dile-tata*] which arouses him to the study and attainment of understanding of Torah for the sake of the Honor of His Name, may He be blessed, [nor again] does he recognize that [the subject with which he occupies himself] is the Torah of God. Nevertheless [*mi-kol makom*] God, may He be blessed, is always prepared to grant Torah insights [*divrei Torah*] even without the inner urge from Below. [This is the meaning of] "the One Who renews in His goodness the Work of Creation every day always."¹⁶⁸ Just as the Work of Creation took place without an urge from

¹⁶⁷Peri Tzaddik I, p. 43a [*Kedushat Shabbat, maamar 7*]. Presumably Rabbi Zadok had Sabbatean texts or the works of suspected Sabbateans in mind, according to Professor Shnayer Leiman (personal communication).

¹⁶⁸The use of this line from the Shaharit Prayer is highly significant in this context, because elsewhere this is connected with those sages who can discern the special *hiddush* of each day, and thus control the Work of Creation by means of the Torah learning. See *Tzidkat ha-Tzaddik*, n. 216, p. 92a.

Every day there are *hiddushei Torah*, for Hashem renews *Maaseh Bereshit* every day, and *Maaseh Bereshit* [was accomplished] by means of the Torah, as is stated at the beginning of *Genesis Rabbah*—and thus, most likely [*mistama*] the *hiddush* too is by means of *hiddushei Torah*. For this reason the *berakhah* of Yotzer Ha-Me'orot, which [embodies] the recognition of the renewal of *Maaseh Bereshit*, is followed by a second *berakhah* which is a sort of *birkat ha-Torah* (*Berakhot* 11b)—for [the one who recites these *berakhot*] seeks to know the *hiddushei Torah* which reflect this renewal.

[And] as I heard, that Hashem made a book, that is the world, and a commentary on that book, that is the Torah, for the Torah so to speak, explains God's relationship to [His] creatures [*qinyanei Hashem ba-nivra'im*]. Happy is the one who merits apprehending this after *Keriyat Shema*, which constitutes the fixed Torah study for the day, for with the morning and evening recitation of the *Shema* one fulfills the requirement of *Talmud Torah* (*Menahot* 99b) . . . and by discussion of *divrei Torah* he apprehends the *hiddushim* of each day.

Thus Rabbi Shimon b. Yohai and his companions, whose profession was only Torah, would not halt [their Torah study] for prayer (*Shabbat* 11a), for they knew each day's *hiddushei Torah* of *Maaseh Bereshit* with which the universe is continually renewed. Since the Sages were aware that not everyone merits this knowledge, they provided a prayer to beseech Hashem to mercifully allow us to merit reception of each day's renewed *shefa*.

I hope to deal with this in detail elsewhere, D.v.

Below—since, after all, humanity had not yet been created, so too every day always He renews in His goodness alone without the prior effort [*hishtaddehut*] of the lower beings.¹⁶⁹

The essential creation of *Torah she-be'al peh* is the work of the "true sages of Israel," inspired by God, but because of God's imponderable grace, others, not only of lesser intellectual caliber but also of lesser spiritual character, can contribute to the work. In more prosaic terms, the enterprise of *hiddush* has many divisions, requiring varied talents and capacities, employing different methodologies; each has a place in the polishing of the seventy facets of Torah.

Similarly, every one of Israel is unique in one respect [*meyuhad le-ezeh davar*] and one must not claim superiority over him [*le-hitnasse'ot*]; just as one is necessary for Torah so too the other, since a Torah [scroll] is invalid if it lacks but one letter. [Each is like] one limb [of the body of Israel], and with the loss of one limb the body is endangered [*nitraf*]; and so one may not act arrogantly over another. Even though one may be on a higher level than another, nevertheless each is as necessary for the body as another.¹⁷⁰

¹⁶⁹*Tzidkat ha-Tzaddik*, n. 226, p. 102a.

¹⁷⁰*Tzidkat ha-Tzaddik*, *maamar* 231, pp. 108b–109a.

*Orthodox Forum (Altn : 1991 : New York,
N.Y.)*

**Modern Scholarship
in the
Study of Torah
Contributions and Limitations**

edited by Shalom Carmy

The Orthodox Forum Series
A Project of the Rabbi Isaac Elchanan Theological Seminary
An Affiliate of Yeshiva University

1996

A

JASON ARONSON INC.
Northvale, New Jersey
London