Legal Narratives in the Babylonian Talmud

Barry Scott Wimpfheimer

Submitted in partial fulfillment of the
requirement for the degree
of Doctor of Philosophy
in the Graduate School of Arts and Sciences

COLUMBIA UNIVERSITY
2005

© 2005

Barry Scott Wimpfheimer
All Rights Reserved

ABSTRACT

Legal Narratives in the Babylonian Talmud

Barry Scott Wimpfheimer

This dissertation identifies talmudic legal narratives as a literary genre and models a method of reading such narratives. Rabbinic texts are divided into two categories—*Halakhah* (law) and *Aggadah* (lore). This dichotomy has created different reading practices for halakhic and aggadic texts. Where scholars of *Halakhah* focus on historicizing halakhic texts by attending to textual composition in order to write the evolutionary trajectory of Jewish law, scholars of *Aggadah*—and specifically of aggadic narrative—employ a varied assortment of literary approaches to think of these texts as literature. Because talmudic legal narratives, stories located within the Talmud's legal discussions, are implicated in the matrix of Jewish legal precedent, they have generally been studied by scholars of *Halakhah* and, in the process, lost their uniqueness as narratives. This dissertation focuses on the narrativity of these texts and the way such narrativity describes law differently than the way law is described by statutes or discursive talmudic conversations.

The body of the dissertation consists of four readings of legal *Sugyot* (talmudic discussions) that feature narratives. Though these discussions are located within the same talmudic order (Neziqin-Torts), they are on the disparate topics of martyrdom, monopoly, bailee liability and courtroom postures. All four readings use legal narratives to conceive of the law not merely as a set of rules and institutions, but as a culture of legal meaning which legal rules and institutions both inhabit and help constitute. In thinking about legal meaning as a form of cultural meaning, the four

chapters put the discussion of law in each *Sugyah* (talmudic discussion) into conversation with psychology, sociology, economics, anthropology and politics. The forays into these other discourses are facilitated by theoretical incursions into the contemporary fields consituted around those subjects.

The four readings call attention to the tension between the interior space of the rabbinic academy and the world outside those figurative walls. The stories highlight the extent to which assertions of rabbinic power are the product of anxieties about the collapse of the idealized interior world and the position of rabbis within that world.

TABLE OF CONTENTS

Acknowledgments ..... **iv**

Dedication ..... **v**

"Miracles Do Not Happen Every Time": Introducing Talmudic Legal Narrative ... **1**

Legal Narratives, *Halakhah* and *Aggadah* 1

Parallel Revolutions in the Study of Talmud 4

The Study of *Halakhah* 4

Talmudic Narrative 8

Introducing Talmudic Legal Narrative 12

The Incoherence of Legal Narrative 15

Law and Literature 22

Textual Postscript 27

Chapter One—"What's This All About?": The Difference Genre Makes **29**

I. Introduction: Monological Law Meets Dialogical Narrative 29

II. The *Sugyah*: 38

II. A) The Story 39

II. B) Early Amoraic Debate and the Fundamental Question 45

II. C) Late Amoraic and Anonymous Responses—The Discourse Widens 50

Our Narrative in Post-Talmudic Jewish Legal History 60

II. D) The Babylonian Talmud's Question and Psychological Answer 64

III. A) Physiology to Psychology 66

III. B) Myths of Power 72

III. C) Mourning Performance 76

Chapter Two—"Scholarly Envy Will Increase Wisdom": Knowledge as Cultural Capital **84**

I. A) Internal Sociology 84

I. B) Knowledge as Capital: An Introduction 87

II. A) The Encounter 88

II. B) Contextualizing the Story 100

II. C) The Education Discussion 101

II. D) The Restricted Competition Discussion 106

III. A) The Encounter/*Sugyah* in Light of *Sugyah*/Encounter 110
III. B) The Story Cycles 115
III. C) The Legal Story Cycle 116
III. D) The Aggadic Story Cycle 124
III. E) Reading Institutionally 136
IV. Conclusion 141
Chapter Three—"But It Is Not So": Anger, Shame and the Law 144
I. Rava's Anger (Bava Meẓiʿa 97a) 149
I. A) Stage 1 151
I. B) Stage 2 154
I. C) Stage 3 157
I. D) Stage 4 164
II. Rava's Shame 169
II. A) Stage 1 170
II. B) Stage 2 181
II. C) Stage 3 187
III. Anger and Shame as Opposites 190
Chapter Four—"Fly a Goose At Me": Law, Culture and the Symbolic 196
I. Prologue: Courtroom Postures as Powerful Symbols 198
II. Shavuʿot 30: Law, Life and Culture 206
II. A) R. Yehudah's *Beraita* 214
II. B) R. Yosef's Dictum and Narrative 222
II. C) R. Huna's Dictum and the Goose Narrative 229
III. A) The Dicta of Rabbah bar Huna and Their Narratives 237
IV. Epilogue: Ketubot 105b-106a 248
Concluding Statement: Thematic Connections 258
I. The *Stam* 258
Rabbinic Authority 261
Inside/Outside, Theory/Practice 268
Law and Culture 271
BIBLIOGRAPHY 276

Appendix A: Synopsis of Sanhedrin 75a (Chapter One)..... 285
Appendix B: Synopsis of Bava Batra 21a (Chapter Two)..... 288
Appendix C: Synopsis of Bava Batra 21B (Chapter Two)..... 309
Appendix D: Synopsis of Bava Batra 22a (Chapter Two)..... 328
Appendix E: Synopsis of Bava Meẓiʿa 97a (Chapter Three) 357
Appendix F: Synopsis of Sanhedrin 19a (Chapter Four)..... 367
Appendix G: Synopsis of Sanhedrin 19b (Chapter Four)..... 372
Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)..... 374
Appendix I: Synopsis of Shavuʿot 30b (Chapter Four) 386
Appendix J: Synopsis of Ketubot 105b (Chapter Four)..... 401
Appendix K: Synopsis of Ketubot 106a (Chapter Four)..... 408
Appendix L—ʾ*Ashgera de-lishna:* A Case Study in List Transmission 412

ACKNOWLEDGMENTS

This dissertation has benefited from the wisdom and generosity of many. First and foremost, I would like to thank my advisor, David Weiss Halivni, for his mentorship, his personal example and the hours we have spent discussing the Talmud in his office. I am profoundly grateful for his perennially open door and for the inimitable base of knowledge and experience that he put at my disposal whenever I asked. A number of people at Columbia University read chapters and provided detailed comments and suggestions. I am especially grateful in this regard to Courtney Bender, Elizabeth Castelli, and David Damrosch. I also wish to thank Jeffrey Rubenstein, Alan Segal and Michael Stanislawsi for serving on my committee, and for their advice and encouragement throughout. I have benefited from the financial support of Columbia University, where I was a recipient of the Faculty Fellowship, the Center of Israel and Jewish Studies Fellowship and the Irene C. Fromer Fellowship in Jewish Studies.

I am indebted to David Stern for his insightful critique and for inviting me to teach at the University of Pennsylvania, where my course entitled "Studies in Rabbinic Literature: Talmudic Narratives" served as a laboratory for portions of this project. I am grateful to Christine Hayes and Pericles Lewis, whom I met while I was an Exchange Scholar at Yale University and whose comments have been invaluable. The project benefited from the critiques received while I was in Jerusalem as an Inter-University Fellow at The Hebrew University. I thank Moshe Benovitz, Moshe Halbertal, Joshua Levinson and Shlomo Naeh for their thoughtful suggestions. While in Jerusalem, I had the opportunity to study and discuss my work with Shamma Friedman. I am deeply grateful to him for his guidance that year, and for providing me with insight, direction and encouragement throughout.

Many friends read or discussed portions of this project. I am deeply indebted to Jonathan Milgram, Ravit Reichman, Daniel Reifman and Elli Stern, whose time for my work has fortunately known no limits. I am grateful to Beth Berkowitz, Jeremy Dauber, Idana Goldberg, Meir Katz, Jennifer Lemberg, Jon Levisohn, Asha Moorthy, Tzvi Novick, Shai Secunda, and Jonathan Stein for their comments and conversations. I would also like to thank Ricky Hidary for Version Editor, the Excel macro he wrote that facilitated my lower critical work and the production of textual synopses in this dissertation.

My utmost gratitude is reserved for Shana Gillers. From the earliest stages of this project until the dissertation's final edits, Shana has been my *Havruta*—critiquing ideas in gestation, suggesting alternative approaches and insisting on both conceptual rigor and unambiguous articulation. Shana waded in editorial boots through extremely muddy waters, employing her editorial pen (and scissors) on very raw drafts that became, as a result of her efforts, works in progress. To honor these contributions I dedicate this dissertation to Shana.

For Shana

"Miracles Do Not Happen Every Time": Introducing Talmudic Legal Narrative

Legal Narratives, *Halakhah* and *Aggadah*

The genre of talmudic legal narrative sits on the divide between *Halakhah* and *Aggadah* in both objective and subjective terms. In objective terms, talmudic legal narratives are texts that contain characteristics associated with both *Halakhah* and *Aggadah*. In subjective terms, the genre demands a combination of the divergent methods of study that have been applied to these two types of literature.

The famous dichotomy that divides rabbinic literature into two categories—*Halakhah* and *Aggadah*—is usually conceived of, in objective terms, as a description of different types of rabbinic texts; all texts belong to either the category of *Halakhah* or that of *Aggadah*. The category of *Halakhah* is simply defined as anything related to the study or practice of law. Since the geonic period, scholars have struggled to develop a positive definition of the category *Aggadah*; in the absence of such a definition, scholars have generally sufficed with the negative definition that *Aggadah* is any non-legal literature.[1] The lack of a definition, however, did not prevent the category *Aggadah* from acquiring certain characteristics or secondary definitions. The prevalence of narrative within non-legal literature and its relative dearth within legal literature has caused narrativity to be associated with *Aggadah*. As legal texts, talmudic narratives are

[1] For an extensive review of the literature and a new positive definition of *Aggadah* see Berachyahu Lifshitz, ""Aggadah" Betoldot Torah Sheb'al Peh," *Shenaton Hamishpat Haivri* 22 (2004): 233-328.

comfortably situated within the category of *Halakhah*. As narratives, though, these texts have affinities with aggadic literature.

Though the distinction between *Halakhah* and *Aggadah* is an objective description of rabbinic texts, the ramifications for that distinction owe a great deal to the reading practices that have developed around this dichotomy since the end of the rabbinic period. Though the Babylonian Talmud is a work that contains an equal portion of both *Halakhah* and *Aggadah*, the legal portions have been privileged since the Geonic period. The Geonim established the Babylonian Talmud as the source for practical law.[2] In the process of doing so, Geonic academies made talmudic law the central focus of their curriculum, and Geonic authors compiled the first codes of Jewish law, works that follow the text of the Talmud closely, but offer definitive positions in place of undecided disputes.[3] The privileging of *Halakhah* over *Aggadah* that is implicit in the Geonic curriculum and in the literary products is made explicit within the geonic responsa wherein we find the official position that "one does not learn [normative practice] from the *Aggadah*."[4]

The privileging of *Halakhah* as the central curricular pursuit continued in the medieval period. Several works of literature evidence the extent to which vocational

---

[2] For a discussion of the Geonic role in canonizing the Talmud, interpreting it as law and implementing it see Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven: Yale University Press, 1998), 161-166.

[3] On Geonic legal codes see Ibid., 216-232.

[4] Benjamin Menasseh Lewin, *Otsar Ha-Geonim*, 13 vols. (Haifa: *h.mol., 1928). Berakhot: Responsa, 131. On the Geonic attitude to *Aggadah* see David Eric Sklare, *Samuel Ben Hofni Gaon and His Cultural World: Texts and Studies*, *Etudes sur le judaïsme Médiéval 18* (Leiden; New York: E.J. Brill, 1996), 39-48. For a discussion of "we don't learn from an Aggadah" see Judah Goldin, "The Freedom and Restraint of Haggadah," in *Midrash and Literature*, ed. Geoffrey Hartman (New Haven: Yale University, 1986), 57-76.

scholars—the intellectual elites—studied *Halakhah* exclusively. R. Yizhaq Alfasi's *Hilkhot* is a digest of the Babylonian Talmud. The language of *Hilkhot* is borrowed from the Babylonian Talmud; Alfasi contributes by eliminating the aggadic language and resolving talmudic disputes. The measure of the success of Alfasi's attempt to replace the Talmud's *Halakhah* and *Aggadah* with his own legal *Hilkhot* can be witnessed in the various commentaries that were written in twelfth-thirteenth century Provence on *Hilkhot*.[5] In that culture, it appears, *Hilkhot* was the primary study text.

The attempt to eliminate *Aggadah* from the corpus of studied literature can also be discerned in Maimonides' magnum opus, *Yad Hahazaqah*. Unlike previous codes, Maimonides' code divorces itself from the organizational structure of Mishnah and Talmud, reorganizing Jewish law on more rigid conceptual grounds. In his introduction to this work, Maimonides claims that he titled the work *Mishneh Torah* because "one can read the written Torah first, and after that read [*Mishneh Torah*] without having to read another book in between."[6] Maimonides considers his work an adequate replacement for the oral Torah though his work completely eliminates the *Aggadah*.

The turn of the fifteenth century witnessed an attempt to recover the Talmud's *Aggadah*. *Haggadot Hatalmud*, a work whose author is unknown, and *Ein Yaaqov*, begun by R. Yaaqov ibn Haviv, reverse the efforts of Alfasi and Maimonides by producing an aggadic digest of the Talmud.[7] By this point in history, though, the dichotomy between

[5] The list includes R. Zerahyah Halevi's *Maor Hagadol* and *Maor Haqatan* and R. Yehonatan Hakohen Milunil's commentary in the twelfth century and R. Meshulam of Bezier's *Sefer Hahashlamah* and R. Meir of Narbonne's *Sefer Hameorot* in the thirteenth century.

[6] Translation mine.

[7] For more on these aggadic works see Marjorie Lehman, "A Talmudic Anthology of Aggada: Examining the Ein Yaakov" (Ph.D. diss., Columbia University, 1993).

Halakhah and *Aggadah* was firmly established. Though *Ein Yaaqov* would achieve tremendous popularity, it was studied by lay audiences who were unable to study the privileged corpus of rabbinic literature, talmudic *Halakhah*.

Since the fifteenth century, the dichotomy has become more entrenched. The traditional study of Talmud in the Yeshivot of Eastern Europe, Israel and the United States has evolved multiple rigorous methodologies for the study of talmudic *Halakhah*. Talmudic *Aggadah*, by contrast, has been relatively unstudied.

Critical scholarship on the Talmud has also been affected by the dichotomy of *Halakhah* and *Aggadah*. While talmudic critics who focus on *Halakhah* have inherited a legacy of exegesis and methodology from which they begin their examinations of the material, those who focus on *Aggadah* have had to develop their methods from scratch.

Parallel Revolutions in the Study of Talmud

The past thirty years have witnessed parallel revolutions in the study of the Talmud. The innovations of David Weiss Halivni and Shamma Friedman in the study of talmudic *Halakhah*, on the one hand, and Jonah Frankel in the study of talmudic *Aggadah* (narrative), on the other hand, have inaugurated the critical study of Talmud.

The Study of *Halakhah*

Critical scholars of *Halakhah* have inherited an extensive legacy of talmudic exegesis. Traditional talmudic exegesis attempts to resolve various textual inconsistencies, contradictions and logical gaps. Contradictions between passages or sections within a particular passage are usually resolved by positing conceptual distinctions between the divergent texts. On rare occasion, traditional exegetes appeal to

aspects of talmudic composition to resolve some of their dilemmas. The theory of talmudic composition to which they subscribe is loosely based on Geonic and medieval chronographies, which themselves rely heavily on a single aggadic sentence found at Bava Meẓiʿa 86a according to which the late *Amoraim*, Ravina and R. ʾAshi, were the editors of the Talmud.

While early critical scholarship on Talmud was interested in the question of talmudic composition, this scholarship was external to the text. In other words, scholars focused their attention on the received traditions concerning this composition and on critical examination of certain specific phenomena within the talmudic text that have implications for issues of composition.[8] It is only within the last thirty years that scholars have undertaken the daunting task of minutely and rigorously examining the vast corpus of the Talmud to determine the compositional clues inherent in the run-of-the-mill halakhic *Sugyah*. This project has both completely reenvisioned the question of talmudic composition and created a new method for the in-depth analysis of talmudic law.

David Weiss Halivni began his broad critical commentary on the Talmud, *Meqorot Umesorot* with the publication of his commentary on the mishnaic order Nashim in 1968.[9] Though other scholars had identified the occasional impact of an anonymous voice within the talmudic text, in the introduction to the second volume of *Meqorot Umesorot*, published in 1975, Halivni first recognized the extent to which anonymous

[8] For an overview of talmudic criticism see David Goodblatt, "The Babylonian Talmud," in *The Study of Ancient Judaism*, ed. Jacob Neusner (New York: Ktav, 1981),120-199.

[9] David Halivni, *Mekorot U-Masorot: Nashim* (Tel Aviv, Israel: Dvir, 1968).

tradents dominate the Talmud.[10] These tradents, which he called *Stammaim*, are responsible for the arrangement and interpretation of amoraic statements, for questions and answers that frame these amoraic statements, for discursive material that explicates implied conceptual disagreements, and for the stylized language that allows the Babylonian Talmud to be read smoothly, especially when juxtaposed with the parallel Palestinian Talmud. Halivni dated the *Stammaim* to the period between the traditional editor of the Talmud, R. Ashi, and the next historical period of the Savoraim. Though the traditional histories start the period of the Savoraim immediately with the close of the Talmud and R. Ashi, Halivni has been opening up a larger historical space with each volume as he expands the period of the *Stammaim* and pushes the Savoraim into the Geonic period.[11]

In his talmudic commentary, Halivni uses the new theory of composition to answer many of the inconsistencies that were once the basis for exegetical dialectics. By recovering the contexts of the embedded original sources employed by the redactors, and by recognizing the way in which the redactors distort those original sources, Halivni is able to resolve many textual maculations. Halivni's commentary is in the tradition of medieval talmudic commentaries in that he only comments on those passages that he finds exegetically difficult.

Shamma Friedman's work on talmudic redaction has also been ongoing for the past thirty years. In a methodological introduction to an in-depth analysis of the tenth

[10] David Halivni, *Meqorot Umesorot: Shabbat* (Jerusalem: The Jewish Theological Seminary of America, 1975).

[11] See David Halivni, *Meqorot Umesorot: Bava Meẓiʿa* (Jerusalem: Magnes Press, 2003), 11-22.

chapter of tractate Yevamot, Friedman systematizes the theory of Stammaitic redaction by articulating fourteen principles by which scholars can separate the layers of a talmudic passage and identify the impact of the *Stammaim*.[12] In a subsequent two-volume treatment of the sixth chapter of tractate Bava Mezia, Friedman articulates a scholarly method both for establishing the text through the tools of lower criticism and for teasing out the composition history of every talmudic *sugya*.[13] Friedman's project attempts to account for the composition of a talmudic text, not simply those which generate inconsistencies. Several of Friedman's students have adopted this model of closely examining all of the compositional aspects of one talmudic chapter and have produced valuable monographs on talmudic composition. In his more recent work, Friedman has made influential contributions on the composition of talmudic *Aggadah*, showing how many lengthy stories in the Babylonian Talmud were composed on the basis of both earlier plots preserved in Palestinian parallels and language borrowed from elsewhere in the Babylonian Talmud.[14]

The ramifications of the compositional revolution primarily within the study of talmudic *Halakhah* are vast. The theory of *Stammaitic* redaction makes source-criticism an essential step of all talmudic legal scholarship and has even begun to make inroads

---

[12] Shamma Friedman, "Mavo Kelali ʿAl Derekh Ḥeqer Hasugya," in *Mehqarim Umeqorot*, ed. H.Z. Dmitrovsky (New York: The Jewish Theological Seminary of America, 1978), 275-441.

[13] Shamma Friedman, *Talmud Arukh*, 2 vols. (Jerusalem: The Jewish Theological Seminary of America, 1990).

[14] Shamma Friedman, "The Further Adventures of Rav Kahana," in *The Talmud Yerushalmi and Graeco-Roman Culture*, ed. Peter Schafer (Tubingen: Mohr Siebeck, 2002), 247-271, Shamma Friedman, "A Good Story Deserves Retelling," *Jewish Studies, An Internet Journal* 3 (2004), 55-93, Shamma Friedman, "Leaggadah Hahistorit Betalmud Habavli," in *Sefer Hazikaron Lerabbi Shaul Lieberman*, ed. Shamma Friedman (Jerusalem: The Jewish Theological Seminary of America, 1993), 119-164.

within traditional circles. The layers of talmudic composition facilitate an evolutionary understanding of the development of Jewish law from tannaitic to amoraic to post-amoraic periods. Also, awareness of the *Stam* differentiates the Babylonian Talmud from the rest of rabbinic literature by making transparent the historical and cultural gap between the late Babylonian *Stam* and the early and sometimes Palestinian original sources. The prevalence of the *Stam* and the impact of redaction also root the Babylonian Talmud firmly within Sassanian culture rather than in the more studied Greco-Roman context of Palestine.

Talmudic Narrative[15]

Unlike their counterparts who study talmudic *Halakhah*, scholars of talmudic *Aggadah* including talmudic narrative did not inherit a reading tradition; as such the study of this material began in earnest with critical scholarship. Talmudic sage stories present themselves as historical anecdotes about post-biblical characters. As such, these originally appealed to scholars who wanted to write histories of the rabbinic period. Though even the earliest critical historians realized that there were aspects of talmudic narratives that strained credulity, they developed techniques for extracting from these stories their historical kernel. If, for example, a story described an interaction of characters that included a supernatural moment, scholars rewrote the narrative in rational terms but generally accepted that the story did reflect and capture a specific historic incident.

[15] For a more extensive review of scholarship on rabbinic narrative see Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999), 3-15.

In the early seventies Jacob Neusner published his dissertation on the life of R. Yohanan ben Zakkai, the seminal rabbinic figure in the post-destruction period.[16] That work adopted the historical kernel model in writing the biography of an actual rabbi. Having completed that work, though, Neusner began an unrelenting critique of the prior method of reading talmudic narratives as historical anecdotes.[17] This skepticism has had a resounding affect on the writing of rabbinic histories, as scholars no longer treat such stories as accurate historiography.

Around the same time that rabbinic stories were being reevaluated as sources of history by historians, Jonah Fraenkel was revolutionizing the study of rabbinic stories by conceiving of these as literature.[18] Fraenkel subscribes to the notion of canonical literature which distinguishes between true works of literature and other ordinary texts. For Fraenkel, the classic rabbinic story is high art, having been composed by elite masters (the rabbis) who designed them with aesthetic sensibilities in order to communicate didactic messages. The rabbinic story is not an accidentally described and low-art folktale or the mere transcription of an eyewitness account, but a drama whose beauty can be appreciated only if it is evaluated free of all contexts. Fraenkel's theory of literature is closest to the New Criticism, but where New Criticism emerged against the backdrop of

[16] Jacob Neusner, *A Life of Yohanan Ben Zakkai* (Leiden: Brill, 1970).

[17] The clearest articulation of this skepticism is found in William Scott Green, "What's in a Name?--the Problematic of Rabbinic "Biography"," in *Approaches to Ancient Judaism: Theory and Practice*, ed. William Scott Green (Missoula, Montana: Scholars Press, 1978), 77-96.

[18] The earliest application of Fraenkel's approach is Jonah Fraenkel, "Maaseh Berabbi Sheila," *Tarbiz* 40 (1971): 33-40, while its most explicit articulation emerged a few years later in Jonah Fraenkel, "Sheelot Hermeneutiyot Beheker Sippur Haaggadah," *Tarbiz* 47 (1978): 139-172.

heavily historicist readings of literature, Fraenkel's predecessors were not simply reading literature in light of its historical context, but as historical context.[19]

Fraenkel's impact is perhaps not fully appreciated; today it is a commonplace that scholars analyze rabbinic stories using various techniques of literary analysis without apology. Each new scholar who works on rabbinic stories as literature brings new theoretical tools to the project.

Daniel Boyarin's book *Carnal Israel* is, after Fraenkel's, the next major breakthrough within the literary study of rabbinic stories.[20] In that work, Boyarin dislodges the analysis of rabbinic stories from Fraenkel's New Criticism and relocates it within the theoretical milieu of the New Historicism.[21] Where the New Critic isolates a work of literature from the background of authorial intent that informed historicist readings, the New Historicist reinserts this work within its compositional moment without focusing on intent or its purported author.[22] Rather, the New Historicist considers a work of literature the product of a cultural discourse rather than an individual author. As such, the literature helps to construct our image of that cultural discourse even as awareness of other cultural information informs our reading of the literature. In focusing on discourse, the scholar applies the hermeneutics of suspicion to read beneath the surface of the literature, articulating the underlying power dynamics that both constitute and are constituted by the literary work.

---

[19] Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture*, 302.

[20] Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993).

[21] See Ibid., 10-16.

[22] Ibid., 11.

As a reaction to New Criticism, New Historicism attempts to avoid privileging canonical high literature at the expense of other manifestations of culture; New Historicists use letters, diaries and other cultural artifacts to provide a heterogeneous picture of the culture. Boyarin discovers in New Historicism a good solution to the challenges of examining rabbinic stories. Because the identity of individual authors is often unknown or unmeaningful in rabbinic literature, discourse analysis allows for a discussion of rabbinic authorship qua collective authorship. Though we do not have non-rabbinical literary artifacts from the rabbinic period, the existence of multiple genres of writing across two landmasses over several hundred years provides ways of recovering other voices among the dominant ones. Thus *Halakhah* and *Aggadah* become reunited as each is considered a manifestation of rabbinic culture and neither is privileged in the reading of the other.[23]

Boyarin's work has had tremendous impact on the study of rabbinic narratives and on the study of rabbinic literature more generally. The advanced inter-disciplinary theoretical work in which Boyarin engages has provided a model that other scholars like Galit Hasan Rokem[24], Alon Goshen-Gottstein[25], Charlotte Fonrobert[26] and Joshua Levinson[27] have followed in their own theory-infused work. Furthermore, the turn to

---

[23] Ibid., 15-16.

[24] Galit Hasan-Rokem, *Rikmat hayim* (Tel Aviv: Am oved, 1996).

[25] Alon Goshen-Gottstein, *The Sinner and the Amnesiac: The Rabbinic Invention of Elisha Ben Abuya and Eleazar Ben Arach* (Stanford, CA: Stanford University Press, 2000).

[26] Charlotte Elisheva Fonrobert, *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender* (Stanford, CA: Stanford University Press, 2000).

[27] Joshua Levinson, ""Tragedies Naturally Performed": Fatal Charades, Parodia Sacra and the Death of Titus," in *Jewish Culture and Society under the Christian Roman Empire*, ed. Richard and Schwartz Kalmin, Seth (Leuven: Peeters, 2003), 349-382.

New Historicism has invited a new focus on rabbinic culture and paved the way for other cultural readings of rabbinic literature.

In his recent two works Jeffrey Rubenstein combines the compositional methodology of Halivni and Friedman with the literary approach initiated by Fraenkel and developed by Boyarin and others.[28] Rubenstein argues in *Talmudic Stories* that the *Stammaim* were as influential in the composition of lengthy aggadic stories as they were in the production of halakhic *Sugyot*.[29] In *The Culture of the Babylonian Talmud* Rubenstein uses the insights culled from comparative literary analysis to articulate specific and hitherto unrecognized features of Babylonian culture at the time of the *Stammaim*.[30]

Introducing Talmudic Legal Narrative

The smallest compositional literary unit in the Talmud is a *Sugyah*, a textual collage that draws together different types of text—statements, interpretations, stories—on a given topic. Usually, a *Sugyah* is characterized as Halakhah if it discusses issues of normative law, and as Aggadah if it discusses non-legal issues like theology, history or eschatology. A halakhic *Sugyah* can contain the occasional aggadic text and an aggadic *Sugyah* can contain the occasional halakhic text; in other words, if there is enough overlap between a legal and theological issue (the Sabbath, for example), a legal discussion can incorporate an occasional theological nugget or a theological discussion

---

[28] Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore, Md.: Johns Hopkins University Press, 2003), Rubenstein, *Talmudic Stories*.

[29] Rubenstein, *Talmudic Stories*, 2-3.

[30] Rubenstein, *The Culture of the Babylonian Talmud*, 1-2.

can cite a legal rule. The existence of an aggadic statement within the halakhic *Sugyah* does not alter the character of the *Sugyah*, and vice versa.

The term legal narrative describes stories that implicate the law and are located within halakhic *Sugyot*. In other words, the relevance of these narratives for law is twofold—they contain legal information inherently and they are mobilized by the redactor within a legal context. The latter criterion ensures the fact that in these narratives the legal considerations are treated seriously.[31] By contrast, there exist stories that implicate law within aggadic *Sugyot* whose very distortion of the legal rules demonstrates the extent to which the *Sugyah*'s is not a serious engagement with legal issues but an artistically creative employment of legal concepts as literary themes.[32]

The genre of legal narrative includes two basic story types: the historical sage story that records a purportedly historical event from the life of a known rabbi, and the sub-category of the sage story that transpires around a court case in which a known rabbi decides the law. As stories that are located in halakhic *Sugyot*, talmudic legal narratives have been studied by traditional and critical scholars of talmudic law. Both groups treat these texts without paying special attention to their narrative qualities and the impact such narrative qualities have upon the law. As stories, legal narratives have only rarely been the focus of scholars of *Aggadah*, who prefer to examine the generally more

[31] Nevertheless, it is interesting to note that the legal narratives I explore in the dissertation appear in both the aggadic digests *Haggadat Hatalmud* and *Ein Yaaqov*, and in Alfasi's *Halakhot*.

[32] Shamma Friedman has alerted me to an excellent example of this phenomenon at Bava Meẓiʿa 86a. The story of Rabbah bar Naḥmeni's death narrates a heavenly debate between God and the other members of the heavenly academy about the legal issue of doubtful leprosy. When the heavenly debate needs resolution, they decide to appeal to Rabbah bar Naḥmeni. Elsewhere in the Talmud, Rabbah is credited with a position on this issue, and the debate on a matter of purities law allows the story to narrate Rabbah dying with the word "pure" on his lips, a literary motif that is explicitly identified by the text.

extensive aggadic narratives. Legal narratives have been the occasional subjects of historical inquiry or of efforts to understand the evolution of Jewish law, but these generally minor projects have all bypassed the question of the literary genre.[33]

[33] The legal discussion of rabbinic legal narratives includes several short articles that collect examples of the phenomenon. This approach was begun by Yehiel Mikhel Guttmann, "*Sheelot Akademiyot Betalmud*," *Dvir* 1 (1923): 38-87 who, in a dichotomy between law that is practiced and law that is only studied theoretically, collects many such narratives to broadly describe the ways in which they inform statutory law. Armand Kaminka, *Mehqarim Ba-Miqra Ve-Talmud Uva-Sifrut Ha-Rabanit*, 2 vols. (Tel-Aviv: Devir, 1938) collects over a hundred examples of legal narrative in order to argue that law is often not based on pure reasoning, but on the precedent of legal narratives. Ephraim Elimelekh Urbach, "Haderashah Keyesod Hahalakhah Ubeayat Hasofrim," *Tarbiz* 27, no. 2-3 (1958): 166-182, notices that legal narratives are the forgotten sources of Jewish law; where scholars have long debated the developmental relationship of law expressed in mishnah form and midrash form, scholars have not attended to the role that stories played in the development and composition of law. This scholarly bias is the result of a development away from legal narratives already within the rabbinic period. Though Ezra Zion Melamed, "*Hamaaseh Bemishnah Kemekor Lehalakhah*," *Sinai* 46 (1954-60): 152-166 agrees with the general theory that legal stories are the basis of some tannaitic law, he complicates Kaminka's original hypothesis by taxonomically listing the multiple types of relationship between legal narratives and non-narrative legal materials in tannaitic literature. Benjamin DeVries, "Ha"Ovda" Kegorem Lehidush Hahalakhah," in *The Leo Jung Jubilee Volume*, ed. Norman Lamm and Leonard Rosenfeld Menahem M. Kasher (New York: 1962), 143-148 is the first scholarly work to focus on the legal narratives of the Babylonian Talmud. Under the influence of Melamed's work on tannaitic stories, Devries presents a preliminary taxonomy of the range of ways legal narratives are involved in the production of legal concepts from exact application to first impression precedent to source of innovation within the rules of law. Menachem Elon, *Jewish Law: History, Sources, Principles*, trans. Bernard Auerbach and Melvin Sykes, A Philip and Muriel Berman ed. (Philadelphia: Jewish Publication Society, 1994), II: 945-986 argues on the basis of legal narratives that Jewish law is a comprehensive system of case law.

Historians have been interested in the court-case subset of talmudic legal narratives. Weissberg, "*Odot Batei Din Bizman Hatalmud*," in *Sefer Hayovel Lekavod Moshe Aryeh Bloch* (Budapest: Singer Es Wolfner, 1905), 76-82 argues that legal narratives are the only reliable sources of information about the actual practice of law since it is clear that the portrayals of Sanhedrin and courts in tannaitic literature is idealistic. Jacob Neusner, *A History of the Jews in Babylonia* (Atlanta, GA: Scholars Press, 1999), 3: 319-334, 4: 257-277, 5: 329-342 lists all of the examples of such cases and argues on their basis that the rabbis' law was the law for the community (3:318). *Isaiah Gafni, "Maaseh Beit Din Betalmud Habavli," Proceedings of the American Academy of Jewish Research* 49 (1982): 23-40 argues from these cases that there is no reason to separate the activities of theoretical learning from practical adjudication since the court cases transpire within the walls of the study house and are incorporated into the theoretical discussions that occur there. Shalom Albeck, *Bate Ha-Din Bi-Yeme Ha-Talmud* (Ramat-Gan: Bar Ilan University, 1980) incorporates case reports as pieces of evidence marshalled in the description of court activity and courtroom procedure.

Most of the scholars who have addressed legal narratives from a literary perspective have focused on composition. Ezra Zion Melamed, "*Kovze Maasim Shel Tannaim*," *Seventh World Congress of Jewish Studies* (1977): 93-107, asserts on the basis of source-critical evaluation that there were legal narrative collections from which tannaitic redactors drew their examples. The taxonomy produced by Catherine Hezser, *Form, Function, and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin* (Tübingen: Mohr, 1993) identifies 80 individual legal narratives. These are generally what Hezser calls "illustrations" of the legal discussions that precede them, though occasionally the associations are

Both Halivni and Fraenkel have identified legal narratives as a horizon of future research. In his introduction to *Meqorot Umesorot: Bava Meẓia*, Halivni notes that though legal narratives (ʿ*Uvdot*) have been studied for their historical import, scholars have not attended to issues of transmission, and particularly the way in which their transmission histories integrate with those of the other raw materials within the talmudic *Sugyah*—the discursive material and the attributed amoraic dicta.[34] In an essay about the future of research into the aggadic story, Fraenkel also identifies legal narratives, and the relationship between such narratives and their aggadic counterparts as a scholarly desideratum.[35]

The Incoherence of Legal Narrative

Though the Babylonian Talmud is the primary canonical text of Jewish law, it is not a legal code. Unlike the Mishnah on which it is structured, the Talmud is not a carefully ordered list of rules. As a legal text, the Talmud draws together syllogistic legal dicta with discursive legal debates as well as legal narratives. Generational coherence fuels talmudic discussions; the Talmud allows named contemporaries to possess differing opinions on legal matters, but will not allow later scholars to differ with those of an earlier generation, or with anonymous debate even within the same time period. Because

---

tendentious; these Hezser considers a part of the development of the Palestinian Talmud's discursive anonymous material. Eliezer Segal, *Case Citations in the Babylonian Talmud: The Evidence of Tractate Neziqin* (Atlanta, Ga.: Scholars Press, 1990) follows Melamed's assertion about the tannaitic period within the amoraic period by claiming that there were collections of court stories, possibly from court archives, and that redactors picked these out of their original literary contexts and attached them to appropriate discussions.

[34] Halivni, *Meqorot Umesorot: Bava Meẓiʿa*.

[35] Jonah Fraenkel, *Sippur Haaggadah, Aḥdut Shel Tokhen Veẓurah* (Tel Aviv: Hakibbutz Hameuḥad, 2001).

of the importance of coherence within normative positions, the incoherence introduced by the genre of legal narratives is surprising, and invariably results in the attention of talmudic commentators on those occasions when it is unaddressed within the talmudic text itself.[36]

A small and entertaining example of this incoherence, taken from Megillah 7b, nicely illustrates the problem. Within the laws pertaining to the holiday of Purim, we find the following passage, which includes first a legal dictum attributed to Rava[37] and then a legal narrative about Rava and R. Zeira:

> Rava said, "one is obligated to become intoxicated[38] on Purim until one does not know [the difference] between cursed is Haman and blessed is Mordekhai."
> Rava and R. Zeira made the Purim feast with one another. [After Rava had gotten drunk[39]] Rava went and slaughtered R. Zeira.
> [Rava[40] asked forgiveness on R. Zeira and] brought him back to life.
> A year later, [Rava] said to [R. Zeira], "let the master come and let us do Purim [together[41]]." [R. Zeira] said to [Rava], "miracles do not happen every time."

---

[36] Segal, *Case Citation in the Babylonian Talmud*, 216 argues that the difficult fit of legal narratives and their surrounding frame as indicated by the attention such incoherence draws from medieval commentators can be explained diachronically by saying that the narratives were late appendages to the *Sugyah*. My work prefers to consider the problem synchronically.

[37] The problem of differentiating between Rabbah and Rava is well known. Shamma Friedman, "Ketiv Hashemot 'Rabbah' U'rava' Batalmud Habavli," *Sinai* 110 (1992): 140-164. Any combination of the two names is possible in these two citations. For my purposes it is more powerful to assume that the name to which the dictum is attributed is the same as the name of the story's problematic protagonist. I have chosen Rava arbitrarily.

[38] According to the Itpael form found in the British Museum and Columbia manuscripts.

[39] This implicit bracketed statement is explicated in Gottingen, Vatican 134, Munich 140, British Museum and Columbia manuscripts as well as in the Pesaro *editio princeps*.

[40] Vatican 134, Munich 95, Munich 140, British Museum and Pesaro claim this happened in the morning. British Museum and marginal notes in both Vatican 134 and Munich 140 add "when his wine was better."

[41] This implicit bracketed term is explicated in Columbia and Pesaro.

In Rava's legal dictum he advocates a fairly extreme level of inebriation such that one would not know the difference between the (male) hero of the Megillah and its villain, between Mordekhai and Haman. The story that follows displays Rava in just such a state of inebriation killing his fellow rabbi and drinking partner, R. Zeira. Fortunately, one of the powers that rabbis are frequently granted within talmudic narrative is the power to resuscitate a dead colleague.[42] Rava brings R. Zeira back from the dead.[43] The following year Rava extends an invitation to his friend to repeat their custom of dining together, and R. Zeira refuses the invitation, saying that miracles do not happen every time.

Though in this case the Talmud does not force coherence between the dictum and the story that follows it, within traditional talmudic scholarship the story of Rava and R. Zeira's meal was turned into a legal syllogism and brought into the system of legal rules. R. Yizhaq Alfasi's legal digest *Hilkhot* eliminates the story and records only Rava's dictum requiring individuals to become inebriated to the point of confusion. Alfasi's student R. Ephraim of Kila Hamad, by contrast, turns the story into a legal syllogism when he asserts that the story contradicts and undermines Rava's initial dictum.[44] According to R. Ephraim the story can be taken to mean that one need not and even should not get extremely drunk on Purim. Though the position of R. Ephraim is cited frequently within the subsequent annals of Jewish law, a more subtle understanding of the relationship between dictum and story is found in the Shulhan Arukh commentary of

[42] See for example Bava Meẓi'a 117a-b. Hermann Bloch, *Mavo Hatalmud* (Berlin: Friedlander, 1883), 50 uses this as one of several examples that Rava was a miracle worker.

[43] This supernatural event was already reinterpreted by R. Avraham son of Maimonides in his *Essay About Rabbinic Aggadah* to refer to a severe wound and its healing.

[44] His opinion is first cited in *Hamaor Haqatan ad loc*.

another Ephraim, the Eighteenth-Nineteenth century scholar R. Ephraim Zalman Margolioth of Brody:

> One is obligated to become inebriated…many wish to explain what is meant by this and to me the youngster this was explained in a nighttime vision…the great obligation of drinking is up until the point where one cannot differentiate between hero and villain, for beyond this point [inebriation] nullifies the intent of the obligation…and it is thus explained why the Talmud juxtaposed the story of Rava and R. Zeira which at first glance seems like it contradicts…On the contrary, I cite a proof from this that that which one is obligated to celebrate has a limit.[45]

Margolioth recognizes the fact that the story does not completely undermine the requirement to drink—there is nowhere the basis to conclude from this story that Rava and R. Zeira will not drink this year. At the same time, there is no denying the fact that the story, while working within the frame of the legal mandate to drink, does not sit easily with the legal rule. Margoliyoth's solution still turns the story into a syllogistic signifier, but in his version the message is that the story exposes the limits of the legal statute.

If we return to the story itself, we can see that its structure replicates the structure of the Purim story more generally, a narrative in which King Ahasuerus drunkenly slaughters his first wife Vashti and regrets the action upon sobering up. The buffoonery of Ahasuerus is repeated within the character of Rava who does not have to conduct a beauty pageant to replace his colleague, since he is capable of bringing him back to life. The holiday of Purim commemorates the survival of the Jewish people in the face of

[45] *Yad Ephraim* at *Shulhan Arukh Orah Hayim* 695:2.

proximate death. R. Zeira's character replicates that experience as he is brought back to life from actual death.

Megillat Esther is easily one of the most comical works in the biblical canon, and the holiday of Purim has taken on carnivalesque characteristics. The story of Rava and R. Zeira is a parodic treatment of the laws requiring inebriation. I imagine that rabbinic readers would have been at least as entertained as contemporary ones when encountering R. Zeira's polite refusal to relive his violent murder and resuscitation again this year. As the legal theorist Robert Cover has argued regarding biblical narratives that portray gross departures from biblical law, it is not that such stories contradict the law; in fact, the stories draw meaning from the expectation created by the law. R. Zeira's refusal draws comic energy from the fact that he is legally obligated to feast on Purim and to get drunk. His departure from the norm is the very heart of the story's literary meaning.

This dynamic relationship between the rules of law and legal narratives that work within the shadow of such rules is the subject of this dissertation. Though legal narratives, unlike legal statutes, do not have simple or binary meaning, scholars of both law and literature have translated these stories into syllogistic versions of themselves for different reasons. Traditional legists, like the ones discussed above in the context of Megillah 7b, work within a precedential framework of practical legal rules that requires all texts, even complex narratives, to be turned into syllogistic analogues. Critical scholars who are eager to chart the evolution of law also prefer the simpler syllogistic version of a story to its complex narrative message.

Scholars of rabbinic narrative have a different reason for flattening out these narratives. Following Jonah Fraenkel, scholars have assumed that stories are told for

didactic purposes.[46] Because of this assumption, scholars who examine rabbinic narratives have made the discovery of a story's moral an essential component of literary analysis. This privileging of the moral encourages scholars who work on narratives to fabulize these narratives for their morals.

My work begins by identifying a genre—legal narrative—that is constituted not by rabbinic selection or self-conscious identification, but by the problematic poetics that emerge from attempting to incorporate complex narratives into the relatively simple unitary frame of legal rules. This fundamental problem demands a methodological solution. In my work I have chosen to read each story within its local literary context, its legal *Sugyah*. This requires analysis of both the narrative and non-narrative material within the *Sugyah*. In concentrating on the narrative within its *Sugyah* I aim neither to privilege the narrative in reading the surrounding material nor vice versa. One of my goals has been to bridge these seemingly disparate texts, using tools of literary analysis to unify rather than divide them. In this way, the narrativity of these stories comes to modify our understanding of the legal *Sugyah*, while the legal discussion adds layers of subtlety to the literary meaning of the stories. Thus my readings are both readings of *Sugyot* as well as readings of the stories. In reading stories and *Sugyot* together, my approach argues for the deep relevance of larger contexts for understanding given narratives.[47] In extending literary readings beyond the limits of the stories, to the non-narrative material

[46] Fraenkel, "Sheelot Hermeneutiyot ": 23-32.

[47] Fraenkel famously resists reading stories in light of any context as part of his notion of closure. Ofra Meir, "Sippure Haaggadah Beheksherim Sifrutiyim Ketofaah Makbilah Lematzave Higgud Mishtanim," *Jerusalem Studies in Hebrew Folklore* 13-14 (1992): 81-97 argues for greater attention to local literary contexts. In my approach I struggle not to make the *Sugyah* context and the story the object. It is my goal to read both as each other's context.

of the *Sugyot*, my research has implications for the future literary analysis of *Sugyot* which contain no narrative materials whatsoever.

The specific technique of reading focalizes the problematic moments of each legal narrative. One such moment is highlighted within the title of each respective chapter. These focalizations then prompt the theoretical frames within which the stories are read. My work does not subscribe to a particular theory of reading. Nevertheless, it is informed by an awareness of the inherent openness of textual meaning—both in the ways the meaning of a given text is contingent upon its semiotic network and in the way such meaning is negotiated by writer(s) and reader(s) through the medium of text.[48] Contemporary theories of text are heavily influenced by psychoanalytic theory, Marxist and post-Marxist political theory and anthropology. In making the negotiations of meaning that go on surrounding talmudic legal narratives my focus of study, I allow the subject matter of the individual stories to motivate an interdisciplinary dialogue with political theory, psychoanalysis, sociology and, of course, law.

The stories that are the primary subjects of each chapter are all drawn from the Talmud's Order of Neziqin (Torts). I have reviewed all of the legal narratives in this Order, but because I am interested in the specific poetic encounter between law and narrative, I have not attempted to create a taxonomy of the different types of legal narratives. The stories I have chosen all contain moments that speak to the extent of rabbinic investment in the law. These often unconscious investments include political,

[48] Roland Barthes, *S/Z*, trans. Richard Miller (New York,: Hill and Wang, 1974), 14: "The text, in its mass, is comparable to a sky, at once flat and smooth, deep, without edges and without landmarks; like the soothsayer drawing on it with the tip of his staff an imaginary rectangle wherein to consult, according to certain principles, the flight of birds, the commentator traces through the text certain zones of reading, in order to observe therein the migration of meanings, the outcropping of codes, the passage of citations."

economic, social and emotional investments that are often intertwined. The purpose of identifying rabbinic subjectivity in this way is not to excoriate rabbis; we are fortunate that the rabbis were either not self-aware of these investments or did not understand them to be problematic. Rather, my goal is to interrogate the extent to which total engagement with the project of Torah study creates secondary and sometimes problematic ramifications.

Law and Literature

The dichotomy of *Halakhah* and *Aggadah* is sometimes mapped onto the distinction within American academia between the fields of law and literature.[49] Talmudic legal narratives as halakhic literature undermines this mapping. It is for precisely this reason that work on talmudic legal narratives holds potential for the burgeoning academic subfield known as "Law and Literature."

"Law and Literature" is yet another academic revolution that has transpired over the last thirty years. While it is often hard to unify the many different enterprises that are encapsulated by this banner, one could describe the movement as an attempt to integrate the field of law with the field of literature.[50] In this country, the attempt to integrate these fields is made problematic by the political differences in the way each is constituted—law is studied in professional schools while literature is a discipline of the humanities. Partly because of this divide, interdisciplinarity often does not challenge the integrity or

[49] See Steven D. Fraade, "Nomos and Narrative before "Nomos and Narrative"," *Yale Journal of Law and the Humanities* 17, no. 1 (2005): forthcoming.

[50] For an extensive bibliography of the topic see Shoshana Felman, *The Juridical Unconscious: Trials and Traumas in the Twentieth Century* (Cambridge, Mass.: Harvard University Press, 2002), 192-194. A helpful review essay is Jane Baron, "Law, Literature and the Problems of Interdisciplinarity," *The Yale Law Journal* 108 (1999): 1059-1085.

exclusivity of each of these fields as a distinct pursuit. Indeed most of the work that is done in "Law and Literature" is uni-directional. Scholars from law look to borrow works of canonical literature, literary theory and rhetoric from the field of literature and import these into law; scholars from literature turn to cases, opinions and statutes as new opportunities for literary analysis.[51]

The work of Robert Cover offers a notable exception to the above situation. In his landmark essay, "Nomos and Narrative," Cover attempts to move the field of law from its focus on practice to a focus on legal meaning.[52] This corrective move is enabled if not facilitated by Cover's anarchy—his willingness to promote as ideal a sovereign-less legal system. By removing himself from the political (and in his sense violent) notion of the legal machine, Cover seeks to explore the ways in which the legal world is really the cultural world.[53] In remaking law as a cultural discourse, Cover establishes the space wherein true inter-disciplinarity is possible. In "Nomos and Narrative" and other essays Cover draws upon examples from Jewish legal history to buttress his notion of a sovereign-less legal system of obligations whose concepts evolve not from the pressures

[51]Felman, *The Juridical Unconscious*, 55 "The dialogue between the disciplines of law and literature has so far been primarily thematic (that is, essentially conservative of the integrity and of the stable epistemological boundaries of the two fields): when not borrowing the tools of literature to analyze (rhetorically) legal opinions, scholars in the field of law and literature most often deal with the explicit thematized reflection (or "representation") of the institutions of the law in works of the imagination, focusing on the analysis of fictional trials in a literary plot and on the psychology or the sociology of literary characters whose fate or whose profession ties them to the law (lawyers, judges, or accused)."

[52] Robert M. Cover, Martha Minow, Michael Ryan and Austin Sarat, *Narrative, Violence, and the Law: The Essays of Robert Cover*, *Law, Meaning, and Violence* (Ann Arbor: University of Michigan Press, 1992), 95-172.

[53] Despite his own proclivities for anarchy, Cover's awareness of the realities of contemporary life and his fear of the ramifications of a meaning-centered approach prompted his second most famous essay, "Violence and the Word," which reminds legal scholars of the real violence perpetrated in law's name.

of live adjudication, but from a drive for deeper and subtler meaning.[54] While Cover has been rightly critiqued for idealizing Jewish law, his is a profound grasp on the special condition of Jewish legal literature and the Talmud in particular.[55] The Talmud—by dint of its refusal to force legal discussions to practical conclusions—constitutes the epitome of a text of legal meaning. The drive to develop deeper legal meanings beautifully captures the enterprise of the Talmud's embedded voices as well as its thousand-year legacy of interpretation by students who are generally uninterested in practical conclusions. In this dissertation, I aim to conceive of legal narratives and talmudic law generally not as a system of rules or institutions, but as a nuanced and multi-valent cultural space that both forms and is formed by the rules of law. In this sense, I hope to present the Talmud as a unique canvas on which to challenge the integrity of law and literature as distinct fields.[56]

The body of this study consists of four chapters, each focusing on a different legal narrative *Sugyah* or *Sugyot*. Chapter One focuses on a narrative at Sanhedrin 75a that comes at the end of a long *Sugyah* about the three cardinal sins and the requirements of martyrdom. The story is told of an anonymous man dying out of lovesickness for an anonymous woman. When anonymous doctors suggest various sexual interactions between the putative lovers as cures, anonymous rabbis deny them at each opportunity, demanding instead that the man die rather than becoming involved in these sinful

[54] See "Obligation: A Jewish Jurisprudence of the Social Order" in Cover et al., *Narrative, Violence, and the Law*, 239-248.

[55] The critique of Cover is Suzanne Last Stone, "In Pursuit of the Countertext: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," *Harvard Law Review* 106, no. 4 (1993): 813-894.

[56] Fraade, "Nomos and Narrative before "Nomos and Narrative"," argues from a *longue durée* perspective of Jewish law from the Bible to the present that the Mishnah's use of narrative is a renarrativization of law.

activities. The struggle over the lovesick dying body between different institutional chiefs (rabbis and doctors) connects this rabbinic story with Greco-Roman culture wherein such stories are typically the sites of archetypal struggles between competing cultural forces. In thinking about law's conflict with other languages (in this particular case, medicine) I invoke both the literary theorist Mikhail Bakhtin and the legal theorist Robert Cover. Bakhtin allows for the realization that dialogical genres of writing like narrative more subtly map onto the dialogical realites of lived life. Reading Cover in light of Bakhtin allows us to notice the ways in which Cover's is a new definition of law that removes the privilege from rules and institutions and conceives of law as a cultural space in which various meaningful discourses negotiate for cultural control. This myth of rabbinic power thus becomes an opportunity to realize the extent to which law's power is itself negotiated.

Having opened up law as a space within which legal rules and other social forces interact, the second and third chapters focus on different negotiations within that space. The second chapter concerns an extended *Sugyah* at Bava Batra 20b-22a that integrates the seemingly divergent topics of public education and restricted commercial competition. My reading attends to the ways writ large and small that knowledge and commerce are construed as parallel fields. Pierre Bourdieu's notions of cultural capital and the symbolic field figure significantly here, encouraging an approach to knowledge and commerce that understands them as parallel fields. Bourdieu's insights, I argue, suggest that wealth and power within one field create opportunities for wealth and power in the other field. The parallel fields and the slippage between them become boldly manifest in a series of stories at the end of the *Sugyah*. A story cycle of legal narratives

about restricted commercial competition concludes with a lengthy narrative in which R. Dimmi, a foreign fig merchant and scholar, is thrown out of the fig market of Meḥoza for failing a knowledge test. The story highlights the problematic nature of restricted competition within the commercial market while demonstrating the ways in which knowledge becomes political power that can be exercised in the economic arena.

Where the second chapter discussed the interaction of economic and political contexts surrounding the theoretical study of law and its application, the third chapter highlights the extent to which rabbis as teachers and judges are emotionally invested in the law. Bava Meẓiʿa 97a narrates two consecutive stories that focus on the affective life of the prominent *Amora*, Rava. The first story depicts Rava's anger when his students attempt to analogize his role to that of a lowly schoolteacher, and in the process to wrest control of the lecture from him. Rava's angry assertion of control over the students is matched by that of the *Stam*, who reminds Rava of the importance of the pedagogical situation for both parties. The second story depicts Rava's shame as his students correct a judicial error. Rava's shame is, in my reading, the product of his contextualization—he has been made to feel the necessity, indeed the greatness, of his own students. Rava's shame and anger thus become opposing forces providing a nuanced portrayal of the psychological frailties of an *Amora*.

The final chapter reconnects Cover's *Nomos* as a cultural space with one of its inspirations—Clifford Geertz's conception of culture as a web of intersecting systems of significance. The simple act of standing in the courtroom is one of transparent symbolic significance. Yet, legal discussions of courtroom postures tend to remain remarkably formal in their discussions of this material. The chapter begins with two stories in tractate

Sanhedrin that evidence the extent to which rabbinic culture was aware of the symbolic significance of relative postures—of their ability to crown or depose kings, and establish patterns of authority. Remarkably, the *Sugyah* at Shavuʿot 30a-b conducts its discussion of courtroom postures on a formal level, treating each cultural value as a technical rule of law. This attitude culminates in the central narrative—the story of a judge who attempts to balance the cultural value of standing for rabbis with the value of equity for litigants—all the while adhering to the rules of courtroom procedure. I invoke Geertz here to peel away the technical and to show how this balancing act, which culminates in bringing a goose into the courtroom illuminates inherent entanglements within Babylonian rabbinic culture.

Textual Postscript

I have translated the talmudic texts referenced within this dissertation on the basis of the extant textual witnesses. The translations do not rely on one particular textual witness, but are done on the basis of an eclectic version which I have compiled by applying the rules of lower criticism that have generally been applied to talmudic text witnesses. The fundamental lower critical rule is that when two texts do not agree, one containing more words than another, we assume that the shorter text is the original version, and that the longer one owes its length to the addition of a scribe unless there is a strong reason to argue that the reverse holds. If, for example, there is a possible *homoioteleuton* or if the longer text depicts rabbinic figures behaving unethically, we will assume that text has been deleted. Most of the textual choices are not controversial as they involve additions that have been made for clarifications. In my translations I often include such language, even when not original, in brackets and notify the reader of its

existence within the text witnesses. Nevertheless, the reader is invited to turn to the appendices at the end of the dissertation for synopses of all the text witnesses of the passages that are the central focus of the individual chapters.

Chapter One—"What's This All About?": The Difference Genre Makes

I. Introduction: Monological Law Meets Dialogical Narrative

This chapter introduces the genre of talmudic legal narratives by focusing on a single talmudic narrative of lovesickness found at Sanhedrin 75a. Though the narrative itself draws energy from its direct contradiction of legal precedent, the amoraic and anonymous interpreters of the narrative within the Talmud attempt, ultimately unsuccessfully, to force the story to function according to the rules of that precedent. Before examining this example in greater detail, this chapter lays out the theoretical language for understanding the attempt to force legal narrative into the framework of legal rules.

In his landmark essay, "Nomos and Narrative," Robert Cover argues that law should not be defined, as it often is, by its systems of legal rules and institutions of legislation and adjudication.[57] Rather, law's meaning figures most powerfully in the normative worlds law creates. The normative world, or *Nomos*, represents for Cover both the world in which legal rules develop and the world that these rules transform.

Cover's *Nomos* offers an invaluable conceptual tool for analyzing legal narratives: unlike juridical codes or principles, narratives serve to contextualize law as one discourse among other equally powerful discourses. Moreover, stories have the potential to underscore the limits of law by constructing heroes who are willing to defy the norm. In

[57] Robert Cover, "Nomos and Narrative" in Robert M. Cover et al., *Narrative, Violence, and the Law: The Essays of Robert Cover*, *Law, Meaning, and Violence* (Ann Arbor: University of Michigan Press, 1992), 95-172.

other words, the elements of legal narratives foster a commitment to narrative strategies—drama, plot, aesthetics—that can both underwrite and resist the commitment to legal norms. This should not be misunderstood to mean that legal narratives do not amount to serious iterations of law, nor that law's stories need not be taken seriously as law. Cover's *Nomos* suggests the opposite: if we understand law not as the sum of its rules, but as a discourse framed by the world inhabited and created by the law, then legal narratives that invoke but do not privilege legal rules can speak to the essence of law in more forceful ways—through a process that, true to law's form, unfolds within a broader social context, and does so through the content of language.

The section of Cover's "Nomos and Narrative" entitled "The Thickness of Legal Meaning" utilizes a set of biblical texts to illustrate the extent to which legal rules do not fully constitute the *Nomos*. Cover juxtaposes the statutory discussion of primogeniture found at Deuteronomy 21 with the narrative depictions of primogeniture found throughout the book of Genesis. Deuteronomy 21:15-17 writes the law of primogeniture as a statute.

> When a man has two wives, the one loved and the other hated, and they bear him sons, the loved-one and the hated-one, and the first-born son is the hated-one's—it shall be, at the time of giving-as-inheritance to his sons what he has, he must not treat-as-firstborn the son of the loved one, in the living-presence of the son of the hated-one, the firstborn. Rather, the (actual) firstborn, the son of the hated-one, he is to recognize (as such), by giving him two-thirds of all that is found with him, for he is the first fruit of his vigor, for him is the regulation of the firstborn-right.[58]

[58] Everett Fox, *The Five Books of Moses* (New York: Schocken Books, 1995), 943-945.

This example of legal writing identifies and elucidates the existence of an alternative social force, love, which may pose a threat to the legal rule. The verse ultimately denies the power of that threat to the rule by declaring the unequivocal dominance of the particular norm.

The narratives of Genesis, by contrast, are famous for the manner in which they depict younger sons attaining what belongs to their older brothers by right, because of love, contract, righteousness, piety, lineage and whim.[59] The Genesis narratives do not destroy the rule; indeed, its enduring relevance supplies the narratives with dramatic force. But by treating the rule as one discourse among several—one, moreover, without final authority over the others—the narratives contextualize the rule, illuminating the rule's subtleties and difficulties by way of contrast.[60] The undoing of the practice demanded by the law in specific cases illustrates the extent to which all legal statutes have boundaries in a normative world and that other cultural forces have the ability to determine normative practice against the statutes and institutions that are usually identified as law.

---

[59] Cain and Abel [Genesis 4] (piety), Ishmael and Isaac [Genesis 16-22] (favored wife), Esau and Jacob [Genesis 23-26](contract, thievery, mother's choice), Reuben and Judah [Genesis 43-45] (misconduct), Judah and Joseph [Genesis 37; 40-50] (favored wife, misconduct), Menashe and Ephraim [Genesis 48](whim, blindness).

[60] Cover writes, 116-117 "This does not mean that the formal precept was not obeyed. Indeed, the narratives in question would lose most if not all of their force were it not for the fact that the rule *was* followed routinely in ordinary life. What is distinctive about the biblical narratives is that they can never be wholly squared either with the formal rule—though some later rabbis tried to do so—or with the normal practice. It is tempting to reconcile the stories to the rule by creating exceptions or by positing circumstances that would remove the case from the rule. These strategies may be useful to the later legist whose concern is a consistent body of precepts. Life in the normative world of the Bible, however, required a well-honed sense of where the rule would end and why." Given the focus on legal coherence that is the basis for this chapter, it is not surprising that "some later rabbis" tried to reconcile the stories with the formal rule.

Because "Nomos and Narrative" appeared as the Foreword of the *Harvard Law Review*, Cover felt the need to justify his choice of a biblical example for his audience of American lawyers.

> I have used biblical material in this first pass at the problem of legal meaning for several reasons.
> First, the material is conventionally bounded. The canon establishes both that all biblical narrative is relevant to normative meaning and that no other material is.
> Second, it is familiar.
> Third, it demonstrates the irrelevance of genre to the creation of legal meaning. The narratives in question are relevant to the meaning of the biblical *nomos* not because they are true, but because they are biblical. That is, they are within a convention of established materials for interpretation.[61]

While Cover's first two justifications—the bounded nature of biblical materials and their familiarity—are straightforward enough, his third justification—"that it demonstrates the irrelevance of genre to the creation of legal meaning"—requires more attention. Cover follows his statement about the irrelevance of genre with the clarification that "the narratives in question are relevant to the meaning of the biblical *nomos* not because they are true, but because they are biblical." Cover here articulates that he is not arguing, as traditionalist interpreters of the Bible might, that the entire Bible is true. Moreover, he is not accepting the standard view of law as a collection of rules that excludes narratives from the construction of legal meaning. In other words, Cover here asserts that inclusion in the biblical corpus establishes these narratives as relevant texts within the biblical normative world.

---

[61] Cover et al., *Narrative, Violence, and the Law*, 120.

In the years since Cover's article appeared, narratives have gained increasing acceptance within the study of law. It is to Cover's credit that we are no longer surprised by the relevance of legal narratives to an understanding of legal meaning. But, having brought stories into legal discourse, it is now time to recognize the difference genre makes.

My argument for the relevance of genre draws on the work of the Russian literary theorist, Mikhail Bakhtin. In one of his earliest writings, "Problems of Dostoyevsky's Poetics," Bakhtin credits Fyodor Dostoyevsky with the invention of the polyphonic novel.[62] The polyphonic novel is distinguished from its predecessors by Dostoyevsky's ability to withdraw from the voices of individual characters and allow these characters to, in Bakhtin's terms, inhabit differing "consciousnesses." By allowing these different consciousnesses to speak, the novelist employs what Bakhtin calls heteroglossia—a simultaneous speaking in multiple languages. The result of this authorial withdrawal and heteroglossia is that ideas emerge from Dostoyevsky's novels formed in the crucible of real interaction, where Dostoyevsky's own perspective is always in danger of giving way to those of his characters and vice versa. Bakhtin suggests that an idea can only be considered real when it has entered into a dialogue with other ideas, when it is "dialogical."

> The idea begins to live, that is, to take shape, to develop, to find and renew its verbal expression, to give birth to new ideas, only when it enters into genuine dialogic relationships with other ideas, with the ideas of others. Human thought becomes genuine thought, that is, an idea, only under conditions of living contact with another and

[62] M. M. Bakhtin and Caryl Emerson, *Problems of Dostoevsky's Poetics* (Minneapolis: University of Minnesota Press, 1984), 8-16.

> alien thought, a thought embodied in someone else's voice, that is, in someone else's consciousness expressed in discourse. At that point of contact between voice-consciousnesses the idea is born and lives.[63]

Over the course of his lifetime, Bakhtin continued to develop his notion of the dialogical, and by the time he wrote his more famous essay "Discourse in the Novel" he had concluded that the dialogical nature of ideas was not Dostoyevsky's invention, but was rather a fundamental feature of language and of life.[64] Human interactions are always overdetermined, partaking simultaneously in the multiple discourses of psychology, sociology, economics, philosophy, theology, science, and the list could go on. Similarly, linguistic meaning is always on a broad level negotiated through these various discourses. In light of this new realization, "Discourse in the Novel" recalibrates the distinction between monological and dialogical meaning as a stylistic distinction between the poet and the prose-writer.

The poet works within a strict genre of writing—poetry—and imposes a monological frame on the dialogical reality of language and life in an attempt to totally subsume language and life to its project—to control all unitary meaning. The prose-writer, by contrast, does not impose a strong monological frame on dialogical language, but allows that language to flourish and construct meaning dialogically.

I map Bakhtin's distinction between monological and dialogical modes of writing onto talmudic literature in two ways. First, I use Bakhtin's language to describe talmudic legal narrative as inherently dialogical. The smallest literary unit of the Talmud is the

---

[63] Ibid., 88.

[64] M. M. Bakhtin and Michael Holquist, *The Dialogic Imagination* (Austin: University of Texas Press, 1981), 259-422.

Sugyah. The *Sugyah* connects disparate types of sources—syllogistic statements, narratives, interpretations of earlier scholarship—in constructing an artificial trans-generational conversation that can span as many as ten generations of rabbinic scholars. Within the legal *Sugyah*, law is most frequently written using syllogisms and debates of legal reasoning. Not infrequently, though, the *Sugyah* will juxtapose a legal narrative with non-narrative legal material on the same topic. While the non-narrative material conceives of law as a uniquely authorized discourse of power that does not compete with other such discourses, the legal narratives contextualize law as one structuring mechanism without privileging it. The non-narrative legal texts of the Talmud work within a strong legal genre of writing which, like poetry, attempts to create meaning entirely within one language—the language of law.[65] Because life and language are inherently dialogical, the writing of such law is always a metonymy for life and language with considerable variance between the heteroglossia of lived life and the unitary language of law. But legal narratives as prose narratives do not similarly limit life's natural heteroglossia. They empower discourses outside of the legal rules and describe scenarios in which the rules are trumped by those other discourses much like they are in the primogeniture narratives of the book of Genesis.

The second way I apply Bakhtin's distinction between monological and dialogical is in analyzing the incorporation of legal narratives within the corpus of the Talmud and its commentaries. The frame in which legal narratives are incorporated is monological,

[65] Compare Jonah Fraenkel, *Darkhe Ha-Agadah Veha-Midrash* (Masadah: Yad la-Talmud, 1991), II: 495 "The man of *Halakhah* can speak of *Aggadah*…but the man of *Halakhah* can only establish the *Aggadah* as something outside the *Halakhah*. *Halakhah* is a closed system…This closed world can expand or contract, but in general it is unable to absorb within it considerations that do not fit this closed way of thinking."

turning these legal narratives into viable legal precedent by limiting their dialogical qualities and, in effect, rewriting them as statutes. This process of transforming dialogical legal narratives into monological legal texts that work within the system of legal rules begins in the Talmud itself. The *Sugyah* broadcasts the inter-generational nature of talmudic composition by attributing authorship to its individual building blocks. Thus the Talmud contains within it several layers of legal interpretation, as later legists interpret the words and deeds (in the case of certain stories) of their predecessors. The *Sugyah* is orchestrated by the Talmud's anonymous narrator, the *Stam*, who weaves the divergent sources together through questions and other connective texts. These anonymous texts literally frame the earlier material, interpreting it in the process. It is my contention that the *Stam* is a reader who imposes a strong monologizing frame upon earlier sources recorded in the Talmud. While this imposition certainly has ramifications for non-narrative texts, it is within the interpretation of talmudic legal narrative that the *Stam*'s efforts are akin to forcing a square peg into a round hole. Since legal narratives are inherently dialogical, the *Stam* repeatedly encounters difficulties in attempting to make legal narratives cohere with monological legal rules.

Bakhtin's distinction between monological and dialogical becomes, then, a potent tool in talking about Cover's *nomos*. While the statutes of Deuteronomy describe primogeniture within a monological mode that asserts the power of law over the love that would engender a deviation within normative practice, the Genesis narratives are written within a dialogical frame that empowers forces beyond the norms. The difference between the biblical example and talmudic ones is that there is no editorial force within the Bible that juxtaposes the divergent sources comparing Deuteronomy to Genesis. But

hierarchical coherence is the engine that drives talmudic interpretation and debate—the hallmark of talmudic reasoning. Two contradictory statements are not allowed to stand in the Talmud unless both can be attributed to scholars of equal weight. The *Stam*'s unwavering commitment to coherence forces comparisons between texts of differing forms without regard to generic differences. When monological statutes are compared with dialogical narratives within a monological system of legal reasoning, the result is that the narratives are forced to play by monological rules: the force of heteroglossia is neutralized, and the narratives come to be rewritten as monological statutes. This rewriting inevitably distorts such narratives like a fun-house mirror and creates radical precedents within Jewish Law that ultimately return later in Jewish legal history. The following chapter shows the ways in which a dialogical legal narrative is uneasily coopted by the Talmud's monological legal discourse and how it resists its own absorption as legal precedent.

The chapter focuses its attention on a dialogical legal narrative found at Babylonian Talmud Sanhedrin 75a and Palestinian Talmud ʿAvodah Zarah 2:2, 40d[66] and the difficulty encountered by amoraic and anonymous interpreters who attempt to rewrite the story as a viable legal precedent. Both Talmuds present initial answers that attempt to work within the monological language of law before ultimately suggesting a begrudged dialogical explanation. The Babylonian Talmud's ultimate psychological answer invites a comparison to modern psychoanalysis that helps understand the truth claims at stake in the monological/dialogical divide.

[66] An exact copy of the entire *Sugyah* appears at Palestinian Talmud Shabbat 14:4, 14d.

II. The *Sugyah*:

Recent studies in the field of rabbinic narrative have demonstrated the valuable ways in which analysis of narrative parallels—differing versions of the same tales in different works of rabbinic literature—highlight the literary embellishments of later rabbinic narrators.[67] By focusing on moments of difference in the respective narrations, these studies see one version as a diachronic departure from, and development of, the other. In this chapter, I analyze a story that appears in both Talmuds—Babylonian and Palestinian. The story of a lovesick man and the rabbinic response to his illicit sexual cure is situated by both Talmuds within larger discussions of dying for the law. Rather than presenting one Talmud's story as the diachronic basis for the other, I present the story in a synchronic comparison not so as to show the differences between the Talmuds, but rather to illustrate the fundamental ways in which the challenge of molding a dialogical original source to the monological language of law is the same in both texts, even if the specific treatments of each differ.

The primary texts are presented in a table that horizontally aligns parallel passages in the two talmudic versions. A hollow font is used to mark the contribution of the anonymous voice (*Stam*) in both Talmuds.[68] The *Sugyah* is divided into four

---

[67] Shamma Friedman, "The Further Adventures of Rav Kahana," in *The Talmud Yerushalmi and Graeco-Roman Culture*, ed. Peter Schafer (Tubingen: Mohr Siebeck, 2002), 247-71; Shamma Friedman, "Leaggadah Hahistorit Betalmud Habavli," in *Sefer Hazikaron Lerabbi Shaul Lieberman*, ed. Shamma Friedman (Jerusalem: The Jewish Theological Seminary of America, 1993), 119-64; Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999).

[68] David Weiss Halivni, *Meqorot Umesorot: Bava Qamma* (Jerusalem: Magnes, 1993), 79 asserts that the *Sugyah* is a Stammaitic concept. In this sense, what transpires in the Palestinian Talmud cannot be considered a *Sugyah*. David Halivni, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge, Mass.: Harvard University Press, 1986), 142 #16 writes, "It should be noted that there are some layers of stam even in the Palestinian Talmud." He clarifies that the Palestinian Talmud was frozen at

sequential sections: A) the story itself B) the early amoraic response C) the late amoraic response D) the anonymous response.

II. A) The Story

Palestinian Talmud ʿAvodah Zarah 2:2, 40d=Shabbat 14:4, 14d	Babylonian Talmud Sanhedrin 75a
Not only when he says to him, "bring me a married woman," but also to listen to her voice. Like one man who loved a woman in the days of R. ʾElʿazar and became dangerously ill. They came and asked [R. ʾElʿazar] "Is she permitted to pass before him so that he may live?"[69] He said "let him die and this not be so" "Should he hear her voice and not die?" He said "let him die and this not be so"	[70]R. Yehudah said in the name of Rav[71] [There is] a story of a man who placed his eyes on a woman and his heart filled with black bile.[72] And they came[73] and asked the doctors, and [the doctors] said "he has no treatment unless she has intercourse [with him]." The sages said, "Let him die, but she will not have intercourse with him." "She should stand before him naked," "Let him die, but she will not stand before him naked." "She should converse with him from behind a barrier," "Let him die, but she will not converse with him from behind a barrier."

a particular time, and the anonymous text represents the dialogues transpiring at that time. Had the project continued, these anonymous voices would have been given attribution.

[69] Michael Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period* (Ramat Gan, Israel and Baltimore: Bar Ilan University Press and Johns Hopkins University Press, 2002), 394 "*ʿAVR*."

[70] "ת"ר" appears in Yalqut Shimoni Mishlei's version of this story, but not in Yalqut Shimoni Vaetḥanan as per Raphael Nathan Nata Rabbinovicz, *Sefer Diqduqe Sofrim*, 2 vols. (Jerusalem: Ohr Hahokhma, 2002) Sanhedrin (10), 210. These words are an introductory formula before every story including the parallel to our own in Moses Gaster, *The Exempla of the Rabbis* (New York,: Ktav Pub. House, 1968). They therefore may be discounted as evidence of tannaitic provenance.

[71] "אמר רב" is added into the margins of MS Karlsruhe. A number of words, including some essential ones, are similarly added in Karlsruhe's margins. Perhaps the scribe became sloppy at the end of a chapter?

[72] MS Karlsruhe has the deleted term "טינא (באש)" . For black bile see below, section III.

[73] "ובאו" is missing in MS Herzog.

A story is told in both Talmuds about an anonymous man dying out of lovesickness for an anonymous woman. His representatives approach the rabbis[74] suggesting two or three possible cures for his condition. If he has intercourse with her, or if they relate to each other in some other sexual fashion, he will live; if the status quo persists, he will die. The rabbis do not hesitate or waver in their reply. They declare definitively that they prefer the man's death to any of the suggested cures.

Several differences exist between the accounts.[75] An anonymous voice introduces the Palestinian Talmud's version of the story while the Babylonian Talmud's version begins with its attributed story; the Palestinian Talmud's named rabbi, R. Elʿazar, is paralleled by the Babylonian Talmud's anonymous sages; the Palestinian Talmud's account does not identify R. ʾElʿazar's petitioners as the Babylonian Talmud's "doctors;" the Palestinian Talmud's petitioners suggest only two cures while the Babylonian Talmud's doctors offer three possibilities. Despite these differences, the parallelism between the stories is established by identical plots, dramatic tensions and syntax.

Both Talmuds witness multiple interpretations of their stories. The amoraic interpretations are imbedded within the anonymous frame of the *Stam* in both Talmuds. The project of reading this story in both Talmuds is an attempt to force the story's coherence with legal precedents established by other legal texts—statutes and

---

[74] Though the rabbi is singular in the Palestinian Talmud, I will refer to the rabbis as a plurality because of the Babylonian Talmud.

[75] It is interesting to note that while the Palestinian narrative is integrated within a larger *Sugyah*, the Babylonian version stands alone, at the end of the *Sugyah*. It is my contention that the restructuring of the larger *Sugyah* from the earlier ordering found in the Palestinian Talmud to the discussion found in the Babylonian Talmud eliminated the frame within which the narrative fits. Because of that, the narrative fell to the end of the *Sugyah*. David Weiss Halivni, *Meqorot Umesorot: Eruvin Upesaḥim* (Jerusalem: The Jewish Theological Seminary of America, 1982), 309 #19 asserts that this phenomenon is widespread in the Talmud.

interpretations. This attempt at coherence assumes that the story's rabbis act to condemn the man to death as agents of the law. Legal precedent prevents the couple from interacting, even through a partition, to save his life. This assumption that the law prevents the proposed cures is difficult to sustain because there are two fundamental issues that would seemingly permit at least some of the suggested cures according to Jewish legal precedent.

Because of the premium placed on Jewish life in rabbinic law, there are only three cardinal sins—murder, idolatry and illicit sex—for which one is required to choose death over violation irrespective of time or place.[76] While our story's law falls into the category of illicit sex, it does not easily meet the threshold that is necessary to force the choice of death. For starters, only a sex act that is biblically forbidden—sex with an immediate relative, homosexual sex, or sex between a man and a married woman—constitutes the cardinal sin. Since the female protagonist of our story is apparently unmarried, the prohibition on the sexual relationship between the putative lovers is rabbinic, at best. Furthermore, the legal discourse regarding the cardinal sin of illicit sex contains no other texts which extend the definition of such an act from its primary definition—intercourse. Rabbinic legal discussions are not shy about vivid, graphic discussions that define sexual intercourse in a specific unequivocal manner.[77] Our story extends the cardinal sin to include various sexual encounters that fall far short of intercourse. In short, then, our story is substantively at odds with legal precedent because its two primary actors are not

[76] Tosefta Shabbat 15:17 in the context of cures that require violation; Talmud Yerushalmi Shevi'it 4:2; 35a and Talmud Bavli Sanhedrin 74a in the context of classical martyrdom.

[77] See for example the argument earlier in the Bavli's chapter, Sanhedrin 73b, regarding the definition of intercourse.

biblically prohibited from each other, and because the sex acts prescribed as cures do not cross the threshold of acts that justify martyrdom.

The difficulty of justifying rabbinic action in the story with the law leads us to consider what the Talmuds will not: namely, that if the law speaks through the action of the story's rabbis, it does so as the agent of rabbinic *power*. Objective law does not compel powerless rabbis to follow its strictures; the rabbis constitute the law as a function of their authority. Put differently, the story does not discuss dispositive features of law or narrate the intricacies of rabbinic jurisprudence. Rabbis, the story argues, have the authority to decide a man's death, and to do so *without* textual justification.

Several features of the rabbis' action would point to this reading of rabbinic power. The rabbinic pronouncement is whimsical and capricious; it mocks the weighty and critical matter with which the story claims to be concerned. The multiple declarations of his death—a feature found in both accounts—renders the pronouncements the central focus of the narration. The story's climax, "Let him die…" is expressed in the language of uncompromising and unequivocal authority, not in the language of apologetic legal interpretation.

The story is dialogical both on the level of its plot and on the level of its underlying poetics. The plot is undeniably dialogical in the sense that it contains a dialogue between two voices or consciousnesses—the voice of the rabbis and the voice of the doctors. Though the story ultimately favors the rabbis, it enables the reader to recognize a clash between two social practices: the practice of medicine which views the man's bodily survival as paramount and the practice of rabbinic law, for which the soul is of utmost importance.

But there are other ways in which the story is dialogical. It is dialogical within the legal rules themselves, since these are torn between the imperative to save a life and the prohibition that prevents the act of salvation. Furthermore, the story reveals a gendered power structure presenting the rabbis and doctors as patriarchal controllers of the anonymous woman's sexuality, with the power to permit her to the anonymous man. In fact, there are so many issues within the story, that the hortatory rabbinic refrain "Let him die" hardly seems worthy of the weightiness of the dilemma.

Even as we assert that the dialogical story celebrates rabbinic power, we need to recognize that the very manifestation of rabbinic power is itself overdetermined. While one could argue that the rabbis act simply to confirm their own hierarchical standing—power in the service of power—the dialogical nature of the story provides us with multiple ways of explaining the rabbis' practice. From the perspective of the desired woman, the rabbis refuse the man's request because they will not approve of a law that deprives her of sexual agency. More cynically, one might view their decision as the assertion of patriarchal control over the young woman, who is never consulted because the rabbis usurp her right to refuse for themselves.

But the rabbis' action can also be accounted for by analyzing the role of the doctors and their alleged cures. In this iteration, the rabbis' rejection of the man's claim stems from a need to ensure their own predominance over his body. As the frequent site of contests for cultural control in the ancient world, it is no accident that the body—its ailments, its potential cures—figures centrally in this juridical moment.[78] The rabbis are

[78] Peter Brown, "Bodies and Minds: Sexuality and Renunciation in Early Christianity," in *Before Sexuality*, ed. J. Winkler D. Halperin, F. Zeitlin (Princeton: Princeton University Press, 1990), 481.

skeptical about the viability of medical diagnoses,[79] or possibly about the palliative nature of the prescribed cure or cures. The fact that the doctors proceed from cure to cure despite insisting originally that only intercourse would save him does not inspire confidence.[80]

These alternative overlapping explanations of the rabbis' refusal highlight the story's dialogical nature. Though law is a relevant discourse for the story—the man approaches the rabbis as representatives of the law and the form their authority assumes is a legal one—it is not the only discourse that explains rabbinic action. The story may well be about law, but it is also about gender, culture, and medicine. In fact, the challenge of fitting rabbinic action with halakhic precedent should force readers to look to other discourses to ground rabbinic action.

As we will see, the Talmuds' amoraic and anonymous interpreters of this story choose to read the story as a legal precedent. As the dialogical tale is absorbed into the monological law, it poses a threat to that law that goes beyond the two fundamental halakhic challenges to its substance. Because of the story's overlapping discourses, its dialogical nature inherently challenges the hegemony of law as the basis for authority. Law is weakened by this contextualization as one of several social power structures. Moreover, the story unmasks the rabbis as the law's constitutive force, rather than its

[79] In his *Beit Habeḥirah ad loc* Meiri suggests that the diagnosis is necessarily uncertain. In his *Magen ʾAvot* #19 Meiri adds substance to this uncertainty by claiming that doctors are often wrong. *Shiltei Gibborim ad loc.* uses the fact that doctors are often wrong to suggest that the threat of death is imprecise and that therefore the impetus for violation is lower than that of certain martyrdom.

[80] This problem was noted by several later scholars. *Ḥavot Yair* suggests that the subsequent cures were not offered with the same confidence; they are uncertain cures. *Meẓudat David* (in *Ein Yaaqov*) considers these qualitatively worse than the possibility of intercourse. These cures offer only temporary respite. *ʿArukh Lener ad loc.* claims that the second and third cures caused the rabbis to discount the doctors as liars. *ʿIyyun Yaʿakov* suggests that the second and third cures are offered not by the doctors, but by the *Stam*.

agents. Such a depiction colors our impression of rabbinic law and the rabbis in other contexts. If precedent can be abandoned at the whim of rabbis who exercise their authority even in extreme life and death cases, then precedent loses its independent force.

Turning now from the talmudic depiction of the story to the various interpretations of the story found in the Talmuds, we shift from the inherently dialogical narrative to the monological discourse of legal precedent. Both Talmuds subsume the amoraic debate within the legal discourse and pose a surface question that specifically addresses the halakhic challenges inherent in the story. Because both Talmuds operate within the monological legal discourse, neither of them explicitly names the fundamental threat to the monological system posed by the dialogical narrative.

II. B) Early Amoraic Debate and the Fundamental Question

Palestinian Talmud	Babylonian Talmud
What happened? R. Yaʿaqov bar ʾIddi and R. Yizḥaq bar Naḥman. One said she was married, and the other said she was unmarried. It is fine for the one who said she was married. But according to the one who said she was unmarried, What about Bar Koḥa Nagra who loved a woman in the days of R. ʾElʿazar and he permitted him?	R. Yaʿaqov bar ʾIddi and R. Shmuel[81] bar Naḥmeni disagreed about it. One said she was married, and the other said she was unmarried. For the one who said she was married the story works well, but for the one who said she was unmarried, What is this all about?

The story itself is silent on the legal question of the desired woman's marital status. Such silence is particularly telling when we compare the opening line of our

[81] MS Herzog has R. Yishmaʿel bar Naḥmeni. We can posit a possible transition then from the Palestinian Talmud's text to the printed editions' Shmuel. R"Y bar Naḥmeni for R. Yizḥaq bar Naḥman became the more prevalent R. Yishmaʿel bar Naḥmeni, which is easily mistaken for R. Shmuel bar Naḥmeni. But MS Karlsruhe has the variant R. Shmuel alone, so the transition may work in the opposite direction.

Babylonian Talmud story with the rabbinic *Natan Ẓuẓita* story. In that story, the protagonist *Natan* is lovesick for a married woman and eventually finds himself in a position to utilize his power to take advantage of her. At his potential moment of satisfaction, though, Natan is persuaded to deny himself. The linguistic and plot similarity between this story and the narrative at Sanhedrin 75a caused a conflation of the two by geonic tradents.[82] The *Natan Ẓuẓita* story did not survive within any extant text of rabbinic literature, but the content of this story can be definitively traced to the rabbinic period, and the version of the story that appears in Rashi at Sanhedrin 31b is written in perfect rabbinic syntax. Since the opening lines of the two stories are identical, it is of

[82] The *Natan Ẓuẓita* story requires its own study, an endeavor I hope to undertake in the near future. There are two fundamental problems in dealing with the story—the nature of the story itself and the name *Natan Ẓuẓita*.

A) The story itself is found at Rashi Sanhedrin 31b where it shares much with our own narrative and is written in a precise middle Hebrew. The language alone suggests to us that Rashi's version is an authentic rabbinic narrative which Rashi attributes to a Sefer Aggadah that we do not have. Another version of the story is found in R. Nissim Gaon's *Ḥibbur Yafeh Min Hayeshuʿah*. Because R. Nissim expanded his stories in general, and this one in particular, and because R. Nissim's work was originally in Arabic, it is difficult to extract from this work a pre-Geonic version. As one of his expansions, R. Nissim borrows the interaction of doctors and rabbis in the narrative at Sanhedrin 75a for dramatic effect. This is one of the conflations to which I refer above. Rashi and R. Nissim share both the overall plot and the name of the male protagonist. Sheʾiltot Vaʾera contains a halakhic discussion of Kiddush Hashem in which the story of Sanhedrin 75a has a prominent place. In introducing that story, Sheʾiltot adds details familiar from both Rashi and R. Nissim as associated with the other narrative. She'iltot names the male protagonist *Natan Ẓuẓitah* and the female protagonist Ḥannah, and claims that Ḥannah is a married woman, a feature that appears in all accounts. The troubling aspect of this final feature is that Ḥannah's being married conflicts with the early amoraic debate about her marital status that Sheʾiltot quotes after citing the body of the narrative of Sanhedrin 75a. Because of this contradiction, I posit that Sheʾiltot's version of the narrative must have been, like Rashi's, remarkably similar to Sanhedrin 75a in both content and language. Such similarity led to the borrowing of details even when these did not work in their new contexts.

B) The name *Natan Ẓuẓita* has been the subject of considerable discussion. Daniel Boyarin's, "*Lilexicon Hatalmudi*," *Tarbiz* 50 (1981): 164-191 lexicographic article on the term *Ẓuẓita* is the seminal piece on this issue. I would like to suggest an explanation for the term that is based on Boyarin's research but unsuggested in that piece. Boyarin writes that the word is related to a part of the wheat stalk that the rabbis referred to as "the manhood of the wheat." It is very possible, then, that the word *Ẓuẓita* is associated with this narrative not because of the heavenly halo, but because the protagonist attempts to give (*Natan*) his manhood (*Ẓuẓita*) to the woman with whom he is obsessed. See below at #84 for another phallic name in this *Sugyah*.

particular interest that Rashi's *Natan Ẓuẓita* story explicitly mentions the fact that its female protagonist is a married woman, while the Babylonian Talmud's story is silent about her status.

Babylonian Talmud Sanhedrin 75a	Rashi Sanhedrin 31b
R. Yehudah said in the name of Rav [There is] a story of a man who placed his eyes on a woman and his heart filled with bile.	And I found in the Sefer Haggadah: [There is] a story of a man who placed his eyes on a woman and his heart filled with bile. **And she was a married woman.**

Because the *Natan Zuzita* story includes the potentially cuckolded husband as a character, it needs to establish that its female protagonist is a married woman. One cannot conclude, therefore, that our story insists that its female protagonist is unmarried. Rather, since the purpose of the telling is not the establishment of legal precedent, the details of her marital status are not crucial to the narration.

If the woman's legal status remains unimportant to the story's author, it is central to the early *Amoraim* whose debate regarding her marital status is no less than a debate regarding the need to read the story as legal precedent. As often happens, the names of these figures are recorded—R. Yaʿaqov bar ʾIddi and R. Shmuel bar Naḥmeni/Yiẓḥaq bar Naḥman—but the tradition no longer remembers which opinion to assign to which name. The *Amora* who claims she is unmarried is unwilling to alter the story because he does not wish to incorporate this narrative into a monological discourse of apodictic legal statement and halakhic argument. If the purpose of halakhic debate is to generate unanimous unconflicted judicial precedent, this *Amora* is unwilling to register the tale as a participant in that debate. Let the story remain true to its own terms and outside the parameters of legal discourse. The other *Amora* disagrees because he will not allow legal

material to exist outside the legal discourse. All stories that implicate the law are precedential. As precedent they must fit seamlessly into the fabric of law. To wit, the woman's marital status—or rather the story's silence about that status—is problematic as precedent since it suggests that illicit sex subject to death does not require a biblically prohibited relationship. Instead of positing such a radical legal precedent, this *Amora* changes the story and marries off the protagonist, ensuring that the core relationship in the story is governed by biblical prohibition.

Though talmudic legal discourse is not as simple as apodictic statements of law, it is just as monological. All texts that participate in talmudic legal discussions must cohere with the hierarchies of legal precedent that allow contemporaneous scholars to disagree with one another, but do not allow later scholars to disagree with earlier counterparts. According to this system, no text can be allowed to explicitly contradict the opinion of an earlier scholar unless that text can find the support of a scholar from the earlier period. The entire enterprise understands all texts to assert legal arguments, and as such, to require coherence with all earlier legal arguments. Because the Talmud does not suggest that a text that does not cohere with earlier legists is outside the system of legal rules, legal narratives are treated as syllogisms that must cohere with earlier precedent or find an earlier deviating position to which they can become attached. In this process, these narratives are flattened into legal syllogisms and stripped of their richer dialogical meanings.

Though one side of the amoraic debate did not want the source—our story—treated as a normative precedent, the anonymous voice in both Talmuds will not allow for that possibility. As such, the *Stam* forces the opinion that insists that the woman was

unmarried back into the legal discourse, demanding that the decision justify itself on foreign terms. How can you say she was unmarried and be consistent with legal precedent? This expression of the question is the most explicit instance of the more fundamental question that drives amoraic and anonymous interpreters alike—the question of how to make dialogical narrative cohere with monological law.

The explicit question takes a slightly different form in the two Talmuds. The Palestinian Talmud's *Stam* poses the question as a contradiction within R. ʾElʿazar's own practice. In another identical scenario, R. ʾElʿazar permitted a woman to *Bar Koḥa Nagra*. The probability of two such scenarios addressed to one rabbi suggests to us that this counter-narrative is constructed by the redactor in order to pose the fundamental question. Furthermore, the phallic name of the protagonist in the counter-narrative implies that the story is composed for these purposes.[83] Unlike our anonymous protagonist, the 'hero' of the counter-narrative is named *Bar Koḥa Nagra*—"the one able to hollow out." The phallic name of this hero suggests a potency that underscores the impotence of the man in our original story.[84] Whereas our original protagonist is forbidden to perform sexually, R. ʾElʿazar permits *Bar Koḥa Nagra*—"the one able to hollow out." The Palestinian Talmud's construction of its question through a counter-narrative allows the Palestinian Talmud to defer a restatement of narrative in simpler legal terms. One dialogical narrative is opposed by an opposite dialogical narrative. The

[83] Rubenstein, *Talmudic Stories*, 111, 246-247 says that names often serve as symbols of larger issues in Bavli stories.

[84] Rubenstein, *Talmudic Stories*, 247, claims that "[t]he tendency toward symbolic names is less pronounced in the P[alestinian] T[almud]." Here we have an example where the Palestinian version uses a symbolic name and its Babylonian parallel does not.

question need not define the specific nature of its problem since its problem is simply the existence of its opposite. Neither the basis for R. ʾElʿazar's permission nor the basis for his prohibition is defined in the formulation of the question. By phrasing the question as a contradiction of narratives, the Palestinian Talmud is able to avoid naming the fundamental problem of R. ʾElʿazar's incoherence with halakhic precedent.[85]

The Babylonian Talmud's *Stam* does not construct a counter-narrative, but asks the question in a more general fashion, one that similarly hides the difficulties of the question. "מאי כולי האי"—"What's this all about?" Unlike the Palestinian Talmud's question of explicit contradiction, the Babylonian Talmud's question is deliberately vague, allowing for the possibility that multiple substantive questions are at stake. The question addresses the rabbis' legal position—where is the prohibition at stake and why are these actions sufficient to trigger it? It also implicates rabbinic capriciousness by asking why the rabbis are so extreme in their response.

The differing questions bring disparate reactions in the two Talmuds. While the Palestinian Talmud is fixated on the only possible normative explanation—that the woman was married—the Babylonian Talmud immediately looks to expand its discourse beyond the realm of strict legal precedent.

II. C) Late Amoraic and Anonymous Responses—The Discourse Widens

[85] R. ʾElʿazar condemns sex between a single man and woman as a biblical act of prostitution in Tosefta Kiddushin 1:4; Sifra Emor 1:7; 94b; Yerushalmi Yevamot 6:5, 7:3; 7:5, 8b; 13:1, 13b; Bavli Yevamot 59b, 61b, 76a, Sanhedrin 51a, Temurah 29b, 30a. Since R. ʾElʿazar's prohibitive position is consistent with that position, the Palestinian Talmud might be compelled to construct a counter-narrative in order to formulate its question. R. ʾElʿazar's association with the prohibitive position may also explain why the Palestinian Talmud attributes the story to him. I thank David Flatto for pointing out this connection.

Palestinian Talmud	Babylonian Talmud
a) In one case she was unmarried and in the other she was married. b) And even if she was unmarried in both cases, you can explain that he placed his eyes on her before she was married. c) Some want to say she was a woman of stature and wouldn't listen to him, and everything he would do he would do in prohibition.	a) R. Pappa said because of family shame b) R. ʾAḥa son of Rav ʾIkka[86] said so that the daughters of Israel should not be prostituted for illicit sex So let him marry her? c) That would not settle his mind because of R. Yiẓḥaq. For R. Yiẓḥaq said from the day of the destruction of the temple the flavor of intercourse was taken and given to sinners as it is written, "Stolen waters will be sweet and hidden breads will be pleasant."

The Palestinian Talmud does not cite any late amoraic responses. In fact, because the scholars to whom such answers are attributed in the Babylonian Talmud post-date the Palestinian Talmud's redaction, it is not surprising that their views are absent in the Palestinian Talmud. But the Palestinian Talmud's anonymous voice offers three answers to the contradiction within R. ʾElʿazar's judicial rulings. The first two answers continue to insist that the prohibition between the couple is a biblical one between a man and a married woman, even according to the early *Amora* who refused to assert that the story's

[86] "בריה דר' איקא" is missing in Yalqut Shimoni Mishlei according to Rabbinovicz, *Sefer Diqduqe Sofrim*., (10), 211.

female protagonist is married. This focus on marriage is further intensified by the larger Palestinian Talmud frame in which the story is embedded.

The Palestinian Talmud discussion found at ʿAvodah Zarah 2:2 and paralleled at Shabbat 14:4 is a discussion of the three cardinal sins for which one must choose death over violation. The Palestinian Talmud asserts that even in face of life-threatening illness, one must not violate these sins to effect a cure. The Palestinian Talmud's anonymous voice frames the treatment of primary sources within the context of each of the three sins. The *Sugyah*'s overall thesis is that the prohibitions that trigger the imperatives to die for the law are broader than their most manifest iterations. In other words, the legal definition of each of the cardinal sins includes acts that would seem, at first glance, to miss the threshold of definition. The anonymous voice introduces its treatment of each successive sin with a statement that previews the primary sources, contextualizing them as expansions of the definition of a given sin. Thus, the idolatry discussion is prefaced with a statement that asserts that the prohibition on idolatry expands to include the unrequested use of idolatrous things. The discussion of murder indicates that one must die rather than assaulting another, even without killing them. Similarly, our story was introduced with the language "Not only when he says to him, 'bring me a married woman,' but also to listen to her voice." This introductory statement repeats the Palestinian Talmud's overall contention that the definition of each prohibition is broader than originally assumed by saying that hearing a woman's voice counts as illicit sex for the purpose of choosing death. But this introductory statement also subtly establishes that the story is talking about a married woman. This short introductory line is able to solve both of the story's legal precedential problems. First, by saying that the woman is

married, the anonymous voice firmly establishes that the prohibition denying their relationship is biblical. Second, by connecting hearing the voice to the larger idea that the definitions of these prohibitions are broader than expected, the anonymous introduction establishes this extreme notion as normative.

The anonymous introductory language marks the Palestinian Talmud's first attempt to suggest that the woman is married. Recall that the Palestinian Talmud then records an early amoraic debate in which one side asserts that she is married and the other that she is not. After posing its question on the opinion that she was unmarried from the story of *Bar Koḥa Nagra*, the Palestinian Talmud offers three anonymous answers. The first answer says that the woman in the *Bar Koḥa Nagra* story was unmarried while the woman in our story was married. This answer is mind-boggling, since the entire question is posed within the view that the woman in our story was *un*married. By again suggesting the possibility that the female protagonist in our story is married, even within the amoraic position that asserts unequivocally that she is not married, the Palestinian Talmud indicates the difficulty of the fundamental problem of integrating this Amoraic opinion that she was unmarried into the legal discourse.[87]

The second anonymous response offers a typically talmudic way to allow even the amoraic opinion that the woman was unmarried in the primary narrative to say that R. ʾElʿazar prohibited a married woman. "And even if she was unmarried in both cases, you can explain that he placed his eyes on her *before* she was married." In other words, R.

[87] Palestinian Talmud commentators attempt to calesthenically extricate themselves from this problem. *Pnei Moshe* (Shabbat "כאן בפנויה") and *Korbon Haʿedah* (Shabbat "ומאן דאמר") suggest that this is not an answer so much as a reminder that the only viable interpretation is the interpretation of the other Amoraic position.

ʾElʿazar prohibits her in our case because she has gotten married in the interim. While the amoraic position said she was unmarried, this referred to the time when the obsession began. From the onset of the man's illness until the time of the rabbis' decision, however, her marital status altered—a change that allows the Palestinian Talmud to posit the marriage solution even according to the *Amora* who said she was unmarried at the time of his obsession. With this answer, the Palestinian Talmud essentially turns the amoraic view that she was unmarried into the view that she was married since both of them posit the same prohibition—the biblical prohibition of a married woman—as the basis for R. ʾElʿazar's practice. Because the Palestinian Talmud has difficulty envisioning a solution to the contradiction our story poses to the substance of halakhah, it cannot allow the amoraic position that she was unmarried to retain its true meaning. In short, the Palestinian Talmud offers the marriage response four times: once in the *Stam*'s introduction to the story, once in the amoraic debate and twice within the view that she was unmarried.

There is one Palestinian Talmud answer that is not a restatement of the normative option of marriage. In this answer, the Palestinian Talmud embraces the dialogical possibilities of the story by empowering forces beyond the law. "Some want to say she was a woman of stature and wouldn't listen to him."[88] This answer is the first point in the

[88] The two Palestinian Talmud texts, Shabbat and ʿAvodah Zarah, diverge here. I have chosen ʿAvodah Zarah's text , "ולא הוות משמע ליה", "she would not listen to him" over Shabbat's text, "ולא מנסבה", "she would not be marrying him." Several factors point to "she would not listen to him," as the original text. First, because marriage is raised in the Babylonian Talmud it is likely that the emendation was made, as it often is in the Palestinian Talmud, on that basis. Second, *lectio difficilior* is relevant here. The second half of this statement, "and everything he would do, he would do in prohibition," makes considerably more sense on the basis of the reading that she wouldn't marry him and we therefore have to suspect an emendation. Moreover, such a reading would also appeal to someone unwilling to directly confront the fact that the *Sugyah* does not find any extant justification for prohibition in the case of an unmarried woman.

text that recognizes the woman's agency. Until this moment, the story and the interpretations assumed rabbinic control over the female protagonist as a matter of course. Only when an alternative explanation is needed to justify R. ʾElʿazar's contradictory prohibition do we discover her agency as a source of action. R. ʾElʿazar's decision is not the result of legal interpretation or application, but the result of forces over which he has no control. Though this text grants the woman agency, it is not agency as an actor, but agency as someone of stature. The appeal, in other words, is to a different discourse of power—a discourse of status in which the woman, because of her social prominence, is the one who decides whether the man obsessed with her lives or dies.

The adherence to a strict legal framework suggests an underlying story about the place of rabbinic power—and the potential anxiety over this power. For by insisting that rabbinic power must be justified within the law, both Talmuds force a story about rabbinic power into a narrative of rabbinic impotence. As such, rabbis become mere functionaries of the law which it is their duty to interpret and adjudicate. But because legal precedent contains no justification for rabbinic practice in this case, both Talmuds must look outside of the statutory norms of law to explain rabbinic action within the *nomos*. The Palestinian Talmud ultimately justifies R. ʾElʿazar's action by empowering the woman's status. This move certifies the rabbinic impotence guaranteed by the monological frame; if rabbis are mere legal functionaries, then R. ʾElʿazar's abnormal practice must be explained by other powerful forces in the *nomos* and not by his own authority.

Such a permissive stance caused a tradent to change the final phrase which implies that the earlier suggested cures were suggested within the confines of marriage, a position that makes no sense at all.

Eventually, both Talmuds reach for answers that empower discourses beyond legal precedent, but both are ultimately unhappy with their necessary solutions. Since the redactors of both texts aim to create coherence within the legal axis, neither wants to recognize the story as a free radical within the system. The Palestinian Talmud's dissatisfaction with its own solution registers itself in an inexplicable second clause that attempts to undermine the Palestinian Talmud's own answer and to return the question to the monological legal frame. "Some want to say that she was a woman of stature, and everything he would do, he would do in prohibition." While the first half uses her stature to explain R. ʾElʿazar's powerlessness, the second half claims that the problem of stature is an unexplained prohibition. The Talmud never elaborates the specifics of "in prohibition;" if there were such a prohibition, it would justify R. ʾElʿazar's refusal on its own.[89] The very lack of a prohibition is the fundamental problem with the story. As with the earlier marriage answer, the Palestinian Talmud once again offers an answer that does not answer its question. I prefer to consider this ending the Palestinian Talmud's attempt to ensure that the story remains within the legal discourse even when the ultimate source of R. ʾElʿazar's position is the woman's status in the community.[90] The Palestinian Talmud here attempts to transform her stature into a prohibition in order to maintain the

[89] Palestinian Talmud commentators all adopt the easier textual variant to avoid addressing this problem. See above #88. Even within the easier variant, *Korbon Haedah* (Shabbat "אית דבעי מימר") has to invent a prohibition of viewing that will not lead to marriage.

[90] To be clear, I am not arguing for a source critical separation of the two halves of this statement in the Palestinian Talmud. I am noting the fact that the answer as it stands now does not work since there is no prohibition against violating the agency of a woman of stature per se. The answer's poetics turns outside halakhah for support, but the author of this line has trouble conceding rabbinic lack of control. Alternatively, the author of this line understood so well that this answer deprives R. ʾElʿazar of any control and wonders why the story narrates it as if he does.

illusion of legal ubiquity. This attempt to control dialogical sources of power in the *nomos* is more explicit within the Babylonian Talmud's late amoraic interpretations.

The Babylonian Talmud attributes two responses to named fifth-generation *Amoraim*, R. Pappa and R. ʾAḥa son of R. ʾIkka. These two responses, like the final response in the Palestinian Talmud, turn to forces outside the legal discourse in order to answer the question. The Babylonian Talmud attributes its first response to R. Pappa, the fifth-generation *Amora*. "R. Pappa said because of family shame." פגם משפחה, "family shame," is a term more commonly invoked in civil law. To give one example, if a man sells the family burial plot that is in his possession, family shame can force the legally valid sale to be reversed.[91] Family shame reverses the burial sale against the laws established by civil precedent because the law recognizes ramifications beyond the local transaction. Because of the impact this sale will have on others—on other members of the family—halakhah forces the burial plot's return. In our case as well, statutory law requires rabbinic sanction of an unseemly encounter to save the man's life. But such an encounter is not a discrete act, affecting only the lovesick man and the woman he desires. Family shame is a notion that allows the law to remove its narrow strictures and look to the effect of this action on a larger group—her family.

R. ʾAḥa expands on R. Pappa's notion of family by seeing the woman not as a member of her family, but as a representative of her gender. The rabbis prevented her from him "So that the daughters of Israel will not be prostituted for illicit sex." Here the rabbis are functioning not as interpreters of law, but as arbiters of morality and

[91] Bavli Ketubot 84a and Baba Bathra 100b.

patriarchal rulers defending the virtue of their "daughters." Like R. Pappa's notion of family shame, R. ʾAḥa's answer of morality empowers values outside the statutory framework and allows them to veto the strict legal ruling. According to R. ʾAḥa's reasoning, the law indeed demands the very prostitution that a sense of morality despises. Only the rabbis' position as moral arbiters allows them to veto the law and prevent this legally mandated prostitution.

The two answers provided by the named *Amoraim* seem to be dialogical in the way in which they contextualize law and empower discourses outside the legal discourse. But what these two approaches do (and perhaps what the Palestinian Talmud's answer attempts to do as well) is to expand the monological legal system to incorporate disparate discourses as subjects and to give the rabbis control over those discourses. While at first glance it appears that both of these positions empower forces outside the legal rules—the forces of family shame and patriarchy, respectively—closer examination indicates that these outside forces are coopted as exceptional precedents that are incorporated into the language of legal precedent. Bakhtin notices the same phenomena with respect to poetry. In "Discourse and the Novel" he writes:

> Nevertheless, heteroglossia (other socio-ideological languages) can be introduced into purely poetic genres, primarily in the speeches of characters. But in such a context it is objective. It appears, in essence, as a *thing*, it does not lie on the *same* plane with the real language of the work: it is the depicted gesture of one of the characters and does not appear as an aspect of the word doing the depicting. Elements of heteroglossia enter here not in the capacity of another language carrying its own particular points of view, about which one can say things not expressible in one's own language, but rather in the capacity of a depicted thing. Even when speaking of alien things, the poet speaks in his own language. To shed light

> on an alien world, he ever resorts to an alien language, even though it might in fact be more adequate to that world.[92]

Just as the poet absorbs external languages into poetry as an object, legists who wish to grant the legal rules final authority expand the corpus of legal rules by incorporating seemingly external phenomena. R. Pappa argues that because of family shame, the legal rules are suspended. But "family shame" is not a sociological external phenomenon; it is coopted as a feature within the law. While family shame is used in this way in the aforementioned civil issue of familial burial plots, it is remarkable and shocking that this "exception" can be used to justify a man's death. The anti-nomian nature of a narrative which requires death even when legal rules do not is repressed by R. Pappa, who successfully expands the system of rules to allow for an exception. R. Pappa's notion of family shame seems external to the law. In fact, though, it is a moment in which the law incorporates external values. Halakhah, perhaps more so than other legal systems, has the ability to absorb seemingly external notions like *Kavod Habriyot* (honor of the creations) and *Lifnim Mishurat Hadin* (beyond the letter of the law) as part of Halakhah itself.[93] But as long as the same power structures of rabbinic decision-making and precedential consistency remain, Halakhah expands into these discourses as a monological entity.

Where R. Pappa expands the law through the sociological power dynamic of family shame, his fifth-generation Babylonian colleague R. ʾAḥa son of R. ʾIkka creates his exception by coopting the power of patriarchy. Within this patriarchal world, the

---

[92] Bakhtin and Holquist, *The Dialogic Imagination*, 287.

[93] Fraenkel, *Darkhe Ha-Agadah Veha-Midrash*, 695 #35 argues from the juxtaposition of Halakhah and Aggadah in the Mishnah that the concepts of לפנים משורת הדין and לצאת ידי שמים are not later accretions to Halakhah, but part of the process of the creation of Halakhah.

rabbis can supersede the law's requirements that the anonymous couple sexually interact because such a law creates dangerous precedent by exposing Jewish maidens to the uncontrollable if legal sexual desires of Jewish men. In a religious system of law, there is a hope that law is grounded in morality—that the two structures overlap. While this story represents an exceptional moment in which the law might mandate immorality, R. ʾAḥa's explanation grounds rabbinic control over both the legal and the moral in an expansion of halakhah to include a well-developed moral compass. Thus morality functions as a check on the possibly immoral ramifications of law taken to an extreme. These amoraic responses and the confused final response in the Palestinian Talmud look beyond the law to explain rabbinic action, but are ultimately unwilling to allow the story to operate outside the monological realm of legal precedent.

By expanding the monological frame, the *Amoraim* successfully maintain the story as precedent for future use, modeling the way in which it can expand the law monologically and justify rabbinic power.[94] Despite the rewriting of the dialogical story as monological precedent, the history of this story's treatment in Jewish Law after the Talmud highlights the extent to which the legal meaning of such a story could never be controlled by a syllogistic rewriting.

Our Narrative in Post-Talmudic Jewish Legal History

At this point in our treatment of the story, we have seen the way in which interpreters in the Talmud attempt to control the legal meaning of our primary narrative, and turn it into viable legal precedent. This attempt at control struggles to rewrite the story as an unexceptional moment of legal application. Within the history of post-

[94] This is one way of conceptualizing the contemporary phenomenon of "*Daas Torah*."

Talmudic Jewish law, though, the story continued to establish multiple and exceptional precedents,[95] thus demonstrating the story's ability to resist the monological frame.

Two legal debates—one in the medieval and one in the modern periods—evidence the ways in which the uncontrolled story can be turned into multiple simultaneous legal precedents. The medieval debate between R. Zeraḥyah Halevi (*Razah*) and R. Moshe ben Naḥman (Ramban) about the parameters of the imperative to martyr oneself over a cardinal sin shows how this legal narrative could be read as opposite legal precedents depending on which character is taken as the primary actor. A talmudic page before our narrative, within a larger *Sugyah* about the imperative to martyrdom at Sanhedrin 74b, the *Stam* questions how the biblical Esther could have conducted a sexual relationship with Aḥasuerus and not martyred herself since their relationship was a public one and one must give one's life for any violation if such a demand is made publicly. One amoraic response answers that Esther was not obligated to martyr herself since the man enforcing her violation (Aḥasuerus) was doing so for his own pleasure. *Razah* argues that the factor of 'enforcer's pleasure' mitigates martyrdom even when such martyrdom is mandated by one of the three cardinal sins (for which you must choose death even if the violation is private). *Ramban* limits this mitigating factor to non-cardinal sins that generate an imperative to martyr oneself because of the context in which such violation is

[95] The story that is the subject of this chapter is utilized in various and diverse modern contexts. *Ḥatam Sofer* Vol. 4 (Even Haezer 2) #82 uses it to deny any leniency for a woman who is made a seven-year Agunah (living widow) by the fact that her dead husband has a six year old brother who cannot perform *Ḥalitzah* until he comes of age. *Ḥedvat Yaʿaqov* Even Haʿezer 43 employs it to ban artificial insemination for an infertile couple. It is at the center of a debate about heart transplants between *Minḥat Yiẓḥaq* and *Iggrot Moshe*. One of R. Moshe Feinstein's questioners wants to include mixed swimming among the cardinal sins on the basis of this story. R. Moshe (Even Haʿezer V.4 #60) bans platonic friendships between teens who are not looking to get married by citing the narrative.

demanded—either because of persecutorial legislation or because these violations are public.

Both sides marshal the narrative of Sanhedrin 75a in support of their positions. *Razah*'s use of the narrative—the usage most commonly found in Jewish law—focuses its attention on the dying man. The role of the enforcer is embodied by the man's lovesickness, and the question of law decided by the story is whether the man may violate a prohibition to cure himself. The story functions as precedent in teaching that any form of sexual pleasure is tantamount to illicit sex and mandates the choice of death over violation. *Ramban*, in searching for a basis to deny 'enforcer's pleasure' as a mitigating factor for the three cardinal sins, revisits the story from the woman's perspective. This interpretation turns the dying man into the enforcer and makes the rabbis' decision a choice about the woman's permission to violate in order to cure the dying man. By transforming the case in this manner, the story becomes a paradigmatic instance of 'enforcer's pleasure,' since the woman's participation does not (seemingly) issue from her own desire. When the rabbis prohibit the encounter, they establish definitively that 'enforcer's pleasure' is not a mitigating factor for the cardinal sins.

If the medieval debate illustrates a feature of the inherently dialogical nature of legal narrative—that it can focus equally on multiple actors within a legal scenario—the later debate between R. Shlomo Kluger and R. Moshe Feinstein illustrates the extent to which the attempt to turn a dialogical narrative into monological precedent constitutes a repression that is liable to return at any moment. R. Shlomo Kluger, in his *Ḥokhmat Shlomo*, a gloss on *Shulḥan ʿArukh*, also begins his version of the story from the woman's perspective. The woman is obligated to save the dying lovesick man despite the violation

this requires of her because of the biblical commandment not to idly witness another's death. Yet the rabbis refuse to sanction their sexual encounter, according to R. Pappa, because of family shame. Thus the story and its interpretation witness a limit to the imperative to save someone's life. Despite the fact that her family members are equally obligated in the biblical mandate to save his life, the rabbis' refusal is justified by R. Pappa by the notion of family shame. R. Kluger concludes from this that the imperative to save someone's life is removed when the act of saving is beneath the dignity of the would-be savior.[96]

The twentieth century rabbi, R. Moshe Feinstein, in his *Iggrot Moshe*, is appalled by Kluger's suggestion. "These [words], definitely, God forbid [us] to say them. For if the honor of heaven is deferred…all the more so the honor of even the greatest of the greatest men."[97] R. Moshe's first legal argument against Kluger's reading is the fact that this story is already spoken for as legal precedent. "This law is spoken regarding the stringency of illicit sex that one must be killed rather than violate, die rather than being healed. That is the topic of that entire *Sugyah*…" After adding to this initial argument with citations of scholars of Jewish law who confirm its primary precedential use, R. Moshe turns to Kluger's substantive point. In order to combat Kluger's empowerment of the notion of family shame as an independent determinant in the story, R. Moshe reinterprets family shame as an auxiliary feature. The Talmud does not mean to say that 'family shame' functioning on its own power can justify the rabbis' refusal. Rather,

---

[96] *Ḥokhmat Shlomo* Ḥoshen Mishpat 426. R. Kluger's logic is somewhat assailable since the actual savior, in this case, is not the source of the shame. R. Kluger would have to stipulate that the woman in this case did not feel shame or that her subjective shame doesn't meet the threshold of "beneath one's dignity."

[97] Moshe Feinstein, *Iggrot Moshe* Yoreh Deʿah 2: 174.

'family shame' turns a prohibition-less encounter into a cardinal sin of illicit sex. Even though the specific encounter contains no specific prohibition, 'family shame' connects it to other instances of such shame which are cases of explicit prohibition. R. Moshe struggles to extract the story from Kluger's clutches because Kluger's reading is sound. R. Moshe's difficulty with the radical ethic which R. Shlomo Kluger justifies with this story highlights the ramifications of treating a narrative which does not confine its legal material as an instance of legal precedent. Because R. Pappa is willing to expand the law into the arena of shame and to empower shame as the justification for rabbinic practice in our story, he effectively establishes precedent that empowers shame above the imperative to save a life. Kluger's interpretation sounds absurd, but it is merely the product of the attempt to control our story by forcing it into the frame of legal precedent. These two debates highlight the fact that legal narratives constitute uncontrollable precedents despite the monological frame that would attempt to control them.

The amoraic answers successfully absorb the story into halakhic precedent. Its substantive challenge—the surface contradictions between the story's law and halakhic statutes—has been met in both Talmuds. But putting out the technical fire in halakhah's house allows the Babylonian Talmud to evaluate rabbinic action within halakhah from an ethical perspective. Even if the rabbis are agents of a force larger than themselves, how could they witness a man's death and do nothing about it?

II. D) The Babylonian Talmud's Question and Psychological Answer

Palestinian Talmud	Babylonian Talmud
	So let him marry her? c) That would not settle his mind because of R. Yiẓḥaq. For R. Yiẓḥaq said from the day of the destruction of the temple the flavor of

	intercourse was taken and given to sinners as it is written, "Stolen waters will be sweet and hidden breads will be pleasant."

R. Pappa's and R. Aḥa's answers successfully justify the rabbinic position by expanding the legal discourse. By resolving the technical question of law, though, these answers open up new questions. Because the story cannot be contained by its monological frame—because it encourages the creation of multiple monological lessons—the *Stam* cannot leave it as precedent without addressing the radical ethical implications of such precedent. While the rabbis' action can be explained within an expanded halakhah that incorporates family shame and morality, such responses do not justify rabbinic capriciousness. Even if their halakhic position makes sense, why do the rabbis callously require the man's death without exhausting all of their possibilities? Why do the rabbis not suggest marriage?

At this point in the *Sugyah* the focus of attack has shifted. Previously, the substantive challenges of the story for halakhah prompted a questioning of the story's proper place within legal precedent. The discussion centered on the possible ways of making the law cohere with rabbinic action. This new question, however, refocuses the story by attending to its characters. Having resolved the question of law, the *Sugyah* can now examine the narrative's primary actors, the rabbis. Ironically, the *Stam* now attacks the rabbis for being the very legal functionaries that the monological discourse requires them to be. Simply put, the rabbis are now challenged for not finding a solution within rabbinic law to prevent the man's death.

To answer this ethical critique of rabbinic inaction, the *Stam* converts a refusal to act into an inability to act. The rabbis' refusal to countenance any form of sexual

encounter stems from their awareness of R. Yiẓḥaq's statement that from the day the temple was destroyed sexual pleasure is not available to those whose sexual life, in marriage, is authorized by the law.

Viewed from this position, the reason the man must die is not legal but psychological. The rabbis cannot provide the dying man with his solution because their sanction removes the very nectar of his antidote—it is outside the domain of legal rules. His cure does not require the physical sex act, but sexual pleasure that R. Yiẓḥaq claims is only available in sin. The rabbis are powerless because the law by definition can never sanction sin and it is the very illegality of the act that constitutes its palliative property. This answer constructs a dialogical *nomos* in which the languages of psychology and law intersect as irreconcilable forces, creating a paradox that renders the rabbis powerless: if they help the man, the act would be legal but ineffective, while if they stand by and do nothing, the same result transpires.

I would like to approach R. Yiẓḥaq's position by contextualizing our talmudic story within both its contemporaneous Greco-Roman setting and within the setting of modern psychoanalysis. In doing so, I will focus on three different aspects of R. Yiẓḥaq's statement: its movement from a physiological diagnosis of lovesickness to a psychological one, its rewriting of the mythic story on different mythic grounds and its status as a performance of mourning.

III. A) Physiology to Psychology

Our core story describes the lovesick man as "העלה לבו טינא". This phrase has traditionally been translated as a metaphor that defines lovesickness as heaviness of the heart. I would like to suggest that the phrase is not a metaphor, but a physiological

diagnosis. Though the general definition of טינא is cement or clay[98] the term is used by Targum Zechariah (10:5) to translate its cognate טיט, or tar.[99] As such, טינא refers to a black oozing substance. For two thousand years, diseases were explained through a theory of bodily humors, [100] of which the first full iteration is linked with Hippocrates (Fifth century BCE).[101] One of the four humors was the Greek term μελαῖνα χολή, or black bile, a term that is the basis of our melancholia.[102] When this humor was in abundance, a patient became lovesick. Our story, in other words, offers an understanding of lovesickness not just as an intense emotional state, but also—by invoking the term טינא—as a clinical diagnosis rendered in physiological terms.

Lovesickness was a not infrequent motif of Greek literature, where the typical cure for such a condition was a physical sexual encounter between the forlorn lover and his or her beloved.[103] In several such accounts, the disease is diagnosed by a doctor, who is unable to effect a cure because the relationship between the melancholic and his or her object of obsession is barred by the social taboo—a woman in love with her son, or a son in love with his father's wife.[104] Scholars have pointed out many examples of rabbinic

---

[98] Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (Brooklyn: Traditional Press, 1975) vol. 1, p.532. Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period*, 224.

[99] See also Bavli Shabbat 67a where טינא and טיט are grouped together in a curse.

[100] Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period*, 7.

[101] Peter Toohey, "Love, Lovesickness and Melancholy," *Illinois Classical Studies* 17 (1992), 265-279.

[102] Ibid.

[103] Ibid., 269-274. For a treatment of lovesickness in the Jewish context see Joshua Levinson, "An-Other Woman: Joseph and Potiphar's Wife: Staging the Body Politic," *Jewish Quarterly Review* 87, no. 3-4 (1997): 269-301.

[104] Ibid.

stories that borrow Greco-Roman motifs and tale-types, and the story of the lovesick man can be understood as one such example.

Though Greco-Roman literature thought of lovesickness in physiological terms, Greek medical writers already in the second century CE began to conceive of lovesickness as a psychological condition often popularly confused with the physiological melancholia. Aretaeus (150CE) tells the following story that parallels our own.

> A story is told, that a certain person, incurably affected, fell in love with a girl; and when the physicians could bring him no relief, love cured him. But I think that he was originally in love, and that he was dejected and spiritless from being unsuccessful with the girl, and appeared to the common people to be melancholic. He then did not know that it was love; but when he imparted the love to the girl, he ceased from his dejection, and dispelled his passion and sorrow; and with joy he awoke from his lowness of spirits, and he became restored to understanding, love being his physician.[105]

According to Aretaeus, the popular view that understood the patient's condition physiologically is erroneous. The man may have appeared to be melancholic, but his lovesickness is purely psychological and is cured through psychological means.

Our story's trajectory in the Talmud sounds a similar note. The original story uses language that diagnoses melancholia and the doctors who treat the man suggest various sexual encounters as cures to this illness. But the *Stam*'s utilization of R. Yiẓḥaq shifts the focus from the medical to the psychological, recognizing that it is not the physical encounter itself that is palliative, but the emotional effects of such an encounter. The

---

[105] Aretaeus, *The Extant Works of Aretaeus, the Cappadocian*, trans. Francis Adams (London,: Sydeham Society, 1856), 300.

Stam claims that the man's desire is for a sexual pleasure that is inaccessible to law-abiding Jews in the post-Temple period. It is a pleasure that is available exclusively to sinners. In recasting the situation along psychological lines, and positing an inverse relationship between sexual pleasure and the law, the *Stam*'s formulation comes closer to the language of modern psychoanalysis. Indeed, the psychoanalytic understanding of the relationships between sex drives and their repression offers another crucial dimension to this story, and I would like to now address this model as yet another discourse operating within the layered heteroglossia of the talmudic legal narrative.

The talmudic story finds a remarkable echo in a Freudian case study which parallels it in both content and structure. The striking similarity between the two tales allows us to contrast the *Stam*'s psychological technique with Freud's.

> A few days ago a middle-aged lady, under the protection of a female friend, called upon me for a consultation, complaining of anxiety-states. She was in the second half of her forties, fairly well preserved, and had obviously not yet finished with her womanhood. The precipitating cause of the outbreak of her anxiety-states had been a divorce from her last husband; but the anxiety had become considerably intensified, according to her account, since she had consulted a young physician in the suburb she lived in, for he had informed her that the cause of her anxiety was her lack of sexual satisfaction. He said that she could not tolerate the loss of intercourse with her husband, and so there were only three ways by which she could recover her health—she must either return to her husband, or take a lover, or obtain satisfaction from herself. Since then she had been convinced that she was incurable, for she would not return to her husband, and the other two alternatives were repugnant to her moral and religious feelings. She had come to me, however, because the doctor had said that this was a new discovery for which I was responsible, and that she had only to come and ask me to confirm what he said, and I should tell her that this and nothing else was the truth. The friend who was with her, an older, dried-up and unhealthy-looking woman, then im-

> plored me to assure the patient that the doctor was mistaken; it could not possibly be true, for she herself had been a widow for many years, and had nevertheless remained respectable without suffering from anxiety.[106]

The anonymous "middle-aged lady" approaches Freud with a question invested with the hopes of three different individuals. For the woman herself, the visit to the great analyst is an opportunity to treat her anxiety, heightened by the diagnosis of her local physician. She is troubled by the suggested cures, and it is not clear how she will respond if, as she suspects, Freud confirms her doctor's diagnosis. The young suburban physician suggests the visit defensively; indeed his referral of the patient to Freud—in its insistence on the doctor's responsibility rather than his own—appears here almost as an accusation, a conviction that someone else bears responsibility for the woman's possible cures. He accepts the dictates of psychoanalysis without understanding them, directing his patient to Freud in response to her incredulity. The female friend, who accompanies the "middle-aged" lady, is perhaps the most invested of all. This woman, described by Freud as "older, dried up and unhealthy-looking," looks eagerly to Freud for a rebuttal of the original diagnosis which threatens her very existence. "It could not possibly be true, for she herself had been a widow for many years, and had nevertheless remained respectable without suffering from anxiety." The question she asks Freud is thus whether, "this and nothing else was the truth."

Freud is approached with a question that constitutes psychoanalysis as a body of knowledge—a system of rules or law that can answer definitively, truthfully. There is one

---

[106] "Wild Psycho-Analysis," in Sigmund Freud, *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, ed. James Strachey, trans. James Strachey (London,: Hogarth Press, 1953), vol. XI (1910), 221.

true answer, and the master psychoanalyst will know it. The analyst is a judge who will rule on a matter of law. Is the middle-aged lady's anxiety curable only through a physical sexual encounter? The answer that both the woman and her doctor seek is nothing short of a yes or a no—there is no possibility here for a response that does not appear as either full approval or rejection.

Freud never narrates his actual response to the patient—how he helped her to deal with her anxiety or how he answered her question. He suggests a possible diagnosis *en passant*, but makes no mention of the details of his diagnosis. The heavily invested question about truth is met by someone who will not answer the question as asked—Freud simply will not speak about truth. Instead, he uses this case study as an occasion to characterize psychoanalysis.

In this characterization, the doctor in question, the wild analyst, is guilty of three errors—two resulting from a misunderstanding of psychoanalysis as a scientific theory, and one from a fundamental mistake in the constitution of analysis as a technique. The first error is that the doctor equates sexuality with the physical sex act. Psychoanalysis rewrites sexuality as psychosexuality, recognizing that "mental absence of satisfaction…can exist where there is no lack of normal sexual intercourse."[107] The doctor's second error lies in forgetting the fundamental dialogue at the heart of psychosexuality between the sex drive and its repression. Repression is precisely that which prevents ill patients from satisfying themselves and that which prevents even a prescribed sexual cure. Finally, and most importantly for our purposes, the doctor mistakenly treats psychoanalysis as a body of knowledge rather than a technique.

[107] Ibid., 223.

Psychoanalysis does not here constitute itself as a body of monological truth with answers that can be determined through precise equations or calculations. It is a technique predicated on a relationship between analyst and analysand, a dynamic that enables the analysand to work through his or her repression to reach "the neighborhood of what he has repressed," and form an attachment with the analyst that "make[s] a fresh flight impossible."[108]

Freud's critique of rote psychology allows us to critique the psychological answer offered by the *Stam*. R. Yiẓḥaq constitutes psychology as law's parallel—a discourse of truth that can provide definitive answers and determine normative practice. But Cover's *nomos* suggests that the analogy should work in the opposite direction. Law needs to be constructed in the image of psychoanalysis as a technique rather than a body of truth-dispensing knowledge. Legal rules can act, as R. Yiẓḥaq demonstrates, as an unhealthy superego, repressing the drives necessary to sustain a healthy life. The problem with conceiving of law in terms of a dialogical *nomos* is that legal meaning, thus understood, cannot be legislated or controlled.

III. B) Myths of Power

Lovesick desire was a common motif in the ancient world. In the biblical canon, it fuels the poetry of Song of Songs and the II Samuel account of ʾAmnon's rape of Tamar. Rabbinic folk tales of lovesickness include stories that are structurally similar to our own talmudic narrative—the historical legend of the man who steals his teacher's wife at

[108] Ibid., 226.

Gittin 58a and the aforementioned *Natan Ẓuẓita* account which celebrates the hero's self-control.[109]

Most tales of desire end with a climactic encounter. The Greek lovesick stories and the biblical and rabbinic parallels narrate either the cure of sexual congress or the victim's death for lack of a cure. The talmudic narrative before us fails to narrate desire's conclusion. The dying man's state of desire is perpetual, terminated neither by consummation nor by death. While the story certainly implies the man's death, such a death takes place offstage. The missing narration of the man's death suggests that the lovesickness motif is borrowed or coopted in this story for a different desire, the desire for rabbinic authority.

The encounter between rabbis and doctors replaces the encounter between lover and beloved in the climactic scene. This replacement substitutes the rabbinic desire for legal authority for the lover's desire for his beloved. The dialogical nature of narrative allows us to focus on the varying ways in which characters are emotionally invested in the story. All of the characters in the story are implicated in multiple relations as subjects and objects of their own desire and the desire of others. Lovesickness was often the site of cultural contestation and the arena for assertion of authority in the Greco-Roman world. Mary Wack sums up the conclusions of J. Pigeaud's study of lovesickness in the ancient world as follows:

> The disease of love, which afflicts both the body and the spirit of a patient caught in a matrix of social and ethical relationships, lay in a cultural zone intersected by the

[109] Eli Yassif, *The Hebrew Folktale : History, Genre, Meaning*, trans. Jacqueline S. Teitelbaum, *Folklore Studies in Translation* (Bloomington, Ind.: Indiana University Press, 1999), 140 connects these two tales as two iterations of one folk motif.

> discourses of medicine, literature, natural philosophy, mysticism, pastoral theology and didactic literature….In this site of contestation priest and physician vied for professional territory....[110]

The rabbis want the man's death for the sake of rabbinic authority. This desire is echoed in another rabbinic story found adjacent to our own in the Palestinian Talmud *Sugyah*. While our story is the paradigm for choosing death over a prohibited sexual cure, the following story is the prooftext for the choice of death over an idolatrous cure.

> A story about R. ʾElʿazar Ben Dama that a snake bit him. And Yaʿaqov the man of Kefar Sama came to cure him in the name of Jesus the son of Pandera,[111] and R. Yishmaʾel refused to allow him.
> He said to him: I can bring a proof that he may heal me, but he did not suffice to cite his proof, until Ben Dama died. R. Yishmaʾel said to him: blessed are you, Ben Dama, for you left the world in peace, and you did not violate the fence of the sages as it is written, "One who breaks down a fence, let a snake bite him."[112] (Ecclesiastes 10:8).

This story narrates a clash between two rabbis, Ben Dama and R. Yishmaʾel, over the permissibility of a cure that may or may not be considered a cardinal violation. This legal narrative performs a confrontation of legal reasoning between the two scholars. Though we never hear Ben Dama's justification, the story concludes with R. Yishmaʾel's praise for Ben Dama who dies in order not to violate the fence of the sages. R. Yishmaʾel and

---

[110] Mary Frances Wack, *Lovesickness in the Middle Ages : The Viaticum and Its Commentaries*, *Middle Ages Series* (Philadelphia: University of Pennsylvania Press, 1990), 7. Jackie Pigeaud, *La maladie de l'âme: etude sur la relation de l'âme et du corps dans la tradition médico-philosophique antique* (Paris: Société D'Édition "Les Belles Lettres", 1981).

[111] This name is a late insertion in the Leiden manuscript.

[112] Palestinian Talmud ʿAvodah Zarah 2:2; 40d-41a.

the story's writer do not mask their desire to solicit death in the service of rabbinic authority.

The move the rabbis make, in coopting their story to write their own desires into myth is exactly paralleled in Freud's case study. Freud uses the wild analyst's diagnosis as an opportunity to stake a political claim.

> Neither I myself nor my friends and co-workers find it agreeable to claim a monopoly in this way in the use of a medical technique. But in face of the dangers to patients and to the cause of psycho-analysis which are inherent in the practice that is to be foreseen of a 'wild' psycho-analysis, we have had no other choice. In the spring of 1910 we founded an International Psycho-Analytical Association, to which its members declare their adherence by the publication of their names, in order to be able to repudiate responsibility for what is done by those who do not belong to us and yet call their medical procedure 'psycho-analysis'. For as a matter of fact 'wild' analysts of this kind do more harm to the cause of psycho-analysis than to individual patients.[113]

Though he may not find it "agreeable," Freud here claims a monopoly on psychoanalysis. Freud's claim allows us to read the rabbinic myth and vice versa—reminding us of the ultimate failure that awaits any claim to control. Assertions of power are always contested, and depictions of power are always ultimately aspirational. Rabbinic writers compose a myth of rabbinic power because their power is diluted and contested in reality.

As our myth of rabbinic power is processed through the monological prism of both Talmuds, though, its very message is subverted, as rabbis are cast as powerless legal functionaries and legal rules alone are given the power to call for a man's death. The *Stam*'s suggestion of R. Yiẓḥaq returns the rabbis to the very powerlessness that was the

[113] Freud, *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, XI: 226-227.

presumed precondition of the myth's creation. In a post-destruction world, the myth of rabbinic power becomes a myth of powerlessness as rabbis and other law-abiding citizens are denied the pleasures that were once accessible to them before the destruction and are only accessible now to sinners in a post-destruction world.

III. C) Mourning Performance

R. Yiẓḥaq's statement asserts itself as unequivocal truth. Sexual pleasure is beyond the grasp of sanctioned relationships. Traditional and critical commentators have, for the most part, accepted the poetics of this assertion and relied on R. Yiẓḥaq as indicative of sexual realities in a post-destruction world. Rashi explains the causality of the event described by the assertion by inverting the *Stam*'s connection between desire and pleasure.[114] After the temple's destruction, married men cannot have the same pleasure they had beforehand since the many worries in their lives prevent desire of their wives.[115] *Rivan* explains the causality through a notion of divine reward. Sexual pleasure is a reward of cultic worship. While the temple was standing, the sacrifices of women after giving birth caused God to deliver heightened sexual pleasure. [116] Among modern scholars, the text is similarly viewed as a source of historical fact. David Biale considers the statement reflective of an inability to replace the cult of the Temple with that of the body:

> With the Temple destroyed, the cultic constraints on erotic passion could no longer operate. The intimate role of the

[114] Rashi *ad loc.*

[115] ʿ*Anaf Yosef* (in ʿ*Ein Yaʿaqov*) cites Zevaḥim 116b which connects stress with sexual impotence in the context of the biblical conquest of the land of Israel in Joshua.

[116] *Ḥamra Veḥayey*, (Jerusalem: Sifra, 1960), 355.

> divine in human sexuality, which was so central to biblical theology, was now shattered with God himself now in exile with the Jewish people.[117]

R. Yiẓḥaq's statement is not a historical report, but a statement implicated in the performance of mourning. The style of R. Yiẓḥaq's statement, "From the day etc.," exists throughout rabbinic literature as a way of marking the tragic loss of individuals and traumatic communal catastrophes. The formula establishes a temporal view of the world with two time periods: before and after. These texts enact rituals of mourning that absorb catastrophe into history by both solidifying the memory of loss and contextualizing that memory as part of the past.

The temple's destruction was a more profound loss than others. Rabbinic texts are replete with mourning statements like R. Yiẓḥaq's that attempt to work through the loss. Other texts confirm the challenge of this project by painting a vivid picture of life possessed by the trauma of the temple's loss. Tosefta Sotah 15 contains two consecutive beraitot that display the tension between the experience of being possessed by the temple's loss and the need to put that loss in the past.[118] One *Beraita* cites R. Yishmaʾel as saying that by law, the courts should have decreed an eternal ban on the consumption of meat and wine. The courts could not decree such a thing, however, because the community could not withstand it. In the very next halakhah, though, the relationship between rabbi and community is reversed. The *Beraita* relates that after the temple was destroyed a large group of "pharisees" emerged who abstained from meat and wine. R.

---

[117] David Biale, *Eros and the Jews* (Berkeley: University of California Press), 58.

[118] Cathy Caruth, *Unclaimed Experience: Trauma, Narrative, and History* (Baltimore: Johns Hopkins University Press, 1996), 7 describes trauma as an oscillation "between the story of the unbearable nature of an event and the story of the unbearable nature of its survival".

Yehoshuʿa, a rabbi, engages these figures in debate in order to convince them to cease these practices. R. Yehoshuʿa's response to the 'pharisees' recognizes the impossibility of mourning the temple's loss:

> To mourn [the temple] more than is appropriate is not possible, and not to mourn at all is [also] not possible. So the rabbis said, let a man lime his house with limestone, but leave over a little bit in memory of Jerusalem.

R. Yehoshuʿa's description is an apt description of the aim of mourning—to integrate memory of loss into a healthy continuation of life, making a place for that memory in the present.[119]

Within this profound sense of loss, rabbis in the late tannaitic period expressed their psychological states in physical terms. Mishnah Sotah 9 contains a statement that helps contextualize R. Yiẓḥaq by providing another instance in which the temple's loss is described in the language of physical pleasure.

> Rabban Shimʿon ben Gameliel said in the name of R. Yehoshuʿa, "From the day the temple was destroyed there is no day without a curse and the dew will not beneficently fall and the taste of fruit has been taken." R. Yose said, "even the fat of fruit has been taken."

While most of the mourning statements connect the deaths of individuals with changes in social dynamics, or certain tragedies with the cessation of miraculous occurrences, this statement connects the loss of the temple with tangible loss in the natural physical world. The rainfall changed, and the fruit became tasteless. If we

[119] Dominick LaCapra, *History and Memory after Auschwitz* (Ithaca, NY: Cornell University Press, 1998), 45 "Mourning involves introjection through a relation to the past that recognizes its difference from the present and enacts a specific performative relation to it that simultaneously remembers and takes at least partial leave of it, thereby allowing for critical judgment and a reinvestment in life."

understand these texts merely as monological statements of fact, R. Yose's disagreement is troubling since one is hard-pressed to explain the difference between the taste of fruit and its fat.[120] R. Yose's statement is better understood as a mourning performance. Hearing R. Yehoshuʿa's attempt to translate the loss into language, R. Yose reacts—he is compelled to add to a statement that somehow does not encompass his feelings.

R. Yiẓḥaq's statement parallels R. Yehoshuʿa's on both linguistic and conceptual levels. ניטל טעם פירות , the taste of fruit has been taken, is analogous to ניטל טעם ביאה the taste of sexual intercourse has been taken. R. Yiẓḥaq's statement should also be understood then as an attempt to express the inexpressible trauma of the temple's loss through a description of diminished sexual pleasure. R. Yehoshuʿa's loss of the taste of fruit suggests a bifurcated world determined by the rupture of the temple's destruction. Before the temple was destroyed, fruit had flavor; after it was destroyed fruit was flavorless. But R. Yiẓḥaq's statement partakes of two dichotomies simultaneously.[121] The sexual pleasure of the pre-destruction world is also accessible post-destruction to the sinner. R. Yiẓḥaq's statement creates a triangular relationship between sexual pleasure, the temple, and law.[122]

The *Stam* applies R. Yiẓḥaq's performative mourning statement through a narrative that itself has a triangular relationship between sexual desire, rabbinic authority and the law. By equating sexual pleasure with sexual desire—and viewing one as the

[120] Tiferet Yisrael suggests that "fat of the fruit" is its nutritional value.

[121] In fact, R. Yiẓḥaq's prooftext only proves the second half of his statement—that sex is most pleasurable for the sinner.

[122] For an analysis of Paul's construction of the relationship between sin and the law, see Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity* (Berkeley: University of California Press, 1994), 158-179.

barometer for the other—the *Stam* connects the notion of authority at play in R. Yiẓḥaq's statement with the notion inherent in the narrative. While the narrative on its own constructs rabbinic authority as a powerful force, above the law, the *Stam*'s application of R. Yiẓḥaq describes the rabbis as impotent subjects of another absent authority, the authority of the temple, or God.

Mishnah Sotah 9 contains another early tannaitic mourning text attributed to R. Pineḥas ben Yaʾir, describing the impact of the temple's loss on rabbinic society. The destruction was catastrophic, especially for rabbinic authority.

> R. Pineḥas ben Yaʾir said from the destruction of the temple *Ḥaverim* and free men are ashamed and their heads are disgraced and miracle workers have become weaker and strong-men and rhetoricians have taken over and no one searches for anything, asks anything or requests anything. On whom can we rely? On our father in heaven.[123]

The temple's destruction resulted in massive social upheaval. Rabbinic authority in general draws strength from divine authority. Rabbis consider themselves God's extension in the world. The destruction of the temple posed a challenge to rabbinic authority because God's literal seat of authority was destroyed. While the early tannaitic period texts reflect rabbinic despair, distance from the temple's loss allowed the rabbis to reassert their authority. Stories like that of the lovesick man represent an attempt to reassert rabbinic authority from the perspective of members of the community. Such stories ultimately reconfirm God's role in the world in the aftermath of the temple's destruction, allowing the rabbis to reinforce their authority as God's representatives.

---

[123] Mishnah Sotah 9.

God's absence from the world challenged the rabbis by severing the force behind their authority. Stories depicting rabbinic desire for authority, like R. Yiẓḥaq's statement, are the products of a relatively impotent time for the rabbis. Ultimately, the rabbis found their substitute for God within Halakhah, which they figured as a conceptual alternative to God's physical space. In a statement from the early amoraic period—a period with enough distance from the loss that we can imagine the transition from mourning statement to ritualized history—we discover the rabbinic substitution of Halakhah for God as the basis for their authority, a substitution that confines God to Halakhah's conceptual space.

> R. Ḥiyya[124] bar ʾAmmi said in the name of ʿUlla, "From the day the temple was destroyed God only has in his world the four cubits of Halakhah."[125]

The transition precipitated in rabbinic Judaism is no smaller than a redefinition of God's place in the world. The temple was God's physical space, God's location. After the temple was destroyed, rabbinic Judaism reimagined God's space in literal, spatial terms—"the four cubits of Halakhah." The reference to four cubits picks up on the halakhic idea that objects and people are always in possession of their immediate four cubit radii.[126] "Four Cubits of Halakhah" thus represents the ideational space of halakhah which replaces the temple as God's location, and the definition of that space as conceived by Halakhah. This replication of form and content reminds us that the rabbis ironically attribute responsibility for halakhah to God while embracing their own autonomy in

[124] MS Florence reads "Ḥama."

[125] Berakhot 8a.

[126] Mishnah ʿEruvin 1:4 talks about four cubits as minimal personal space.

defining its contours. These texts redefine God's place in the world as part and parcel of the attempt to justify rabbinic authority. God becomes limited to the enterprise of Halakhah—an enterprise entirely within rabbinic control.

The *Stam*'s application of R. Yiẓḥaq connects the desire of the narrative with the barrier to desire represented by the temple's mourning. In order to resolve the ethical problem of the narrative—rabbinic intransigence in the face of a dying man—the *Stam* turns a story about rabbinic authority into a tale of rabbinic impotence, connecting it with a text from a period of rabbinic self-doubt. The sexual impotence at the heart of R. Yiẓḥaq's declaration replicates the feeling of a disempowered rabbinic authority, unsure of its standing in a post-temple world. The mourning statement is thus a performance of the rabbis' undermined confidence. The dying lovesick man approaches the rabbis qua legal authority because they control his symbolic universe. But the rabbis are not in a position of authoritative strength. Their ultimate source of authority, God, is absent from their world and chaos reigns. In R. Pinehas ben Yair's text, chaos and the loss of rabbinic authority is described through the three-fold statement that claims that no one consults the rabbis as authorities anymore: "and no one searches for anything, asks anything or requests anything."[127] In this case, by contrast, the rabbis are asked three times for three different cures, but are unable to respond. The rabbis are impotent. They cannot sanction his cure because their own authority has been diminished following the temple's destruction.

[127] Mishnah Sotah 9:15.

The dialogical narrative ultimately receives a dialogical reading that turns it into a tale of rabbinic powerlessness. The *Stam* is willing to agree to the notion of a *nomos* in which legal rules are contextualized among other social practices, but only as a dire consequence of the temple's destruction. R. Yiẓḥaq's statement divides historical time in two, establishing the *nomos* beyond rabbinic control as the product of the traumatic nightmare of the temple's destruction. It is only by conceiving a topsy-turvy chaotic world that the legal narrative can be allowed its dialogical message.

Legal narratives construct a legal world that resists the imposition of a monological and unitary legal frame on a complicated dialogical world. But within Jewish legal history there are sources, as early as the redactors of the Talmud themselves, who believe that law must be defined in a fixed monological way. The gap between dialogical and monological—the gap between the Deuteronomy statutes and the Genesis narratives—is the space in which legal meaning is dialogically negotiated.

Chapter Two—"Scholarly Envy Will Increase Wisdom": Knowledge as Cultural Capital

I. A) Internal Sociology

In *The Rules of Art*, Pierre Bourdieu models a sociological analysis of literature through a reading of Gustave Flaubert's *Sentimental Education*.[128] *Sentimental Education* recounts the interactions of a small circle of bourgeois students in nineteenth century Paris.[129] The chief protagonist is Frédéric, a law student who becomes lovesick for a married member of high society. Many of the literary treatments of this work have mapped the book's fictional characters onto real-life figures in Flaubert's life. In these readings, Flaubert is Frédéric, the lovesick protagonist who sublimates his unsatisfied love in his art. In the hands of historicist critics, the book is both Flaubert's confessional and a record of nineteenth century bourgeois politics.

Bourdieu is not interested in Flaubert's biography or in nineteenth century politics *per se*. Rather, Bourdieu views the book as a literary analogue to his scientific sociological *nomos*, developed more fully in other works.[130] Bourdieu's socio-economic theory separates social practices (disciplines, professions and other forms of social organization) from one another and examines the way each constructs its own independent domain or "field." The field is the arena in which the particular social

---

[128] Pierre Bourdieu, *The Rules of Art: Genesis and Structure of the Literary Field* (Cambridge: Polity Press, 1996).

[129] Gustave Flaubert, *Sentimental Education*, trans. Robert Baldick (Baltimore: Penguin Books, 1964).

[130] See, for example, Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977).and Pierre Bourdieu, *The Field of Cultural Production: Essays on Art and Literature*, trans. Randal Johnson (New York: Columbia University Press, 1993).

practice (art, law, medicine, economics, and literature) is performed. One of Bourdieu's insights is that each such field is constituted by a competition for symbolic capital; this competition is the engine that unifies all action within the field.[131] In the world of *Sentimental Education*, financial capital, political capital and social capital (in the form of nobility) all exist as the central currencies of their given field and constitute overlapping but nevertheless distinct competitions for the assimilation of capital.

As Bourdieu points out, Frédéric and his friends begin the competition with uneven amounts of these various types of capital and each constructs success through the assimilation of greater amounts of one or more forms of capital. Of the four adolescents in the group, Cisy is rich, noble and handsome though without intelligence or ambition; Deslauriers is intelligent and willful but poor and unattractive; Martinon has every trait in moderation; Frédéric is rich, noble, handsome and intelligent but lacks the will to succeed.[132]

Bourdieu chooses *Sentimental Education* because, he argues, the novel provides all the information necessary to construct its own sociological structure. Our external knowledge of Flaubert's era confirms the accuracy of a sociological picture drawn exclusively from the novel.

> [The novel provides] all the tools necessary for its own sociological analysis: the structure of the book, which a *strictly internal* reading brings to light, that is, the structure of the social space in which the adventures of Frédéric

[131] John Levi Martin, "What Is Field Theory?," *American Journal of Sociology* 109, no. 1 (2003), 28 "[T]here is a tendency for field theorists to use the word "field" in three overlapping or interrelated senses. In the first, there is the purely topological sense…:the field is conceived as an analytic area of simplified dimensions in which we position persons or institutions. Second, there is the sense of a field as an organization of forces. Third, there is the sense of the field as a field of contestation, a battlefield."

[132] Bourdieu, *The Rules of Art: Genesis and Structure of the Literary Field*, 10.

> unfold, proves to be at the same time the structure of the social space in which its author himself was situated.[133]

The novel's uncanny ability to depict a culture's sociology long before the scientific discipline of sociology would be able to do so demonstrates for Bourdieu the advantage of literary knowledge over scientific knowledge. In her work on Jacques Lacan, Shoshana Felman describes the knowledge of literature as knowledge that is not in possession of itself.[134] Bourdieu similarly claims that *Sentimental Education* possesses a prophetic awareness of sociological structure, but that awareness is veiled until the sociological critic (Bourdieu) unveils it. In Bourdieu's understanding, the textual unconscious can preserve sociological structures much like it preserves psychological dynamics. The critic's job is to uncover these structures through a strictly internal reading of the literature.

In the pages that follow I apply Bourdieu's model of a strictly internal sociological reading to a talmudic story and *Sugyah* at Bava Batra 20b-22. My reasons for doing so are twofold. First, Bourdieu's model is particularly relevant here because these texts, like *Sentimental Education*, have the thinnest of veils over their as yet unnoticed sociological structures. Second, Bourdieu's is in fact the only model for unmasking the sociological structure of rabbinic culture because there is no alternative to internal sociology for the analysis of rabbinic culture. Aside from rabbinic texts, the only material remains of rabbinic culture are various magic incantation bowls.[135] These bowls,

---

[133] Ibid. 3.

[134] Shoshana Felman, *Jacques Lacan and the Adventure of Insight: Psychoanalysis in Contemporary Culture* (Cambridge, Mass.: Harvard University Press, 1987), 92.

[135] See Joseph Naveh and Shaul Shaked, *Amulets and Magic Bowls: Aramaic Incantations of Late Antiquity* (Jerusalem and Leiden: Magnes Press and E.J. Brill, 1985).

while fascinating, do not facilitate a sociological study of rabbinic literature. My reading of Bava Batra 20b-22a will follow Bourdieu's model treating these talmudic texts like a cryptogram that provides its own key, using these texts to construct the sociological frame within which to subsequently read action within the frame. Both the frame and the action within it will provide insight into the sociology of rabbinic culture.

I. B) Knowledge as Capital: An Introduction

One of the classic mishnaic texts of rabbinic jurisprudence describes the procedural rules under which a later court is empowered to overrule the holdings of an earlier court.

> And why do they mention the words of the individual [dissenter] among the majority [holding] since the law only follows the words of the majority?
> So that if a [subsequent] court sees the words of the individual it will rely on [them],
> because a court cannot nullify the words of another court unless it is greater than it in both wisdom and numbers. If it was greater in wisdom but not numbers, in numbers but not wisdom, it cannot nullify its words until it will be greater than it in wisdom and numbers.[136]

This Mishnah establishes two criteria of greatness—wisdom and numbers—that allow one court to overrule another. While the precise meaning of "numbers" is ambiguous and the number at stake could be the number of judges or the number of cumulative years of judging, all numbers permit quantitative comparison. By contrast, we are not used to thinking of "wisdom" as a quantitative entity. Even were we to attempt to quantify wisdom, it would seem difficult to create a linear axis on which to chart relative levels of wisdom. Moreover, the notion of quantifying wisdom suggests the disturbing possibility

---

[136] Mishnah ʿEduyot 1:6.

that greatness could be quantified by the breadth of one's wisdom without considering the depth of such wisdom.[137]

The story of an encounter between two rabbis at Bava Batra 21a constructs a sociological world in which knowledge is figured as a quantifiable commodity—as capital. Competition for greater capital within the field both structures the field and explains the actions of individuals who respond to the field's forces. By locating this story within a discussion of restricted commercial competition, the Talmud establishes an analogy between the field of commercial production and the field of knowledge production that allows for insight in both directions. Moreover, the construction of these fields as parallel markets with unequal laws provides a window into the relationships between rabbinic sociology and communal norms.

II. A) The Encounter

> R.[138] Dimmi of Neharde'a brought figs by boat (to Meḥoza).[139]
> The Exilarch said to Rava, "Go out and see! If he is a scholar, grab[140] the market for him."
> Rava said to R. ʾAdda bar ʾAhavah,[141] "Go sniff his flasks."

[137] Perhaps one should read the Mishnah's two categories as a description of quantity and quality where "numbers" refers to a quantitative comparison and "wisdom" a qualitative one.

[138] Avinoam Cohen, *Ravina Vehakhme Doro* (Ramat-Gan: Bar-Ilan University, 2001), 72 no. 36 uses this story to argue that *Amoraim* are given the honorific of rabbi anachronistically within stories.

[139] This explanatory term appears in MS Florence, in the Yemenite tradents Midrash Hagadol and Sefer Hamaasiyot and in the margins of MS Escorial.

[140] Moshe Beer, *Amorae Bavel* (Ramat-Gan,: Bar Ilan University, 1982), 222 no. 1 and 2 suggests that the word can have the meaning of taking or of delaying. Either would mean a monopoly on the market.

[141] The variants disagree over the name of R. ʾAdda's father. Several (Oxford, Vatican 115, Florence, Paris, Midrash Hagadol, Sefer Hamaasiyot, Escorial, Haggadot Hatalmud and Ein Yaaqov) have ʾAhavah, while others (Hamburg, Munich and Pesaro) have ʾAbba. Tosafot *ad loc* cites R. Ḥananel's "ʾAbba" as preferable because there is another R. ʾAdda bar ʾAhavah who lived earlier. The existence of two individuals of the same name is not uncommon in rabbinic literature, and I am going to assume the name ʾAhavah since Tosafot's argument would justify a change from that name.

> [R. ʾAdda] went out[142] and asked [R. Dimmi], "An elephant who swallows a reed basket and expels it via its anus, what is it[s status]?"[143]
> [R. Dimmi] did not have it in his hands.
> [R. Dimmi] said to [R. ʾAdda], "the master is Rava?"[144]
> [R. ʾAdda] struck [R. Dimmi] with his sandal[145] [and] said to him, "between me and Rava there is a lot,[146] but undeniably I am your master, and your master's master."[147]
> They did not grab for him a market, [and] he lost his figs.
> He [R. Dimmi] came before R. Yosef [and] said to him, "See master what they have done to me."
> He [R. Yosef] responded, "The one who did not delay the debt of retribution on the king of Edom will not delay your debt," as it is written, "On three sins of Moav and on the fourth I will not take them back for they burnt the bones of the King of Edom into lime."
> R. Adda bar Ahavah died.
> R. Yosef said, "I punished him because I cursed him."

Ibid., 250 no. 93 cites Heyman who has three entries under R. ʾAdda bar ʾAhavah while Albeck has only two individuals with this name.

[142] The textual variants within the word for go might be helpful in constructing a stemmatic diagram. The Oxford Genizah fragment, Vatican 115, Paris, Escorial, Haggadot Hatalmud and Ein Yaaqov use the verb אזל. MSS Hamburg, Munich, Florence, the Pesaro printed edition and the Yemenite Midrash Hagadol and Sefer Hamaasiyot use the verb נפק. Vilna follows Pesaro (and Venice) with נפק, but adds אזל in brackets.

[143] Sefer Hamaasiyot and Midrash Hagadol add an explicit statement that clarifies the tension between the vessel's status as a wooden vessel and its status as fecal matter.

[144] MS Paris reverses the clauses, placing the striking with the sandal before R. Dimmi's assumption that R. ʾAdda is Rava.

[145] Richard Lee Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia* (Atlanta, Ga.: Scholars Press, 1994), 6 and no. 15 offers this meaning as well as the alternative meaning of striking on the sandal.

[146] Sefer Hamaasiyot and Midrash Hagadol say that there "are many levels."

[147] Three different versions of this clause emerge from the textual variants.

a) "I am your master, the master of your master." (Oxford, Munich, Paris)
b) "I am your master, and Rava is your master's master." (Hamburg, Vatican 115, Paris after change, Pesaro, Haggadot Hatalmud, Ein Yaaqov)
c) "I am your master and Rava and Rabbah are the masters of your master." (Escorial with marginal note)

The first version has four words and simply posits that R. ʾAdda is two steps removed from R. Dimmi. Any pun on Rava's name is only implicit. Either to explicate the pun, or to lessen the extremity of R. ʾAdda's claim, the second version adds the term ורבא within the first version's text. The third version, which appears only in the edited text of Escorial is most likely the result of an accidental ו placed before רבה.

> R. Dimmi (of Nehardea)[148] said, "I punished him (for he caused the loss of my figs)."[149]

R. Dimmi travels by boat to Meḥoza[150] to sell figs. The Exilarch, excited by the arrival of a scholar in his town, asks Rava to personally greet the visitor and extend to him special market privileges. Rava dispatches R. ʾAdda bar ʾAhavah, who asks R. Dimmi a question that R. Dimmi is unable to answer. Because of the difficulty of the question, R. Dimmi assumes his questioner is Rava. R. ʾAdda, in response, smacks R. Dimmi with a sandal and informs him that the chasm between R. Dimmi and Rava is unbridgeable. R. Dimmi is denied special market privileges, and his figs spoil. Upon his return to Pumbedita, R. Yosef curses R. ʾAdda who dies. Both R. Yosef and R. Dimmi take credit for R. ʾAdda's death.

R. Dimmi of Nehardeʿa, the fig merchant who is also a scholar, arrives in Meḥoza rich in two forms of capital—figs and knowledge. Though the market for each of these commodities is distinct, it is clear that the town of Meḥoza institutionalizes a slippage

---

[148] Munich, Florence, Pesaro, Midrash Hagadol, Sefer Hamaasiyot and Escorial add this explanatory addition. Avinoam Cohen, *Ravina*, 254 brings this as a paradigm of the pattern in which full amoraic names are not explicitly mentioned the second time around. David Weiss Halivni, *Meqorot Umesorot:Nashim*, (Tel Aviv: Dvir, 1968), 560 #16 cites a broad literature on the elimination of the father's name when a character is mentioned a second time.

[149] That this line is additional can be determined from its absence from MS Munich and from the alternative of "מריה דעובדא" found in the Yemenite tradents. Though Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat-Gan, Israel and Baltimore: Bar Ilan University Press and Johns Hopkins University Press, 2002), 709 translates this phrase generally as "one who knows the legal practice," here it must mean "the protagonist of the story."

[150] Aharon Oppenheimer, Benjamin H. Isaac, and Michael Lecker, *Babylonia Judaica in the Talmudic Period* (Wiesbaden: L. Reichert, 1983), 188 follows Jacob Obermeyer, *Die Landschaft Babylonien Im Zeitalter Des Talmuds Und Des Gaonats: Geographie Und Geschichte Nach Talmudischen, Arabischen Und Andern Quellen* (Frankfurt am Main,: I. Kauffmann, 1929), 246, 257 in inferring from R. Dimmi's name that he travels from Nehardeʿa to Meḥoza. I prefer to consider the name an honorific and imagine R. Dimmi departing from and returning to Pumbedita.

between the two because the renowned scholar Rava is the arbiter of the commodities market and can grant the visiting fig merchant special privileges. The Exilarch instructs Rava to certify that R. Dimmi is a member of the rabbinic class and to "grab for him" the market for figs. [151] Medieval commentators and Jewish legal codes have understood this line to mean that R. Dimmi would have the right of first sale in the marketplace.[152] While the Exilarch's instruction might simply emerge from the respect owed to a member of the rabbinic class, it could also be understood as stemming from the Exilarch's desire for increased knowledge capital in the city. If R. Dimmi is granted special standing in the market, he is more likely to linger in town and dispense his knowledge to local knowledge consumers.

While the Exilarch's motivation is ambiguous, Rava's response to the imperative is resolutely underwhelming. Though the Exilarch commands Rava with an imperative to "see" R. Dimmi, Rava does not deem R. Dimmi worthy of such a greeting and dispatches his student instead. The Yemenite textual tradents of this passage highlight Rava's refusal by inserting an additional scene in which R. Dimmi "came before the Exilarch and was *seen*, before Rava and was not *seen*."[153] Though this line is not original to the talmudic

[151] Isaiah Gafni, *Yahadut Bavel U-Mosdoteha Bi-Tekufat Ha-Talmud* (Jerusalem: Zalman Shazar Center, 1975)., 71 no. 41 and Isaiah Gafni, *Yehude Bavel Bitequfat Hatalmud* (Jerusalem: Zalman Shazar Center, 1990), 102 connects rabbinic control over the market to the Greek concept of ἀγορανόμος (agoranomos).

[152] *Ri Migash* limits the monopoly to a situation in which the buyers are either non-Jewish consumers or Jews who retail to non-Jewish consumers. If the higher costs generated by the monopoly are paid by Jewish consumers, such a practice is inappropriate. By contrast, *Yad Ramah* says that such practices cannot affect prices—the prices must remain the same or the monopoly is broken—and can only be applied in entirely Jewish markets. Otherwise, there is no advantage for the first seller.

[153] See the versions of Midrash Hagadol and Gaster, *The Exempla of the Rabbis*, 147.

text, it picks up on the subtler ways in which Rava begins the process of mistreating R. Dimmi.

Rava dispatches his student R. ʾAdda to examine R. Dimmi using the language of "sniffing his flasks." This language has a history in rabbinic narrative. Ketubot 105a describes a scenario in which the second generation *Amora* Karna would take payment from both sides of a civil litigation in order to adjudicate. After challenging this practice as possibly violating the norms about accepting bribes, the Talmud eventually argues that Karna took compensation for his lost wages as a wine sniffer. This profession then stands as the background for a story that is narrated at Shabbat 108a about the arrival of Rav in Babylonia that shares several features with our own story.[154]

> Shmuel and Karna were sitting by the bank of the river Malka, and they saw that the water was rising and blackening.
> Said Shmuel to Karna, a [great[155]] man is arriving from the West who suffers from stomach trouble, and the water is rising to give him a welcome.
> Go and sniff his flasks!
> So he went and found Rav.
> [Karna] asked [Rav], How do we know that phylacteries maybe written only on the skin[156] of a clean animal?
> Because it is written, "that the Law of the Lord may be in thy mouth," [meaning] of that which is permitted in thy mouth, [Rav] replied.
> How do we know that blood is red? [Karna] asked?
> Because it is said, "and the Moabites saw the water over against them as red as blood."

[154] Beer, *Amorae Bavel*, 165 no. 26 follows Obermeyer, *Die Landschaft Babylonien Im Zeitalter Des Talmuds Und Des Gaonats: Geographie Und Geschichte Nach Talmudischen, Arabischen Und Andern Quellen*, 258 in first connecting Karna's metaphorical sniffing of the flasks with his actual sniffing of wine at Ketubot 105a and then connecting the examination of Rav with the examination of R. Dimmi here.

[155] This implicit word is explicated in Oxford 366, Vatican 108 and the Soncino Edition.

[156] The version "on top of a pure animal" in Soncino and "on the skin of an animal" from Munich 95 is combined in Oxford (366) and Vatican 108 "on top of the skin of a pure animal."

> How do we know that circumcision [must be performed] in that [particular] place?
> "His 'orlah'" is stated here, and "its 'orlah'" is stated elsewhere: just as there something that produces fruit [is meant], so here too something [the limb] that produces fruit [is meant].
> Perhaps it means the heart, for it is written, "Circumcise therefore the foreskin of your heart?"
> Perhaps it means the ear, for it is written, "behold, their ear is uncircumcised?"
> We learn the complete [word] 'orlatho from the complete [word] ʿorlatho, but we do not learn the complete ʿorlatho from ʿorlath, which is incomplete.
> [Rav] said, "your name is Karna; let it be the will that a horn [karna] sprout from your eye."[157]
> Subsequently Shmuel took [Rav] into his house, gave him barley bread[158], and strong liquor to drink, but did not show him the toilet in order[159] to cause him diarrhea.
> Rav cursed[160], saying, He who causes me pain, may no sons arise from him — And thus it was.

Shmuel divines Rav's arrival in Babylonia and is anxious about the greatness of his competitor. After all, the water does not rise for mere mortals. Shmuel dispatches his student, Karna, to greet Rav with questions and eventually hosts Rav in his own house.

The story draws on Karna's professional depiction at Ketubot 105 by having Shmuel suggest that Karna examine Rav's flasks. But the metaphor is not entirely incidental, because it figures Rav's knowledge as a possession which can be evaluated qualitatively and, Shmuel fears, quantitatively. Shmuel fears that Rav is greater than he,

---

[157] Translation based on Munich 95. Soncino, Oxford (366) and Vatican 108 makes Rav's statement a question. Oxford (366) and Vatican 108 assert that the curse was actualized.

[158] Vatican 108, Munich 95, Soncino and the margins of Oxford (366) add "a fish pie to eat."

[159] Oxford (366) and Vatican 108 add the word סבר to argue that is not Shmuel's true intention to torture Rav, but Rav's perception.

[160] Soncino removes the verb for curse.

so he takes steps to ensure his own continued authority. Shmuel does not go to greet Rav himself, preferring to communicate his own superiority by dispatching a lowly student to perform the examination. Karna understands fully Shmuel's request and his continuing and somewhat absurd questions frustrate the newly arrived Rav such that Rav lashes out at his welcoming committee by cursing Karna that he should sprout a horn from his head.

But the dispatching of his student is ultimately not enough for Shmuel. Rather, Shmuel invites Rav to his house and, knowing of Rav's sensitive stomach, offers him foods that will exacerbate the problem and denies Rav access to the privy. Shmuel communicates animosity towards his potential competitor through a hospitality that is anything but hospitable. Geonic interpreters of this passage struggled with its unambiguous portrayal of *Amoraim* behaving badly.[161] In looking to these stories as literary rather than historical creations, we find in them an acute anxiety over greatness and a fear that the arrival of a superior would doom even a great scholar to irrelevance.

In our story at Bava Batra 22a Rava, like Shmuel at Shabbat 108a, is wary of possible competition. His refusal to meet with R. Dimmi, like Shmuel's refusal to meet initially with Rav, is itself a claim to priority. The text's usage of the same instruction that Shmuel used with Karna suggests that Rava sends R. ʾAdda to welcome R. Dimmi inhospitably and communicate without words that R. Dimmi's presence is unwelcome.

R. ʾAdda greets R. Dimmi with a question that would indeed represent a strange first greeting between strangers. [162] R. ʾAdda asks R. Dimmi a picayune and scatological

[161] Benjamin Manasseh Lewin, *Otsar Ha-Geonim* (Haifa: 1928), *Shabbat* 97 in the name of R. Hai Gaon.

[162] Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*, 6 says that the question is offensive: "Nevertheless, the question is very likely inappropriate as the initial greeting given to a visitor newly arrived in an unfamiliar locality. To use an imperfect modern analogy, discussion of the excretory

legal question: "An elephant who swallows a reed basket and expels it via its anus, what is it[s status]?" Before discussing the content of this legal question, it is worth noting that the major difference between Karna's questions to Rav and R. ʾAdda's question to R. Dimmi is that Rav answers all of Karna's questions and R. Dimmi cannot answer R. ʾAdda's. By answering Karna's questions, Rav certifies his own greatness and facilitates the power he has to place curses on both Karna and Shmuel. R. Dimmi's failure establishes R. ʾAdda's power over him.

R. ʾAdda's question points to the problematic purities status of a basket whose composition can be considered in two different ways. While receptacles made from vegetable matter become capable of absorbing impurity through their completion as receptacles, receptacles and other products of fecal matter never absorb impurity. A defecated reed basket should be capable of absorbing impurity because it is composed of reeds; on the other hand, receptacles made of fecal matter are not capable of absorbing impurity.[163]

Unlike Karna's questions to Rav, the question asked by R. ʾAdda is genuinely difficult in addition to being grotesque. This question posed by R. ʾAdda to R. Dimmi is

---

functions of elephants might be perfectly appropriate in the context of a classroom or a professional conference. As the first words exchanged by two strangers, however, one of whom is a visitor from out of town, it is totally inappropriate."

[163] Menaḥot 69a suggests that the scenario raised by the question is one in which the elephant swallows reeds and they are transformed automatically in the digestive process into a basket. This scenario is chosen because the basket becomes capable of absorbing impurity as a reed basket (completion) at the same time as it is constituted as fecal matter. It is more likely, though, that the original question concerned an elephant who swallowed a complete reed basket. In that scenario, the question could be twofold: first, does the digestive process reconstitute the basket as fecal matter, and second, even if it continues to be a reed basket, is digestion enough of a physical change to purify a basket that was not only capable of absorbing impurity, but had actually become impure?

also raised by Rami bar Ḥama in a legal discussion elsewhere in the Talmud at Menaḥot 69b. The *Stam*'s anonymous voice there attempts to find legal precedents to establish the basket's status before leaving the question unresolved.[164] Though the lack of resolution at Menaḥot 69b is a product of that passage's redaction and does not establish definitively that the question is unanswerable, it does provide evidence for the fact that the question is narrated in this story because it is a question with no ready answer. R. ʾAdda asks R. Dimmi a question that communicates in its grotesque subject matter the fact that R. Dimmi is unwelcome. Furthermore, the difficulty of the question virtually guarantees an unsatisfactory response.[165] R. Dimmi's test is designed to assure his failure.

Not surprisingly, R. Dimmi cannot satisfactorily answer the question. The language of the story is that R. Dimmi "did not have it in his hands." Like the metaphor of flasks that assumes knowledge can be both quantitatively and qualitatively evaluated, the image of an answer "not in his hands" is another commodification of knowledge. There is no need to sniff the wine qualitatively; the flasks are empty. These commodifications of knowledge remind us of the strange ways in which the fig market

[164] Abraham Weiss, *Al Ha-Yetsirah Ha-Sifrutit Shel Ha-Amoraim* (New York: 1961), 201 at 68 notes that all four of Rami's questions are unanswered and asserts that the Menahot text is the original one, though at 199 no. 63 he concedes the possibility of a different model in which one *Sugyah* does not serve as the basis for another; rather, common material is treated by two *Sugyot*.

[165] Obermeyer, *Die Landschaft Babylonien*, 258, "Rab Adda befragte ihn über ein so heikles Thema, dass er keinen Bescheid wusste." Tosafot *ad loc* and at Menaḥot 69a accepts the Talmud's assumption that the question of the basket itself is obvious from the tannaitic source and therefore assumes that R. ʾAdda's question is also about reeds that constitute themselves into a basket within the elephant's digestive tract. Nevertheless, Tosafot ask, why should R. Dimmi fail if the Talmud itself leaves the question unanswered in Menaḥot. They answer that the problem with R. Dimmi is his failure to attempt to answer the question through inferences and implications as the Talmud attempts in Menaḥot. Reuben Margaliot, *Nitsotse Or: Hearot Be-Talmud Bavli* (Jerusalem: Mosad ha-Rav Kuk, 1965), 160 is puzzled by the point of asking a question that went unanswered earlier in the *Beit Midrash*. He references Bava Batra 81b which has one character say, "do you ask me a question that the predecessors gave no answer for in order to embarrass me?"

and knowledge market have been made to overlap. R. Dimmi is set to receive special dispensation to sell figs if the quality of his other commodity—his knowledge—can be ascertained. As it turns out, he does not have any knowledge—his hands are empty. A boatful of figs, but R. Dimmi cannot sell, because he cannot answer R. ʾAdda's question.[166]

Within the story's sequential time, R. Dimmi is not at this point aware of the disrespect being meted out by his questioner. R. Dimmi assumes he has been greeted by the renowned Rava who has asked him a difficult question. R. Dimmi innocently mistakes R. ʾAdda for Rava. R. ʾAdda responds by smacking R. Dimmi across the face with his sandal. This moment of physical violence loudly confirms our focus on the disrespect of R. Dimmi. R. ʾAdda chooses to treat R. Dimmi as a teacher in rabbinic culture treats a student.[167]

The slap communicates a disparity that is underscored by R. ʾAdda's verbal retort. "Between me and Rava there is a lot, but undeniably I am your master, and your master's master." Some of the textual variants of this passage explicate an implicit pun on the name Rava (which can mean "the teacher/master" in Aramaic[168]) by saying, "undeniably I am your master, and Rava is your master's master." Though lower criticism argues

[166] In this sense, the outside world becomes the academy. Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), 40 notes "The position of both sages within the academic hierarchy depends on their capacity to object and respond."

[167] See Moʿed Qatan 25a where the teacher is also the student's father and Bava Qamma 32b. In both of those contexts, the slap is a punishment for answering a question with an apparently ludicrous suggestion. In our case, the ludicrous suggestion is that R. ʾAdda is Rava.

[168] The name Rava is a shortened geonic form of the name R. ʾAbba, and thus there is even less of a pun in the pre-Geonic version of this story.

against the originality of this variant, the variant highlights for us a pun that is less vividly present in the original text. The pun embarrasses R. Dimmi by mocking his assumption that his superior questioner is Rava. Only someone as lowly as R. Dimmi, the pun suggests, could mistake "a" teacher for "the" teacher. Through this pun R. Dimmi becomes informed that he did not warrant Rava's personal welcome.

R. Dimmi arrives in Meḥoza bearing knowledge and figs. The Exilarch is excited by the presence of a new scholar and the prospect of new knowledge. Rava and R. ʾAdda are resistant. They want the newcomer to know his place. Knowledge creates class distinctions. "Between me and Rava there is a lot, but undeniably I am your master, and your master's master." Rava is upper class, R. ʾAdda is middle class, and R. Dimmi's *teachers* are lower class. R. Dimmi himself is classless. His status is below the lower class because he does not have enough knowledge to create his own class.[169] He does not have enough capital to merit the "grabbing of the market." R. Dimmi is denied special privileges, his figs spoil and he goes home deflated. He is left with neither his figs nor his knowledge.

R. Dimmi returns to R. Yosef and commands him to *see* what they have done to him. This imperative is reminiscent of the Exilarch's ignored imperative to Rava to *see* R. Dimmi. R. Yosef responds with a statement that can be rendered in the indicative mood as a statement of fact ("The one who did not delay the debt of retribution on the king of Edom will not delay your debt.") or in the jussive mood as a curse ("Let the one who did not delay the debt of retribution on the king of Edom not delay your debt!"). Either way,

[169] Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999), 205 suggests that the focus on class within amoraic Babylonia may reflect the rigid and hierarchical class divisions of Sasanian society.

the statement employs the rhetoric of debt and repayment—economic language—to describe a different form of capital within the rabbinic cultural world. God the punisher here enters the fray as the guarantor of right behavior. The metaphor of debt and repayment continues to use economic language, but appeals to a third market—the market of proper behavior in which God is both judge and creditor. This appeal to divine justice is reminiscent of a similar institutional appeal in rabbinic civil law, the *Mi Shepar*ʿ*a* curse.

When goods are exchanged, according to tannaitic law, their transfer formally completes the sale while the transfer of currency does not. To wit, if a purchaser takes physical possession of a purchased good, the sale is complete; if, however, the seller takes possession of the capital and the good has not been transferred, the sale is not complete and the buyer may renege on the transaction. However, Mishnah Bava Meẓiʿa 4:2 applies to such an individual the *Mi Shepar*ʿ*a*: "Let the one who paid the generation of the flood and the generation of the tower repay the one who does not stand by his word." The *Mi Shepar*ʿ*a* institutionalizes a moment of overlapping fields within Jewish Law. Law co-opts the language and power of the moral field in order to denounce behavior that the law cannot bring itself to prohibit.

R. Yosef models his own actions on the *Mi Shepar*ʿ*a*, turning to the field of right behavior when the law holds no recourse. Technically, R. Dimmi has no rights within the Meḥozan fig market. He was hoping to get special dispensation in the market, but was denied this privilege. He is a foreigner attempting to sell figs in the protected local market. But the reader and R. Yosef know that even though no legal impropriety was involved, R. Dimmi was morally wronged.

R. Yosef invokes a verse from the biblical book of Amos. Amos 1 and 2 are structured around a formula in which God declares that he can forgive three sins but not a fourth. The fourth sin always generates the punishment of divine fire. Among the various examples of this formula, R. Yosef chooses the instance of the burning of the bones of the king of Moav since it is only in this example that the fiery punishment is a talionic one—punishing fire with fire. But the burning of bones also suggests a shame that cuts R. Dimmi's to the core. R. Dimmi arrives in Pumbedita having been deprived of more than his figs: he has lost his reputation, his dignity and his pride.

II. B) Contextualizing the Story

The encounter narrative just discussed constructs its own internal sociological frame of reading. This frame of reading, though, is enriched by the various literary contexts in which the story is situated in the Talmud. The rest of this chapter draws together these various contexts to deepen our understanding of the story's underlying poetics. Each successive text will first be studied independently and will then be invoked as a lens through which to read the talmudic narrative of the encounter between R. Dimmi and R. ʾAdda.

In order to expand the frame of this story, it is important to map out the structure of the larger *Sugyah* constructed around Mishnah Bava Batra 2:3 in schematic terms. Because of a contradiction between two mishnaic clauses at Bava Batra 2:3 regarding a tenant's right to object to the noise of children in a shared courtyard, the Talmud's larger *Sugyah* opens with a lengthy discussion about the importance of children's education within Jewish culture. The second section of this larger *Sugyah* debates the merits of

allowing business owners to prevent neighbors from competing with their specific services. The third and final section of the larger *Sugyah* consists of seven consecutive stories of which the encounter is the fourth story.

This schematic divides the larger *Sugyah* built around Bava Batra 2:3 into three parts—the discussion of education, the discussion of restricted competition and the stories. As we radiate outward from the story to expand the context of reading to include all three of these parts, we will see that the larger *Sugyah*, like the encounter narrative studied above, constructs a sociological world in which knowledge operates as a form of currency within a field of knowledge production that parallels its financial counterpart.

II. C) The Education Discussion

Because of the length of the larger *Sugyah* and the limited relevance of many of its arguments, I will examine only two texts from it that are directly relevant to the constitution of knowledge as a field of production. The education discussion emerges out of the resolution of a mishnaic contradiction that itself constructs parallel knowledge and commercial fields. Mishnah Bava Batra 2:3 allows residents of a shared courtyard to object to the noise produced by retail traffic but not the noise produced by manufacture.

> 1. [If one wanted to open] a storefront in a courtyard, [a peer] may protest it, and say to him, "I am unable to sleep from the sound of the comers and from the sound of the goers."
> 2. [One may] make vessels [in the courtyard, and] exit and sell them in the market, and one may not protest it, and say to him, "I am unable to sleep from the sound of the hammer, the millstone and the sound of children."

While the first clause allows residents to object to the opening of a retail venue in a shared courtyard because of the noise of retail traffic, the second clause denies the same residents the right to object to the noise of manufacture in that same courtyard.

The *Stam* points to a contradiction between the two clauses.[170] While the first clause allows tenants to protest against retail noise, presumably including the noise of children who are customers, the second clause denies the tenant the right to protest against the noise of children.[171]

The fourth generation *Amora* Rava resolves this contradiction by asserting that the children in the second clause are schoolchildren at their studies. By distinguishing between the children in the two clauses, Rava resolves a technical contradiction by declaring that one may object to children as retail customers but not as schoolchildren. The dichotomy Rava establishes between children as retail customers and as students once again marks off the parallel fields of economics and knowledge and establishes a social value for education that privileges the knowledge field in a way that alters the landscape of economic rights. Simply put, a resident who has the right to prevent the noise children make as retail customers loses this economic right because of the importance of education.

---

[170] Bava Batra 20b.

[171] One of the basic tenets of source criticism is that Amoraic statements that are posed as answers to later anonymous questions often were composed as answers to other questions. From a source-critical perspective, there is perhaps another more compelling question that Rava is answering. Within its second clause, the Mishnah includes three examples of manufacturing noise—the hammer, the millstone and *children*. Rava's answer justifies the problematic inclusion of children in a mishnaic clause about modes of manufacture. Rava suggests that this inclusion considers the education of children a mode of production akin to manufacture. Just as a hammer noisily transforms wood into furniture and a millstone loudly grinds wheat into flour, the teacher similarly imbues unlearned children with an education that completes their production. This is yet another example of the parallel construction of knowledge and commercial production.

The construction of knowledge as a parallel but alternate form of material production becomes more explicit within an amoraic debate between Rava and R. Dimmi of Neharde'a about the job security of teachers recorded at the end of the discussion of education.[172]

> And Rava said, "a teacher of children who is learned, and there is another who is more learned, we do not fire [the first one] lest he[173] become slack."

[172] Bava Batra 21a.

[173] This passage contains several difficulties for translation. Rava claims that we do not fire the first teacher "lest he come to be slack." The ambiguity of the third person singular leaves open the possibility that we are talking about either of our two teachers. Also, only the print editions contain the variant לאיתרשולי which is reflexive; the other variants have a medio-passive לארשולי which can be thought of transitively. Within R. Dimmi's statement the problem of the ambiguous third singular is compounded by the fact that his initial statement דגרים can be taken as either a verb or a noun. As a verb, the statement reflects back on the subject of Rava's slackening. As a noun, the statement refers specifically to the second teacher—the one who learned more. Moreover, though the subject of Rava's statement might be plural (אתו), and the aphorism at the end of R. Dimmi's statement is in the plural, the beginning of R. Dimmi's statement—either noun or verb—must be rendered in the singular. Another problematic aspect of this debate is R. Dimmi's use of the כל שכן "all the more so." This statement implies that his reasoning and Rava's share a conceptual basis.

These and other factors animate the commentarial debates of medieval interpreters. *Ri Migash* assumes that the entire argument centers around the first teacher. Rava is worried that the first teacher will become personally disappointed. Such disappointment will cause this teacher to stop learning and take a step backward because the teacher will forget what was already known. In order to make this argument, *Ri Migash* takes R. Dimmi's statement as referring to the first teacher who, upon being fired, will be motivated to improve upon the second teacher. The weakness of this interpretation is that the aphorism is curiously rendered about the teacher rather than about the students. The initial teacher's wisdom improves from jealousy towards the replacement.
Rashi assumes the entire argument centers around the second teacher. The slackening is not in learning, but in teaching the students since this teacher, emboldened by competitive victory, does not fear being dismissed. R. Dimmi's response is that this is not true. Rather, the second teacher will be a better teacher because the original teacher out for jealous revenge might otherwise embarrass the newcomer before the town's residents. The difficulty with *Rashi*'s interpretation is that it turns Rava's position into a somewhat nonsensical straw position (This becomes even more apparent in the versions of *Rashi*'s position found in *Piskei Harid* and *Rabbenu Yonah*). A teacher who was just hired in a competition would be aware of that competition and afraid for possible replacements.
Shittah Lo Nod'ah Lemi, cited by *Shittah Mekubezet*, offers a less technically precise but more conceptually appealing version of the statement (which I have adopted in my translation). In this account, the ambiguous pronouns refer to each and every possible teacher. As such, Rava claims that every teacher will be dejected based upon the fear that the arrival of a more competent colleague will lead to unemployment. R. Dimmi responds (taking R. Dimmi's comment as a verb) that each teacher will study harder in order to be assured of job security. Ultimately, the aphorism solidifies this notion by claiming that every scholar will benefit from ensuring that another is not more qualified. Though this explanation has some difficulty with the singular language of R. Dimmi's initial statement, that can be explained as owing to the use of singular language when referring to the paradigmatic member of a collective group.

> R. Dimmi of Nehardeʿa said, "all the more so he [would] learn.[174] '*Scholarly envy will increase wisdom*.'"

Rava rules that one cannot replace an established teacher with a better one; R. Dimmi argues that one must.

Considering Rava's interest in promoting education, it is not surprising that Rava is worried about individual teachers. Rava can be understood to worry about the psychological ramifications of competition—about the devastation of losing one's job. Competition creates losers who can be ruined, and Rava does not want teachers to have such experiences.

The sequential ordering of this debate places R. Dimmi second and enables him to react to Rava's statement. This reaction interprets Rava's statement before disagreeing with it. R. Dimmi does not understand Rava to be concerned with the psychology of teachers. Rather, R. Dimmi's Rava is worried that the psychological devastation brought about by dismissal will negatively impact the job market and create a dearth of teachers. Rava, according to this reading, is not interested in the individual teachers *per se*, but in the overall availability of teachers in the market. R. Dimmi's Rava is worried that the knowledge market will suffer from competition. R. Dimmi counters this position by asserting that the knowledge market will benefit from the lack of job protection. Using the aphorism "Scholarly envy will increase wisdom," R Dimmi claims that teachers who

---

[174] See note above regarding the alternative translation of this verb as a noun.

are beaten in competition will be inspired to be better competitors and increase their knowledge.[175]

R. Dimmi's interpretation and disagreement with Rava shift the terms of the debate by focusing not on the teachers as subjects, but on knowledge as the subject. For R. Dimmi, knowledge is symbolic capital around which the field of cultural production is constructed. R. Dimmi's Rava is concerned that knowledge will suffer. R. Dimmi disagrees, asserting that competition augments knowledge. R. Dimmi's position thus makes more explicit what Rava's own interpretation of the Mishnah had established—that there exists a knowledge field that parallels the economic field and in which knowledge functions as capital.

R. Dimmi invokes the prooftext 'Scholarly envy will increase wisdom' to support the notion that competition is a positive goad to the accumulation of knowledge. On the basis of linguistic similarity, scholars have asserted that this aphorism is derived from Ben Sira 38:24, "The wisdom of scholars will increase wisdom, and the one without a profession, he shall become wise."[176] Because one aphorism attributes increased knowledge to competition and the other to the absence of a profession it seems at first that Ben Sira is the linguistic basis for this aphorism but not its conceptual parent. Curiously, though, the Ben Sira aphorism by itself and in context contrasts pursuit of knowledge to pursuit of a commercial profession. The Ben Sira text shares with R. Dimmi the notion of knowledge as an alternative field to the commercial economy.

---

[175] *Ḥatam Sofer*, *Ḥoshen Mishpat* 79 says that any profession that is implicated in the fulfillment of a positive commandment but does not share the notion of growth based on competition must be protected on the basis of Rava's fear of depression.

[176] M. H. Segal, *Sefer Ben Sira Ha-Shalem*, (Jerusalem: Mosad Bialik, 1958), 255.

II. D) The Restricted Competition Discussion

The debate between Rava and R. Dimmi is conducted entirely within the knowledge field. Though Rava and R. Dimmi describe a scenario of professional encroachment in which one professional attempts to invade the professional sphere of a competitor, neither *Amora* connects the specific question of teacher job security to the larger question of restricted commercial competition more generally or even explores the economic considerations within the context of the teacher. Because both scholars make positive arguments (depression and knowledge production respectively) neither projects a *de facto* position for or against competition restrictions generally. Since it appears in the *Sugyah* prior to the general discussion of restriction, the reader does not interrogate this debate from the economic perspective. But that perspective becomes relevant to this issue as the *Sugyah* uses the debate about teachers as a springboard from which to reach the question of restricted competition within the economic market.

The general discussion of restriction consists of two extreme positions and a compromise. The second generation *Amora* R. Huna (#1) argues the radically restrictive position that an established business can prevent any competitors because it has an ownership claim to that market. An anonymous *Beraita* takes the opposite approach by saying that an individual cannot be prevented from opening a business on his or her own property because ownership of the property trumps any claim to ownership of the market. R. Huna son of R. Yehoshuʿa (#2), a fifth generation *Amora*, authors a compromise under which the residents of a city can prevent foreigners from selling in their market.

The restriction discussion concludes with a pair of amoraic exemptions. The first such exception explicitly echoes the debate between Rava and R. Dimmi.

> R. Yosef said that [even] R. Huna (#1) concedes that one cannot prevent the teacher of children [from competing with an established teacher] for it is said that[177] 'Scholarly envy will increase wisdom.'

Even the most restrictive view of R. Huna (#1) would agree that the hiring and firing of teachers should not be restricted.[178]

At first glance, R. Yosef's exception performs identical work to the view of R. Dimmi mentioned above. The two share the same aphorism as the basis for encouraging competition for teachers. The Talmud makes the reader aware of the identity within that aphorism by using a formula, "אמר מר" "it is said that" that references the earlier citation and collapses the two opinions. Despite this near identity, there is a significant difference between R. Dimmi and R. Yosef and the difference magnifies the effect of R. Yosef's exemption.

R. Dimmi argues on the level of the individual that the dismissed teacher will experience a net knowledge gain on the basis of the dismissal. Knowledge is a quantity that exists within the field inasmuch as it is the possession of those repositories of

---

[177] There is a textual variant that appears in MSS Munich, Escorial, Oxford and the Pesaro *editio princeps* and was inserted to create parallelism between R. Yosef's exception and R. Naḥman bar Yiẓḥaq's. Vilna includes this addition in parentheses.

[178] Dennis Carlton and Avi Weiss, "The Economics of Religion: Jewish Survival and Jewish Attitudes toward Competition in Torah Education," *The Journal of Legal Studies* 30, no. 1 (2001), 253-275 use the problematic economic fact that "Jewish law" does not restrict competition within the knowledge economy to argue that such focus on education is the basis for Jewish survival in the diaspora. Though the article is interested in the very parallelism that this piece is, it starts with a fundamentally flawed and monolithic understanding of "Jewish law" and continues with a naïve depiction of Jewish History which allows for a rather pat and simplistic attribution of Jewish survival in the diaspora to a single cause.

knowledge—teachers and students—who operate within this field. By contrast, R. Yosef uses the aphorism to support the notion that competition is good for the field as a whole.

The difference between these two viewpoints is not trivial. The *Sugyah*'s economic discussion of restricted competition transpires on the level of individual property rights. The established owner's property right to the market is attacked by the newcomer's right to conduct business within his or her own property. Even the compromise position that establishes relative restriction creates a relative property right by which a local can prevent a foreigner from invading his or her civic property. R. Yosef's position immediately follows the discussion of restricted competition and asserts that the knowledge field cannot be governed by the same rules as the economic field. While there may exist individual rights within the economic field that create restrictions, even the radical R. Huna (#1) who believes in the right of a proprietor to prevent a neighbor from entering his or her business, would admit that the knowledge field *cannot* be conducted from the perspective of individual rights. The field of knowledge production must be governed by a perspective that encourages competition because this field operates from the perspective of the field. Competition promotes intellectual creativity which may be bad for the individual and may even encroach on property rights (within the economic field); but competition increases the quantity (and perhaps the quality) of knowledge in the field.

R. Yosef's text thus looks backward to both the debate between Rava and R. Dimmi and to the discussion of restricted competition, confirming the fact that the knowledge field is a field of cultural production that remains distinct from its economic counterpart and cannot be governed by its rules because it refuses to kowtow to

individual rights. But R. Yosef's text is also contextualized by the text that follows it, an exception suggested by R. Naḥman bar Yiẓḥaq:

> R. Naḥman son of Yiẓḥaq[179] said that R. Huna son of R. Yehoshuʿa (#2)[180] concedes that one cannot prevent spice salesmen who circulate among the towns [from competing with local spice merchants].
> For it is known that Ezra established for Israel that there be traveling spice salesmen so that adornments would be available for the daughters of Israel.

Like R. Yosef, R. Naḥman carves out exceptional space within the economic field. The biblical Ezra returned from Babylon and forced the Israelite men to divorce their foreign wives and marry Israelites. Ezra's decree aims to ensure Jewish continuity by guaranteeing the attractiveness of Jewish women through the proliferation of fragrant spices through the Jewish countryside.[181]

R. Naḥman's exception and R. Yosef's illuminate each other. In a world in which knowledge is gendered, the two exceptions pit the adorning fragrances available to the daughters of Israel against the knowledge available to their brothers. Ezra's decree, channeled by R. Naḥman, promotes physical reproduction by guaranteeing access to beauty products. The aphorism, cited by R. Yosef, argues that competition is an essential

---

[179] MS Florence has R. Naḥman without a father's name.

[180] MS Paris has R. Huna without a father's name. Cohen, *Ravina Vehakhme Doro*, 41 no. 88 argues that this has to be R. Huna (#1) since R. Naḥman son of Yiẓḥaq is older than R. Huna (#2). Cohen does not explain how the error emerged. I would argue that the error stems from a stylistic desire to create exceptions in opposite directions. That parallelism is the basis for the additional decree of Ezra that appears within R. Yosef's exception.

[181] Bloch, *Shaʿare Torat Hatakanot*, I.I. 128 cites *Yad Eliyahu* that the original purpose of the decree was not within a context of restriction, and therefore one might have assumed that the decree was only valid if the spice merchants were not prevented by local city residents. R. Naḥman explicitly extends the decree to places where the locals object.

goad to the cultural and material production of knowledge. R. Naḥman's exception highlights the kinship between R. Yosef's exception and the earlier lengthy discussion of education. That discussion began with the assumption that we privilege education as a form of cultural production over the individual rights of tenants in a courtyard to protest against the noise of children.

III. A) The Encounter/*Sugyah* in Light of *Sugyah*/Encounter

Now that we have summarily reviewed the halakhic discussions that precede the encounter narrative within the larger *Sugyah* built around Mishnah Bava Batra 2:3, we can return to the encounter to see the way in which the issues it raises overlap with the issues raised by these discussions. One primary way in which the encounter narrative relates to the legal discussions is their shared *dramatis personae*. Rava, R. Yosef and the rarely cited R. Dimmi of Neharde'a all feature prominently in both the discussion of restricted competition for teachers—a question that bridges the first two sections of the mishnaic *Sugyah*—and the encounter narrative. This unlikely overlap of characters has been unnoticed in both traditional and critical scholarship and alerts us to the ways in which the story stages the conceptual issues that are contested within the legal discussion.[182]

[182] Rubenstein, *Talmudic Stories*, 264 discusses the phenomenon of redactors drawing upon adjacent talmudic passages for raw materials within the reworking process. Here the overlap is more pronounced and might reflect either that the stories were composed out of the legal materials or that names were borrowed from that context.

In recent years scholars have shied away from the once regnant view that accepted the detailed accounts of rabbinic narratives as reliable historiography.[183] Nevertheless, stories rarely announce their own ahistoricity. Even fantastic stories maintain the appearance of historiography by situating events within specific and accurate historical periods. Gaps of chronography are thus significant because they provide insight into compositional mindsets. In our case, the problematic chronography of the encounter story mirrors the problematic chronography of the legal discussion that precedes it.

The encounter narrative portrays R. Dimmi of Nehardeʿa as a student of R. Yosef in Pumbedita. *Iggeret Rav Sherira Gaon* claims that R. Yosef died in 634 and R. Dimmi in 699. Even discounting the specific dates of *Iggeret*, the generational divide between the two scholars as established in both *Iggeret* and the Talmud itself makes it difficult to imagine that R. Dimmi was a mature adult student in the Pumbeditan study circle of R. Yosef; after all, the respective reigns of R. Yosef and R. Dimmi in Pumbedita are separated by the reigns of five other scholars. Scholars who wish to maintain the story's historiographical reliability have argued that either or both of these *Amoraim* lived incredibly long lives.[184] I prefer to argue that the narrative is a historiographically

---

[183] For an example of the use of the encounter narrative as reliable historiography see Beer, *Amorae Bavel*, 223, who extrapolates from the story that scholars who wished to go into another market as merchants were tested.

[184] Cohen, *Ravina Vehakhme Doro*, 210 #137 says that were it not for unanimity among the manuscripts about R. Dimmi's place of origin, he would suggest that the R. Dimmi here is the Palestinian *Amora* and not the later head of Pumbedita. Cohen also derives from these stories the historical fact that ʾAbaye and Rava were active academy heads during their teachers' lifetimes. Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*, 206 uses the story to consider ʾAbaye and R. Yosef "colleagues of different rank."
Margaliot, *Nitsotse Or: Hearot Be-Talmud Bavli*, 160 asks a different chronographical problem. If Rava only lived to the age of forty as talmudic legend indicates, he would have to be less than 13 when this story

unreliable fictional legend designed to stage the themes of the preceding non-narrative legal discussion.[185]

Recall that both R. Dimmi and R. Yosef invoke the aphorism, 'Scholarly envy increases wisdom' in the legal discourse. The fact that both scholars employ this aphorism creates a seeming source-critical problem. After all, if the third generation *Amora* cites this aphorism in the context of education—to say that there are no restrictions within the field of education—then why is the argument about restriction within education attributed to the fifth generation *Amora*, R. Dimmi? We mentioned above that the Talmud's language includes an internal reference that connects R. Yosef's statement to R. Dimmi's. As a matter of history, then, it seems strange to find an earlier *Amora* referencing the argument of a later one. It is true that the uses of the aphorism differ between the two—for R. Dimmi 'wisdom' is the singular possession of one teacher while for R. Yosef it is a market-wide phenomenon. Nevertheless, their legal position—opening teaching to all competition—is identical and either could be posed against Rava's position that protects teachers' jobs. Our story resolves this technical problem by turning the two *Amoraim* into contemporaries, creating a situation in which R. Yosef can, in fact, reference the statement of R. Dimmi. The story creates a movement that begins with R. Dimmi and is resolved by R. Yosef much like the movement of the earlier discussion of job security for teachers.

---

takes place according to *Iggeret*. It would indeed be remarkable if he could have achieved such stature at such a young age.

[185] Hanokh Albeck, *Mavo La-Talmudim* (Tel-Aviv: Devir, 1969), 361 turns R. Dimmi into a fourth-generation *Amora* on account of this *Sugyah*. Cohen, *Ravina Vehakhme Doro*, 231 no. 73 assumes that this is because of the story. It is possible that Albeck was motivated by the same problem the story was bothered by—the flat-footed legal debate between Rava and R. Dimmi.

But there is more to the recurrence of names than simply the resolution of a chronographic problem. The story's dramatic tension echoes the legal argument in which the talmudic reader first encounters these names. R. Dimmi of Nehardea arrives in Meḥoza as a fig merchant who is also a scholar. He thus embodies his own argument with Rava—the established scholar of Meḥoza. Chapter Three focuses on a story at Bava Meẓiʿa 97a in which Rava's students attempt to turn him into the example of his lecture by turning him, an *Amora*, into a schoolteacher. Though Rava denies this attempt, there is an undeniable overlap in these two identities. *Amoraim* are, among other things, teachers. Rava perceives R. Dimmi as a threat to his standing—a possible cause of ultimate depression—and dispatches R. ʾAdda to make sure R. Dimmi leaves town. Rava interacts with R. Dimmi via his proxy because the entire encounter is meant to teach R. Dimmi that the newcomer cannot be the new teacher—that R. Dimmi is considerably less learned than those he would deign to replace. Rava's clash with R. Dimmi is a clash of personal interests. Rava's envy leads to R. Dimmi's financial ruin and shameful return home. R. Dimmi becomes the fired teacher who is depressed by the loss of income, and the depression does not inspire him to greater wisdom. Rather, the emotional trauma engenders a call for revenge. Scholarly envy does not increase wisdom; it increases animosity, loathing and vengeance.

R. Dimmi returns to R. Yosef, the individual who argues for the health of the field rather than for the rights of individuals in the legal discussion within the larger *Sugyah*. An outsider to the confrontation in Meḥoza, R. Yosef is forced to face a situation in which that which is unhealthy for the individual is also unhealthy for the field. Scholarly envy did not increase the overall wisdom of the market, because the interactions were

unhealthy abuses of power, not healthy scholarly combats. The knowledge market fails because its competitive engine is poisoned from within. R. Yosef joins R. Dimmi in learning first-hand that the aphorism comes with no guarantee; scholarly envy can cause healthy competition, but it can also cause malicious protection of one's own turf.

The encounter is a moment in which competitive energies produce negative results for the knowledge market, as a scholar is economically and emotionally destroyed because of the threat he embodies. The debate between the very principals of this story explicates clearly the extent to which this legal narrative draws energy from the legal conversation by featuring its themes within the larger frame of human experience—a frame that encourages a perspective on competition that goes beyond the rigidity of legal rules and economic predictions.

A second debate attributed to Rava and R. Dimmi appears within the education discussion immediately after their debate about job security for teachers. The themes of this debate also emerge within the encounter narrative.

> And Rava said, "[If there are] two schoolteachers, one is well-versed but imprecise and one who is precise but not well-versed, we establish the one who is well-versed [but imprecise]; 'mistakes undo themselves.'
> R. Dimmi of Neharde'a said, "we establish the one who is precise but not well versed; 'a mistake once it enters has entered.'

Rava prefers the quantity of a teacher's knowledge to the precision of his or her pedagogic technique. R. Dimmi disagrees, preferring precise technique to abundant knowledge.

Once again, in this debate, it is R. Dimmi who is able to control the parameters of the debate by reacting to Rava's initial pronouncement. The rationales attributed to each

position aphoristically address the ramifications for choosing the knowledgeable teacher over a more precise competitor. Rava ignores mistakes that would inevitably arise, while R. Dimmi maintains that their damage would be impossible to undo. But the two sides never discuss the downside of choosing the more precise teacher over a more knowledgeable counterpart. R. Dimmi is never put on the defensive (as Rava is), having to defend the choice of a teacher who does not possess knowledge equal to his or her competitor.

The encounter narrative provides the opportunity to turn the tables and put R. Dimmi on the defensive. R. Dimmi arrives in town asking to be chosen the teacher despite his lesser knowledge. The examination demonstrates the difficulties of having a teacher who is unable to teach because he simply does not possess the knowledge necessary to teach. R. Dimmi thus learns first-hand in the encounter that scholarly envy does not increase wisdom and that there are negative ramifications to having precise but not broad knowledge.

III. B) The Story Cycles

The third section of the mishnaic *Sugyah* consists of seven consecutive stories. These stories consist of two different story cycles of four stories. The first four stories, of which the encounter narrative is the fourth, are a legal story cycle that addresses the question of commercial competition restriction that was the basis for the mishnaic *Sugyah*'s second section. The final four stories, of which the encounter narrative is the first, are an aggadic story cycle connected by a formula in which a protagonist in each story claims responsibility for the death of R. ʾAdda bar ʾAhavah.

Source critically, I would argue that the primary story cycle is the legal story cycle about restricted commercial competition. A later redactive hand appended three biographic stories to the encounter narrative that concludes the legal story cycle. Awareness of the historicity of the text allows us to view the redactor as a reader of the encounter narrative whose interpretation of that narrative can be gleaned through an examination of the second story cycle.

On a structural level, the encounter narrative performs double work, participating simultaneously in two different story cycles. The *Sugyah*'s structure is a great visual model for the tension of legal narrative because it situates the encounter within the legal discourse of restricted competition and the aggadic discourse of rabbinic biography. The contest for control of the encounter story is analogous to the plight of legal narrative more generally, caught as it is on the divide between legal Halakhah and literary Aggadah.

III. C) The Legal Story Cycle

Together with the three stories it follows, the encounter narrative comprises a legal story cycle on the issue of competition restriction. These four stories combine to project an image of rabbinic power by highlighting and even celebrating rabbinic departures from the norms of legal precedent. The narratives qua narratives draw energy from rabbinic defiance of the law—from heroes who project a decisively anti-nomian strength.

Recall that the discussion of restriction posited two extreme views—one in favor and one against full restriction—and a compromise position that allows residents of a city

to restrict foreigners from selling within their city. The compromise position is the *de facto* law against which the legal narratives in this story cycle can be understood.

The first narrative tersely describes the special treatment certain rabbis received in Rava's home market.

> Rava permitted R. Yoshiah and R. ʿOvadiah to be established [in the local marketplace] not according to Halakhah.

Neither R. Yoshiah nor R. ʿOvadiah is particularly well-known in talmudic literature. Nevertheless, Rava violates the implied default position of R. Huna (#2) that restricts the local market to outsiders by licensing these rabbis to sell within that protected space. Though a reader may have attempted to casuistically justify Rava's practice with legal precedent, the story testifies about itself that Rava's action is unequivocally *not* in accordance with the law. That testimony might be taken as neutral description or as positive or negative evaluation.[186] In his gloss on the Talmud, Rashi characterizes Rava's action in positive terms as "beyond the letter of the law." The term "not in accordance with the law" frequently has this meaning. But in a civil case in which benefiting the rabbis hurts their local competitors, this positive valuation is not uncontroversial.[187]

Chapter One argues that the *Stam*'s monological project of ensuring a single and coherent legal precedent forces a rewriting of legal narratives as monological legal

---

[186] *Aviasaf*, cited in *Mordekhai* 518 says that the city can be forced to allow rabbinic visitors to establish a market, but *Mordekhai* disagrees since Rava's statement is explicitly not in accordance with halakhah.

[187] *Beit Yosef* answers this question of unfairness by saying that any transfer of goods would only violate rabbinic and not biblical ordinances. *Hatam Sofer*, *Hoshen Mishpat* 79 is more in keeping with Rava's approach when he says that the notion of grabbing the market illustrates that rabbis are empowered even over biblical monetary rules.
Gafni, *Yehude Bavel*, 103 suggests that the relationship between the leadership (Exilarch and *Amora*) and the *hoi polloi* was no doubt strained by the creation of such economic exceptions.

syllogisms. Here, too, the *Stam* attempts to minimize the admitted extra-legal nature of Rava's treatment of rabbinic colleagues by bookending the original story with introductory and concluding remarks that contextualize Rava's practice and collapse it back into the precedential normative world. To minimize the problematic nature of a story that broadcasts its own veto of the law, the *Stam*, italicized in the section below, connects the first story to R. Naḥman's exception of the traveling spice merchants.

> *(A) And these words (the spice salesmen exception) apply to establish a traveling [salesmen] but not to establish a fixed salesman.*
> *(B) But if the salesman is an intermediate scholar, even to establish a fixed salesman,*[188] *like the case in which*:
> Rava permitted R. Yoshiah and R. ʿOvadiah to be established [in the local marketplace] not according to Halakhah.
> *What is the reason? Since they were rabbis, they would come to be bothered*[189] *from their study.*[190]

We mentioned above that the parallelism of the two exceptions creates the image of teachers as merchants of knowledge who circulate from city to city distributing wisdom. The *Stam*'s preface to Rava's story turns R. Yoshiah and R. ʿOvadiah into the embodiment of this image—scholars who are also spice merchants. The connection is designed to minimize Rava's anti-nomian action by turning that action into a broader interpretation of a pre-existent exception rather than a bold-faced defiance of the law. R.

---

[188] This second modification is missing in the original text of MS Oxford and added in the margins.

[189] MSS Hamburg, Munich, Florence, Paris, Escorial and the Pesaro printed edition say "so they should not be bothered from their studies."

[190] Beer, *Amorae Bavel*, 220 no. 224 connects this argument to Rava's ruling elsewhere. Bava Batra 144a recounts the story of R. Safra who used assets from a shared bequest to generate more capital. When the other heirs claim that the revenue should be shared Rava denies their claim because a rabbi would not go through the effort of earning money at the expense of study on behalf of others.

Naḥman's exception, according to the *Stam*, allows spice merchants to circulate but not to settle. Rava deviates from the exception by granting his rabbinic spice merchants special permission to settle.

The *Stam* concludes the story with an explication of Rava's actions. Rava did not, as it would seem, exercise subjective rabbinic power to favor members of the rabbinic class. Rather, Rava granted special privileges to facilitate rabbinic study. Chapter Four discusses the extent to which Torah study is the primary cultural value of Babylonian rabbinic culture. The *Stam* in this conclusion grants knowledge a new form of exclusion from competition restrictions. Whereas R. Yosef asserted that the knowledge field is independent from and operates differently than the economic one, Rava's action rewards knowledge wealth within the economic field. In this moment of slippage, knowledge capital can be exchanged for financial capital.

The second legal story furthers the theme of rabbinic extra-legal power, but this time in an empathic mode.

> A group of basket salesmen brought their baskets to Bavel.[191] The local residents came to prevent them. They came before Ravina[192] and he said to them, "they brought from outside the city, let them sell to the world."

The story's market is a commercial center that serves both local and foreign merchants and customers. The foreign basket salesmen are challenged in rabbinic court by their local competitors on the basis of the civic restriction of R. Huna (#2) which denies

[191] Cohen, *Ravina Vehakhme Doro*, 78 no. 65 references another instance at Eruvin 65a in which Ravina adjudicates in Bavel. Obermeyer, *Die Landschaft Babylonien*, 304 infers from the story that Bavel was a large marketplace and that Jews had standing within it.

[192] Cohen, *Ravina Vehakhme Doro*, 68 no. 24 suggests from the order of names that this is the fifth generation Ravina and not the sixth generation colleague of R. Ashi.

foreigners equal access to the local market. Ravina turns the jingoistic notion of an owned local market against the locals by suggesting that a vendor cannot have it both ways. If the locals prefer to keep the foreigners from *selling* in their market, such action has to have ramifications for *buying*. Since the local merchants have no ownership over foreign customers, the foreign merchants can sell their goods in the physical local market to the foreign market of consumers.[193]

Ravina's circumvention of the technical law is problematic for the *Stam*, who is invested in legal application, not circumvention. In an attempt to minimize the damage, the *Stam* adds the following qualifications to the end of this second story:

> *And this is the case on the market days, but not on non-market days.*
> *And even on market days, they are only allowed to sell in the market, but not to circulate [in the city]*[194].

The *Stam* turns Ravina's rejection of restriction into a compromise by conceiving of the market as connoting a specific time and space. The *Stam* imposes a strong image of the market in order to limit Ravina's license to the specific time of the market and its specific place.[195] The *Stam*'s modification here—that these merchants cannot circulate—mirrors the *Stam*'s earlier limitation of R. Naḥman's exception to circulation. That these two statements move in opposite directions—one considering circulation a greater threat

[193]Oppenheimer, *Babylonia Judaica in the Talmudic Period*, 61 states that the ruling favors the outsiders.

[194] This implicit explanation is made explicit in MSS Oxford, Vatican 115, Munich, Florence, Paris and Escorial.

[195] One need not assume that this development reflects an historical difference in market dynamics since the notion of market as time and space exists already in tannaitic literature.

to the locals and one settlement—is a testament to the *Stam*'s endeavor to employ any argument in the service of flattening out the anti-nomian implications of these narratives.

In the third legal story, R. Kahana explicitly agrees with the locals about the statutory law before once again circumventing the rule.

> A group of wool merchants[196] brought wool to Pum Nahra.
> The local residents came to prevent them.
> They came before R. Kahana[197] [and] he said to them, "By law they may prevent you."
> They said to him, "We have [extended] credit."
> He said to them, "go and sell the amount of your livelihood until you eliminate your credit and you will leave."

This narrative writes the limits of law by exposing the boundaries of systemic thinking and the way in which empathy trumps rules. Though the locals have the legal right to prevent the foreign merchants, R. Kahana will not send the foreigners home penniless. There is no legal gymnastics at the heart of R. Kahana's ruling—no need for such casuistry. Empathy for the foreign wool merchants trumps the rights of local merchants to their market.

It is the central contention of this and other chapters that legal stories contextualize law by illustrating law's own need to go beyond the boundaries of its technical rules. These stories empower other realities, sometimes problematically, to veto legal rules and theoretical arguments. Rava's favoring of the rabbis evidences both the inherent power of knowledge as capital and the personal investments of a rabbinic class of arbitrators. Ravina's response to the zealotry of local merchants points to the law's

---

[196] Meir Ayali, *Otsar Kinuye Ovdim Be-Sifrut Ha-Talmud Veha-Midrash* (Tel Aviv: ha-Kibuts ha-meuhad, 1984), 51 suggests that this term refers to both wool manufacturers and retailers.

[197] Beer, *Amorae Bavel*, 168 no. 37 suggests that this is R. Kahana the teacher of R. Ashi, but discusses the problem of identifying the specific R. Kahana of whom this story is told.
MS Oxford reads "Rava."

own inequities by suggesting that only a ruling that allows itself to reconceive of the legal problem can truly be responsible to justice. R. Kahana's dispensation highlights the extent to which judges generally can license their own power for the sake of empathy and equity. These three legal narratives thus establish a new precedent of justice that is at once unavoidably tainted by self-interest and yet capable of overruling itself out of empathy and equity.

The encounter narrative appears as the fourth story in this legal story cycle; the three stories that precede it lend texture to the actions it portrays. The three legal narratives illustrate that rabbis are routinely given market benefits on account of their standing as rabbis, and that this routine treatment does not require an exam. Rabbis control the market as arbiters and as those who license visiting merchants. Though the law often and callously can create a situation in which a visitor is put in a dire economic situation, rabbis are able to use rabbinic power for good, and reach extra-legal compromises that allow foreigners to leave without incurring tremendous financial losses. Even when local competitors insist on imposing the letter of law to exclude foreigners, rabbis need to use their power within the law and outside of it to critique unjust laws and to ensure that the law not be used as a weapon to bankrupt a competitor.

The first and third legal story stage clashes between technical law and rabbinic power, suggesting that such power is ultimately more important than law. In one case the power is used in support of rabbis and learning while in the other it is marshaled to help out the law's potential victims. The second and third stories make the tension between locals and foreigners explicit; this tension is also present implicitly in Rava's granting of

extra-legal privileges to R. Yoshiah and R. ʿOvadiah despite the impact such privileges are guaranteed to have on local merchants.

In light of the lessons of these stories, the actions of Rava and R. ʾAdda in the encounter narrative are even more reprehensible. R. Dimmi arrives in Meḥoza expecting the treatment of R. Yoshiah and R. ʿOvadiah. In fact, the Exilarch suggests that he receive even greater privileges. While R. Yoshiah and R. ʿOvadiah were simply given permission to sell locally, R. Dimmi is to receive the benefit of first sale in the local market. But Rava and R. ʾAdda view R. Dimmi as their competitors in the knowledge market, and the very slippage between fields that would allow Rava to grant R. Dimmi special market privileges allows Rava and R. ʾAdda to protect their knowledge field through their control of the financial one. R. Dimmi is neither granted the right to sell figs first nor is he given the right to sell them at all. Where R. Kahana violated the laws of restriction to spare the foreign merchants from its harsh impact, Rava and R. ʾAdda impose the letter of the law to keep R. Dimmi from lingering in Meḥoza.

The legal narratives combine to illustrate the extent to which rabbinic power is not limited by the rules of law. Rava and R. ʾAdda seem on the story's surface to simply apply the legal rules of restricted competition. In fact, though, the legal narratives that precede the encounter illustrate the extent to which the application of legal rules can epitomize an abuse of power. The application of legal rules is sometimes a more reprehensible form of abuse than their abrogation ever could be. Judges who know of their own power beyond the legal rule and pretend to be limited by such rules because such an outcome is favorable for their interests are arguably worse than judges who baldly manifest power beyond the legal rules with no pretense of powerlessness.

III. D) The Aggadic Story Cycle

The *Sugyah* might have ended with the legal story cycle and the encounter narrative that concludes it. But the redactor chooses to append three additional stories of rabbinic competition to the encounter story using a formula in which different rabbis take credit for R. ʾAdda's demise. These stories afford us the opportunity to view the redactor as a reader and recognize the ways in which these additional stories further contextualize the encounter.

> R. Yosef said, "I punished him [because I cursed him.]"[198]
> R. Dimmi of Neharde'a said, "I punished him for [he caused the loss of my figs.]"[199]
>
> ʾAbaye said, "I punished him for he used to say to the students, 'instead of gnawing bones[200] at the house of ʾAbaye go eat meat at the house of Rava."
>
> Rava said, "I punished him for[201] he used to tell the butcher, 'I [deserve to] take meat before the messenger of Rava [because I am more important.]'[202]

---

[198] The absence of this clause in MS Munich and in the original text of Florence indicates that it is an explanatory addition.

[199] The absence of this clause in MS Munich and the different formulation in the Yemenite rescension ("for I am the protagonist of the case") indicate that this is an explanatory addition.

[200] There are several alternatives here among the textual variants. Sokoloff prefers version f.

a) עד דמי גרגי (Oxford)
b) עד דמגרדתו (Vatican 115) "instead of scraping"
c) עד דמגרריתו (Ein Yaaqov) "instead of dragging"
d) אדמגרריתו (Munich, Haggadot Hatalmud) "instead of dragging"
e) אדמגרמיתו (Florence, Paris) "instead of gnawing" Sokoloff, Babylonian, 302.
f) אדמגרדישתו (Midrash Hagadol) "instead of gnawing" Sokoloff, Babylonian, 299.
g) אדמגרסיתו (Sefer Hamaasiyot) "instead of breaking into pieces" Sokoloff, Babylonian, 304.
h) אדמגרשיתו (Pesaro)

[201] Oxford, Vatican 115, Munich, Haggadot Hatalmud and Ein Yaakov add a line that sets the stage by saying "when he used to go to butcher to buy meat."

[202] This clause is implicit but missing from MSS Hamburg, Munich, Paris and the original text of Escorial. It is obviously an explanatory addition.

> R. Naḥman bar Yiẓḥaq said, "I punished him."
> Because R. Naḥman was the head of a row.
> Every day before he came into the row, R. ʾAdda bar ʾAhavah would review the teaching with him and then enter the row. That day R. Pappa and R. Huna the son of R. Yehoshua held up R. ʾAdda bar ʾAhavah because they weren't there for the conclusion [of Rava's lecture].
> They said to him tell us the teaching of the tithing of the animal how did Rava teach it.
> He said to them, "this is what Rava said."
> Meanwhile, it became late and R. ʾAdda bar ʾAhavah didn't come
> And the rabbis said to R. Naḥman bar Yiẓḥaq arise because it is late for us, why is [our] master sitting?
> He said to them, "I am sitting and guarding the bier of R. ʾAdda bar ʾAhavah."
> Meanwhile, a voice went out that R. ʾAdda bar ʾAhavah died.
>
> And it makes sense that R. Naḥman bar Yiẓḥaq punished him.[203]

The image of rabbis competing to claim credit for a colleague's death has long disturbed talmudic readers. The medieval tosafists were troubled by the image of rabbis competing over the murder of a colleague. They solved this problem by arguing that the competition is a pietistic one; each rabbi claims responsibility because such acknowledgement of responsibility is a necessary part of repentance.[204] This notion of self-criticism persists among modern scholars with Moses Gaster, for example, writing that "Various doctors

[203] Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*, 224 no. 4 notes the fact that the location of this statement varies widely among the tradents and suggests that this is a later addition to the text.

[204] The Tosafists, true to form, couch their difficulties with the passage as an intra-Talmudic contradiction. Since the Talmud at Shabbat 149b declares that "anyone whom a friend's punishment can be pinned on will not gain entrance into God's courtyard," the *Amoraim* here assert their own blame in order that they may achieve repentance. Rubenstein, *Talmudic Stories*, 281 follows the Tosafists in including this story within a passage about rabbinic self-criticism.

[sic.] ascribe to themselves *regretfully* the cause of it." In fact, the text is profoundly lacking in regret;[205] the very competition to claim credit would seem to point towards self-aggrandizement before it points to self-criticism.

The disturbance of prior readers has been augmented by their approaching these texts as history. I view these claims of responsibility not as a historical competition, but as a literary motif employed by the redactor to unify these disparate stories. The literary motif of murderous rabbis involves theoretical, textual murder,[206] not actual murder. The redactor's choice of motif still disturbs, but not as strongly.[207]

The competing claims are a structuring device that holds these four stories together. I would like to suggest, though, that the redactor associates these three stories with the encounter story to raise awareness of the institutional implications of the encounter story and connect the field of knowledge production with its institutions.

All of these stories are about the challenges of competition within a field and they raise the question of deviant behavior within a field. One of the advantages of field theory is its ability to finesse the question of subjectivity and objectivity by recognizing the

---

[205] Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*, 6 rejects the medieval protestations and says that the rabbis "are asserting the power of their curses in bringing about the punishment of a sage…" Kalmin hopes to justify this punishment by appealing to talmudic notions of honor: "Even through from a modern perspective Ada's offenses seem incommensurate with the punishment he suffers, from the Talmud's point of view his punishment is fully deserved. The text before us, in which *Amoraim* curse and kill as punishments for insults to the honor of rabbis, is by no means unique in the Talmudic corpus."

[206] The prevalence of violence and murder in contemporary television and movies is not necessarily a new phenomenon. Literary violence often outpaces its real counterpart. Rubenstein, *The Culture of the Babylonian Talmud*, 63 suggests that even though no real violence transpired, "the sages experienced the study-house and academy as a hostile, combative environment, and that experience colored numerous sources and especially narrative traditions.

[207] Another example of literary murder appears in this *Sugyah* within a story in which Yoʾav kills his teacher for miseducating him about the imperative to kill ʿAmaleq. The textual witnesses which remove or modify the actual murder demonstrate the discomfort later readers had with this murder, though such murder is a literary motif and entirely in keeping with the biblical character of Yoʾav.

agency of its actors as both independent of, and under the sway of forces within the field. R. ʾAdda's action in the encounter is, especially in light of the preceding legal narratives, reprehensible. R. Yosef is correct to invoke divine justice against one who would so egregiously wrong a colleague. But these subsequent stories suggest that the poisonous quality of competition is inherent to its centrality in any given field—and particularly epidemic when personal and institutional prides overlap.[208] R. ʾAdda's deviant behavior is contextualized amid rivals who are his competitive equals and who use their spiritual status to eliminate a colleague. The stories read the encounter as part of a competition for positions of leadership that creates animosity between individuals and institutions.

In the stories of ʾAbaye and Rava, we witness an individual—R. ʾAdda bar ʾAhavah—who is arrogantly proud of himself and his institutions. Both claims turn a single event into a paradigmatic indicator of R. ʾAdda's normal practice. R. ʾAdda "used to say" and he "used to tell" progressively and repeatedly. These paradigmatic instances are chosen by the text as moments that reflect R. ʾAdda's ordinary behavior and typify the traits that generate fratricidal revulsion among his colleagues and teachers.

> ʾAbaye said, "I punished him for he used to say to the students, 'instead of gnawing bones at the house of ʾAbaye go eat meat at the house of Rava."
>
> Rava said, "I punished him for he used to tell the butcher, 'I [deserve to] take meat before the messenger of Rava because I am more important.'

[208] Rubenstein, *The Culture of the Babylonian Talmud*, 2 writes that "A highly competitive, even combative ethos prevails within the academy. The sages attempt to excel in dialectic argumentation, in the constant probing of traditions by propounding objections and providing solutions...Debate is simultaneously the means to greater status and even rank. A sage gains respect and a higher position within the academic hierarchy by raising unimpeachable objections against his disputant's claims while successfully parrying objections against his opinions. This verbal sparring sometimes takes an unfortunate turn from healthy, competitive debate to insults and hostility, which can make the academy feel like a violent arena."

The intellectual rivalry of ʾAbaye and Rava is the predominant such rivalry in the Babylonian Talmud.[209] The debates between the two are so ubiquitous that they are synonymous with the Talmud itself. The two were both students of Rabbah and R. Yosef in Pumbedita; their legendary rivalry is retrojected by talmudic legend at Berakhot 48a into early childhood.[210] ʾAbaye's claim story is foregrounded by the scholarly competition that exists between them. R. ʾAdda is one of Rava's top students in Meḥoza while ʾAbaye reigns as the head of the storied study circle at Pumbedita. According to ʾAbaye's claim, R. ʾAdda used to tell potential students of ʾAbaye's *Beit Midrash* that they would be considerably better off studying with Rava. "Instead of gnawing bones at the house of ʾAbaye, come eat meat at the house of Rava."

The metaphor of bones and meat serves both to elevate Rava's house of study as the premier educational venue and to degrade ʾAbaye's *Beit Midrash* as secondary. Moreover, the comparison is not between identical foods qualitatively distinguished, but between different quantities altogether—between bones and flesh. ʾAbaye objects to R. ʾAdda's marketing efforts because of their intended results—students who hear R. ʾAdda will no doubt retain Rava as their teacher. But ʾAbaye fixes upon this instance as a

---

[209] Daṿvid Halivni, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge, Mass.: Harvard University Press, 1986), 78 notes that the Talmud is so replete with their debates "that "Abaye and Rava" became in later jargon a synonym for the Talmud itself."

[210] "ʾAbaye and Rava [when boys] were once sitting in the presence of Rabbah. Said Rabbah to them: To whom do we address the benedictions? They replied: To the All-Merciful. And where does the All-Merciful abide? Rava pointed to the roof; ʾAbaye went outside and pointed to the sky. Said Rabbah to them: Both of you will become Rabbis. This accords with the popular saying: Every pumpkin can be told from its stalk." (Berakhot 48a).

paradigm for more than just the practical ramifications. R. ʾAdda's commodifying metaphor insultingly reduces ʾAbaye's knowledge to the gnawing of bones. The difference between schools is not a difference in degree, but a difference in kind. In this metaphor for the knowledge economy, ʾAbaye and Rava are analogized to two butchers, one serving meat and the other bones. It is not simply that bones are less than meat; bones do not have any inherent value. ʾAbaye takes umbrage with R. ʾAdda's recruitment pitch because that pitch suggests that ʾAbaye's knowledge and pedagogy are both worthless. The difference between eating meat and gnawing bones is more drastic, though, for gnawing is a fundamentally unhealthy practice. ʾAbaye's students are not simply wasting their time studying mere bones; they are literally breaking their teeth in the gnawing of bones.

If ʾAbaye's story is about R. ʾAdda's institutional hubris, Rava's story illustrates that such hubris is not only institutional. R. ʾAdda's assertion of the supremacy of Rava's *Beit Midrash* over ʾAbaye's is interwoven with a personal desire to achieve supremacy within his own *Beit Midrash*. Rava's proxy would regularly demand priority at the butcher counter because of Rava's standing in the community. In a specific instance that is narrated as a routinized occurrence, R. ʾAdda demands to be served before Rava's proxy. The extra words added in several textual variants explicate R. ʾAdda's claim to greatness: "because I am more important than he."

The encounter narrative establishes that R. ʾAdda functioned as Rava's proxy—the person dispatched to disrespect R. Dimmi. Arriving at the butcher counter, R. ʾAdda encounters a competitor—a student of Rava's who has been dispatched as the master's

proxy. R. ʾAdda, slighted by the choice of another as a proxy, refuses to allow the rival to be served first at the butcher counter. If we continue the metaphor from ʾAbaye's story, the butcher here stands in for the teacher, and R. ʾAdda believes he deserves to have access to meat—to knowledge—before any other student of Rava. The original text, "I [deserve to] take meat before the messenger of Rava" and the clarifying addition that appears in several textual witnesses "(because I am more important than he)," both leave open the double entendre of R. ʾAdda's assertion. R. ʾAdda undeniably asserts his own priority to Rava's agent. But the text more than suggests that R. ʾAdda asserts priority even to Rava himself.[211] The ambiguity of R. ʾAdda's assertion makes Rava uncomfortable as he sees a star pupil elevating himself to the level of his teacher.[212]

Rava's agent expects to be served first at the butcher's counter.[213] R. ʾAdda, considering himself the bigger scholar, demands his own priority. The story narrated here never questions the socio-economic slippage that transpires in this story. The granting of priority to scholars is not surprising in Meḥoza. We already saw that Rava granted R. Yoshiah and R. ʿOvadiah special privileges in Meḥoza. The transference of knowledge capital into economic benefit is so ingrained that the system allows for a relative evaluation of priority in which scholars are served in the order of their knowledge

[211] This makes sense in light of the original text of the "pun" in the R. Dimmi story. "I am your master, your master's master." In this statement, R. ʾAdda considers himself R. Yosef's master.

[212] For a more extended discussion of the tension between students and teachers, see below, Chapter Three.

[213] The advantage of being served first was the selection of choice cuts. Berakhot 44b describes Rava's request of specific cuts from the butcher for specific purposes.

banksheets. In this sense, knowledge is commodified and scholars can be sorted out in order of relative wealth.

The Talmud at Nedarim 62a cites several dicta that deride those who use their knowledge to attain special economic favors. Several stories are told in that context about rabbis who refrained from using knowledge in this manner and those who never forgave themselves for doing so in an emergency. Amidst these texts, Rava makes several statements that demonstrate the extent to which he allows and even encourages scholars to traffic in their knowledge wealth:

> Rava said: A rabbinical scholar may assert, I am a rabbinical scholar; let my business receive first attention; as it is written, And David's sons were priests,' just as a priest receives [his portion] first, So does the scholar too. (Nedarim 62a)

Here Rava licenses scholars to traffic in their knowledge status to receive "first attention" for their business. Rava's opinion contradicts earlier rabbinic views on this topic as the Talmud *ad loc* is already aware. In Rava's world, cultural capital is easily transformed into monetary wealth as scholars are encouraged to use their station to better their economic situation. Just as priests transform sacred status into economic gain, scholars transform their own exalted religious status for material advantage.[214]

In an environment of economic slippage, where the boundaries between mercantile and knowledge marketplaces are porous, the metaphor of ʾAbaye's claim becomes less innocent. By analogizing studying to eating, and study circles to butcher's

[214] I would like to return in future work to analyze Rava's particular affinity for using knowledge for material gain. See for example Ḥullin 44b where Rava's wife—the daughter of R. Ḥisda—challenges his unseemly benefit from his own ruling in light of R. Ḥisda's refusal to do so.

counters, ʾAbaye's statement contributes to a commodification of knowledge wherein a qualitative distinction can be rendered through recourse to a description of the specific commodity. Gnawing at bones is not only relatively inferior and physically damaging, it is the definition of negative consumption in which effort is expended with no net gain. While Rava's students expend effort and become wealthier through consumption, ʾAbaye's students become poorer by wasting time and energy on negative consumption.

The stories of ʾAbaye and Rava portray R. ʾAdda as a competitive animal—an overzealous participant in the competitive rabbinic field. Such a depiction further colors the encounter narrative by suggesting that the very choice of R. ʾAdda as a proxy coheres with Rava's decision to insult R. Dimmi. Rava dispatches a rabidly jealous student who will escort R. Dimmi out of town.

But before the text allows us to excoriate R. ʾAdda, the final story undermines our picture of him and suggests that we misread these stories if we focus too strongly on R. ʾAdda without realizing the implications these stories have for the field of rabbinic production. In this final story, R. ʾAdda is the innocent victim of the field's forces.

> R. Naḥman bar Yiẓḥaq said, "I punished him."
> Because R. Naḥman was the head of a row.
> Every day before he came into the row, R. ʾAdda bar ʾAhavah would review the teaching with him and then enter the row. That day R. Pappa and R. Huna the son of R. Yehoshua held up R. ʾAdda bar ʾAhavah because they weren't there for the conclusion [of Rava's lecture].
> They said to him tell us the teaching of the tithing of the animal how did Rava teach it.
> He said to them, "this is what Rava said."
> Meanwhile, it became late and R. ʾAdda bar ʾAhavah didn't come
> And the rabbis said to R. Naḥman bar Yiẓḥaq arise because it is late for us, why is [our] master sitting?

> He said to them, "I am sitting and guarding the bier of R. ʾAdda bar ʾAhavah."
> Meanwhile, a voice went out that R. ʾAdda bar ʾAhavah died.

R. Naḥman bar Yiẓḥaq's story is both textually and narratively more complex than the claim stories of ʾAbaye and Rava. Though the formulaic claim of punishment prepares us for a flatly negative portrayal of R. ʾAdda, the R. ʾAdda we encounter does not meet our expectations. R. Naḥman has attained a prestigious learning post as the head of the *Kallah*. Though the definition of this term is caught up in an exegetical competition between rabbinic historians and textual scholars, the story makes it all too clear, that R. Naḥman is its head and R. ʾAdda merely a participant.[215] The reader progresses through the story with the initial assumption that R. Naḥman has deserved his attained stature. The story slowly indicates that R. Naḥman is undeserving.

The reader discovers first that R. ʾAdda reviews R. Naḥman's presentations in advance. Such a review does not necessarily imply that R. Naḥman is undeserving, though it does begin to suggest that R. ʾAdda is his equal at the least. R. Naḥman's hesitation upon R. ʾAdda's tardiness highlights the inequity between the two. R. ʾAdda and R. Naḥman, it seems, perpetrate a charade in which R. ʾAdda is Cyrano-like in providing R. Naḥman with his lesson.[216] The basic assumption of this story, therefore, is

[215] Gafni, *Yehude Bavel*, 199 explains that R. Nahman heads the row of students during the regular session of the Yeshiva, and not as Rashi claims, on Shabbat. Albeck, *Mavo La-Talmudim*, 12 discusses the question of whether the term refers to a public gathering, or a gathering of students.

[216] Isaac Hirsch Weiss, *Dor Dor Vedorshav*, 5 vols. (Berlin: Platt and Minkus, 1923) 3: 204 [trans. mine] "and in truth if we attend to the majority of [R. Naḥman bar Yiẓḥaq's] laws and reasonings there is not

that knowledge capital is not always enough to secure an institutional position within the rabbinic learning economy. Notwithstanding R. ʾAdda's greater knowledge wealth, R. Naḥman bar Yiẓḥaq occupies the position of prestige. Despite this slight, R. ʾAdda does not withhold his knowledge capital from R. Naḥman. Like Rachel sharing her secrets with her sister Leah, R. ʾAdda secretly imparts the lecture he would have given to his rival, R. Naḥman.

Such a situation is not surprisingly discomforting to R. Naḥman who worries each day that R. ʾAdda will not arrive and their charade will be exposed. R. Nahman's fears are realized in the story when R. ʾAdda does not appear before his lecture. When the students turn to R. Naḥman and ask him to begin, he has nothing to say. They ask him why he is sitting and he responds that he is sitting and guarding the bier of R. ʾAdda.

There are two equally plausible ways of understanding R. Naḥman's invocation of R. ʾAdda's death.[217] By one reading, R. Naḥman curses R. ʾAdda for intentionally and maliciously exposing his fraud. The alternative reading assumes that R. Naḥman is simply declaring that only death would keep R. ʾAdda from his appointment. According to both readings, though, R. Naḥman's invocation of R. ʾAdda's death is a method of avoiding the lecture he is unable to deliver. The students ask why R. Naḥman has not gotten up and he responds with R. ʾAdda's bier, unconsciously highlighting his total reliance on R. ʾAdda for preparation of his lectures.

---

among them the impression that separates him from other average scholars. Even most of his inferences either in law or in lore are missing all spice."

[217] Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*, 224 offers these two interpretations and connects the accidental curse to the story of Yehuda son of R. Ḥiyya at Ketubot 62b.

A second version of R. Naḥman bar Yiẓḥaq's interaction with R. ʾAdda exists in several textual variants, though its placement within the text varies.[218] The composite version of this variant reading reads as follows:

> Because on that day that R. Naḥman opened the Pereq to the rabbis,
> [R. Naḥman] went and met [R. ʾAdda] in the market.
> [R. Naḥman] said to [R. ʾAdda], "come, let us learn."
> [R. ʾAdda] said to [R. Naḥman] he is coming immediately.
> The rabbis came forthwith.
> [R. Naḥman] attempted to open and his words were not successful.
> [R. Naḥman] became upset and said, "Let it be the will that R. ʾAdda b. ʾAhavah will be punished."

Though this version of the story downplays the notion of a charade by claiming that R. Naḥman and R. ʾAdda meet incidentally and not regularly, the story explicates the fact that R. Naḥman is unable to successfully lecture without R. ʾAdda's presence. In fact, it is perhaps awareness of the story's underlying message—that R. Naḥman depended on R. ʾAdda—that scares its writer into changing the regularity of such dependence. That R. Naḥman was occasionally dependent on R. ʾAdda is easier to swallow than the notion that R. Naḥman relied on R. ʾAdda daily.

In this parallel version, R. Naḥman and R. ʾAdda engage in a marketplace encounter. They contract to learn together, with R. Naḥman tendering the offer and R. ʾAdda agreeing to it. The specific language of the transaction does not indicate which side buys and which side sells their knowledge to the other. When R. Naḥman is unsuccessful

[218] The version appears in Vatican 115, Munich, Paris, Florence and Escorial. Vatican 115 and Munich record this version before the other version. The other three tradents record it after.

because the transaction is incomplete, we become aware of the fact that R. ʾAdda's knowledge is qualitatively better than the wares R. Naḥman has acquired on his own. Once again, a narrative character, like R. Yosef above, invokes divine justice to punish that which human law is unable to monitor.

The parallel version has no explanation for R. ʾAdda's tardiness. We are not given an excuse for his failure to provide R. Naḥman with better merchandise. In the original account, R. ʾAdda's absence is justified within the story. R. Pappa and R. Huna son of R. Yehoshua (#2), two of Rava's most prominent students, have missed the end of Rava's lecture and would like to make up the loss by consulting with R. ʾAdda. In this depiction, we see once again that R. ʾAdda is known for the quality of his knowledge. Perhaps because the subject matter of animal tithing is conceptually challenging, these two *Amoraim* turn to R. ʾAdda because he will be able to explain it to them. Though in Rava's claim story, he expresses reservations about R. ʾAdda's hubris and his demands for priority, this story justifies that hubris by making R. ʾAdda the top student in Rava's *Beit Midrash*.

III. E) Reading Institutionally

The institutional tensions that emerge from the aggadic story cycle suggest that the redactor, who attaches these stories to the encounter narrative, reads the encounter in light of institutional competitions. The rabbinic chronography found in *Iggeret Rav Sherira Gaon* adds a degree of institutional texture to all of these claim stories. Though the *Iggeret* is historically suspect, it is a well-organized guide to the Talmud's internal chronography and therefore functions as a valuable intertext for writing rabbinic literary biography.

According to *Iggeret*, Rava and ʾAbaye were both students of Rabbah and R. Yosef in Pumbedita. During R. Yosef's reign, Rava left Pumbedita and returned to his hometown of Meḥoza where he founded his own study circle.[219] When R. Yosef's death vacated the Pumbeditan throne, ʾAbaye assumed power. *Iggeret* gets murky about Pumbedita after ʾAbaye's death. According to *Iggeret*, the Yeshiva at Pumbedita lives on—under the reign of Rava—in Meḥoza. To explain the incongruity of Pumbedita's continuation in Meḥoza, *Iggeret* writes that Meḥoza was near Pumbedita and considered part of Pumbedita. But maps of talmudic Babylonia demonstrate that Pumbedita and Meḥoza are not geographic neighbors. *Iggeret Rav Sherira Gaon*—a book written by a Pumbeditan Gaon attempting to connect his lineage uninterruptedly to the tannaitic period—papers over a gap in the chronography. After ʾAbaye's death, it seems, the study circle at Pumbedita came to an end and its students went to study with Rava in Meḥoza.

When Rava died, two factions established study circles. R. Naḥman bar Yiẓḥaq returned to Pumbedita, while R. Pappa and R. Huna son of R. Yehoshuʿa opened a new study circle in Nersh. ʾAbaye's claim to responsibility for R. ʾAdda's death is explicitly implicated in the later rivalry between Rava's students at Meḥoza and ʾAbaye's students at Pumbedita. The chronography suggests that ʾAbaye was rightly nervous if his demise could land the death blow to Pumbedita.

R. Naḥman bar Yiẓḥaq's story is implicated in a later rivalry of Rava's succession. Within the story, R. ʾAdda is the only person not motivated by political

[219] For the idea of amoraic academies as study circles see David M. Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Leiden: Brill, 1975).

needs. Though he may be the most knowledgeable of Rava's students, he has not attained the prestigious position of R. Naḥman. When R. Pappa and R. Huna approach him, R. ʾAdda sees before him two colleagues who need his help. The narrator knows that these two individuals embody a threat to R. Naḥman bar Yiẓḥaq.[220] When R. ʾAdda stays with R. Pappa and R. Huna, and misses his standing appointment with R. Naḥman, he in effect chooses one nascent faction over the other. As a political person, R. Naḥman takes R. ʾAdda's action as intentional and malicious, both because R. ʾAdda knows the extent of their charade and because R. ʾAdda has preferred R. Naḥman's rivals.

In describing the way in which R. Pappa and R. Huna (#2) appeal to R. ʾAdda, the text uses the term נקטוה –they grabbed him. This term has the same root as the term used within the encounter story by the Exilarch who wishes to grab the market for R. Dimmi. R. ʾAdda and his knowledge are commodified within a tug of war for future control of Rava's study circle.

The redactor's association of the encounter story with these other tales of institutional rabbinic competition encourages a reexamination of the encounter story from the perspective of institutional politics in light of the intertextual chronography of rabbinic academies we can glean from *Iggeret* and other talmudic texts.

Rabbah and R. Yosef were reputed rivals for the throne of the Pumbedita academy. Though the legends associated with their rivalry are historically suspect, there

[220] Rashi offers one interpretation of לא הוו בסיומא that suggests that R. Pappa and R. Huna (#2) were not in agreement with the decision to make R. Naḥman bar Yiẓḥaq the head of the Kallah. Isaak Halevy, *Dorot Ha-Rishonim* (Frankfurt A.M.: Slobotzky, 1901), 322 argues that the better explanation is the one offered in our translation that they missed the end of Rava's lecture. Weiss, *Dor Dor Vedorshav*, 3: 206 blames R. Pappa for holding up R. ʾAdda. Halevy, *Dorot Ha-Rishonim*, 5: 412 attacks Weiss for misreading the passage.

remains room for historiography within both the collections of legal comments attributed to these figures and within the stylized accounts of rabbinic biography. The two rivals both had the opportunity to head the academy, with Rabbah reigning first and R. Yosef after him. *Iggeret* is silent on the timing of Rava's departure from Pumbedita to return to his hometown of Meḥoza, but there are several talmudic texts, including both aggadic narrative and apodictic legal statements, that fix this departure firmly within R. Yosef's lifetime. We mentioned above that ʾAbaye inherited the Pumbeditan throne upon R. Yosef's death. Most talmudic histories rely on talmudic legend to establish ʾAbaye's primacy over Rava in a head to head competition for the throne. But if Rava had already left Pumbedita, such a competition is a literary artifice designed to justify ʾAbaye's succession. In truth, ʾAbaye took over in Pumbedita because Rava had abdicated this position by departing for Meḥoza.

R. Dimmi arrives in Meḥoza as the representative of the Pumbeditan *Beit Midrash*—someone R. ʾAdda would consider a gnawer at bones rather than a consumer of meat.[221] Though we can ascertain that many of Rava's Meḥozan students originally studied at Pumbedita, the narrative structure indicates through R. Dimmi's return to R. Yosef that R. Dimmi is loyal to that study hall—he is an agent of Pumbedita. Like the rivalry between Babylonia and Eretz Israel that stands at the heart of Shmuel's dispatch of his student Karna to test Rav, the rivalry between Pumbedita and Meḥoza undergirds Rava's sending of R. ʾAdda. Rava sends someone whom he knows to be aggressive and

[221] Beer, *Amorae Bavel*, 221 no. 226 suggests that the tension in the story is generated by the rivalry between Rava and Abaye.

confidently assertive of his own position within the *Beit Midrash*—even against Rava himself—in order to send a message through R. Dimmi to Pumbedita.

R. ʾAdda does not disappoint. He asks a question that is grotesquely rude and technically difficult—even unanswerable—to weight the test against R. Dimmi. R. Dimmi fails to answer the question and begins to comprehend his situation. He assumes that the underlying purpose of the question is meant to undermine him personally—to establish definitively that Rava is his better. R. ʾAdda is offended by this assumption not only personally—because such an assumption would place R. Dimmi on R. ʾAdda's level as a student of Rava—but institutionally. "Against your will, I am your master, the master of your master." R. ʾAdda in this line suggests that the students of Meḥoza are superior to the teachers of Pumbedita—that he is R. Yosef' master.

By this reading, R. Yosef is not a disinterested observer. He *sees* what happens to R. Dimmi as a threat both to his institution and personally. When his curse is successful, R. Yosef proudly claims the death of R. ʾAdda for himself, as if the success of his curse restores faith in his own power that had been undermined in the exchange between R. Dimmi and R. ʾAdda. R. Dimmi counter-claims credit for R. ʾAdda's death to remind R. Yosef that the institutional is always personal.

With this final reading, three different local literary contexts come to animate our reading of the encounter between R. ʾAdda and R. Dimmi. The larger mishnaic *Sugyah* is our largest context—constructing a knowledge field as a parallel to the commercial marketplace in which the rules of restriction do not apply. This parallel alternate field allows us to evaluate the protagonists in the encounter amidst the unseen forces that act on them in the field. We are also able to expose the problematic porousness of the

parallel fields in the way capital and power in one field can translate into capital and power in the other.

A second context is crafted by the legal story cycle of which the encounter partakes. These laws both confirm the legal discourse by enacting the rules of restriction in live settings and create anti-nomian heroes of its rabbinic protagonists who exercise their judicial muscles in compromising with, undermining from within and even vetoing the precedents within which they find themselves. The three stories create a legal narrative precedent that constructs an additional layer of competition—a competition between jurists and the laws they claim as the basis for judicial power.

The final context is the story cycle of murderous claims. The redactor associates the encounter with three other aggadic stories of competition through the use of a common formula. These stories flesh out the ways in which competition, the engine that drives the field of rabbinic cultural production, is negatively valenced. Both institutional competition and personal competition are portrayed in a negative light. The redactor ironically replicates the very ill of competition within the form of the story cycle. As each *Amora* claims credit for the demise of a colleague implicated in the culture of rabbinic competition, they vie with one another over his corpse.

IV. Conclusion

In describing the relationship between biblical statutes and the stories in which such norms are implicated, Robert Cover implied that law be understood not as a system of rules that are honored either in the practice or the breach, but as one intertwined source of cultural meaning. The example of biblical primogeniture—its statutes and its stories—argues that we know the law only when we know the boundaries of the law. Law is

defined not by its rules but through awareness of the cultural messages imparted by those rules and a consciousness of the metonymy those rules represent for real life—a metonymy that forces the theoretical to bend and even break in practical settings.

This *Sugyah* once again models differing genres of legal writing. The opening discussion contains theoretical discussion and debate in which arguments are made syllogistically as rationales are posited for apodictic statements. But the *Sugyah* ultimately revisits the same questions within its first three legal narratives and these narratives empower rabbinic judges to look outside legal factors—at social, economic and psychological factors—to decide law. And yet, the *Sugyah* follows those legal narratives with the encounter narrative—a story that demonstrates the risks involved in subjective rabbinic power as self-interest becomes the only factor in Rava and R. ʾAdda's treatment of R. Dimmi. The story forces R. Dimmi and R. Yosef, advocates for the competitive rabbinic field, to experience the darker side of competition. As such, the story destabilizes the seeming conclusion of the earlier theoretical discussion by reminding the reader that competition can produce destructively. But the encounter story does not only critique the theoretical law. It reacts against the faith in rabbinic power beyond the law that is manifest in the three preceding narratives and reminds us of the need for theoretical law in the first place. A flawed system of objective rules can be preferable to bald manifestations of unmasked rabbinic power. The story cycle that concludes the *Sugyah* utilizes a motif of personal vengeance to write about institutional investment. Its final story implicitly exposes the flaw within the field as it witnesses the extent to which even in a knowledge economy where knowledge is both the capital and

the basis for competition, it is ultimately not knowledge, but the politics of competition that dictate institutional success.

Chapter Three—"But It Is Not So": Anger, Shame and the Law

Talmudic source critics posit a three-fold textual conservatism within the reading of Talmudic legal texts. First, they recognize in manuscript variants and other textual witnesses a labyrinth whose mapping represents the initial step of any research. Second, they grant each text independence of constraining sets of ideas, either locally within a given passage or globally within the corpus of rabbinic literature. Third, they assume that legal passages, whose purpose is the articulation of law, are best understood within a normative framework.

This conservatism has much in its favor. The establishment of an historically accurate text is essential to any book-centered field. Furthermore, the attempt to view a text independent of contextual constraints distinguishes Talmud critics from Talmud commentators, criticism from exegesis. Scholarly conservatism regarding the framework of understanding law is also a generally wise choice. By endeavoring to cling to the purely normative ramifications of law, the scholar hopes to avoid the type of historical speculation that often captures more of its author than of its subject. Additionally, all three hermeneutic choices share the possibility of falsifiability that cloaks their discourse in truth's mantle.

Within the study of ancient history, verifiability is a rare luxury. The absence of primary sources in many areas of ancient history provides scholars in these fields with little in the toolbox but a keen intellect. Not so with Talmud. The abundance of primary sources has created a field of textual scholars with no need for theoretical speculation. The discovery of a manuscript, the determination of a linguistic definition through recourse to abundant comparative material, or the purely normative description of a given

law share the comfort of remarkable verifiability. This verity guarantees the utility of present research conclusions for subsequent scholars because such conclusions function as givens for future research.

While all three of the above posited tenets of source-criticism deserve critique, my interest here lies in the third assumption—that legal passages are best understood within a normative framework.[222] Talmud critics, not unlike Talmud commentaries, have developed extensive methodologies for the study of Talmud as law. These assume that the framework for reading legal passages—as opposed to aggadic literary ones—is a legal one. This approach perfectly suits a pure legal code. The arrangement of law apodictically provides meager opportunity for the pursuit of psychosocial intentions or results.[223] Where law alone is discernible, only its normative ramifications are falsifiable.

But Talmud is not a pure legal code. Although much of Talmudic law—*Beraitot*, *Mishnayot* and *Meimrot*—emerges from a code-like apodictic mold, Talmud's form is not apodictic. Talmudic law is composed of disparate genres of primary sources including statutes, biblical inferences, discussions and stories. Not infrequently, the collage of legal meaning known as the *Sugyah* includes legal narrative. Courtroom tales of rabbinic figures or stories ripped from legal hagiographies narrate a given normative position.

---

[222] David Kraemer, *Reading the Rabbis* (New York: Oxford, 1996) begins his analysis of the Talmud as "literature" by recognizing the problematics of Talmudic genre, and by demonstrating the large degree to which Talmud would be incomprehensible absent a framework of reading. Here I am suggesting something more—namely, that beyond the technical competence one needs to understand Talmudic language one must also choose a framework of understanding that subscribes to a set of hermeneutic rules.

[223] Though here too there is room to maneuver. The conceptual structuring of individual *Mishnayot* as well as Mishnah's overall organization are ripe for analyses that note the literary assumptions inherent in mishnaic composition and redaction. A recent example is Natan Margalit, "Life Containing Texts : The Mishnah's Discourse of Gender, A Literary/Anthropological Analysis." (Ph.D. diss., University of California Berkeley, 2001).

These often-terse narratives represent, in their literariness, a sharp contrast to the apodictic form. The narrative departure from apodictic phrases cries out, "Interpret me." Narrative, as a literary form distinct from the apodictic statement, poses a dilemma for the scholar used to the assumed verity of a normative text. While a legal narrative can be examined as an apodictic statement of law—with plot turns substituting for legal expressions[224]—the Talmud's turn to the more nuanced mode of narrative implores us to rethink our approach to text. In declining to analyze narratives on their terms—and avoiding the implications of their literariness—we deny the poetics demanded by the text itself. In short, by treating narratives as substitutes for apodictic material, even critics who self-consciously reject post-modern critiques and adopt a positivist attitude towards the Talmud can find no shelter in this conservative position. In examining narratives without noticing the nuanced meanings such a genre is capable of producing, these critics fail on their own terms since they choose to confine their object of study and considerably limit the possibilities of meaning inherent in the passages themselves.

The reading that follows begins by noting the literary features of two specific legal narratives consecutively arranged in the Babylonian Talmud tractate Bava Meẓiʿa. Taken individually, these narratives broadcast a psychosocial intent within their composition. This encourages a layered literary reading of their stories, their authors and

[224] David Weiss Halivni, *Meqorot Umesorot: Bava Meẓia* (Jerusalem: Magnes, 2003) 25-26 begins a preliminary taxonomy of legal narratives and suggests certain simple legal narratives are merely apodictic legal passages formulated as narratives. To demonstrate this, Halivni notes the formulaic substitution of plot lines for apodictic legal positions. This is a departure from Abraham Weiss, *Leḥeqer haTalmud* (New York: Feldheim, 1954), 131, who notes that narratives are often the basis for the subsequent composition of apodictic Meimrot.

their redactors.[225] Taken together, the structure of the two narratives highlights the literary aims of their redaction.

The past two decades have witnessed a massive rise of interest in talmudic narrative. Beginning with the seminal work of Jonah Fraenkel, Talmudists first set out to analyze talmudic stories in relation to such literary features as stylistic and structural patterns as well as with regard to their special force as narratives communicating the religious and existential struggles of the Rabbis.[226] The increasingly sophisticated methods of source criticism developed by David Weiss Halivni and Shamma Friedman have been applied in turn by scholars such as Friedman and Jeffrey Rubenstein to various narratives in order to identify their different layers (as well as the differences between parallels in the Babylonian Talmud and the Palestinian Talmud) and to use these layers as guides to their meaning.[227] Daniel Boyarin has combined these techniques with various post-structuralist and postmodernist hermeneutical approaches in order to both provide

[225] The work of David Weiss Halivni and Shamma Friedman on the *Stam* has established at least two *Stammaim* that will be relevant for this paper. The first *Stam* is the author of unattributed statements in the Babylonian Talmud. The second *Stam* is the redactor of Talmudic materials who finalized the book roughly as we know it today. I will try to distinguish between the two by referring to the first as the *Stam* or anonymous voice, and to the second as the redactor. Though it is likely that in some *Sugyot* the two are the products of a unified author, it is equally true that in some *Sugyot* such is not the case.

[226] Yonah Fraenkel, *Darkhe ha-aggadah veha-midrash* (Masada, Israel: Yad la-Talmud, 1991), and idem, *Sippur ha-aggadah*, *ahdut shel tokhen ve-tsurah* (Tel Aviv: Ben Hayim, 2001).

[227] Shamma Friedman, "The Further Adventures of Rav Kahana: Between Babylonia and Palestine," in *The Talmud Yerushalmi and Graeco-Roman Culture III*, ed. Peter Schäfer (Tübingen: Mohr-Siebeck, 2002), 247-71; idem, "Leaggadah hahistorit betalmud habavli," in *Sefer hazikaron lerabi shaul Lieberman*, ed. S. Friedman (New York: Jewish Theological Seminary, 1993), 119-64; Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999).

historical context for literary readings, and to use rabbinic narratives as the stuff out of which to write cultural history.[228]

If one thing unifies all of these prior studies, it is their focus on rabbinic historical narratives, or those that are comfortably described as Aggadah. By turning to focus on narratives of halakhah, I aim to engage a central dynamic of talmudic discourse, namely, the interplay of law and literature.

This chapter concentrates upon two such narratives and their use of one specific narratological device—the emotional marker. Through a close reading of these narratives, the chapter shows analytically how the emotional marker, a seemingly gratuitous detail, is the heart of a more textured understanding of these stories which puts law in conversation with the emotional realities of human life. In shifting the focus of these stories from their normative to their affective registers, the chapter attempts to undermine the ubiquity of law as a lens for reading even as it reintroduces a highly nuanced understanding of law as an important context for comprehending the affective lives of these stories. Though it breaks law's monopoly on meaning by refusing to center itself on the normative ramifications of these narratives, the chapter posits a thorough, detailed understanding of those very normative ramifications as the necessary background for understanding affective meaning in these stories. This methodological choice allows for a more general reflection on the relation between law and literature in the Talmud and on the role of halakhic narrative in rabbinic discourse.

---

[228] Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993).

I. Rava's Anger (Bava Meziʿa 97a)

Before examining this talmudic narrative, some words about the legal basis of their discussion are necessary. Exod. 22:13-14 frames the liability of a borrower for a borrowed animal through an exception—the case of owner presence.

> **13** When a man borrows it from his neighbor, and it is crippled or it dies[229]:
> *(if) its owner was not with it*, he is to pay, yes pay;
> **14** *if its owner was with it*, he does not have to pay.[230]
> (Exod. 22:13-14)

If the borrowed animal is maimed or dies outside the presence of its owner, the borrower is liable. If, however, the owner is present, the borrower is not liable. Tannaitic readers

[229] The debate over the meaning of "*Venishbar o met*" (and it is crippled or it dies) is very relevant for determining the verse's rationale. A prior verse (9) contains the triad "*Umet o nishbar o nishbah*" (and it dies or is crippled or taken captive). The absence of the third term for captivity in our verse as well as the change in order present the initial problems of understanding this verse. The Septuagint reverses the order and contains the third term (though it changes the from of the verb for death from τελετάω in verse 9 to αποθνήσκω). It is possible that this reversal and addition represent an original text, or the work of an early tradent bothered by our own problems in the Masoretic text. Abraham Geiger, *Hamikra vetargumav,* trans. Y.L. Barukh (Jerusalem: Mosad Bialik, 1948), 302-303, assumes that the difficulty of the missing term prompted some Samaritan versions to omit the middle word "*O*" (or) and replace it with a *vav* (and) which create a hendiadys: "it was crippled and died." This variant confirms the order of the Masoretic text and explains why this text is different from Verse 9—in this case the verse describes a two-step process. Again it is quite possible that the Masoretic text's confusion caused the change in the Samaritan texts.
Shalom M Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law*, vol. 18 of *Supplements to Vetus Testamentum* (Leiden: E. J. Brill, 1970), 94 explains that the new JPS translation "it dies of injuries" is based on the Akkadian parallel in Nuzi documents wherein the hendiadys seen in the Samaritan texts is clear.
Naphtali H. Tur-Sinai, *Peshutto shel mikra* (Jerusalem: Kiryat Sefer, 1962), 1:118-120 suggests that the original text would have changed both the terms in verse 13 and the end of verse 14. Verse 13 would have "*Venishbah o met*" (it was taken captive or died) and 14 would end "*Im shavur hu ba beshevaro*" (if it were broken, it comes in its brokenness). This allows us to understand full payment for a missing or dead animal, and partial payment for a broken one. While this reading fits well with the context in Exodus 22, David Henshke, *Mishnah rishonah betalmudam shel tannaim aḥaronim* (Ramat Gan, Israel: Bar Ilan, 1997), 202 #4 rightly criticizes this hypothesis for its lack of support.
A possible support for the hendiadys might be found in the Midrashic text found in both Mekhiltas and the later cited Tosefta. In this text we read "*Naflah umetah*" (it fell and died) in place of "*Venishbar o met*." Perhaps this hendiadys reflects an initial biblical text of "*Venishbar umet*."

[230] Everett Fox, *The Five Books of Moses: a New Translation with Introductions, Commentary, and Notes*, (New York: Schocken, 1995), 381.

consider the positive and negative formulations of this exceptional case redundant.[231] Compelled by the doubled verses, these readers replace the verse's physical notion of "presence" with their own idea of "presence" as a contractual condition. The owner must be "with the animal" in contract. In further elucidation of this new notion of contractual presence, tannaitic sources require the borrower to hire the owner either prior to, or simultaneous with, the hiring of the animal.

Tosefta's codification of the midrashic interpretation demonstrates this transformation in the definition of presence:

> One who borrows a cow and borrows its owner with it:
> One who hires[232] a cow and hires its owner with it:
> 1.
> a. If he borrowed it and borrowed its owner,
> b. If he hired it and hired its owner,
> c. If he borrowed it and hired its owner,
> d. If he hired it and borrowed its owner,
> and it dies or is crippled[233]
> *even though the owner is standing and plowing in another location*, if it falls and dies he is exonerated as it says, "if its owner was with it, he does not have to pay"
> 2.
> a. If he borrowed it and afterwards borrowed its owner

[231] J. N. Epstein and Ezra Zion Melamed, eds., *Mekhilta derabbi Shimʿon ben Yoḥai* (Jerusalem: Mekize Nirdamim, 1955), 206-7; Tosefta Bava Meẓiʿa 8:20-21, Saul Lieberman, *Tosefta* (New York: Jewish Theological Seminary, 1988), 106-7; Talmud Bavli Bava Meẓiʿa 95a.

[232] Henshke, 55 notes the importance of this *Beraita* for the equation of borrowing and hiring.

[233] This formulation is missing in the *Mekhilta DeRashbi* and Babylonian Talmud parallels. Saul Lieberman, *Tosefta kifeshutah* (New York: JTS, 1955), 269 argues that the statement is original because the doubling of death in the passage is standard fare for *Midrash Halakha*. One may argue with Lieberman, though, that the addition of these words—a reordered quotation of the verse in Exodus—is a later phenomenon. The reverse ordering precludes the understanding that "*Venishbar o met*" refers to one set of events—it is crippled and dies. Since such an understanding emerges from the subsequent formulation of "*Venafal umet*," it stands to reason that this addition is meant to preclude that understanding. Perhaps the "*Venafal umet*" formulation reflects an earlier witness of the verse which read "*Venishbar o met*" as the Samaritan version reads. See above, #229.

b. If he hired it and afterwards hired its owner
c. If he borrowed it and afterwards hired its owner
d. [If he hired it and afterwards borrowed its owner][234]

and it dies or is crippled
even though the owner is standing and plowing on top of it, if it falls and dies he is obligated, as it says "(if) its owner was not with it, he is to pay, yes pay." [235]

By stating that exoneration or obligation is unaffected by the owner's physical presence, the *Beraita* guarantees that the new definition of contractual presence not only supplements the physical definition, but replaces it. Even when an owner is physically present, it is possible for him to be legally absent and vice versa. This notion of prior contractual presence forms the basis for the opening lines of our talmudic narrative.

I. A) Stage 1

[234] Though Lieberman's apparatus (*Tosefta* 107, #62) notes the existence of the fourth case in the other witnesses, Lieberman does not comment on it. Henshke 55 #201 suggests a *homoioteleuton*. I have included it accordingly.

[235] Translation mine. I have chosen Tosefta over Mishnah because the latter, a later text (Henshke p. 56 #204), consolidates the material in two ways that affect our treatment:

1) In the Tosefta, the first case of hiring the owner first is only understood as such in light of the "*Aḥar kakh*" in the second case. This form of construction allows the first case to refer to both a case of coincidence (when animal and owner are hired simultaneously) and of priority (when owner is hired first). The Mishnah gains in clarity by adding the words "*Aḥar kakh*" to the first case. This also causes confusion about the case of coincidence since it is no longer implied. This confusion causes the Babylonian Talmud to build a discussion around the first general statement and the possibility that it refers to a coinciding case.
2) The statement that physical location is replaced by contractual priority is explicit in the Tosefta, but not in the Mishnah. This omission, if the Mishnah can be thought of as the later text, may be the reason why Rav Hamenuna (Bava Meẓiʿa 95b) requires physical location as well as contractual priority.

Whether Mishnah or Tosefta was Rava's primary text is an open question. Rava's awareness of the Toseftan *Beraita* is borne out by his citation of it on Bava Meẓiʿa 95b. Even if the text there reads "*Rabbah*" as per Hamburg, Vatican 115 and 117, Escorial and Munich 95 it is unlikely Rava would not have heard a *Beraita* cited by his teacher.

Henshke 56 notes an additional feature of the consolidation of the Mishnah—the consolidation removes all passages in which the animal is hired as part of the tannaitic shift within the notion of the renter.

Rava[236] said: A man who wishes to borrow something from his neighbor and yet be absolved of responsibility, should say to him, "Give us a drink of water"(so that it constitutes a loan together with the owner's service).[237] But if [the lender] is wise, he should answer [the borrower], "First borrow it[238] (and then I will give you a drink)."[239]

Rava said: A teacher of children, (a gardener), a butcher, a cupper, and a town scribe—all [if they lend something] while at work constitute a loan in the owner's presence.

The scholars said to Rava: "You, Master, are in our service." He was enraged: "You wish to deprive me of

---

[236] *Piskei Harosh Bava* Bava *Meẓiʿa* 8:6 reads "Rav Ashi" here. This is likely an orthographic shift from "Rava" to "Rav A'." David Weiss Halivni, *Meqorot Umesorot: Bava Qamma* (Jerusalem: Magnes, 1993), 449 #7 cites other examples of this pheonomenon.

[237] This statement in parentheses, missing from the Florence II I 8, Hamburg 165, and Cremona ebr. T. IV 10 manuscripts, is probably an explanatory addition.

[238] This scenario strains the formal definition of owner presence, since the finite act of pouring is independent of the borrowing and is terminated before the borrowing commences. *Shittah*, cited in *Shittah mekkubetset*, explains that the borrower performs the act of acquiring the animal while in the process of pouring. (An analogous position is found in the Hebrew/Judaeo-Arabic commentary in S. Schechter, Louis Ginzberg, and Israel Davidson, *Ginzei Shekhter* (New York: Hermon, 1969), 2:392.) *Or Zaruʿa* (BM 8:311) explains that the borrowing transpires between the verbal commitment to pour and the act of pouring. *Talmid Harashba,* in M. Y. Blau, ed., *Shittat Hakadmonim on the Tractate Bava Meẓiʿa* (New York: M. Y. Blau, 1985), 251, suggests that the borrowing transpires after the act of pouring, but that the verbal commitment connects the discrete actions and creates owner presence. Furthermore, this scholar is so taken by the simple reading of this passage that he interprets the Mishnah's requirement of owner priority to describe such a case.

These solutions recall similar ones regarding a passage on Bava Meẓiʿa 81a-b. In that passage, the *stam* responds to two tannaitic sources that describe exchanges in watch duty by saying that these constitute owner presence. Shamma Friedman, *Talmud arukh: Perek hasokher et haumanin* (Jerusalem: Jewish Theological Seminary, 1990), 268-73, 288-89, notes that the notion of an owner being present not through physical work in the hirer's domain is unparalleled in the essential texts that describe owner presence. In light of the difficulty, Friedman suggests a reading of Rav Pappa that is independent of the *stam* and unrelated to the notion of owner presence.

In our passage, there is no possibility of separating amoraic statement from post-amoraic commentary. Rather, our passage unequivocally states that two discrete actions that place both the lender and the object in the borrower's employ can constitute owner presence though the owner's employment is terminated before the object's acquisition. Though the contract for the pitcher is never mentioned, we must assume that an oral agreement binds these actions together and that the contract can create priority/simultanaeity and owner presence. If this is the case, then Rav Pappa (or the usage of Rav Pappa by the author of the questions that precede his *meimra*) can be understood as limiting the power of contract by saying that if one contracts for actions to take place at different times, this does not constitute owner presence. This reading is explicit in Isaiah ben Mali of Trani, *Piske harid*, ed. Abraham Joseph Wertheimer and Avraham Lis (Jerusalem: Institute for the Complete Israeli Talmud, 1964), 176.

[239] This statement, missing in MS Florence II I 8 and some geonic witnesses, is probably an explanatory addition.

> my money!" [he exclaimed]. "On the contrary, you are in my service! For I can change you over from one tractate to another, while you cannot!"
> But it is not so. He is in their service during the *Kallah* days, while they are in his service on other days.

Rava's initial protagonist—the one who wishes to borrow without liability—seizes an opportunity offered by the tannaitic redefinition of presence. Aware of the contractual nature of presence, the borrower attempts to achieve blanket liability protection by cunningly contracting for the services of the bailment's unaware owner. "Pour me a glass of water"—an everyday statement is here employed as a subtle, even magical,[240] means of achieving exoneration. By contracting with the bailment's owner, the wily borrower attempts to meet the threshold of presence. Fortunately, the object's owner has also studied rabbinic law and knows that presence is complicated by priority. By first lending the object, the lender successfully rejects the borrower's attempt while maintaining appearances. Sure, I'll pour you your water, *after* you borrow my object. The thrust is easily parried, as control of the legal material allows for law's metamorphosis into comedy.

By opening his treatment of the Mishnah with this light-hearted application,[241] Rava highlights the opportunity that legal mastery presents for abuse. Both borrower and

---

[240] Shamma Friedman has suggested to me that the language *haʾi maʾn debaʿi* is magical language, here being used for a halakhic purpose. See Berakhot 6a and Bava Meẓiʿa 84a for examples of this term in magical usage. See Joshua Trachtenberg, *Jewish Magic and Superstition: A Study in Folk Religion* (Philadelphia: Jewish Publication Society, 1961), 128-30, and no. 24 there; Moshe Benovitz, *Masekhet berakhot min haTalmud haBavli* (forthcoming) *sugya* 13, *perush* 15.

[241] *Perushei R. Yonatan Milunel* (Jerusalem, 1975), Bava Meẓiʿa p. 38 downplays the *ad absurdum* element of this story by drawing significance from the specifics of the case. R. Yonatan limits such a case to one in which the object being borrowed is the one that the borrower asks the lender for assistance with (this seems to be the original meaning of the biblical verse as well). In this case, the borrowed item is the pitcher, and

lender are potential masters of talmudic law. Though the scheming borrower begins the statement, the hero of the statement is the wily lender, whose familiarity with the law prevents his financial demise. The schematic of combatants in the legal arena as well as the playfulness of the initial attempt to achieve blanket exoneration will shortly reappear in the narrative. Before arriving there, we encounter Rava's analysis and development of the rabbinic law.

I. B) Stage 2

> Rava said: A man who wishes to borrow something from his neighbor and yet be absolved of responsibility, should say to him, "Give us a drink of water"(so that it constitutes a loan together with the owner's service). But if [the lender] is wise, he should answer [the borrower], "First borrow it (and then I will give you a drink)."
> **Rava said: A teacher of children,[242] (a gardener),[243] a butcher, a cupper,[244] and a town[245] scribe[246]—all [if**

---

the borrower asks for the use of the pitcher and its pourer. *Rambam Sheʾelah upikkadon* 2:1 adopts the simpler reading that this text is *ad absurdum*.

[242] Meir Ayali, *Otsar kinuyei ʿovdim besifrut haTalmud vehamidrash* (Tel Aviv: Hakibbuts Hameuḥad, 2001), 77, notes that the term "*makri dardeki*" (teacher of children) is exclusive to the Babylonian Talmud. In Appendix L I have analyzed the interrelationship of similar worker lists in three *Sugyot*: Bava Meẓiʿa 97a, 109a/b and Bava Batra 21b. The conclusion of that paper is that the term "*shatla*" (gardener) is not original to this list, the term "*makri dardeki*" may not have been original to this list, and the term "*sofer matta*" may have existed in a shorter form such as "*sofer*." The problems of textual-criticism confusion make a determination of the law's purpose from the list's composition virtually impossible.

[243] This is also a Bavli exclusive term (Ayali, 25). Among medieval commentators, the array of definitions for this term includes: planter (Rabbenu Ḥananel, *ʿArukh*); Public planter (Rambam*, Ginzei Shekhter, Beit Habeḥirah*); sharecropper (Rashi*, Nimmukei Yosef,* R. Yeshʿayah Aḥaron*, Or Zaruʿa*).

[244] According to the medievals: Bloodletter (Rabbenu Ḥananel*,* Rambam*, Ginzei Shekhter,* Rashi 97a*, Beit Habeḥirah, Nimmukei Yosef,* R. Yeshʿayah Aḥaron*, Or Zaruʿa*); circumciser (Rabbenu Ḥananel*, Ginzei Shekhter* in name of Yesh Mefareshim*,* Rashi Bava Batra 109a); barber/bloodletter (*Talmid Harashba*).

[245] *Maggid Mishnah Sechirut* 10:7 suggests that the term m*atta* or town might be distributed to every term in the list. In light of the contention of my unpublished paper that the term s*ofer matta* is drawn into the *meimra* in Bava Batra 21b from the context of Bava Batra 21a, this cannot be sustained.

[246] According to the medievals: barber (*Rashi 97a,* One position found in *Nimmukei Yosef, Or Zaruʿa*); Scribe (Variant cited in Rabbenu Ḥananel*, ʿArukh,* Rambam*,* Rashi Bava Batra 22a*, Ḥiddushei HaRitva,*

> **they lend something] while at work constitute a loan in the owner's presence.**
> The scholars said to Rava: "You, Master, are in our service." He was enraged: "You wish to deprive me of my money!" [he exclaimed]. "On the contrary, you are in my service! For I can change you over from one tractate to another, while you cannot!"
> But it is not so. He is in their service during the *Kallah* days, while they are in his service on other days.

Rava is not merely being coy or staging a scene. Despite his initial playfulness and the outburst yet to come, there is significant substance in his remark. The terse form of his legal comment is standard for Talmud, as is the subtlety of his innovation.

A number of innovations emerge from Rava's statement. According to tannaitic law, "owner presence" occurs if the owner is hired either simultaneously with the animal or prior to its hiring. Rava's group—the teacher, butcher, and so on—stretches the law to include laborers who are in constant service. [247] Their labor is not contracted discretely; it is under continuous contract. The most radical case of owner presence in tannaitic sources is one in which owner and animal are both hired for agricultural purposes but work in different fields. Rava's group includes workers in different industries altogether. Perhaps most significantly, Rava's remark implicates an entirely new legal concept of employment—public service.[248] For this group, no individual contract is necessary. The

---

Beit Habeḥirah, Talmid Harashba, Second position found in *Nimmukei Yosef ,* R. Yeshʿayah Aḥaron); barber/bloodletter (Rabbenu Ḥananel [Arabic term Ḥajam]).

[247] In this interpretation of Rava's ruling, I am consciously assuming a double innovation—an extension of the exception and a limitation on the same. Others have chosen to credit Rava with only one of these or with different innovations entirely.

[248] Among medieval commentaries, the notion of public service as a category is first mentioned by Rabbenu Ḥananel, and then reiterated by *Nimmuke Yosef* and Rabbenu Barukh. *Ḥiddushei haRan* nuances the notion by claiming that these individuals have special standing because the public pays them. *Or Zaruʿa* explicitly rejects the notion.

butcher need not be slaughtering my animal to be considered in my employ; slaughtering anyone's animal renders him or her in everyone's service.

But Rava's employees are not entirely disadvantaged by his legal innovation and their status as public servants. Rava's statement limits the exoneration of the borrower to the time when these servants are actually serving.[249] Unlike tannaitic law's discretely contracted owner, for whom the exoneration of the borrower knows no time limits,[250] the borrower from the public servant reverts to a position of liability when the lender is not performing a service role. Whereas the contracted, discretely hired lender exonerates the borrower even at night, Rava's continuously employed public servants are only considered in service when they are at work. Rava nuances the law by treating a new category of employee to a new interpretation on the notion of exoneration—an interpretation that is at once more lax and more stringent. Rava's genius as a legal thinker is evidenced here in his ability to nuance the interstices of law, expanding the legal scope in moderation.

The combination of Rava's account of intellectual gamesmanship and the aptness of his lecture elicits a personification of the lecture that is not at all surprising. The scholars in attendance translate his new category of employee, conceptually formed, into

---

[249] This notion has been the subject of medieval debate. Rashi and Rambam take this to mean the specific performance of duty on behalf of the borrower. This view is adopted by R. Yitsḥak ben Sheshet (Rivash), R' Yeshʿayah Aḥaron and *Ḥiddushei HaRitva*. Raʾbad focuses on the "time of work" and limits liability to working hours as opposed to meals or sleeping hours. This view is found already in Rabbenu Ḥananel, but is promulgated in Raʾbad's name by *Ḥiddushei haRan*, Rabbenu Meshulam, R. Asher, *Nimmuke Yosef*, and *Beit Habeḥirah*. *Beit Habeḥirah* mysteriously joins Rashi to Raʾbad's position, though this is nowhere evident.

[250] In the words of S. Horovitz and I. A. Rabin, eds., *Mekhilta deRabi Yishmael* (Jerusalem: Wahrman, 1970), 306 (Also TB Bava Meẓiʿa 95b): "Once it leaves the possession of the lender to the borrower even for a moment, with its owner [he or she is] not liable, without its owner [he or she is] liable."

proximate reality by suggesting that Rava, their teacher, is in this category. In this move, the students note that their subject matter—the hiring of this new category of employees—replicates itself within their relationship to their teacher.

I. C) Stage 3

> Rava said: A man who wishes to borrow something from his neighbor and yet be absolved of responsibility, should say to him, "Give us a drink of water"(so that it constitutes a loan together with the owner's service). But if [the lender] is wise, he should answer [the borrower], "First borrow it (and then I will give you a drink)."
> Rava said: A teacher of children, (a gardener), a butcher, a cupper, and a town scribe—all [if they lend something] while at work constitute a loan in the owner's presence.
> **The scholars[251] said to Rava:[252] "You, Master, are in our service."[253] He was enraged:[254] "You wish to deprive me of my money!" [he exclaimed]. "On the contrary, you are in my service! For I can change you over from one tractate to another, while you cannot!"**
> But it is not so. He is in their service during the *Kallah* days, while they are in his service on other days.

The students' legal extension offends and enrages Rava. As readers, we are surprised by his rage, which strikes us as counterintuitive. Why is there such rage from one who is clearly still the teacher—one who, in spite of his students' joke still bests them in knowledge and wisdom? Our surprise at his rage motivates a reading inspired by

[251] For scholars as students in this context, see S. Friedman, *Perush*, 273, no. 39.

[252] MSS Vatican ebr. 117 and Cremona ebr. T. IV 10 change the figure of this subsequent discussion to Rav Ashi. *Behag Berlin* reads Rav. See no. 237 above for explanation of the orthographic shift.

[253] The English term "service" does not capture the double entendre of the Aramaic term s*he'il* with its inherent linguistic replication of asking—as they are doing—and borrowing—which they are claiming.

[254] MS Florence II I 8 reads *iykhpar* (it is forgiven); this is probably an orthographic shift.

the strategies of deconstructionist criticism—a reading that uses Rava's own rhetoric to gain insight into the ways in which the text reads itself.

The exchange between Rava and his students is a structural parallel of the opening lines of our narrative, in which a borrower seeks blanket liability protection. Like the lender, the students attempt to utilize mastery of law as a means of avoiding responsibility. The cleverness of their comment, as in the opening, is the legal application. The borrower of the initial passage attempts to exploit the formal possibilities of tannaitic law by satisfying a technical requirement of exoneration—prior contractual hiring. The students' question similarly exploits a formal possibility in Rava's articulation. Rava, as a teacher, is in their service. Rather than concede the point, he is enraged. Using his own mastery of law, Rava, in parallel with the wily lender in his initial passage, manipulates the situation to defend against the blanket exoneration sought by his students.

But Rava's response is not as straightforward an application of law as the parallel of the wily lender might imply. Powerfully and unsubtly, he changes the currency in the notion of service. Instantly, the topic of conversation shifts from hiring or borrowing—the transaction of goods—to that of choosing the subject matter. The shift enables Rava, unlike the lender, not simply to evade service but to turn the service relationship on his students and make them his employees. While the lender's reaction is defensive, Rava's is offensive. Unlike a teacher who is paid in financial currency, Rava is a teacher who pays in educational currency. When the currency is rabbinic law, the service relationship is reversed. Rava is the hirer because he controls the currency, its direction, and its

coinage. He is not "hired," because the salary of a teacher is irrelevant.[255] He asserts his control over the conversation by claiming to control the topic. By actually changing the topic, he enacts his claim while simultaneously making it. Rava creates in form what he has just tried to claim as content.

Rava's response to his students recalls another passage in the Babylonian Talmud that elaborates on his pedagogic technique:

> For Rava[256] before he commenced [his discourse] to the scholars, used to say something humorous, and the scholars were amused; after that, he sat in awe and began the discourse. (Shabbat 30b)

The intertext suggests additional ways in which the students' question threatens Rava's control. In our own text, which commenced with "something humorous," the students hear Rava's law, uttered as he "sat in awe," but respond to it bemusedly, as if continuing the humorous theme with which he opened. "If a teacher is one such employee," they say, "then you, Master, are loaned to us." By responding lightheartedly to his state of awe, the students wrest control of the lecture from Rava and revert to the opening mindset of the lecture. The students reject Rava's control and assert their own ability to control the currency by forcing the teacher to respond to their concerns. Rava responds by recognizing, in both the substance and the form, the way in which he himself is

---

[255] *Rabbenu Barukh* in M. Y. Blau, ed., *Shittat hakadmonim al shalosh bavot* (New York: M. Y. Blau, 1982), *ad loc* keeps salary relevant by changing the law in cases of compensation. By assuming that Rava must be unpaid he is able to contend with the shocking about-face of Rava's response.

[256] The names Rabbah and Rava both originate from the conjunction of *Rav ʾAbba*. The distinction between the two is a convention of scribes and is frequently inexact. In this case, all extant manuscripts have Rava while the print editions based on Soncino *editio princeps* read Rabbah. See Shamma Friedman, "Ketiv hashemot "Rabbah" u"Rava" beTalmud haBavli," *Sinai* 110 (June 1992): 140-64, on the interchangeability of these names when not cited in generational context. The intertext is significant here regardless of whether the figure in the intertext is Rabbah the teacher or Rava the student.

implicated in this discourse—by responding to his students' attempt to reduce him to the mere teacher of his legal creation.

The "teacher" in Rava's statement is a "teacher of children"—an unprestigious member of the secondary intelligentsia.[257] Rava does not and will not view himself as such a "teacher." He is a lecturer, a lawmaker, a creator, and an authorizer—he picks the topic because his intellectual presence is a force that the students and the law must reckon with. An artist mistaken for a caricaturist, Rava refuses to allow the mold to set—to allow the law to lend imprimatur to the false contours of such a description. By changing the currency, he denies the societal and commercial parallels inherent in the comparison between one teacher type and another. In reacting strongly against this innocent extension of law, he performatively demonstrates rabbinic anxieties and the specific fear that the shared task of teaching could diminish the hierarchical status of a rabbinic scholar.

Rava casts himself, like the wily lender, as the hero of this passage. He successfully defends himself against being duped by a lesser foe. But the defensiveness of Rava's reply and the legal weakness of his claim to their service suggest another image. Unlike the heroic lender, Rava is pitted against capable foes—his own students. The difficulty Rava encounters in the text is that his students have learned their lessons: they *do* understand his lecture—a little too well. They have reached the point where they, too, can begin lecturing—learning from their teacher to start with a lighthearted application of prior law and to continue with their own innovative legal expansions. They

[257] Jacob Katz, *Tradition and Crisis: Jewish Society at the End of the Middle Ages*, trans. Bernard Dov Cooperman (New York: New York University Press, 1992), 208, writing about Sabbateanism and Hasidism says, "The chief exponents of both movements were members of the secondary intelligentsia: preachers, scholars supported by others, ritual slaughterers, and teachers." This list has considerable overlap with our own!

thus achieve a moment of equal footing with Rava, eroding the distinction between teacher and student. In this moment of legal elucidation expressed in humor, the students have become teachers and have obviated their own need for a teacher. Furthermore, they have begun their lectures in Rava's presence, making him their student. At this point Rava steps in to assert not only his control, but also their need for him. "For I can change *you* over from one tractate to another, while *you* cannot" is a statement about control with distinct undertones of knowledge as power—a reminder that whoever has the most knowledge also has the most power. The students, empowered through their knowledge, have begun to assert their control. Rava demands control of his students, and their continued status as students, by pointing out his knowledge and their ignorance.

The notion of students becoming teachers and teachers becoming students is one that Rava does not tolerate. By framing the teacher as student and student as teacher, the text calls the binary relationship into question. While the teacher/student relationship is not a standard hendiadys, it is a distinction established by the same criterion of difference—teacher not being a student—that deconstruction critiques. In other words, what the scene of Rava suggests is that in the Derridean sense, the student is always already supplementing the teacher in the act of teaching: the teacher is always the student while the student is already the teacher.[258] Elsewhere, the Talmud recognizes the potential in this relationship.

---

[258] The medieval commentators are also struck by the image of teachers needing students. In the language of Rivash Responsum no. 436: "just as the students need the teacher, the teacher needs the students." Other commentators struggle with the mechanics of Rava's claim. How can students be in teacher's service but not vice versa? Rabbenu Barukh suggests that since Rava was not being paid, he is not in their service. This position protests against Rava's changing of currency by continuing to define service in financial terms. R. Meshullam ben Moses, *Sefer Hahashlamah*, eds. Judah Lubetzky, Heinrich Brody, and Menasseh Grossberg (New York: Otsar Haseforim, 1966), *ad loc.* cites the well-known passage of teachers learning *more* from their students (see *infra)*. Rashi *ad loc.* suggests that the definition of service is determined by

> Rabbi[259] said: I have learned much *Torah*[260] from my teachers, and from my colleagues more than from my teachers, and from my disciples more than from them all. (Taʿanit 7a)[261]

Teaching is a profession founded on a relationship—it identifies its actors as teachers and students. The verb "to teach" suggests a subject/object relationship, placing the teacher in the privileged subject position vis-à-vis the material being taught. Taking the subject/object binary on its own, the student as indirect object seems an afterthought. In reality, though, the teacher requires the student for the action. One cannot "teach" in a vacuum.

This structure is not unlike the one we find in psychoanalysis. A parallel to our text can be found within Freud's famous case study of Dora.[262] It turns out, however, that like Rava's lesson, Freud's *Dora* is not only a lecture of doctor (teacher) to patient (student), but a quintessential battle of egos. While Dora is the analysand and Freud is the analyst/subject, it is Dora's case study that creates Freud's scholarship. It is her neurosis that spawns the theories to which Freud attaches his name. Though the subject is Freud, the object—the analysis—is impossible without Dora. A surprising feature of *Dora*—a parallel to Rava's surprising rage—is Freud's unrelinquished ego. Freud does not allow

---

the intent of the endeavor. If the teacher controls the topic and picks subject matter for the purpose of furthering his own education, the students are in the teacher's service in the sense that the primary goal of the enterprise is the teacher's needs.

[259] The variant reading Rabbi ʿAkiva exists in Oxford Add. Fol. 23 (366), while the Pesaro and subsequent printed editions read Rabbi Ḥanina.

[260] This word is missing in the print editions and is probably an explanatory addition.

[261] This text is used by Raʾbad (cited in the commentary attributed to Ritba *ad loc.*) to explain how the students can possibly be in Rava's service. In other words, the students function as teachers, and Rava is complimenting the students on their teacherliness.

[262] Sigmund Freud, *Dora: An Analysis of a Case of Hysteria,* ed. Philip Rieff (New York: Collier, 1963).

the analysand to write the story, preferring to interpret her tale in his own voice. Though Dora makes several attempts to assert control over her narrative, Freud persists in his interpretation and controls the account. As with Rava's attitude toward his "teacher," Freud views himself as more than a service professional, listening to an unfolding story, prodding with questions that provoke Dora's own tale. Freud hesitates to withdraw from an active role, all the while asserting his "yes" to Dora's "no" and "changing the topic" of Dora's story. Control of the topic separates the practitioner of basic services—the teacher of children or the primitive psychologist—from the master lecturer or analyst.

Binaries are, deconstruction argues, limited tools of analysis. When one of the actors in this relationship feels threatened by the implications of a partial role reversal—a reversal that is always already present—the reaction manifests a symptom that papers over the emotional trauma inherent in the reversal itself. Rava distinguishes himself as an ego in unconscious search of recognition. He is the primary scholar—and the only named one—in our text. His lecture begins with humor and continues into awestruck legislation. Along the way, though, the lecture is co-opted by the students, and it is they who author the text by choosing the way in which the topic is addressed. Rava responds to this hijacking with a deliberate claim to authority and reminds the group of his authorizing presence. It is the Talmud teacher, functioning not as a teacher of children, but as the resident public intellectual who "chooses the topic," who forces the discussion to accommodate his needs and makes his students the object of his subjective action. "I can change *you* over from one tractate to another" reminds the students that they, like the text, are objectified—the action is being performed on or against their presence in the relationship.

I. D) Stage 4

> Rava said: A man who wishes to borrow something from his neighbor and yet be absolved of responsibility, should say to him, "Give us a drink of water"(so that it constitutes a loan together with the owner's service). But if [the lender] is wise, he should answer [the borrower], "First borrow it (and then I will give you a drink)."
> Rava said: A teacher of children, (a gardener), a butcher, a cupper, and a town scribe—all [if they lend something] while at work constitute a loan in the owner's presence.
> The scholars said to Rava: "You, Master, are in our service." He was enraged: "You wish to deprive me of my money!" [he exclaimed]. "On the contrary, you are in my service! For I can change you over from one tractate to another, while you cannot!"
> **But it is not so. He is in their service during the *Kallah* days, while they are in his service on other days.**[263]

But the Talmud's anonymous voice (the *stam*) reacts strongly against Rava's claim to authority.[264] While Rava's response is an angry one and his repossession of control confident, the *stam* meets the challenge with conviction. *Vela hi*—"But it is not so" reclaims the authorizing voice in the passage. Rava's is a creative voice, but his voice, like Socrates' without Plato, remains silent without later individuals.[265] The *stam*

---

[263] This is the original text. MSS Vatican ebr.115 and 117 attest the adding of *deshatta* (of the year) to parallel the earlier d*ekalla* (of *Kallah*). MSS Hamburg 165 and Cremona ebr. T. IV 10 witness the translation of this term to Hebrew from Aramaic and the stylized addition of *kol* (all) which Cremona has in the margins and Hamburg in the text.

[264] The work of David Weiss Halivni and Shamma Friedman on the *stam* has enabled scholars to separate amoraic statements from the *stam*—the voice that frames the amoraic material and participates in the discourse anonymously.

[265] The term *vela hi* has an intriguing history. Early Talmud critics noted the tendency for this term to end all dialogue and disagree with prior conclusions. This led to the assumption that some, and for later critics most, of these statements are later additions to the Talmud's text. A summary of early sources can be found in Shamma Friedman, "al derekh ḥeker hasugya," in *Mehkarim umekorot: Meʾasef lemaddaʿei hayahadut*, ed. Ḥaim Zalman Dimitrovsky (New York: Jewish Theological Seminary, 1977), 286 n. 14; Moshe Benovitz, "Critical Commentary to Chapter Shevuʿot Shtayim Batra of the Babylonian Talmud" (Ph.D.

reminds Rava that the latter's place in the Talmud is contingent on subsequent editors and their editorial scissors.

In our parallel example, Freud seemingly retains the last word as the editor of Dora's case history. While Dora's voice is heard mutely against a loud Freudian backdrop, the decision to abandon treatment is psychoanalyzed as a fault of Dora's, not a shortcoming of Freud's. Freud's publisher, coming after Freud's editing of Dora's story, parallels the *stam* in overcoming the controlling ego of the text's primary scholar. Freud's original title eliminates the subjects—Dora and himself—and focuses on the object: "Fragment of an Analysis of a Case of Hysteria." The publisher creates the more compelling title, *Dora*, and recognizes the relational author of the story, the analysand.

Rava asserts a claim to control of the discussion, control of the outcome, and control of the topic. The *stam* allows Rava a limited amount of control, control over law, but not of its interpretation. The *stam* mimics Rava's own action, by turning him from subject to object. Law is decided, not with Rava or the students, but through a mediated compromise offstage that recognizes the relational aspect of talmudic education. Rava's victory is incomplete, for the *stam* who intervenes in the talmudic text does not allow Rava the freedom to change currency without forcing him to pay opportunity costs. Rava changes the currency by highlighting a feature of his control—the ability to change topic. It is his intent to use control of topic as a symbol of domination, not its definition. Changing topic is not meant as a prescriptive definition of control, but as a signal that the relationship is unidirectional. The *stam* borrows Rava's description for prescriptive

---

diss., Jewish Theological Seminary, 1993), 520, states succinctly that the term results from a period in which the formulated text is unchangeable and must be reacted to rather than changed. Here we are arguing that the *stam* does not change Rava's response, but protests this response through the usage of this term.

purposes. The days of the *Kallah*, the short pre-holiday period when scholars necessarily speak of holiday matters, become the days in which Rava's prescription enslaves its creator. On those days, though the currency is still educational and the teacher pays, there is no option for currency control, and *he* is in *their* service. Remarkably, the battle over control of the law is won by a text, Rava's prescription—a testament to the power of a text and its ability to transcend both genesis and author.

By allowing Rava's text a prescriptive character, the *stam* succeeds in contextualizing Rava's genius and scholarship in general. While Rava's is the creative energetic voice behind this and many passages of the Talmud, it is the communal interest, the communal practice, and the communal attention that authorizes discourse by constituting its significance. On the *Kallah* days, the most significant days for the creative rabbinic scholar, it is not the scholar who authorizes, but the community of students, and the community of legal practitioners. On those days, Rava is in the service of that voice that ultimately authorizes scholarship, the voice of community.

In contextualizing scholarship, the *stam* responds directly to Rava, indirectly to the Derridean notion that there is nothing in the world outside of text.[266] The world is textualized and the interpreter of text empowered. Archimedes' problem remains, though, for one cannot move the text with no place to stand—no grounding in meaning for whatever interpretation mastery of text allows. The powerful is powerless. In Derrida's empowered interpreter, the confluence of power and weakness is realized in the notion of

[266] Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore: Johns Hopkins University Press, 1967), 158 and Dinitia Smith, "Philosopher Gamely in Defense of His Ideas," *New York Times*, 30 May 1998, B7: "Mr. Derrida did not seem angry at having to define his philosophy at all; he was even smiling. 'Everything is a text; this is a text,' he said, waving his arm at the diners around him in the bland suburbanlike restaurant, blithely picking at their lunches, completely unaware that they were being 'deconstructed.'"

play that dominates his theory of interpretation.[267] After the empowered interpreter has been disempowered, all that is left is an uninvested player cognizant of his or her abilities to interpret, but equally aware of the futility of the enterprise of interpretation as the pursuit of an end. This teleological enterprise is set aside in favor of the endless play of substitutions, in which terms replace one another in a never-ending freeplay. Freeplay, perhaps not surprisingly, is not a source of anxiety for Derrida, but a newfound freedom—an opportunity for infinite possibilities.

But the Talmud, as the *stam* reminds us, is not about play, just as it is not about freedom. Two authorizing communities— the community of adherents to the law and the community of students/fellow interpreters—ground this text in arenas of normativity and textual debate. Talmudic debate cannot constitute a deferral of meaning, because it is too closely connected to the realities of life. Talmudic law constitutes the challenge of molding the metonymy of law to the nuanced complexities of lived life: law's contiguity with life ultimately compels us to substitute its structures for this life, to presume that law is life itself. Talmudic law embodies the desire to channel a personal commitment to God and divine ordinance into a religious and ethical communal way of life that emerges from the expansion of that ordinance into law. Talmudic law excites and angers its discussants precisely because the community of interpreters is the community of adherents. When Rava's students ask their teacher if he is in their service, they transfer their teacher from the classroom to the marketplace, removing the comfort of theoretical debate. At the

[267]Jacques Derrida, "Structure, Sign and Play," in Richard Macksey and Eugenio Donato, eds., *The Structuralist Controversy: The Languages of Criticism and the Sciences of Man* (Baltimore: Johns Hopkins University Press, 1972), 264.

same time, they insult Rava by reducing him to a merchant hawking his wares.[268] Rava's response highlights the easy transition from the community of interpreters to the community of adherents, and the degree to which the essential identity of these communities raises the stakes for interpretive discussion; when the interpreters are themselves adherents, freeplay is inconceivable, freedom a nonissue.

The limitations on freedom and freeplay are precisely highlighted in the case where the scholar is prevented from even choosing the topic, the case of *Kallah*. On the days of the *Kallah*, the scholar is reminded of the overlapping of interpreters and adherents. These are days in which all adherents are invited into the study hall—into the interpretive debate that shapes their world. They are days that coincide with the upcoming holidays, days in which the interpreters leave their ivory tower and perform the Passover and Tabernacle rituals alongside other adherents. The days of *Kallah* are precisely those moments that remind both the interpretive and the adhering communities of their simultaneous symbiosis and identity.

The notion of play does not speak to the interpreter of Talmud for whom the act of study and interpretation is an imperative. There is reductive beauty to the rabbinic interpretation that generates out of the biblical text an obligation to study, to interpret.[269] This normative claim establishes the act of interpretation as already an act of adherence. The notion of play cannot suffice, for the interpreter is not simply freely interpreting, but is mandated to interpret. The interpretation performed by one who is mandated is

[268] It is possible that this clash is a replaying of the time-honored clash between *Torah* and *Derekh Erets*.

[269] See Sifre Devarim Piska 34, (Finkelstein, pp. 60-2).

informed by that performance—by the replication of adherence inherent in the act of interpretation itself.

Replication, occurring on both a microlevel and a metalevel, highlights the manner in which the material—the relationships that we study—is always already encountered in the structure of the teaching of these relationships. Writ small, Rava's attempt to assert his authority uses control of the topic as the substance of the assertion. By changing the currency to suit his needs, Rava imposes control over the topic and over the students simultaneously. Writ large, the notion of service that is the subject of Rava's lecture and that frames the relationship between two subjects and an object—between a borrower and a lender vis-à-vis the animal—is similarly replicated in the various ways that one envisions textual production. While Rava and his students struggle to control their object--the lecture—and the *stam* struggles similarly with Rava for authority over the text, the interpreter struggles with other interpreters and with the text itself for control of the text's meaning. All three struggles are charged by the importance of the endeavor of Torah study to its participants qua adherents. The final struggle—the struggle over finite meaning—is perhaps the most charged of all, for it locates itself at the nexus of law's prescription, where theory and practice coincide and play is not an option.[270]

II. Rava's Shame

The adjoining talmudic passage continues to replicate the explicit teacher/student struggle within the rhetoric of its legal narration. The passage extends our context beyond

[270] David Weiss Halivni, *Peshat and Derash* (Oxford: Oxford University, 1991), 102 about the rabbis: "they would have instinctively recoiled from any kind of dichotomy that divides truth into two realms, study and practice, which bear an anomalous relationship to each other, contradictory yet complementary."

the classroom, recounting an instance in which Rava's decision on a legal question, rather than just his teaching, is called into question. By highlighting a moment in which Rava's students prove more knowledgeable than he, the text demonstrates the potential pitfalls of his arrogance.

II. A) Stage 1

> **Mar[271] bar Ḥanina[272] rented his mule[273] to Bei Ḥozai.[274] [Mar bar Ḥanina] went out to lift up a load with [Bei Ḥozai].[275] They were negligent with it and it died. When they[276] came before Rava, he obligated [Bei Ḥozai] (to pay).[277] The Rabbis [his disciples] said to Rava:[278] But it is negligence with the owner [in service]! He was ashamed.**

---

[271] Two versions of this name circulated among the original textual witnesses: Mar and Mari, though the latter had spellings with and without an א. The names eventually appeared in the early printed editions as consecutive words until Solomon ben Jehiel Luria, *Sefer Ḥokhmat Shelomoh hashalem*, (Jerusalem: Makor, 1971), 3:872 merged the two into one name, as it appears in the Vilna Shas: Mereimar.

[272] Some witnesses have Ḥananiyah. Raphael N. N. Rabbinowicz, *Diqduqe sofrim*, (Jerusalem: Ohr Hahokhma 2002) 5: Rosh Hashanah, p. 24, cites several examples of variation between Ḥanina and Ḥananiyah.

[273] Though the Soncino printed edition supported by MS Florence II I 8 has a plural form, the singular verb form inclines us toward the singular possessive noun found in other textual witnesses.

[274] The translation treats Bei Ḥozai as the name of a collective of individuals, though the term literally means the house of Ḥozai. Though it is possible that the text can mean, as *Perushe Yonatan Milunel,* Bava Meẓiʿa, p. 38, translates, "hired his mule to take them to Beit Ḥozai," it is possible for it to mean the people of Ḥozai, as it does in Shabbat 51b. The explicit rendering of this meaning in MS Florence II I 8 as livnei Ḥozai is most likely a correction by someone who understood the text as meaning a place and realized that there was a missing renter.

[275] "With them" is missing in MS Hamburg 165.

[276] MSS Cremona ebr. T. IV 10 and Munich 95 have a third-person singular referring either to the case or to a single litigant.

[277] Explanatory note found in MSS Hamburg 165 and Cremona ebr. T. IV 10.

[278] The introduction *Dina hakhi?* (Is this the law?) found in MSS Escorial G-I-3, Vatican ebr. 115, and Florence II I 8 is borrowed from the previous *sugya* and the story of Rav and his students.

> Eventually it was ascertained that he had gone forth to examine its load.
> Now, on the view that for negligence with the owner in service there is no responsibility, it is well; (for that reason he was ashamed).
> But on the view that one is liable (for negligence in the presence of an owner), why was he ashamed?
> They were not negligent with it, but it was stolen and it died a natural death in the thief's house; and they came before Rava, and he obligated them.
> [Thereupon] the Rabbis said to Rava: But it was theft with the owner [in service]! He was ashamed.
> Eventually it was ascertained that he had gone forth to examine its load.

The passage opens with the facts of the case: Mar rents a mule to Bei Ḥozai, and assists them in its loading. Bei Ḥozai's negligence contributes to the animal's death. The passage proceeds to the judgment: Rava obligates Bei Ḥozai in light of their negligence. Suddenly, courtroom etiquette is breached.[279] "The Rabbis," Rava's students, interject that Mar had been present when the animal was loaded and Rava is ashamed.

According to the traditional interpretation of this narrative, Rava denies Mar's presence its unquestionable normative ability to exonerate Bei Ḥozai. The law is never in question; Rava's error lies entirely in a judgmental oversight.[280] This interpretation is troubling, though, since the case that appears in Rava's courtroom is far from self-evident. No legal precedent exists for this case of first impression. Exod. 22:13-14

[279] David M. Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Leiden: Brill, 1975), 272, claims that students acted as apprentice lawyers in the courts of their masters. Isaiah Gafni, *Yehudei Bavel betekufat haTalmud* (Jerusalem: Merkaz Zalman Shazar, 1990), 232, concurs. According to this view, the only breach of etiquette is in the sharpness of the comment in this case.

[280] Most of the commentators whose primary interest is the elucidation of the text have ignored this passage. Their silence may be the result of the clarity of earlier commentaries such as Rabbenu Ḥananel who paraphrases the meaning as (Blau, 330): "in other words, he erred in this judgment and his students bested him." Among those commentators interested primarily in determining Jewish law, there is unanimity that the students' opinion is correct. See *Beit Habeḥirah* 354, *Rambam She'eylah upiqqadon* 2:2, and *Talmid Harashba* 252.

articulates owner presence as an exonerating exception in a standard case of loss, not one in which the renter is actively responsible for that loss. Mishnah Bava Meẓiʿa 7:9[281] implies an obligation for all nonowners in standard cases of renter negligence, but nowhere directly addresses the question of owner presence. The Palestinian Talmud records an amoraic discussion that hinges on this issue.[282] The Babylonian Talmud cites an amoraic debate about this explicit case. Moreover, the Babylonian Talmud's debate is attributed to scholars who live two generations after the events narrated by this story. The *stam*, the first in a long line of traditional readers, is ultimately forced by the existence of this explicit sixth-generation debate to reject the received narrative tradition of our story and rewrite the whole narrative.[283] It is difficult to accept the existence of undeniable binding precedent for Rava when the sources record nothing but debate, even after his lifetime![284]

---

[281] A verbatim copy appears at Shavuʿot 8:1.

[282] Palestinian Talmud Shavuʿot 8:1, 38c. The Palestinian Talmud frames the question around the possible requirement of a watchman's oath in scenarios of exoneration owing to owner presence. By inference, the requirement of an oath guaranteeing the absence of negligence only makes sense if negligence trumps owner presence. While this inference is a necessary ramification of the Palestinian Talmud's debate, the question is perhaps concerned with a more fundamental question pertaining to the exception of owner presence. To wit, does the exoneration of owner presence become incorporated into the liability matrix, and is it treated like the exonerations for theft and *force majeure*.

[283] The *stam* is the first reader to note that the traditional reading is problematic because it does not fit with a sixth-generation amoraic debate between R. Aha and Ravina about the clash of negligence and owner presence. To solve this problem, the *stam* offers an alternative version of the story for the view that prefers negligence to owner presence. In this version, the animal was stolen from the renter and died a natural death in the thief's house. Rava rules them responsible on the basis of a paid watchman's liability for ordinary theft. His students interject regarding owner presence, and Rava is ashamed. This new version of the story parallels the one discussed earlier on Bava Meẓiʿa 36b, in which Rava exonerates a negligent unpaid watchman if the negligence was not immediately causal. In this retold story, the paid watchman is obligated by Rava, presumably because he is compensating for his lenient ruling in the case of negligence. In this way, the *stam* manages to sustain this aspect of Rava's position—that he is motivated by his earlier activism. The students again object because the owner was present.

[284] On the issue of whether silence is acquiescence in talmudic legal narratives see David Weiss Halivni, *Meqorot Umesorot: Miyoma ad Hagigah* (Jerusalem: Jewish Theological Seminary, 1975), 260 #2.

A formal legal critique can also be leveled against the traditional interpretation. A reading that posits the obvious predominance of owner presence assumes that the threshold of owner presence is met in this case. Our earlier narrative's opening section underlined very clearly the formal requirement of prior contracting for the exoneration exception of owner presence. In this narrative, by contrast, Mar's services, though proffered, are never explicitly contracted, either before or after the renting of the animal.[285] If no clear precedent exists and the formal requirements for owner presence are not met, how can the legal outcome in the courtroom be a self-evident proposition? A new reading grounded in the hermeneutics of suspicion utilizes a trend within Rava's jurisprudence to create a new context for understanding his shame.

Mishnah Bava Meẓiʿa 7:9 offers a sliding scale as the paradigm for liability when one is in legal control of another's goods (Table 1 below).

> There are four bailees: a gratuitous bailee, a borrower, a paid bailee and a renter.
> (1) A gratuitous bailee swears for everything.
> (2) A borrower pays everything.
> (3) A paid bailee or a renter swears concerning an animal that was injured, [one that was] taken captive or [one that was] dead; but pays for loss or theft. (Mishnah Bava Meẓiʿa 7:9 = Shavuʿot 8:1)

One who borrows an animal is liable for that animal regardless of how the animal is lost. By contrast, a renter is not liable for *force majeure*—disasters that lie beyond the renter's protective reach—while the renter is liable for ordinary loss or theft. The final figure in

---

[285] Even if one would point to the case of the wily lender who opened our passage as a model for this one, in that case the lender is explicitly asked by the borrower to pour prior to the ensuing actions. *Beit Habeḥirah* infers from this story that even if one were to be hired only de facto, that would be sufficient. *R. Yonatan Milunel* claims that the ambiguity of no contract is exactly what is meant by the subsequent reinterpretation. Since there was no contract, it was never owner presence.

the scale, one who watches an item as a favor to its owner (Free Watchman), is liable neither for *force majeure* nor for events of ordinary loss.[286] Two major exceptions exist to the mishnaic sliding scale. On one extreme, *owner presence* exonerates those who are ordinarily liable. On the opposite extreme, *negligence* obligates those who are ordinarily not liable. [287]

TABLE 1

Mishnah	**Exception 1**	**Mishnah**		**Exception 2**
	Owner Presence	*Force Majeure*	Ordinary Loss/Theft	Negligence
Borrower	Not Liable	Liable	Liable	Liable
Renter	Not Liable	Not Liable	Liable	Liable
Free Watchman	Not Liable	Not Liable	Not Liable	Liable

[286] The sliding scale connects liability to benefit. Those who benefit entirely are wholly liable. Those who do not benefit at all are never liable. Those whose benefit is outweighed by a cost are occasionally liable. This conceptualization is explicitly formulated in Palestinian Talmud Shavuʿot 8:1, 38b. It is implicit in *Mekhilta deRashbi mishpatim* 22:14, p. 207, and *Mekhilta deRabbi Yishmael masekhta deneziqin parsha* 16, p. 307. Within the Babylonian Talmud, Bava Meẓiʿa 41b provides direct evidence of Rava subscribing to this conceptualization. Within a discussion there about whether the gratuitous and paid watchmen are obligated for *force majeure* if they use the bailments in a manner unallowed in their contractual agreements, Rava suggests that neither of the watchmen needs an explicit verse to obligate, since both could learn their obligating laws from the case of a borrower. Since the borrower, who has the owner's permission to use the object, is nevertheless obligated for *force majeure*, we can determine that use brings with it responsibility. Such responsibility would necessarily obtain in a case of use without permission. The *stam* is implicitly aware of this conceptualization in its analysis of the Mishnah on Bava Meẓiʿa 94b.

[287] The exceptional nature of negligence as an obligating force is implied in the Mishnah within the context of the free watchman who is forced to swear that no negligence has transpired. (In rabbinic law, oaths are not infrequent forms of evidence. Oaths by parties to the case function as lesser forms of corroboration than the testimony of impartial witnesses.) The oath guarantees the original contractual relationship by assuring the owner that the object was watched properly. If some negligence has transpired, the watchman, unable to swear, must remunerate the owner. This payment is a direct result of negligence.

In several cases elsewhere in the Talmud, Rava challenges the mishnaic sliding scale and requires a greater degree of fault than the one implicit in the Mishnah's model (Table 2 below). In one case, Rava exonerates a borrower if the animal dies (*force majeure*) in the course of ordinary work.[288] In another instance, when called upon to adjudicate an unambiguous case involving the ordinary loss of a shepherd—who falls into the same category as the renter—Rava exonerates the shepherd against the objections of colleagues because the loss did not stem from any unwarranted activity.[289] Even within the exceptional case of a free watchman who is liable for negligence, Rava disagrees with his colleague Abaye and will not obligate if the negligence is not directly responsible for the animal's death.[290] Though the opening of the barn door that allows the animal to walk into dangerous terrain is a textbook example of negligence, Rava will not obligate the watchman if the animal dies of natural causes in the dangerous terrain. Since the act of negligence is not directly responsible for the loss, neither is the watchman.

---

[288] Bava Meẓiʿa 96b. Joseph Zevi Hirsch Duenner, *Ḥiddushei haRitsad* (Jerusalem: Mosad Harav Kook, 1981), 218; Zvi Karl, *Dinei arbaʿat hashomrim bemishpat haivri*, Tarbiz 7, (1935): 276; and Henshke, 249 all note that this was the *status quo* prior to Rava's innovation.

[289] Bava Meẓiʿa 93a. This case is a classic example for the Rabbah/Rava problem. Though the predominance of textual witnesses point to Rava, Rabbinovicz, *Diqduqe sofrim*, 8: Bava Meẓiʿa, 139 no. 100 suggests based on the comments of Rav Ḥisda and Rabbah bar Rav Huna that this must be Rabbah. The separation between these scholars' comment and Rava/Rabbah's makes it difficult to determine source-critically whether their statement—which places a claim in the mouth of the watchman—must be understood as commenting directly on the Rava/Rabbah statement. Eliezer Segal, *Case Citations in the Babylonian Talmud: The Evidence of the Tractate Neziqin* (Atlanta: Scholars Press, 1990), 81, argues for Rava by claiming that the figures Rabbinovicz uses to evidence Rabbah may have uttered comments in a different context that were subsequently directed to Rava's statement. In positing that this text is Rava, I am following Segal, with the awareness that a final determination is probably impossible.

[290] Bava Meẓiʿa 36b. Rashi makes this intertext explicit in our *sugya* in his comments on the *stam*'s rewritten story.

TABLE 2

Rava	**Exception 1**	**Mishnah**	**Rava's Innovation 1**	**Mishnah**	**Rava's Innovation 2**	**Exception 2**	**Rava's Innovation 3**
	Owner Presence	*Force Majeure*	***Force Majeure* Because of Work**	Ordinary Loss/Theft	**Ordinary Loss/Theft With No Unwarranted Activity**	Negligence	**Negligence Unrelated to Loss**
Borrower	Not Liable	Liable	**Not Liable**	Liable		Liable	
Renter	Not Liable	Not Liable		Liable	**Not Liable**	Liable	
Free Watchman	Not Liable	Not Liable		Not Liable		Liable	**Not Liable**

These cases combine to illustrate Rava's mindset when approaching the case in our narrative. Our case represents a conflict of exceptions—the exonerating owner presence and the obligating negligence. Because of Rava's focus on immediate causality as the only reliable source of liability, he hears negligence and instantly obligates Bei Ḥozai. When the students point to Mar's presence as a factor, Rava is ashamed.

But Rava's activism within the liability matrix has a supplemental explanation—one that deepens the shame portrayed in the narrative. In all three instances of maverick adjudication, Rava expresses lenience toward the one watching the other's goods. These lenient rulings form a pattern since the borrower or shepherd is generally the economically weaker party in this litigation. Furthermore, in all three cases, the Talmud

witnesses the plea of this weaker party, sometimes in the recording of an actual plea, and other times, more significantly, in Rava's articulation of such a plea on behalf of the theoretical weaker party.[291] Held up to this light, our narrative comes into stronger focus. This case represents not only a clash of formal principles—owner presence and negligence—but a clash of ideals of adjudication—empathic lenience and immediate causality. In this case of fundamental clashes, Rava deviates from his pattern of leniency to rule stringently against Bei Ḥozai. Upon questioning, Rava is ashamed.

Deconstructive readings are perhaps most compelling when they revivify texts by resuscitating silenced portions of context. The act of reading against the grain—against the force of narration—is compulsory when the context suggests that the narrator, in forming the text, doth protest too much. Within our passage, Rava's shame stands at the heart of this narration.

Shame is a very human and emotional response. It has resonance beyond that of the cold statute or dry legal history. It transforms judgment, ordinarily seen as calculating and impersonal, into an instance of poignant human relationship and response. A judge can be an errant teacher. Shame embraces the reader, encouraging an empathy that transports the reader into the story. We are drawn into Rava's courtroom because his

[291] Though arguments of empathy are difficult to make within civil cases in light of the fact that one side's loss is another's gain, the context of bailees (at least in the Talmud) is generally one of economic imbalance. Siding with the bailee is tantamount, then, to siding with the poor. Though justice might demand that the poor receive no greater stake, this sort of leaning is often a necessary corrective to the real-world realities of judicial imbalance in the opposite direction. Within American law, this is often illustrated within the notion of unconscionability and *Williams v. Walker-Thomas*. A similar notion can be found in Isa. 11:4, which associates true justice with a correction for the poor. Some might question such a reading of Rava as inconsistent with the biblical law that mandates that neither the rich nor the poor receive unequal treatment in light of their differing monetary situations. Yet it is undeniably the case that when Rava rules to accept the claim, "What should he have done?" he is doing precisely that, since the legal protections offered to the wealthy bailee are being breached when the wealthy one is made to suffer a loss while seemingly under the protection of the bailor's liability.

shame is humanly familiar. The rarity of a shame narrative in the Talmud piques our curiosity, drawing us closer.[292]

Traditional scholars since the *stam* have understood Rava's shame as proof of his students' legal vindication. In so doing, they pretend that Rava had never erred—that no correction had taken place—and that no one was ashamed. They ignore the text's decision to tell us a story about the law. They ignore the insight into the complexity of the case, the complexity of judgment, the complexity of error, and the complexity of shame. Rava's shame, like his anger in the first story, is a gratuitous inclusion if the purpose of this statement is merely to indicate that he erred in law. His shame, like his anger, presents a window into his psyche and into the various power dynamics within which the situation is inscribed.

The telling of Rava's shame provides us with a rare and unique insight into the trials and tribulations of rabbinic adjudication, describing in raw form the challenge of molding a theoretical construct onto life itself. *Mar v. Bei Ḥozai* is an instance of amoraic case law among many such cases recorded by the Talmud. In most of these instances, a hitherto established law is applied to an actual case. Not infrequently, life's realities and their literary representations combine to narrate cases that vary from their statutory antecedents, blurring issues governed by multiple statutes or by none at all and complicating the cases at hand. Since most of the decisions recorded in such cases state

[292] Rubenstein, *Talmudic Stories*, 275, argues that shame is a common feature of Babylonian stories, particularly with respect to their Palestinian parallels. Elsewhere (Jeffrey L. Rubenstein "The Bavli's Ethic of Shame," *Conservative Judaism* 53 [2001]: 3, 27-39 and *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University, 67-79), he develops this further, articulating the cultural significance of this focus on shame.

the legal verdicts absent any argumentation, it is difficult to gain insight into the struggles—internal and political—inherent in the process of legislation and adjudication.[293] In fact, the absence of argumentation and the simple dogmatic narration of the judge's decision propagate a myth of judicial certainty by fostering the impression of uncomplicated statutory application.

Imagine, for a moment, that Rava's decision were not responded to by his students, or that he had gotten it right on his own, without intervention. By asserting the ruling absent any disagreement, his decision would leave the reader with no awareness of the elemental clash of owner presence and negligence. But Rava's decision is not unproblematically rendered. His correction points the reader to the complexity of rendering a decision when one must weigh the formal categories of law against one's own vision of justice, and when that vision begins to overwhelm justice itself.

The narrative does not provide insight merely into the psychological dynamics of law; it directs us to the core tensions inherent in adjudication. [294] Hearing that *Bei Ḥozai* were negligent, Rava is convinced of their liability. He has heard all he needs to hear. The students, aware of Rava's proclivities, step in and remind him of owner presence—perhaps of its existence in the scenario, perhaps of the ramifications of its existence. "Our

[293] For an articulation of the various conflicts responsible for creating law, see Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field," *The Hastings Law Journal* 38 (July 1987): 814-53.

[294] Echoes of Rava's tension can be found in a medieval argument. *Rambam Sekhirut* 2:3 asserts that a bailee who is negligent with a slave must pay damages "because anyone who is negligent is a tortfeasor." Raʾbad *ad loc.* attacks this position, reprising the role of Rava's students, by saying, "One who is negligent is not a tortfeasor, for were this the case, why would negligence in the owner's presence be exonerated?" In other words, Rambam is moved by the egregiousness of negligence, and its status as an exception to statutory law to transfer its case from the status of insurance liability to that of tort liability. This logic is akin to Rava's focus on fault and his assumption that negligence brings automatic liability. Raʾbad recognizes our case of owner presence as the limit case that prevents negligence from becoming a tort. This argument demonstrates the impact of this legal story on a broader area of law.

teacher," they say, "but it is negligence in the owner's presence." At this comment, Rava is ashamed.

Rava is not ashamed simply because he is wrong. His shame is the shame of one whose soul is nakedly revealed. His students contextualize their teacher's comments and realize not only the existence of an error, but also the reason the error has occurred. They are not only able to process the court case and note all of its subtleties; they are also able to recognize the impact that their teacher's leanings have on his ability to adjudicate. Rava is ashamed because he has been contextualized—rendered part of the fabric of law that his students navigate their way around. Rava is ashamed because he has been historicized; his mistake suggests the beginning of his students' ascent, and his own antiquation.[295]

But this shame cuts deeper into Rava's personality. It moves away from intellectual limitations and towards the very essence of his activist work as a legist—his willingness to side with the weaker party. By noting the economic empathy at the heart of Rava's activist jurisprudence, we understand the ruling against *Bei Ḥozai* as a move in the opposite direction. Rava's privileging of negligence demonstrates that fault has become, for him, part of the fabric of law—a new statute. He is ashamed because he knows that his decision is based entirely on a legally formalistic focus on negligence as the benchmark of obligation. At the moment of shame, he knows that such formalism is the price that an activist judge sometimes pays when innovating within the law—when the cost of shoring up one's credentials as a jurist by sticking to the law's letter is borne

[295] In this argument, I am explaining not only Rava's shame, but his silence. Saddened by the fact that he has been historicized, Rava is silent in his shame. His shame is interconnected with this sadness.

by a hitherto protected needy party—the economically weaker shepherd, borrower, or renter. The students, having learned from their teacher, are surprised by this move; the empathic bent is so ingrained in them that they are puzzled by the ruling. Startled by a teacher who has replaced spirit with letter, they cry out publicly, humiliating the one who had modeled empathy for them.

Rava's mistake is not a momentary amnesia, a forgotten principle leading to a wrong decision, but a methodological blunder—a failure to weigh all aspects of the case that results in shame not just for Rava, but for justice itself. The competition of concepts has not yet been won; the debate between owner presence and negligence has not yet been resolved. Rava's students are reminders. They remind him of his limitations as an individual cog in the wheel of justice, of the idealism of his earlier empathic days as a judge, and of the fact that teachers are beholden to students for these reminders and for the role that students play in the contextualization of new teachings.[296]

II. B) Stage 2

> Mar bar Ḥanina rented his mule to Bei Ḥozai. [Mar bar Ḥanina] went out to lift up a load with [Bei Ḥozai]. They were negligent with it and it died. When they came before Rava, he obligated [Bei Ḥozai] (to pay). The

[296] There are six examples of the formula *Iykhsif lesof iglaʾi milta* (He was ashamed; eventually it was ascertained…) in the Babylonian Talmud: Gittin 29b and 77b; Bava Meẓiʿa 81a, 81b, and 97a; and Avodah Zarah 22a. One of the cases (BM 81a) is the cognate of this story repeated with Rav Pappa, Rava's student, as the hero. (The closeness of the two scholars determines that some Rava statements should be attributed to Rav Pappa. The Talmud is itself aware of this on Bava Kamma 67b). The other five cases refer to Rava. This may suggest that the language of *Iykhsif* is not terribly uncommon for Rava narratives.

Bava Meẓiʿa 81a-b contains a parallel to this story starring Rav Pappa. Shamma Friedman, *Perush,* 273, claims that the Rav Pappa parallel to our passage on Bava Meẓiʿa 81a-b was formulated to reflect the story of Rava. In light of the inconsistent legality of our passage and its relationship with the prior passage, we can perhaps suggest the opposite. The story told in our passage is a retelling of Rav Pappa's tale in a manner that creates a mirror effect between the two narratives, as I will suggest below. The attribution of the passage to Rava is a literary necessity, given the appearance of Rava in the previous narrative.

> Rabbis [his disciples] said to Rava: But it is negligence with the owner [in service]! He was ashamed.
> **Eventually it was ascertained that he had gone forth to examine[297] its load.**
> Now, on the view that for negligence with the owner in service there is no responsibility, it is well; (for that reason he was ashamed).
> But on the view that one is liable (for negligence in the presence of an owner), why was he ashamed?
> They were not negligent with it, but it was stolen and it died a natural death in the thief's house; and they came before Rava, and he obligated them.
> [Thereupon] the Rabbis said to Rava: But it was theft with the owner [in service]! He was ashamed.
> Eventually it was ascertained that he had gone forth to examine its load.

Rava's shame is short-lived, though, for the very author who narrates the events leading up to Rava's shame now reinterprets those events. The action that had been imbued with helpful intent at the story's outset—*he went out to lift up a load with them*—is now imbued with intent antagonistic to *Bei Ḥozai*'s endeavor—*Eventually, it was ascertained that he had gone forth to examine its load*. The narrator unshames Rava in a simple act of reinterpretation.[298]

Reinterpretation is never simple. While one might wish to credit the initial story of Rava's shame to one author and the reinterpretation to another, the existence of both

---

[297] The verb *lemeisar* is from the Aramaic *sur*, meaning to supervise or examine, rather than the Hebrew *sur,* meaning to remove.

[298] The traditional way of reading this story assumes that the undoing of Rava's shame is a historical account of the courtroom proceedings (S. Friedman, *Perush*, 274 no.42). I am suggesting that this undoing is a literary device that empowers the anonymous narrator to resurrect the reputation of a distinguished scholar. Rather than rewrite the original story, the narrator performs the process of encountering the fallen scholar and resurrecting him. Despite the inclination to salvage Rava, though, the narrator preserves the court-presented facts to maintain the drama of Rava's shame. (Avodah Zarah 22a explicitly questions the historical veracity of a legal shame narrative of Rava and the redactor concludes that the shame narrative never occurred.)

the shame and its undoing within a unified literary trope—*he was ashamed, subsequently it was determined*—preempts the comfortable solace of source criticism. Shockingly, a single narrator both shames Rava and immediately unshames him. [299]

The attribution of both talmudic lines to one narrator reveals much about the purpose of such narration. The narrator, despite knowing that Rava's shame is ultimately misplaced, mis-narrates the opening facts. Rather than presenting the initial facts ambiguously—actions described without intents—the narrator heightens Rava's shame by making the initial presentation quite definite—*he went out to lift up a load with them*. The choice to heighten the power of Rava's shame through deliberate mis-narration witnesses the narrator's awareness of the centrality of that shame.[300]

The content of the narrator's reinterpretation suggests that the undoing of Rava's shame involves a critique of legal subjectivity. Actions may speak louder than words, but are unintelligible without them. The reinterpretation focuses on intent, highlighting the ambiguity inherent in actions. Our narrator becomes a reader who interprets the textual facts for the purpose of Rava's salvation. Rava's ruling was right all along because Mar's unhelpful presence failed to meet the threshold of owner presence. Rava's legacy is preserved, since his ruling is ultimately correct. Factual reinterpretation, however, is

---

[299] From this point on, the "narrator" is a significant player. I am distinguishing the narrator here from the *stam* whom I identified in the earlier passage. It is my contention that the narrator in this story predates the *stam* because there is later material in this section. In the first narrative, the material until *vela hi* is entirely the work of a narrator who is not the *stam*. The difference is that in the second narrative it is the narrator who is responsible for Rava's ultimate salvation, while in the first narrative it is the *stam* who is responsible for his ultimate condemnation. For an opinion that would turn the narrator into the *stam* see further no. 303.

[300] There is a possibility that the narrator does not mis-narrate, but uses an ambiguous term, *ledaluyey*, which was translated above as "to load." Though this form of the term always has the meaning we used in our translation, there is a form of the verb that means "to remove." Perhaps the narrator finds refuge in the ambiguity of language; where originally we translated the term as "to load," we must now translate it as "to remove."

more than a convenient loophole for Rava's myth. The mis-narration points to a flaw inherent in legal formalism. Law is not often interested in intents. Because of the very ambiguity of intents and their openness to reinterpretation, law must read actions by themselves, without the help of supplementary signifiers. Despite an impulse to allow actions to speak for themselves, though, cases sometimes turn on the very fact that actions are silent. The initial presentation of the facts is a seemingly omniscient third-person narration that states clearly what Mar's intent was. Reinterpreting that intent shatters the myth of omniscience in factual presentation. It highlights Mar's intent as the site of controversy—the subject of competing claims. The form of Rava's unshaming is significant, for it reminds us of law's fundamental subjectivity, not merely with respect to jurists, but with respect to the facts themselves. Law must be interested in the inner workings of Mar's mind—the quintessential subjective space.

In narrating a profound shame and then resurrecting its subject, the narrator performs a clash of two vital forms of memory—history and legacy. The power of this shame narrative is necessary for the force of the historical moment—for what it tells us about amoraic law and the power dynamics inherent in a legist and in the law itself. But Rava's myth would be damaged, his legacy tarnished, were shame to remain his final characteristic.

The narrator's focus on Mar's intent sharpens our focus on the narrator's own. In another moment of replication, the narrator's inner intent conflict—the struggle between the history of Rava's shame and its legacy—is performed through the description of conflicting intents. Here, too, the nonconscious struggles inherent in textual production manifest themselves on the surface of our text. By providing the reader with a historical

shamed Rava and a resurrected mythic Rava, the narrator defers the struggle to the next writer, the reader.

This clash between history and legacy—between two forms of memory that vie over Rava—positions itself as the third and final elemental clash in this drama. While the legal case that arrives in Rava's courtroom ushers in a clash of formal legal principles (owner presence and negligence) and the baggage of prior legal situations tows along a clash of principles of adjudication (immediate fault and lenient empathy), the narration of shame and its undoing is best comprehended not as a linear development, but as a conflict over Rava's good name.

Elsewhere in the Talmud, the text protects a judge from erroneous adjudication based on an error in the facts by stating, "a judge only has what his eyes can see."[301] Rava's error is procedural; the faulty facts are not the cause of his blunder. He failed to take all the evidence into account. The change in actual facts cannot undo that error or its resultant shame. Nevertheless, the narrator reinterprets the initial facts to salvage Rava. The narrator's reinterpretation does not help the story's historical shamed Rava—it protects Rava's myth. Rava's clairvoyance—his ability to adjudicate the correct ruling despite the deficiency in factual presentation—is retroactively determined. The appeal to reality is convincing not because it undoes the courtroom mistake, but because the reader believes in divine correction. The appeal to reality reinforces the notion that God does not allow for the miscarriage of justice.

[301] TB Sanhedrin 6b.

The story of the unerring "Donkey of *Pineḥas ben Yaʾir*"[302] is often invoked in the Talmud as a means of challenging historical accounts of rabbinic sin by appealing to divine justice. "If God does not allow disaster to befall the animals of righteous people, how much more so to the righteous ones themselves?" The force of this question—of faith itself—generates the retelling of these narratives of violation.[303]

Rava's own situation recalls this example not only structurally—through the presence of the animal in *Mar v. Bei Ḥozai*—but also conceptually. Rava's downfall—his juridical blunder—is wrought not upon his donkey but upon him because of a mule. The narrator, as a reader, realizes the resonance of the situation and the implications for Rava. If God does not allow calamity to befall the donkey of *Pineḥas ben Yaʾir*, how can God allow Rava to err while judging the case of Mar's mule? The scenario is characteristically reinterpreted with Rava divining the correct ruling for incorrect facts.

Rava's shame is a moment in which the text becomes extraordinary, saying more than it needs to or should. It is a literary moment whose resonance attracts a reader. The narrator's reinterpretation of this recently minted story evidences the trap that literature embodies, powerfully forcing writer to become reader, and as reader to rewrite the story yet again. Our narrator captures Rava in a moment of clairvoyant knowledge. He prophesied, yet knew not what he prophesied. Rava has knowledge, but does not know

---

[302] J. Theodor and Chanoch Albeck, eds., *Midrash bereshit rabbah* (Jerusalem: Wahrman, 1965), 60:32.

[303] Yevamot 99b; Ketubot 28b; Gittin 7a; Ḥullin 5b, 6a, 7a. In a forthcoming article entitled ""The Holy One Blessed be He…Does Not Permit the Righteous to Stumble"—Reflections on the Development of a Remarkable BT Theologoumenon," Leib Moscovitz notes the connection between this conceptual notion of God not allowing the righteous to stumble and the trope of shame and its undoing. Moscovitz's thesis is that the theologoumenon is a product of the Talmud's anonymous stratum. If Moscovitz is correct, then the term "narrator" in this section could be replaced with "stam" as in the reading of our earlier narrative.

what he knows—he has knowledge that he does not master.[304] The notion of knowledge not in possession of itself captures the essence of literature's epistemological claim. Literature, like Rava, knows without an awareness of what it knows. This knowledge, unaware, allows literature to resonate and—through interpretation—to develop a nuanced and textured depth. In interpreting legal narratives with the assumption that they possess a literary knowledge that goes beyond itself, we let the possibilities of such knowledge inform our reading and improve our interpretation.

II. C) Stage 3

> Mar bar Ḥanina rented his mule to Bei Ḥozai. [Mar bar Ḥanina] went out to lift up a load with [Bei Ḥozai]. They were negligent with it and it died. When they came before Rava, he obligated [Bei Ḥozai] (to pay). The Rabbis [his disciples] said to Rava: But it is negligence with the owner [in service]! He was ashamed.
> Eventually it was ascertained that he had gone forth to examine its load.
> **Now, on the view that for negligence with the owner in service there is no responsibility, it is well; (for that reason he was ashamed).[305]**
> **But on the view that one is liable (for negligence in the presence of an owner),[306] why was he ashamed?**
> **They were not negligent with it, but it was stolen and it died a natural death in the thief's house; and they[307] came before Rava, and he obligated them.**
> **[Thereupon] the Rabbis said to Rava: But it was theft with the owner [in service]! He was ashamed.**

---

[304] These ideas are adapted from Shoshana Felman, *Jacques Lacan and the Adventure of Insight: Psychoanalysis in Contemporary Culture* (Cambridge: Harvard University Press, 1987), 92.

[305] Explanatory note found in Cremona ebr. T. IV 10, Escorial G-I-3, Vatican ebr. 117, Munich 95, and printed editions.

[306] Explanatory note found in Cremona ebr. T. IV 10 and Munich 95.

[307] See n. 276 above.

Eventually it was ascertained that he had gone forth to examine its load.

We have discussed already that our story has a legal lesson—that owner presence trumps negligence. The redactor of this passage points out that this lesson works nicely with those who espouse that legal view. However, for the disagreeing side, who prefers negligence to owner presence, how can the story as a block of legal information be envisioned so as not to damage their position?

The answer for the negligence-preferring position is a recasting of the story. Because the legal lesson cannot be swallowed, its flavor is changed. Instead of referring to an elemental clash of two exceptional scenarios, the case is envisioned as a more typical circumstance. The animal was stolen from the renter and died a natural death in the thief's house. Rava rules them responsible on the basis of the benefit model since the cause of loss is theft. His students interject regarding owner presence and Rava is ashamed. Eventually, his position is vindicated because the standard for owner presence had not been met.

To avoid the problem of Rava's shame determining the outcome of a law that remained debated, the story is revised.[308] This retelling of the story changes only a few facts but repeats the entire account.[309] What has changed is the basis for obligation. The

[308] See *Ritva* and *Tosafot R' Perets*.

[309] The restated case is not as simple a case as it looks. Since the cause of the loss is theft, there seems no reason why the recasting mentions the animal's death. *Rashi* picks up on the similarity in language that identifies this passage's intertext as an earlier passage on Bava Meẓiʿa 36b. Above we referred to part of this passage in which Rava says that negligence does not obligate the bailor unless it is causal. In the continuation of that passage, the argument between Rava and *Abaye* is fleshed out and we learn an exception to Rava's empathic claim that the angel of death is not affected by the animal's location. If negligence allows the animal to wander into a swamp where it is stolen, the bailor is obligated even if the animal dies in the home of the thief, since the object's loss was caused not by the animal's death but by its theft. Since the Bava Meẓiʿa 97a story is recast as this case of Bava Meẓiʿa 36b, the redactor has not only

renter is obligated not because of negligence, but due to the norms of benefit liability. The case in question is one of theft—a thief stole the animal after *Mar* had gone forth to assist in the loading. Due to a renter's liability for theft, this alone is a sufficient change to allow for both sides of the debate over preference. By transforming the basis for liability from negligence to benefit liability, the redactor avoids the fundamental clash of the two concepts, and the resolution of such a clash in Rava's courtroom.

The two anonymous combatants referenced here have been identified by both traditional and critical commentators as the sixth generation *Amoraim*, *Rav Aḥa* and *Ravina*, who explicitly debate these points earlier in the chapter.[310] Interestingly, the protagonists mentioned here are not identified by name. The hermeneutic choice to leave these protagonists unidentified is quite suggestive. The ambiguity implies that the argument in question is broader and more significant than the clash of two later scholars. More importantly, one can infer from the ambiguity the sheer incredulity with respect to the narrative's legal certitude. The two positions in this debate are figured anonymously in order to insinuate them into the narrative itself. In this manner, their debate itself is transpiring in Rava's courtroom, and the self-evidence of the legal position necessarily becomes an historical error. If the two litigants here are sixth generation *Amoraim*, the decision to rewrite a fourth-generation tale is hierarchically questionable—perhaps indicative of a preference for the history of legal arguments over the history of legal

---

allowed for the view that prefers negligence to continue, but also enabled an understanding of how one could confuse this scenario with one of outright negligence (*Tosafot ad loc* makes this claim explicitly). Since the case contains negligence, it is not surprising that that is how it would be remembered. This deliberated usage of the case of Bava Meẓiʿa 36b demonstrates the importance of intertextual reading in this *Sugyah*.

[310] *R' Elḥanan* in *Or Zarua*. On the issue of the rules of halakhic decisionmaking vis-à-vis this pair, see David Weiss Halivni, *Meqorot Umesorot:Meyoma ad Hagigah*,182.

narrative. By stating the positions anonymously, the redactor hides this choice, retrojecting the debate into the fourth-generation to force an historical revision.

What of this new story? Rava is ashamed anew and the reason for the shame is not in doubt. Whereas the original version presents a story with an elemental clash, the only basis for Rava's position in this second telling is a mistaken one. The redactor who adds this piece is not troubled by the need to resurrect Rava. On the contrary, the new edition emerges out of the understanding that Rava will be resurrected. Since the depth of Rava's mistake will not contribute to further shame, it is perfectly acceptable to grant that Rava could make the most basic of errors, forgetting about owner presence despite the absence of distractions.

III. Anger and Shame as Opposites

Legal narratives in the Talmud are vehicles for transmitting important legal information, but that transmission is not their exclusive function. Narratives of court stories are legally significant, but they are also narratives. As narratives, they tell us not only about the status of law, but also about the human vicissitudes that surround law's creation and application. The juxtaposition of our tale with the preceding one—two narratives concerned not only with Rava's teachings, but also, and importantly, with his emotional well-being—suggests that we as readers under-read talmudic narratives when we focus too strongly on their bottom-line legal positions. In our text, the juxtaposition of two narratives anchored in seemingly gratuitous psychological affects highlights the way in which the narrative of Rava's shame reads, and is read by, the narrative of Rava's rage.

Both narratives contain a talmudic rarity—an emotional marker in the midst of a legal tale. In the first story, Rava is enraged and boisterously attempts to assert his control over the *Sugyah*. In the second story, Rava is ashamed and promptly disappears from the discussion, hiding from the implications of his too-swift justice. Rava's confidence in the prior passage is contrasted with his oversight in the subsequent one. It is the Rabbis—his students—who not only know the material, but know it better than he. If the contested issue of the first encounter is the students' need for Rava, in the second his need for them remains unchallenged.

Rava's students in this second narrative seize control from their teacher. In talmudic context, the study hall functions as both judiciary and legislature. Rava's ruling is as responsible to the questions of his students as is his curriculum of teaching. The case before him is another lecture—another opportunity for the teacher to dictate terms to the student. But the students here are well learned. Like the wily lender in the first passage, they know when to utilize their knowledge of talmudic law and turn the tide. They wait patiently from one narrative to the other for Rava to need them—for him to be in their service. They intervene here and point out a bias of their teacher toward fault—a bias familiar to them from lectures and cases, one that clouds his judgment and makes a difficult case seem simplistic.

In the first narrative, Rava's students attempt to embody the conceptual lesson of their teacher by replicating it in the classroom—Rava becomes his own example. His response teaches the students that theoretical study and practical application are two different realms. The mapping of one world onto another is not precisely to scale; the imprecision yields the unexpected emotional result of anger or shame. Rava reverses the

map's compass, and his control over the application—the students are in his service—becomes the basis for his dominance in the classroom of theory. In the second narrative, the situation is reversed. The court case is a realm of application. Rava's mistake allows the students to turn the tide, demonstrating that in the realm of theory, his ruling is wanting. It is they who are able to control the topic by shifting the court case back into the theoretical discussion. Again, they have learned their lesson well.

Rava's activist crusade to connect liability with immediate fault coincides with an economic empathy for the bailee. Rava steps into the bailee's shoes, transporting himself into his curriculum of study. Rava's students' initial question derives from their similar need to personify a theoretical discussion. He does not object to the attempt, modeled after his own; he objects to its application. In the second narrative, it is the students who remember empathy—it is they who envision themselves in *Bei Ḥozai*'s shoes. The students remind Rava that the shift to fault does not require a heavy hand for the negligent. The students intervene and question the harshness of Rava's judgment. Rava is ashamed by the realization that the very creative energies that establish his authority blind him to the empathic opportunities afforded by thorough pedestrian research.

The students' reminder, like their opening question, is a moment of pedagogy in which they teach their own teacher. Rava is ashamed by his students because they had realized the complexity of the case while he had not. He is further ashamed by the implications of that realization. An individual's biases are often difficult to surmount and need to be addressed by outside intervention. Rava's students demonstrate anew his need for them—for those who will contextualize his teachings and realize when he has missed

something or gone too far afield. He is ashamed by the realization that sometimes the speaker may control the topic too much—to the point of missing issues that should be addressed, issues that other interpreters may notice.

In both narratives, the text's anonymous authors—the anonymous narrator and the *stam*—loom large.[311] The function of the *stam* in the first story is mirrored by that of the anonymous narrator in the second. In the first narrative, an arrogant Rava asserts authority over his students. The *stam* actively undercuts such authority by saying "But it is not so." In the second narrative, a humbled Rava hides from the students who have outsmarted him. Here the narrator of Rava's shame resuscitates Rava through an appeal outside of the law—an appeal to textual reality. For it turns out that in a reinterpretation of *Mar v. Bei Ḥozai,* the owner was not sufficiently present to invoke the exoneration. Whereas the scenario initially appeared to the students and Rava (and the reader) as one in which the owner was assisting in the animal's loading, in actuality the owner was actively contradicting the efforts of the borrower by emerging to unload an overburdened animal. In altering the scenario, the narrator transforms Rava's erroneous judgment into a prophetic one. Though Rava was unaware of the correctness of his decision, his mistake is one of human justice, not of objective truth. In the end, his ruling, though hastily determined, is fitting for the scenario as it actually occurred. His embarrassment is erased as his mistake metamorphoses into omniscience. Whereas once his students could see what was hidden from him, now he can see what had been hidden from all.

[311] To level out the comparison, one can compare the redactors of both stories as the hands responsible for the inclusion of anonymous material even if that material comes from two different periods.

Upon closer examination, though, it is not Rava who is omniscient—he does not intentionally divine the correct ruling. Were this the case, he would not be ashamed. Rather, it is his ruling—his text—that is once again empowered. His statement in the first narrative is employed by the *stam* in the imprisonment of its creator—Rava is in his students' service two months a year. His ruling here is employed by the narrator to liberate a quieted Rava. The redactor of these passages balances the statements of the *stam* and the work of the narrator, juxtaposing the two to undercut a victorious teacher and resurrect a fallen judge.

The mirroring of two Rava narratives heightens the impact of each. Our first narrative contains several replications of form and content that alert us to the impossibility of attaining a comfortable distance from our objects of study. That lesson is solidified in the second narrative as the distance between Rava and his rulings collapses in a moment of shame. The force of our second narrative is generated by a series of conflicts that alert us to the multiplicity of tensions inherent in adjudication. This tension is foreshadowed in the first story, which performs such a tension already within law's theoretical stage.

Two moments of raw emotion escape from law's metonymy with life to animate our legal narratives. Rava's anger and his shame are moments in which the text becomes extraordinary, saying more than it needs to or should. They capture an intrinsic drama of legal conflict—the metamorphosis from rational investment to irrational need. These are moments that engage the reader, forcing the reader to push textual limits for new contexts that justify the events that transpire on the text's surface. These contexts are multiple, for human emotion in both life and literature is always overdetermined. Rava's

anger and his shame are powerful literary moments that remind us of the multiplicity of latent meanings in life, literature and law.

Chapter Four—"Fly a Goose At Me": Law, Culture and the Symbolic

The work of Clifford Geertz has had undeniable impact on the study of culture. An anthropologist with impressive fieldwork credentials, Geertz revolutionized his field and forged a symbiotic relationship with literary studies and other humanities disciplines by highlighting, indeed celebrating, the interpretive function of the anthropologist. Where others had conceived of ethnography as primarily an exercise in data collection and cultural translation, Geertz embraced a measure of subjectivity in advocating for a poetics of culture that redefined both culture as an object of study and anthropology as the study of culture.

According to Geertz's famous definition:

> [M]an is an animal suspended in webs of significance he himself has spun[;] I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretive one in search of meaning.[312]

The image of the animal trapped in its own web beautifully captures one of the dichotomies that problematizes any attempt to study culture; culture is forever being fashioned by the very beings who find themselves occupying its space. The anthropologist's task is the "thick description" of the web's tangled strands.

Chapter One describes the unique features of talmudic legal narrative through a combination of Robert Cover's notion of law as *nomos* and Mikhail Bakhtin's preference

[312] Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York,: Basic Books, 1973), 5.

for the dialogical interaction of discourses.[313] The chapter argues that the genre of legal narrative is characterized by its inherent heteroglossia—its attempt to speak in multiple languages simultaneously. As such, legal narrative cannot be described without employing "thick description." Cover himself entitles his analysis of biblical legal narrative under the heading "The Thickness of Legal Meaning."[314]

If legal narratives are sites of heightened heteroglossia, then, we must examine them thickly—analyzing the various strands in a given story not only in and of themselves (thinly) but also in the larger semiotic frames that dictate their meaning. Moreover, the overlapping webs of significance that inhere in legal narrative make such stories veritable nuggets of culture, akin to narratives from a field journal. Just as anthropologists extrapolate from microscopic local narratives to weave larger theories of culture, scholars can use the heightened contrast of languages in legal narratives to provide an interpretive picture of rabbinic culture.[315]

The focus of this chapter is on a legal narrative situated at the heart of a *Sugyah* on a topic that balances competing legal and cultural norms—the required postures of judges, litigants and witnesses in the courtroom. The acts of standing up or sitting down are on the one hand so mundane and on the other hand so powerfully symbolic. Before addressing the *Sugyah*, the chapter begins by examining two stories about kings—one in

---

[313] "Nomos and Narrative" [Robert M. Cover, Martha Minow, Michael Ryan and Austin Sarat, *Narrative, Violence, and the Law : The Essays of Robert Cover*, *Law, Meaning, and Violence* (Ann Arbor: University of Michigan Press, 1992), 96 #7] draws explicitly on Geertz's understanding of culture.

[314] Ibid., 113.

[315] Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University, 2003), 11-12 draws on Geertz's notion of interwoven webs in reference to the variety of genres found within rabbinic texts.

the Temple and the other in Sanhedrin—that establish both the nature and the magnitude of these postures as symbolic actions. The chapter then addresses the *Sugyah* at Shavuʿot 30a-b that employs legal narratives as sources in its discussion of courtroom postures. Both the narratives and the non-narrative material struggle on the surface of the text with the competing legal norms pertaining to the postures of courtroom actors; symbolic political issues akin to the ones discussed in the first section bubble beneath the surface. The chapter concludes by building on the tension at work in this *Sugyah* by extending the text's implications to a later redacted story at Ketubot 105b-106a.

This chapter highlights the way in which law attempts to control cultural norms by legislating such norms as legal statutes. This attempt to control cultural meaning, though, is undermined by another tendency within law—a tendency to formalized thinking. This combination manages to turn a symbolically rich cultural event into the fulfillment of a posited law and, as such, completely disregard the powerful cultural forces that undergird the very practice to begin with.

I. Prologue: Courtroom Postures as Powerful Symbols

A retold biblical story about the Israelite King Jeroboam demonstrates the extent to which rabbinic culture is aware of the constitutive aspects of symbolic gestures, particularly postures. The first king of the Israelite Kingdom, Jeroboam had been a servant but rose to prominence through his military prowess in a story that strongly parallels the story of King David's rise to power.[316] Despite being crowned, Jeroboam was anxious about his position and feared that the people would nostalgically return to

[316] The story of Jeroboam is found at I Kings 11:26-14:20. Like David, Jeroboam becomes prominent as a warrior, flees a prior king before a prophet of God anoints him, and is crowned to popular enthusiasm.

his rival, the Davidic King Rehoboam.[317] These anxieties attached specifically to the festivals—a period of time when Israelites made pilgrimages to the Temple located in Rehoboam's domain, Jerusalem. In an effort to combat his potential political and physical demise, Jeroboam established two alternate temples and created a pilgrimage festival.

When biblical stories are retold in rabbinic literature, the characters often become rabbinized—that is, they become culturally recognizable as rabbinic Jews. Not infrequently, issues of rabbinic law are utilized as part of this acculturation; this form of legal narrative employs legal material as part of its plot.[318] Sanhedrin 101b retells the story of Jeroboam's political anxieties, utilizing a principle of rabbinic law:

> R. Naḥman said, "The haughtiness of Jeroboam caused his removal from the world [to come[319]], as it is written: 'Now the kingdom will return to the house of David if this people will go up to make sacrifices in God's house in Jerusalem. And the heart of the people will return to their master, Rehoboam King of Judah and they will kill me and return to Rehoboam King of Judah.'"
> He said, we learn that 'sitting in the sanctuary is limited to Davidic kings alone.' When they will see that [Rehoboam[320]] sits and I am standing, they will say, 'this one is the king, and this one is the servant,' but if I stand, he (I) will be a rebel against the monarchy and they will kill him (me) and go after [Rehoboam]. Immediately, 'The king took counsel and made two golden calves and said to them, "it is too much for you to go up to Jerusalem; here is your

[317] I Kings 12:25-33.

[318] For example, the fight between David and Saul over the marriage of David and Michal is retold as a substantive debate about whether a man can betroth a woman with a loan. On this story and its rabbinization see Shamma Friedman, "Hamekadesh Bemilveh (Hebrew)"*Sinai* 76 (1974): 47-76.

[319] The implicit bracketed word is explicated in MS Herzog.

[320] The implicit bracketed word is explicated in Florence, Karlsruhe and Barko.

> God Israel who took you out of Egypt.[321] And he put one in Beit ʾEl and one he put in Dan."

Retold biblical stories often fill in exegetical gaps in the biblical text. The retelling of Jeroboam's instituting idolatrous temples attempts to clarify Jeroboam's specific anxieties through a principle of rabbinic law. Tosefta Sanhedrin 4:4 asserts that only Davidic Kings are permitted to sit in the main sanctuary of the Jerusalem Temple.[322] The importance of this principle is evidenced by the fact that it is invoked as a question several times in both Talmuds.[323] The story utilizes this principle to explain why Jeroboam was so anxious about the Temple. Jeroboam is portrayed as a rabbinic Jew who knows the rules of sitting and standing in the Temple. Since he is not a Davidic King, Jeroboam's choice is either to follow the law by standing or rebel against the law by sitting. Because of the assumed familiarity with this law, the act of sitting would engender strong criticism and lead to his ouster. But standing is no option, either, because the relative postures of the two kings would communicate to the congregation that one (Rehoboam) was a king and the other (Jeroboam) was a servant impersonating a king.

I cite this story not to illustrate the rabbinic ability to perceive a world in which every actor is intimately familiar with rabbinic law, but because of the obvious semiotic

---

[321] The first half of the verse evokes the language of Koraḥ's rebellion at Numbers 16:3 while the second half evokes the Golden Calf of Exodus 32:4, 8.

[322] The association with the house of David appears to derive from II Samuel 7:18: "And King David came and *sat* before the Lord."

[323] See Babylonian Talmud Yoma 25a, 69b, Palestinian Talmud Pesahim 5:10; 34d, Sotah 7:7; 21a. The existence of several tannaitic statements that generate these redactive questions suggests that the principle was not well known or uniformly held within the tannaitic period, but becomes uniformly held in the amoraic period. In all of these instances, the Talmuds adopt compromise answers. The Babylonian Talmud suggests that the event took place in the women's gallery while the Palestinian Talmud asserts that the individuals are leaning against the wall—a physical compromise reminiscent of what we will see below with R. Naḥman.

nature of the relative posture of the two kings. Jeroboam takes for granted that if he were to stand and Rehoboam to sit, the relative positions of the two men would undermine his claim to political power. A seemingly trivial action, a slight gesture, is invested in the narrative with the ability to crown or depose a king.[324]

Bearing in mind this powerful symbolic content of sitting and standing, I would like to move from Temple to courtroom, from one institutional space to another. As we shall see in this section, the relative postures of judges and litigants were also understood within rabbinic culture to have powerful symbolic consequences. These symbolic positions, like the seating arrangement for kings in the temple, become the canvas upon which larger institutional conflicts were played out.

The large symbolic consequences of courtroom postures become apparent in the well-known narrative of Shimʿon ben Shetaḥ and King Yannai found at Sanhedrin 19a-b. The context for the narrative is a mishnaic assertion that kings neither judge nor are judged.[325] This position is modified by the fourth generation *Amora* R. Yosef, who claims that the statement applies only to Kings of Israel but not to davidic kings who can judge and be judged. In this context we find the following story that purports to explain why Kings of Israel cannot be judged:

> Kings of Israel what is the reason [they cannot be judged]?
> Because of an incident that happened that the servant of
> Yannai killed someone

[324] There is a certain chutzpah to rabbinic stories that claim that world events turn on the intricacies of rabbinic law. Another such story is the account of Jesus' apostasy at Sanhedrin 107b. This story implies that but for a rabbinic *faux pas*, all of Christianity would not exist.

[325] See Menahem Kahana, *Sifre Zuta Devarim* (Jerusalem: Magnes, 2002), 263 #7 for parallels to this law in rabbinic literature. An unnoted early parallel is Josephus, *War*, Book 1 at 10:6.

> Shimʿon ben Shetaḥ said to them, "Place your eyes upon him and let us judge him."
> They sent to [Yannai], "your servant killed someone."
> [Yannai] sent [the servant].
> They sent to [Yannai saying], "And it was so designated to its owner (Exodus 21:29)."[326]
> The Torah said, "Let the owner [of the ox[327]] come and stand behind his ox."
> [Yannai] came and sat.
> Shimʿon ben Shetaḥ said to him, "King Yannai, stand up on your feet and let them testify. It is not before us that you stand, but before the one who spoke and the world became, as it is written, "And the [two] men who have the argument shall stand before God etc. (Deuteronomy 19:17)""
> [Yannai] said to him, "[I will not do] as you say, but [I will do] as your colleagues say."
> [Shimʿon ben Shetaḥ] turned to the right, [and] they buried their faces in the ground.
> [Shimʿon ben Shetaḥ] turned to the left, [and] they buried their faces in the ground.
> [Shimʿon ben Shetaḥ] said to them, "you are all engrossed in your thoughts. Let the master of thoughts come and repay you."
> Gabriel came and struck them [dead] in the ground.
> At that point they said, "A king cannot judge and we may not judge him."[328]

In this story, Shimʿon ben Shetaḥ forces the Hasmonean king Yannai to come to court and be responsible for the activities of his servant. Yannai accepts this subpoena but is unwilling to stand when Shimʿon ben Shetaḥ demands that he do so. Yannai challenges

[326] Which can be translated 'and it was testified with its owner.'

[327] The implicit bracketed term is explicated in Herzog, Florence, Karlsruhe and Barko.

[328] The considerable literature on this story focuses primarily on the relationship between this talmudic narrative and a story found in Josephus, *Antiquities*, Book 14 at 9:3. This literature is cited by Joshua Efron, *Hikre Ha-Tekufah Hahashmonait* ([Tel Aviv]: ha-Kibuts ha-meuhad, 1980), 186 #249. Since Efron's own study (ibid., 158-162), the story has been examined by Zviyah Kfir "Yannai Hamelekh V'Shimʿon ben Shetaḥ (Hebrew)" *Tura* 3 (1994): 85-97. Kahana *Sifre Zuta Devarim*, 284 #11 quibbles with Efron's historical conclusions and strongly critiques Kfir's literary arguments.

the resolve of the other judges who cower before his royal power. Shimʿon ben Shetaḥ invokes divine power to punish the other judges and the angel Gabriel acts as a murderous *Deus ex Machina* to certify Shimʿon ben Shetaḥ's authority.

In an essay entitled "Folktales of Justice," Robert Cover considered this story a paradigmatic instance of speaking truth to power, of the disempowered representative of the law demanding that the king, the embodiment of political power, be bound by the law.[329] But such a reading is incomplete. The quarrel between two men that takes place in this story is no less than a clash of two institutions, each with a claim to divine authority. In the biblical period, three institutional chiefs—the priest, prophet and king—stake claims to leadership. Though these three lead differing institutions, each at some point functions as a judge and each claims to be God's representative on Earth. There is, it has been argued, an early system of checks and balances in this setup.[330] During the Hasmonean period, which the story purports to describe, two of these institutions combined within the single person of the Hasmonean king who was both priest and monarch. The figure of Shimʿon ben Shetaḥ, the wonder-working sage, is heir to the mantle of the prophets. The resentment that the rabbinic writers feel towards the Hasmoneans stems from a fear that usurpation of the priesthood and monarchy together will lead to a consolidation and amalgamation of power.[331]

---

[329] Cover, *Narrative*, 179-187.

[330] Stuart Cohen, *The Three Crowns: Structures of Communal Politics in Early Rabbinic Jewry* (Cambridge: Cambridge University Press, 1989).

[331] On the issue of rabbinic resentment of the Hasmoneans, see Efron, *Hikre*, pp. 131-94. Rubenstein, *Culture*, 88 claims that "many rabbinic traditions polemicize against priests in an effort to minimize priestly claim to leadership in the postdestruction era."

In his treatment of the story Cover notes in passing that its poetics do not cohere with its legal frame because while the story's hero is Shimʿon, the law (that kings cannot be judged) follows the cowardly action of his colleagues.[332] Furthermore, the insistence on a King's coming to court for a crime perpetrated by a servant and the dogmatic enforcement of courtroom postures are inconsistent with rabbinic law on these topics.[333] In these ways, the story resembles the narrative of the lovesick man in Chapter One. Here, too, scholars have commented on the fact that the story's law does not fit within the framework of rabbinic legal precedent; once again the reason for such an incongruity is because the story's poetics recognize that its rabbinic figures have power beyond the explicit rules of law. Shimʿon ben Shetaḥ's demand on Yannai is designed to show that the discourse of rabbinic scholars/judges predominates.

But the story is also powerful because of the way it microscopically captures a central dynamic of rabbinic legislative activity—the usurpation of divine authority. Rabbinic law presents itself as a continuation of biblical law. Jewish law is often divided using two inexactly overlapping dichotomies: biblical law v. rabbinic law and divine law v. human law. But though both biblical law and divine law would seem to draw authority from a deity and be above the subjective appropriation of the rabbis, the reality is that

---

[332] Cover, *Narrative*, 179, "Simeon b. Shetah is the hero. He is spared, and his castigation of his cravenly colleagues leads directly to their demise at the hand of the angel. At the same time the incident is put forward to account for a rule of law which, itself, seems to owe more to the cowardice of Simeon's colleagues than to the courage of their leader."

[333] In her analysis of the story, Kfir, "Yannai," 87 borrows her formulation of this question from the Tosafists who rely on the position of R. Yehudah (whom we discuss at length below). Kahana, *Sifre Zuta Devarim* 284 #11 rightly criticizes this formulation of the question because the R. Yehudah in question is a minority and possibly later position. In my analysis here, I am not analyzing the actions of Shimʿon ben Shetaḥ in light of a law fixed at Shavuʿot 30a-b; rather, I read that *Sugyah* and its consistent willingness to sacrifice the mandatory posture of litigants in the courtroom in contrast with this story which narrates Shimʿon ben Shetah in a dogmatic position on this issue.

rabbis are the ones who define the contours of both biblical and divine law.[334] The famous "my sons have defeated me" of the Oven of ʿAkhnai story narrates the power of the rabbis even over the divine court.[335] It is not simply that God has no control over human law ("It is not in heaven"), but humans control the divine court. Here too Shimʿon ben Shetaḥ forces Yannai to stand before God and then invokes divine wrath to guarantee such a position. But in this story Shimʿon ben Shetaḥ is really the man behind the mask. When a rabbinic writer composes this story, the composition reflects the perhaps unconscious desire for God's authority and power to be tools in the hands of the rabbis.

It has long been known that this story draws upon prior materials.[336] I have elsewhere articulated the complicated composition history of this passage.[337] For our purposes here, however, it is important to add that though the narrative has many parents, it is only in the Babylonian Talmud's version that the issue of standing in the courtroom becomes the crux of a heated debate about institutional priority. As in the narrative of Yeravam in the temple, this Babylonian Talmud's story indicates the awareness of the force of symbolic actions and the way that such actions not only reflect power dynamics

---

[334] David Weiss Halivni, *Peshat and Derash* (Oxford: Oxford University Press, 1991), 14 discusses this point in saying that the Sectarian period knew of no such distinction between biblical and rabbinic law; all applications of law were biblical because they drew on the authority of the Bible.

[335] For a full treatment of this classic tale at Bava Mezia 59a-b see Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999), pp. 34-63.

[336] See above note 328.

[337] Paper to be presented at Association of Jewish Studies Conference, December 2005. In short, the story's main plot has two parents: a legend that can be extracted through a source-critical comparison of two texts in Josephus and a legend referred to in the newly recovered Sifre Zuta Devarim. The plot is thickened through the use of two stories that appear in the parallel passage of Palestinian Talmud Sanhedrin, and several midrashic texts on Deuteronomy 19:17.

but also constitute them.[338] It is with these stories as background that the chapter now turns to a *Sugyah* about courtroom postures in Amoraic Babylonia in order to highlight the important conflicts of both class and social values that play out on this canvas.

II. Shavuʿot 30: Law, Life and Culture

In his landmark essay, "Thick Description," Clifford Geertz contrasts the hypothetical example with which Gilbert Ryle first articulated the notion of "thick description" with a story from his own anthropological field journal.[339] Ryle considers the differences between twitches, winks and parodies of winks; all three can share the same physical characteristics, but their meanings are entirely different. Noting that Ryle's example "may seem a bit artificial," Geertz offers is own narrative, what he calls "a raw note in a bottle" in the form of a story that a Moroccan Jew named Cohen had told him.

The incident Geertz recounts transpired as the French were newly arrived in Morocco, and did not yet have the power to ensure the safety of property. Because of this, the tribal trade-pact system known as *mezrag* continued to operate. A Jewish trader named Cohen was victimized by a group of marauding Berbers who killed two of his guests, wounded him and stole his sheep. Cohen had his wounds dressed in the French fort and asked the French authorities for permission to enforce his *mezrag* rights. Though they could not grant his request, a French official gave tacit approval of this attempt to exact remuneration and penalty from the robbers. Through a ruse that involved stealing

---

[338] For another *Sugyah* that uses postures as symbols of hierarchy, see Horayot 13b-14a and Rubenstein, *Talmudic Stories*, 176-211.

[339] Gilbert Ryle, *Collected Papers* (London,: Hutchinson, 1971).

sheep from the tribe that had stolen from him, Cohen and his protector forced the robber tribe to take responsibility for their crime and repay Cohen. Upon Cohen's return, though, the French thought that he must be a spy for the Berbers; they jailed him and confiscated his sheep. Though Cohen was eventually released, his sheep were never returned.

In commenting on Geertz's contribution to the field of literary studies, Stephen Greenblatt points to the difference between Ryle's hypothetical and Geertz's "raw note in the bottle." While Ryle's theoretical example is characterized by its artificiality, Geertz's story in its form makes a claim to the real.[340] Geertz is often critiqued for reifying the study of culture by turning culture into a text. But, as Greenblatt notes, the point of Geertz's move is not to make all texts equal, but to consider the impact of genre on textual meaning.[341] Though Geertz is himself aware of the extent to which his own narrative is also manufactured—by his source and by himself—the purported reality described by the story makes a more powerful argument for the need for thick description generally.

Like the anthropological field narrative, talmudic legal narratives also make claims to the real. Juxtaposed with hypothetical discussions of law, these legal stories purport to record events as they transpired. In reading a *Sugyah* that ricochets from dicta to stories and back again, this chapter attends to the ways in which the legal narratives, like the story of Cohen's sheep, are undeniably in need of thick description. The thickness of the legal narratives within this *Sugyah* encourage a thick reading of the entire *Sugyah*—a reading that is aware of the ways in which the conflicting norms on the

[340] Stephen Greenblatt, "The Touch of the Real," *Representations* 59 (Summer 1997): 14.

[341] Ibid., 16.

textual surface (like the conflicting rules in Morocco) reflect strongly held cultural values.

The *Sugyah* at Shavuʿot 30a-b contains five legal narratives within its discussion of courtroom postures. Each of these narratives follows a non-narrative legal treatment of the same topic. Though the pattern of dictum/narrative does not describe the entire text of the *Sugyah* (there are dicta and comments that are unrelated to narrative), a central feature of this *Sugyah* is the disparity between the non-narrative legal positions and their narrative antecedents. The distinction between the dicta and the narratives is not unlike the distinction between artificial hypotheticals and raw notes in a bottle. Legal narratives purport to be historical, and within this *Sugyah* they testify to the messiness of culture—where differing norms are bound to become inextricably intertwined and theoretical paradigms of analysis turn out to be insufficient. In short, legal narratives become raw notes in a bottle—texts that make a greater claim to describing the realities of rabbinic culture than the hypothetical heuristic texts that imagine the world within law's categories.

The aesthetics of *Sugyah* construction are underappreciated. A *Sugyah* often seems to be held together haphazardly, developing randomly through loose associations occasioned by sudden stops and starts.[342] Chapter Two demonstrates the tight construction of a lengthy *Sugyah* by attending to recurring literary motifs. This chapter aims to unify an entire *Sugyah* and appreciate its aesthetics. In this organic reading, the

[342] David Weiss Halivni, *Meqorot Umesorot: Shabbat* (Jerusalem: Jewish Theological Seminary, 1982), 44 and *Meqorot Umesorot: Bava Qamma* (Jerusalem: Magnes, 1993), 79 asserts that the *Sugyah* as a designed entity is a Stammaitic concept. Prior to the efforst of the Stam, the material was associated in a less organized fashion much like the Palestinian Talmud.

overarching theme of this *Sugyah* emerges as the struggle to balance competing legal/cultural norms. The *Sugyah* begins its discussion by developing these norms slowly and individually, dropping crumbs that it then picks up on in its more climactic center.

Within this *Sugyah*, the postures of courtroom actors become the canvas on which various normative conflicts are played out. These are conflicts of legal rules, of differing legal systems within Jewish law, and of cultural norms. In following the *Sugyah*'s trajectory, one notices a shift in the way individual legal rules are valued. The earlier Palestinian material, with which the *Sugyah* begins, grounds the received law in other sources of meaning, while the later Babylonian material considers the law inherently meaningful, reasoning within the law in ways so precise and unerring that they produce near comic scenarios. The *Sugyah*'s early Babylonian dicta identify moments of cultural conflict and attempt to control cultural contradictions through legislation. The later Babylonian legal narratives critique this attempt by demonstrating the limitations of such legislation to curb or control cultural behaviors. The *Stam*'s attempt to respond to such narratives by asserting various stopgap solutions only highlights the gap between theoretical law and cultural practice.

The *Sugyah* that begins the fourth chapter of Shavuʿot and discusses the postures of litigants, witnesses and judges in the courtroom is misplaced. Conceptually, it belongs in the third chapter of Sanhedrin where courtroom procedures are discussed.[343] In order to understand how the *Sugyah* ended up where it is, we need to look at the parallel *Sugyah* found in the Palestinian Talmud. Though that *Sugyah* appears in three different locations

[343]J. H. Dunner, *Hidushe Ha-Ritsad* (Jerusalem: Mossad HaRav Kook, 1981), 375.

in the Palestinian Talmud (Yoma and Sanhedrin being the other two[344]), the structure of the *Sugyah* certifies its origin in Shavuʿot and explains how the Babylonian's *Sugyah* got derailed from its mishnaic topic.[345]

The fourth chapter of Shavuʿot, a tractate about oaths, discusses the "oath of testimony." The biblical source for this oath appears in Leviticus 5. In enumerating the sins that generate an *Asham* offering upon confession, the passage begins with the case of someone who knows testimony but refuses to testify:

> Now a person—when he sins:
> should he hear the public-voice (carrying) a threat
> and though he was a witness, either seeing or knowing,
> he does not tell,
> he is to bear his iniquity[346]

The rabbis understood the scenario as one in which a potential witness in favor of one party in a civil matter refuses to testify to what he knows by claiming that he has no knowledge. The individual who stands to lose from such a refusal then compels the reluctant witness to swear to a lack of knowledge. When the reluctant witness eventually confesses to having lied and sworn falsely, he is required by law to bring an *ʾAsham* sacrifice in order to effect repentance.

The chapter opens its discussion of this oath by describing individuals who can be made to take this oath and individuals who cannot:[347]

---

[344] Shavuʿot 4:7, 35b; Yoma 5:7, 43b; Sanhedrin 3:8, 21c.

[345] Dunner, *Hidushe*, 375.

[346] Everett Fox, *The Five Books of Moses* (New York: Schocken Books, 1995), 525.

[347] This structure connects the opening Mishnah of chapter four with the final two Mishnayot of Chapter Two.

> The Oath of Testimony applies to men, but not women, to distantly related persons but not to close relatives, to qualified [witnesses] but not to disqualified [witnesses].

The Oath of Testimony is only relevant for those individuals whose testimony would be beneficial for a specific litigant. But individuals whose testimony would be immaterial because of their social standing cannot be made to take the oath of testimony. The Mishnah enumerates three categories of people who are not able to testify—women, close relatives and disqualified witnesses.

The Palestinian Talmud's discussion of the Mishnah addresses the three categories of disqualified witnesses and offers midrashic derivations for each. Of the three categories, the disqualification of women as witnesses is the most tendentious and requires the use of several midrashic techniques. These complex techniques are centered on Deuteronomy 19:17, a verse that is also the basis for several different interpretations on the topic of courtroom postures. The *Sugyah*'s intense concentration on the meaning of Deuteronomy 19:17 allows it to transition smoothly from a discussion of the disqualification of women as witnesses to the issue of courtroom postures.

Because the Palestinian Talmud was redacted before the Babylonian, it often captures a moment of the pre-history of the Babylonian *Sugyah*. In our case, the Palestinian *Sugyah* is absolutely essential to explain what happens in the Babylonian, because the Babylonian Talmud's discussion of Deuteronomy 19:17 is so dominated by the issue of courtroom posture that the Talmud does not provide a midrashic derivation for the disqualification of women as witnesses.[348] Instead we have an entire *Sugyah* on

[348] Rashi *ad loc* fills in the gaps by claiming that when the *Beraita* opens by saying that the verse refers to witnesses, we are to read in an inference that is absent from the text that this inference somehow precludes women. Considering the indirect inferences offered in the Palestinian Talmud, a direct inference from the

courtroom postures which addresses the issue of women as witnesses only by indirect implication.

It is more than a little curious that the Babylonian Talmud never justifies the disqualification of women with a midrashic derivation. It might be possible that the Babylonian Talmud is less than proud of this rule and therefore will not justify it with midrashic support. Alternatively, the thought of women as witnesses may be so foreign to the Babylonian rabbis that no support for their disqualification is necessary. It is interesting, though, that the mishnaic text that disenfranchises women—that denigrates a significant population as less than legally equal—becomes the talmudic space within which the rabbis attempt to separate sociological strata by elevating themselves as a religious elite.

In order to appreciate fully the exegetical problems that the *Sugyah* both addresses and exploits, it is important to read Deuteronomy 19:17.

Deuteronomy 19 addresses the question of false testimony:

> 15. One witness (alone) shall not rise up against a man
> for any (case of) iniquity, for any (case of) sin,
> in any sin that he sins;
> at the mouth of two witnesses or at the mouth of three witnesses, a legal matter is to be established!

---

word witnesses to exclude women would be quite conspicuous. Kahane, *Sifre Zuta Devarim* 278 is the only rabbinic text with such a direct inference: "And the two men will stand—men and not women." But despite Kahana's assertion to the contrary, it is possible that this midrash can conceive of the verse's "men" as witnesses and either exclude women from the imperative to stand in the courtroom or exclude them from the obligation to come to court and be responsible for their own litigations. Ritva *ad loc* questions a direct inference from "men" that excludes women because the midrash will frequently make the opposite move and note the verse's "men" in order to include women. Kahana *Sifre Zuta Devarim*, 280 #9 collects the inferences in both directions and claims that the inclusionary inference is more common. This could explain why none of the sources assert this direct inference. Michael Chernick, "איש As Man and Adult in the Halakhhic Midrashim," *Jewish Quarterly Review* 73 (1982-1983): 254-280 also discusses the variance in these inferences.

For a more detailed discussion of the rabbinic attitude towards female witnesses, see Kahana, *Sifre Zuta Devarim*, 279.

> 16. When there arises a witness of malice against a man,
> testifying against him (by) defection (from God),
> 17. and the two men who have the quarrel stand before the presence of YHWH,
> before the presence of the priests or the judges that are-there in those days:
> 18. the judges are to inquire well;
> and (if) here: a false witness is the witness, falsely has he testified against his brother:
> 19. you are to do to him
> as he schemed to do to his brother.
> So you shall burn out the evil from your midst!
> 20. Those who remain will hear and will be-awed,
> they will not continue to do any more according to this evil practice in your midst.
> 21. Your eye is not to take-pity—
> (rather) life for life, eye for eye, tooth for tooth, hand for hand, foot for foot![349]

Verse 15 disqualifies the testimony of a single witness, but verses 16, 18 and 19 employ singular verb and noun forms in describing a malicious witness. Furthermore, if we read verse 16 by itself, it seems to describe a case in which a single prosecutorial witness testifies against a criminal defendant. These two are then referenced as "the two men who have the quarrel" in verse 17.[350]

Rabbinic readers struggled with these issues. Because of the unambiguous disqualification of a single witness in verse 15, they concluded that every single form of the word witness throughout the pentateuch was to be understood as a pair of witnesses.[351] In the process of turning the single witness of verse 16 into a pair, the rabbis

---

[349] Fox, *The Five Books*, 937-938.

[350] In a forthcoming article in *Sidra* 20 (2005), Shamma Friedman suggests that an explanation for the biblical passage can be found within ancient Babylonian laws. According to this explanation, the single witness who has prosecutorial testimony and the defendant about whom the testimony is being rendered are "the two men who have the quarrel." As for the disqualification of the single witness, the scenario is one in which the witness hopes that a second will join him. The scenario, however is one in which the interrogation of this witness transpires before he is joined by another.

[351] Sifre Bemidbar 7, 161, Midrash Tannaim Deuteronomy 19:15, Bavli Sotah 2b, 31b, Sanhedrin 30a.

made the "two men who have the quarrel" unintelligible. Since the scenario of verse 16 describes two men testifying about a single criminal defendant, it is difficult to explain "the two men who have the quarrel." To answer this dilemma, there developed two different theories about the two men. According to some, the case of verses 16 and 17 had to be reconceived as a civil litigation with two opposing parties; this would allow "the two men who have the quarrel" to refer to the opposing civil litigants.[352] But because of the requirement that witnesses be two, at minimum, some rabbinic readers chose to ignore the words "who have the quarrel"[353] and identify the two men in the passage as the pair of witnesses.[354]

The *Sugyah* opens with a series of three nearly identical beraitot that adopt the position that "the two men" of the verse are witnesses. Though they each consider the possibility that "the two men" can refer to litigants, they ultimately decide that the verse requires two witnesses to stand in the courtroom. Because of their length we will not reproduce these here.

II. A) R. Yehudah's *Beraita*

While the opening three beraitot struggle with the identity of the "two men" they do not struggle with the meaning of the verse. The verb *ʿAMD* demands that "the

---

[352] See for example Sifre Devarim 190 which has two such inferences—one that was part of the original Sifre and one that is one of the many foreign insertions into the text of this work that likely originated in a different *Beit Midrash*. This example illustrates that one cannot easily divide these two approaches between the schools of R. ʿAqiva and R. Yishmaʿel respectively.

[353] This is not a surprising move for rabbinic midrash which often generates meanings that cannot be returned to the original biblical contexts. It also helps explain how some rabbinic sources can use the verse to mean both litigants and witneeses. For an example of midrash that does not cohere with context see David Weiss Halivni, *Peshat and Derash*, 64.

[354] See Tosefta Sanhedrin 1:9 and Palestinian Talmud Sanhedrin 3:8, 21c=Yoma=Shavuʿot in the name of R. Huna.

two men" need to stand within the courtroom. The assumption behind the *Beraita* is that though the verb *ʿAMD* in context may simply mean that the two men are present before the judges, on its own the term is an active verb which represents a commandment.[355] The *Beraita* that follows and begins the discussion of courtroom postures in earnest identifies "the two men" as litigants before debating whether the term עמד indeed requires these men to stand.

> Our Rabbis taught:
> "And the two men will stand up" (Deuteronomy 19:17).
> It is a commandment that the litigants stand.[356]
> R. Yehudah said, "I have heard that if the court wishes to seat them[357] they seat [them].
> [But[358]][359] one should not stand and one sit, one speaks all of his needs while they[360] say to the other, 'shorten your words.'"

The rhetoric of this *Beraita* is compelling. The opening position asserts that it is a commandment for the litigants to stand. The word commandment implies a dynamic of command in which there exists both commander and commanded. If standing in the

---

[355] Francis Brown et al., *A Hebrew and English Lexicon of the Old Testament, with an Appendix Containing the Biblical Aramaic* (Oxford: Clarendon Press, 1952), 763.

[356] The printed edition of Sifre Devarim 190 puts the commandment on the litigants "מצוה בנדונים שיעמדו". Kahane, *Sifre Zuta Devarim*, 284 #6 corrects this on the basis of MS Rome to read "מצוה בדיאנין שעמדו" and argues that the commandment is on the judges to force the litigants to stand. There is no evidence for that reading in our own text.

[357] Based on Vatican 156 "אותם".

[358] This implied "but" is explicated in Vatican 140 and 156, Munich and Florence.

[359] I have translated on the basis of Vatican 140, but Vatican 156, Munich, Florence and the Print Editions all add "איזה אסור" "What is a prohibition?" This line is found in parallel texts at Tosefta Sanhedrin 6:2, Sifra Kedoshim 2:4, Avot Derabbi Natan A 10, Palestinian Talmud Yoma 5:7;43b and modified slightly at Palestinian Talmud Shavuʿot 4:7; 35b. It is absent from Palestinian Talmud Sanhedrin 3:8; 21c. The Palestinian Talmud evidence points to an addition from Tosefta; the same might be happening here. I discuss the ramifications of this additional line below.

[360] The abbreviation "אומ" is completed as a singular form in Pesaro and subsequent print editions, but context calls for a plural—the court would be telling the litigant to shorten his words.

courtroom is a commandment, then it reflects the desire of the commander, God. This assertion of divine investment in the symbolic act of standing is undercut by R. Yehudah's position. Even as he utters his remark, R. Yehudah distances himself from its consequences by asserting his position in the name of an anonymous tradition. R. Yehudah's is a position for which he is afraid to take responsibility. According to this radical position, the divine directive implied by the midrashic reading of the active verb is ignored. It is important to remember that though works of midrash often provide multiple interpretations of a given verse or word, it is quite uncommon for one authority to contest or deny the midrashic assertion of another. In works of Mishnah form, by contrast, it is common for later voices to contradict earlier ones. This *Beraita* locates a midrashic reading within a mishnaic form and the consequences are R. Yehudah's active denial of the position of his opponent. The impetus behind R. Yehudah's undermining of a biblical commandment is clear from his concluding words, which assert that it is only the relative posture of one litigant to another that can symbolize inequality before the court.

Standing can be the most mundane action or the most powerful symbol. The biblical imperative to stand that emerges from Deuteronomy 19:17 implies that God, before whose presence courtroom proceedings are said to take place, cares enough to mandate this symbolic action. But R. Yehudah thinks that the symbol is empty unless there is an ethical or moral issue at stake. Why should God or the rabbis care about the posture of a litigant unless that posture somehow affects the carrying out of justice?

If the anonymous initial position had posited God as the signifying force behind the symbol of courtroom posture, R. Yehudah determines that God's command alone is

not enough—that for the symbolic action to be meaningful or even relevant it has to raise issues of equality. This *Beraita* is paralleled in several rabbinic texts. The version of the *Beraita* found in Tosefta[361] focuses on R. Yehudah's ethical critique by adding an introductory phrase to the second half of his remark: "…It is a commandment to stand…R. Yehudah said I have heard…*But what is forbidden*? Not having one stand and one sit…" The initial view sees standing in the courtroom as a positive commandment of God. R. Yehudah invokes a tradition to disagree with that commandment and then offers his own commandment—a prohibition—as the only issue at stake. In framing the issue thus, R. Yehudah indicates a preference for prohibitions over positive commandments.

R. Yehudah's rhetorical dismissal of the mandated courtroom postures as empty symbolism is echoed within Maimonides' code of Jewish law, *Yad Hahazaqah*. In the Laws of Sanhedrin 21:3 Maimonides writes that litigants are required to stand when the verdict is read while witnesses are always required to stand. But in Rule Five Maimonides abrogates this position:

> It has long been the custom of Jewish courts since the time of the *gemara*, that in all sessions they seat the litigants and they seat the witnesses in order to avoid controversy. For we do not have the energy to establish the rules of law in all of their details.[362]

The custom described by Maimonides is attested to in a Geonic responsum.[363] In his recent work on Jewish and Islamic law, Gideon Libson has argued that the custom emerges from the influence of Islamic law, which has a longstanding tradition that

---

[361] This version also affects the textual witnesses of its parallels including some witnesses of our own passage. See above # 354.

[362] Translation Mine.

[363] Simha Assaf, *Teshuvot Ha-Geonim* (Jerusalem: 1928), #109.

litigants sit in the courtroom.[364] But Libson does not focus on the curious rhetoric of Maimonides' law. Maimonides asserts that "we do not have the energy to establish the rules of law in all of their details." It is hard to imagine the author of the most intricately detailed code of Jewish law saying something more out of character.[365] To understand Maimonides' point one must understand that he, like R. Yehudah, considers these postural rules as insignificant details.[366] The posture of litigants is form and not content, and the authorities need not exercise themselves in getting such empty symbols enforced. Because the posture of litigants is only philosophically interesting if an issue of ethics is at stake, Maimonides is unwilling to exert energy on empty symbolism.

The tannaitic Palestinian source, the *Beraita*, finds two ways of grounding law in an outside source of meaning. Both R. Yehudah and his anonymous opponent share the desire to make law meaningful beyond itself.[367] For the anonymous position, law is

---

[364] Gideon Libson, *Jewish and Islamic Law: A Comparative Study of Custom During the Geonic Period* (Cambridge, Mass.: Islamic Legal Studies Program, Harvard Law School, 2003), 105-107.

[365] One could say that Maimonides has enough energy for the act of theoretical learning that goes into discussing postures, but not the act of practical enforcement of such.

[366] Meiri at Shavuʿot 30a takes the term "מצוה" to refer to a preferred way of doing things, but is unwilling to concede that even according to this view the posture is mandatory. This also reflects the notion that standing cannot be something in which the law is heavily invested.
David Weiss Halivni, *Meqorot Umesorot:Eruvin Upesahim* (Jerusalem: Jewish Theological Seminary, 1982), 575 and *Meqorot Umesorot:Nashim*, (Tel Aviv: Dvir, 1968), 274 asserts that the term מצוה when it does not appear in the construct case before a commandment generally connotes a less severe requirement than the term איסור. According to this theory, מצוה refers to something that is preferable but not required.

[367] Halivni, *Midrash, Mishnah and Gemara* (Cambridge: Harvard, 1986), 4-5, 11-15 describes the uniqueness of biblical motive clauses and Midrash Halakhah within the ancient world for the way in which they privilege a justified law. See particularly, his citation of Seneca who asserts that he would censor Plato for adding justifications to the law. On page 14 Halivni writes, "The Bible…invites the receiver of the law to join in grasping the beneficent effect of the law, thereby bestowing dignity upon him and giving him a sense that he is a partner in the law."

meaningful because of the authority—in this case God—that commands it. For R. Yehudah law is meaningful because it guarantees moral and ethical behavior.[368]

One of the recurring themes within this *Sugyah* is the juggling of multiple legal commitments. In this first text to address two possible sources of law on the issue of standing in the courtroom, neither opinion engages in a balancing act. The anonymous initial position knows of only one legal concern—the need for litigants to stand in the courtroom. R. Yehudah, by contrast, is aware of two possible laws—a positive commandment to stand and a negative commandment not to judge unequally. Though these could have been balanced, R. Yehudah decides to sacrifice one for the other. As we continue in the *Sugyah* we will see how other sources juggle competing legal issues and refuse to sacrifice one for the other even when these are in direct contradiction. The later sources limit themselves to a form of thinking within law that places a premium on maintaining all of law's rules at all costs.

Despite the awareness of the power of symbolism to constitute hierarchy that is reflected within the Yeravam and Yannai stories, the *Sugyah* never explicitly grapples with this symbolic register. Though R. Yehudah and his anonymous interlocutor look outside the system of law to ground practice, neither relies upon the symbolism of hierarchy on display within the Shimʿon ben Shetaḥ narrative. Neither one argues that the issue of the litigant's standing in the courtroom is about broadcasting and constituting a balance of power. Though R. Yehudah recognizes the importance of the symbolic, his concern is only with the ethics of treating litigants equally, not with establishing the

[368] David Weiss Halivni, *Peshat and Derash*, 98 citing a passage from Bereishit Rabbah argues that the details of halakhic practice are for man's refinement and hence uninteresting to God according to Rabbinic tradition.

court's power. This tannaitic debate is remarkable, then, in removing the question of the litigant's posture from the very symbolic dynamic that informs the Near Eastern cultural norm.[369] The debate is a philosophical one—about basing law in meaning—but it ignores the political concerns inherent in the cultural norm and in our prologue stories about the relative postures of kings and judges.

The artistry of talmudic composition—of the construction of *Sugyot*—is rarely appreciated, and it is tacitly granted that discussions develop in haphazard fashion through a kind of intellectual free association. At this point, the *Sugyah* moves into what appears to be a tangent. But the points raised by this apparent digression will prove highly relevant in the subsequent discussion:

> Another *Beraita* taught:[370]
> "With justice you shall judge your fellow." (Leviticus 19:15)
> One should not stand and the other sits, one speaks all his needs and one they say to him, 'shorten your words.'
>
> Another interpretation:
> "With justice you shall judge your fellow." (Leviticus 19:15)
> Judge your friend towards the scale of merit

[369] In the ancient Near East, there were clear cultural norms for the positions of litigants and judges. Whether the judge was a priest or a monarch, the litigant would stand before a seated judge. The cultural norms for litigants and judges are manifest in the Hebrew Bible. Exodus 18 describes the transition from the model of exclusive royal judge to a system of multi-tiered courts. In describing Moshe's exhausting schedule of adjudication according to the old system, Exodus 18:13 reads: "And it was on the morrow and Moshe *sat* to judge the people and the people *stood* over him from morning until evening." Throughout the Hebrew Bible the terms used to describe the presence of actors within the courtroom also reflect this cultural norm. Thus Numbers 35:12, Joshua 20:6, Isaiah 3:13 and Ezekiel 44:24 use the verb עמד (stand) to describe the presence of litigants in the courtroom, while Isaiah 28:6, Joel 4:12, and Daniel 7:10 and 26 use the verb ישב (sit) to describe judges. Though these terms are not employed to describe physical postures (standing as opposed to sitting) the consistent application of these verb roots implies a strong cultural preference for judges to sit and litigants to stand.

[370] Munich, Pesaro and Haggadot have "Our rabbis taught." This form is the more appropriate form for a Midrash on an as yet unexplicated verse. I have translated using the other introductory form based on *lectio difficilior*.

Until now the *Sugyah* has engaged in legal midrash. Biblical verses have been presented and adduced. From the initial three beraitot on Deuteronomy 19:17 we moved to the tannaitic debate between the anonymous initial position and R. Yehudah. R. Yehudah's focus on equality now allows the *Sugyah* to transition to a different verse that is more directly related to the ethics of equality. Leviticus 19:15 states:

> You are not to commit corruption of justice;
> Your are not to lift-up-in-favor the face of the poor,
> You are not to overly-honor the face of the great;
> With equity you are to judge your fellow.[371]

The verse is addressed, presumably, to a judge, who is exhorted in the first line not to commit a corruption of justice and in the last line to judge with equity. The two intermediate clauses provide two opposite ways of judging unfairly: deliberately skewing the judgment towards the poorer party or attempting to curry favor with the great.

The first midrashic interpretation of this verse locates it within the courtroom, and uses the same language that R. Yehudah had employed to demand postural equality for the litigants: one should not stand while the other sits and one should not hold forth while the other is silenced.[372] The next interpretation shifts the act of judging from the courtroom to every day life, cutting the verse from the judge's handbook and pasting it into a manual for ordinary conduct—one should always assume the best about a friend. This interpretation very subtly changes the meaning of the word *ṢDQ* "equity". Drawing upon another meaning of the term *ṢDQ*, charity, this midrash suggests that one should

[371] Fox, *The Five Books*, 602.

[372] Sifra Kedoshim 2:4 incorporates R. Yehudah into a midrash on Leviticus 19:15, but he retains his original rhetoric which demonstrates that his comment was made on Deuteronomy 19:17.

grant one's friends the benefit of the doubt—to judge them charitably. There is considerable difference between equity and charity. The subtle reinterpretation of the term creates space for the third and most controversial of the midrashim.

II. B) R. Yosef's Dictum and Narrative

We mentioned above that the *Sugyah* contains four pairs of legal dictum followed by legal narrative. The first of these pairs is the third midrash on Leviticus 19:15, attributed to R. Yosef, and a narrative which features R. Yosef.[373]

> R. Yosef[374] taught[375]:
> "With justice you shall judge your fellow." (Leviticus 19:15)
> With the one who is with you in Torah and Miẓvot endeavor to judge him well.[376]
>
> ʿUlla[377] had a court case before R. Naḥman.
> R. Yosef sent to [R. Naḥman saying] ʿUlla[378] is "with you in Torah and Miẓvot."
> Why[379] did he send [this message]? That he should flatter [him[380]]?

[373] Chapter Two deals with a larger example in which a *Sugyah* includes stories wherein the names of the characters reflect earlier halakhic statements.

[374] Vatican 140 attributes this midrash to the *Tanna* R. Yose. Either this is the original and Yosef is the expansion of an abbreviation or vice versa.

[375] Haggadot Hatalmud makes this another alternative reading of the same *Beraita*.

[376] An additional יפה is added in Vatican 140 and 156, Munich and Florence.

[377] Vatican 140 and Florence add the honorific רב for this individual while Munich and Pesaro provide the full name רב עולא בריה דרב אילעי. I would speculate that this addition is made so that the reader will not assume that the ʿUlla in question is the Palestinian second generation *Amora* who went by the simple name ʿUlla and who appears later in this *Sugyah*. Instead, ʿUlla son of R. ʾIlai, a third generation Babylonian *Amora*, is identified. Because the point of the story is that this individual is being honored because of R. Yosef's introduction, the addition is unnecessary as the story could refer to any random ʿUlla. The story of R. ʿAnan sending an unknown individual to R. Naḥman at Ketubot 105b also argues for an unknown ʿUlla.

[378] I have translated based on Munich. All other witnesses have some description of ʿUlla as a friend.

[379] I have tranlated based on Florence. All other witnesses create a conversation between R. Naḥman and himself by attributing this statement to R. Naḥman. This omniscient narration is in keeping with the story at Ketubot 105b and the goose story found later in our own passage.

> He then said to begin [with[381]] his business
> Alternatively, for discretionary judgment.

R. Yosef focuses on the final word of the verse's last clause: עמיתך or "your fellow." Treating this term as a contraction, R. Yosef expands the word into two words: עם שאתך or "the one who is with you." Returning the verse to the courtroom setting, R. Yosef suggests that one reserves "a nice judgment" for the one who is with you in Torah and Miẓvot. The notion of "a nice judgment" is inherently problematic for it presumes that all judgments are not equal judgments.

But R. Yosef's statement goes beyond recognizing that not all judgments are equal. He advocates a position according to which a sociological group—those who are "with you in Torah and Miẓvot"—receive the court's charity, while by implication those who are not in that category receive less than equal treatment.

R. Yosef's statement moreover, defines what it means to be an insider in rabbinic culture. While the term "Torah Umiẓvot" is banal in contemporary Jewish idiom, it is much less so in rabbinic culture.[382] Translated literally, the term includes the Bible and its commandments. Within the term, Torah is removed from its role as the repository of the commandments, and Torah study from its existence as one of the commandments. Torah refers presumably to the study of Torah, while Miẓvot refers to the fulfillment of the commandments. The expression "with you in Torah and Miẓvot" refers to someone who

---

[380] The implicit bracketed word is explicated in Vatican 140, Munich, Florence, and Pesaro.

[381] The implicit bracketed word is explicated in Pesaro.

[382] In tannaitic literature, the only mention is the statement of R. Ḥanania ben ʿAkashia found at Makkot 3:16 and Avot 6:11. The only usage parallel to our own is R. Ḥinena b. R. ʾIddi's statement at Bava Meẓia limiting the prohibition on usury to those "with you in Torah and Miẓvot."

not only keeps the commandments, but values and recognizes Torah study as the primary cultural activity.[383]

By distinguishing social strata on the basis not only of adherence to the commandments, but also in terms of the social valuing of Torah study, the statement by R. Yosef calls to mind the distinctly Babylonian attitudes towards the *ʿAm Haʾaretz*. During the temple and early tannaitic years there existed religious elites, known as *Ḥaverim*, who distinguished themselves from the ordinary folk, *ʿAmmei Haʾaretz*, because of their adherence to certain dietary rules.[384] The difference between the groups was not a difference in positive characteristics; rather, *Ḥaverim* were members of a religious elite solely because of their attitude towards and adherence to certain dietary rules. The term *ʿAm Haʾaretz* was also used in the tannaitic period to refer to someone who was uneducated or uncultivated.[385] In that capacity it functions as the semantic opposite of the scholar.

This terminological distinction between scholars and *ʿAmmei Haʾaretz* in tannaitic literature takes on once again the characteristic of distinct social groups within the Babylonian Talmud. This time, the positive characteristic around which the culture divides is Torah study.[386] This is not to say that scholars are those who know Torah and

---

[383] Halivni, *Midrash, Mishnah and Gemara*, 106 attributes considering the notion of studying materials that were not consistent with halakhic practice part of Torah study to the legacy of the Stammaim.

[384] Stephen Wald, "*Am Haʾaretz*" forthcoming in *The New Encyclopedia Judaica*.

[385] Ibid.

[386] Stephen G. Wald, *Bt Pesahim III: Critical Edition with Comprehensive Commentary* (New York and Jerusalem: The Jewish Theological Seminary of America, 2000), 211-239.
Rubenstein, *Culture*, 123-142.

ʿ*Ammei Haʾaretz* those who are ignorant. Rather, the culture splits around the primacy of Torah study as a cultural value. The rabbinic class consists of those people, rabbis and ordinary folk alike, who venerate rabbis for embodying the foundational practice of Torah study. ʿ*Ammei Haʾaretz* are those ordinary individuals who do not place Torah study at the apex of cultural practice. Thus Berakhot 47b contains the following *Beraita*:

> Our Rabbis taught: Who is an ʿ*Am Haʾaretz*
> Whoever does not recite the Shemʿa morning and evening.[387] This is the view of R. ʾEliʿezer.
> R. Joshuʿa says: whoever does not put on tefillin[388].
> Ben ʿAzzai says: whoever who has no fringe on his garment.
> R. Nathan says: whoever has no mezuzah on his door.[389]
> R. Nathan b. Joseph says: whoever has sons and does not bring them up to the study of the Torah.
> Others say: Even if one has learnt Scripture and Mishnah, if he has not ministered to the disciples of the wise, he is an ʿ*Am Haʾaretz*.[390]

Jeffrey Rubenstein has suggested that this *Beraita* be attributed to the early Amoraic period because it is not paralleled in Palestinian sources, though Babylonian *Amoraim* comment on it.[391] The final position in this *Beraita* identifies the ʿ*Am Haʾaretz* as someone who may even be knowledgeable or educated but not share the cultural value of serving the scholars. In analyzing a *Sugyah* at Pesaḥim 49a-b both Stephen Wald and

---

[387] The print editions reverse the order, presumably in light of the notion that night comes before day.

[388] Oxford (366) and Paris (671) add "on his head" probably to parallel the subsequent statements of fringes "on his garment" and a mezuzah "on his door."

[389] This line is missing from Oxford (366), Florence and Paris 671. It is likely a homoioteleuton. Curiously, Oxford (366) and Paris 671 add the missing line ("A mezuzah on his door") to Ben ʿAzzai's position.

[390] Oxford (366) and Paris 671 have the additional line: "R. Huna said the Halakhah is in accordance with the others."

[391] Rubenstein, *Culture*, 125.

Jeffrey Rubenstein have noted the ways in which the great and murderous animosity between these social groups that is reflected in this passage is a product of Stammaitic redaction even when it is pseudopigraphically attributed to earlier and Palestinian scholars.[392] Comparison of the raw materials and finished product indicates, as they have shown, that at least some of the *Sugyah* at Pesahim 49a-b relies on the final position of the *Beraita* to say that the *ʿAm Haʾaretz* refuses to serve scholars.

Though R. Yosef uses the language of "with you in Torah and Miẓvot", and not the language of *ʿAm Haʾaretz*, the social divide is the same. In his midrashic reading, R. Yosef suggests that members of the rabbinic class who recognize and value the ideal of Torah study can expect to be treated well in the courtroom while the ordinary folk can expect to be treated less well.[393] There is no small irony in the fact that R. Yosef's inference that demands preferential treatment is derived from the quintessential verse on equality. Where the biblical verse was worried about favoring either poor or great, R. Yosef asserts that the courtroom setting is an opportunity to reinforce the cultural value of Torah by favoring those who value Torah over the *ʿAmmei Haʾaretz*.

Chapter Two discusses the way Torah functions as cultural capital within Jewish society both in the way scholars take advantage of their knowledge capital for commercial ends and in the way that possession of capital provides a basis for quantitative comparison. R. Yosef's assertion institutionalizes the privileging of Torah as the ultimate symbol and driving force of the social field. "Those who are with you in

[392] Wald, *BT Pesahim III*, 234; Rubenstein, *Culture,* 134.

[393] Rubenstein, *Talmudic Stories*, 205 suggests that the class system in Amoraic Babylonia may be influenced by the rigid and hierarchical structure of Sasanian society.

Torah and Miẓvot" do not necessarily possess vast sums of knowledge, but they recognize and respect its value.

Our difficulty in digesting R. Yosef's position is echoed within the legal narrative that illustrates R. Yosef's suggestion. In this legal framework, the reader is put in touch with the actual meaning of R. Yosef's position. R. Yosef himself sends a litigant named ʿUlla to R. Naḥman with a letter that describes ʿUlla as "with you in Torah and Miẓvot." The story places R. Naḥman in the position of reacting to both R. Yosef's legal position and the letter. R. Naḥman's inner monologue depicts his struggle to appropriately respond to R. Yosef's letter.[394] R. Naḥman is incredulous about the possibility that he will flatter the litigant and thus cause a perversion of justice. Finally, R. Naḥman concludes that R. Yosef intends for ʿUlla to receive preference on the docket but not within the courtroom. The language R. Naḥman employs is "to give precedence to his business." Chapter Two notes the *Sugyah* at Nedarim 62a in which Rava suggests that scholars can identify themselves as such in order for their business to receive precedence. R. Naḥman's monologue borrows that language to move R. Yosef's "good judgment" into a realm which, while suspicious, is not necessarily a perversion of justice. The *Stam* offers another way of understanding R. Yosef's letter by referring to a scenario in which the facts of a case are not dispositive and the judge must exercise discretionary judgment.[395][396]

---

[394] Rubenstein, *Talmudic Stories*, 248 asserts that stories in the Babylonian Talmud have a marked preference for representing thought through the use of inner monologue rather than third person description. This, he argues, intensifies the dramatic qualities of these stories.

[395] The term originates etymologically from שוחדא meaning bribe according to Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat-Gan, Israel

Both R. Naḥman and the *Stam* attempt to incorporate R. Yosef's dictum— which they find problematic—into the law. To do so, they attempt to compromise by imagining procedural space wherein preference is not an ethical problem. Their approach, which will be echoed in the subsequent passages of this *Sugyah*, represents a different attitude towards law than had been present within the *Beraita* of R. Yehuda. Where the two *Tannaim* disagreed about the requirement to stand, they both agreed that law is grounded in an outside source of meaning. For R. Naḥman and the *Stam* and subsequent positions in this *Sugyah*, law becomes a reality in and of itself—it is a social construct within which all thinking takes place. R. Yosef's social divide identifies the primacy of Torah as the central cultural value of amoraic Babylonia.[397] As part of this primacy, the *Beit Midrash* expands to incorporate larger portions of the cultural world. Chapter Two discusses the way the learning field expands into the economic marketplace. R. Yosef's statement asserts that such primacy affects the possibility of a fair trial. As the *Beit Midrash* expands and with it the primacy of Torah, it generates a concomitant loyalty to prior precedent that removes that precedent from grounding in other sources of meaning.

Baltimore: Bar Ilan University Press ; Johns Hopkins University Press, 2002), 1116. The medieval commentators debate the extent of judicial discretion described by the term "שודא דדייני". Rashi *ad loc* explains that the case is one in which there is no way of determining facts and the judge must simply hold for one side. Rashi at Ketubot 85b suggests that the judges have to determine the subjective mindset of the deceased in a contested bequest. R. Tam cited by Tosafot there disagrees and gives the judge full discretion.

[396] Tosafot *ad loc* offers another "acceptable" preference by referring to Rava's statement at Shabbat 119a in which he said that "When a *Ẓurba Merabannan* comes before me for a judgment, I do not rest my head on the bedsheet until I have turned it over in his merit." I have noted in Chapter Two that Rava is particularly forceful in advocating a rabbinic class. It is possible that we can use R. Yosef in this *Sugyah* to help us date more precisely the solidification of class consciousness within amoraic Babylonia.

[397] Rubenstein, *Talmudic Stories*, 268-270 draws attention to the tensions produced within a culture in which Torah study is given primacy over all else. Rubenstein, *Culture*, 31-38 revisits this question and suggests the rise of the Academy as the explanation for the Babylonian Talmud's extreme emphasis on Torah study.

A precedent, in other words, provides explanation and asserts authority simply because it is legal.

R. Naḥman and the *Stam* struggle to make R. Yosef's preference for a rabbinic elite cohere with a fundamental biblical commandment to judge with equity. They are committed to R. Yosef's dictum as a matter of law even though they do not share his seeming assumption that preference trumps equality. The narrative actualizes the dictum, making the inequality it demands disturbingly real. But instead of eliminating R. Yosef entirely, the two compromises allow for a preference that is not prejudicial.

II. C) R. Huna's Dictum and the Goose Narrative

Having diverged onto the seemingly tangential issue of rabbinic elitism and inequality, the *Sugyah* now moves back to a discussion of the *Beraita*'s argument over the mandatory courtroom postures of litigants. Recall that the initial position asserts that a biblical commandment demands that litigants stand while R. Yehudah disagrees and makes posture significant only if it affects inequality. At this point, R. Yehudah's position is modified by two different *Amoraim*:

> ʿUlla said [that] the argument [between the anonymous position requiring standing and R. Yehudah's position that both can sit] is about litigants, but regarding witnesses it is unanimous that [the witnesses are] standing as it says "And they will stand" (Deuteronomy 19:17)
> Rav Huna[398] said the argument[399] [between the anonymous position requiring standing and R. Yehudah's position that

[398] Vatican 140 and Florence read Rava.

[399] Vatican 140, Munich and Florence nest Rav Huna's limitation within ʿUlla's limitation by saying that the *Beraita*'s argument refers to litigants during deliberations, as opposed to litigants during the verdict or witnesses during deliberations. Pesaro's text, however, leaves open the possibility that R. Huna's statement is completely independent of ʿUlla's with both attempting to limit the scope of the argument. ʿUlla maintains that everyone agrees that the witnesses are required to stand based on the verse. R. Huna maintains that everyone agrees that all present must stand during the verdict. R. Huna might believe,

> both can sit] refers to the time of deliberations, but at the time of the conclusion of justice it is unanimous that [the litigants are] standing and the judges [are] sitting, as it says, "Moshe sat to judge the people and the people stood."[400] (Exodus 18:13)

Just as R. Naḥman and the *Stam* refuse to discard the view of R. Yosef, the *Amoraim* ʿUlla and R. Huna attempt to reclaim the radical position of R. Yehudah so that even his explicit rejection of his opponent's view can be made to operate within the matrix of legal precedents. R. Yehudah's rhetoric marked his own opinion as radical; these solutions attempt to allow R. Yehudah some grounds for understanding the active verb of Deuteronomy 19:17 as an imperative to stand. ʿUlla asserts that while R. Yehudah does not require litigants to stand, R. Yehudah would agree that witnesses are required to stand. If we return and examine the *Beraita*, ʿUlla's commentary seems less than precise. R. Yehuda does not reject his opponent's view that the litigants stand because he disagrees about the identity of the "two men." Rather, he is uninterested in the empty symbolism of standing if that is unrelated to the ethical question of equality. ʿUlla's is an

---

though, that witnesses need not stand during their testimony or other deliberations, and certainly that such a posture would not be governed by a biblical mandate.

[400] Florence adds here one line that says that witnesses are like the time of the verdict. והא עדים בשעת גמר דין דמו This statement once again attempts to say that R. Huna agrees with ʿUlla's hypothesis that witnesses must stand; only this time, the witnesses are standing because their testimony is akin to the time of the verdict. Though the very point of this appendage seems to be to justify ʿUlla's position on new grounds through the use of Exodus 18:13, Halakhot Gedolot and Midrash Hagadol on Deuteronomy 19:17 add a reference to Deuteronomy 19:17—the verse from which ʿUlla had derived this principle: וכתיב ועמדו. The Pesaro editio princeps simply completes the clause by saying וכת' בהו ועמדו שני האנשים. Because this position is really a second scriptural derivation, it becomes a full-blown independent version in Yalqut Shimoni Yitro 270. ועוד דהא עדים כגמר דין דמו וכתיב בהו ועמדו שני האנשים The Vilna Edition attempts to clarify the nature of this second position by stating it as an alternative text and beginning again at the beginning of the sentence. לישנא אחרינא מחלוקת בשעת משא ומתן אבל בשעת גמר דין דברי הכל דיינין בישיבה ובעלי דין בעמידה דהא עדים כגמר דין דמו וכתיב בהו ועמדו שני האנשים. Rabbinowicz, Diqduqe Sofrim, p. 58 points out that one cannot learn that judges must sit from Deuteronomy 19:17. such a position is only mandated by Vilna's attempt to turn a simple addition into a complete alternate position.

attempt to minimize the radical nature of R. Yehudah's position by claiming that he too accepts the biblical mandate to stand—but for witnesses. R. Huna's position similarly finds room for R. Yehudah to be able to understand an imperative in Deuteronomy 19:17. Invoking a different verse that indicates the strong cultural force of these courtroom postures, R. Huna imagines that even R. Yehudah would require the litigants to stand when the verdict is rendered. But if we return to the *Beraita*, R. Huna's commentary is also an imperfect fit; R. Yehudah rejected the command of Deuteronomy 19:17 not because he had another use for that verse, but because he does not believe in empty symbols.

Having thus rewritten R. Yehudah and affirmed unanimously that witnesses and litigants must both at some point stand in the courtroom, we reach the conceptual core of this *Sugyah*—a climactic struggle to balance three different issues: the rules of courtroom procedure, respect for members of the rabbinic class and equal treatment of litigants. Thus far the *Sugyah* has pitted the rules of courtroom posture against equality within the view of R. Yehudah, and preference for the rabbinic class against equality within the legal narrative about R. Yosef's letter to R. Naḥman. At this point, the *Sugyah* brings all three issues together in one short legal narrative about a goose:

> R. Huna's wife had a court case before R. Naḥman.
> He said [to himself], "How should I[401] act?—[if] I stand before her [in her honor], the arguments of her opponent will be silenced; [if] I do not stand before her, [it will be a breach of honor because] the wife of a *Ḥaver* is exactly like a *Ḥaver*."

[401] Pesaro has R. Naḥman speaking to himself using the first-person plural.

> He said to his bailiff, "Fly a goose [at me] so that I will stand.[402]
> But was it not just said that[403] at the time of the conclusion of justice it is unanimous that [the witnesses are] standing and the judges [are] sitting?
> He sits as one who is tying his shoes and says 'So-and-so you are exonerated and so-and-so you are obligated.'

R. Naḥman's inner monologue weighs one side of the issue against the other, determining that either sitting or standing will invoke the violation of a commandment. Like Jeroboam before him, R. Naḥman realizes that the symbolic consequences of both of his potential postures are drastic. If he stands in honor of the wife of a scholar, he will silence her opponent and violate the imperative to judge equally; if he sits so as not to create an unequal courtroom environment, he will violate the code of honor for the wife of a scholar. In his inner monologue, R. Naḥman completely disregards the imperatives of courtroom procedure in his calculus. In that sense, he shares the view of R. Yehudah, who dismissed those imperatives at the first sign of an ethical dilemma. But the *Stam* realizes that there is one more relevant law to this scenario—the laws of courtroom posture that were established only a few lines before. In response to his own question, the *Stam* offers another compromise: that the judge crouches as he renders his verdict.

Once again R. Naḥman and the *Stam* offer compromises that seek to maintain all of the legal precedents. Each views the problem as a challenge of conflicting legal rules. As such, each proposes a compromise that maintains the value of each rule, not choosing between them. Where R. Naḥman asked for a goose, the *Stam* suggests a crouched

---

[402] Vatican 140, Munich and Florence explicate that he will look like "one who gets up before a goose."

[403] Pesaro adds the first-half of R. Huna's statement.

posture. But the attempt to satisfy all of these needs is what turns the whole story into a farce. The significance of standing in the courtroom stems not from the fact that such a posture is posited, but because of the power dynamic it constitutes and reinscribes. As we saw in the prologue to this chapter, these postures have the symbolic power to crown kings or depose them. R. Naḥman in the story understands that the postures have a symbolic meaning when he fears that the opponent will read his show of respect for what it is. But like R. Yehudah before him, R. Naḥman discards the symbolic power of postures to ensure respect for the court. R. Naḥman ignores the disrespect to both R. Huna's wife and the court inherent in the act of importing a goose into the courtroom in order to partially fulfill all of the conflicting laws.

The goose narrative is a nexus of competing norms. Within the story itself, R. Naḥman experiences his problem as a conflict of two rules—the need to honor the wife of a scholar and the need to judge all litigants equally. The *Stam* contributes another positive norm to the mix by recalling that R. Naḥman should be governed by the rules that require certain postures of actors within a courtroom. But in addition to this clash of rules, the story is also a clash of systems of law within Jewish law. Standing to honor a rabbi is part of a code of daily conduct, while judging all equally is an ethical principle and the obligation to stand in the courtroom is a procedural regulation. Moreover, by focusing on the clash of competing rules or even of competing systems, we overlook the clash between the symbolism behind each postural rule and the compromise that allegedly fulfills these rules.

R. Naḥman's inner monologue weighs the cultural value of honoring a scholar against creating an unequal judicial environment. Though the act of standing for a scholar

has an extensive legal literature, it is also a cultural norm. It is important to remember, even as we review sources that attempt to legislate this norm, that there is a divide between cultural norms and the laws that one maps onto them.

Leviticus 19:32 grants that "In the face of the gray-hair, you are to rise, you are to honor the face of the elderly, thus holding your God in awe, I am YHWH!" The rabbis understood this passage midrashically to refer to rabbis, saying that the word for elder, זקן, is to be acrostically understood as 'the one who acquired wisdom'—the rabbi.[404] Moreover, they took the verb "you are to rise" as a positive commandment requiring people to stand before scholars. In turning this verb into a first principle—a posited law—the rabbis created the framework for an entire set of rules to emerge around this practice. The cultural power of the practice is underscored within a *Sugyah* at Kiddushin 33b where we find the following non-legal pronouncement:

> R. ʾElʿazar said, any scholar who does not stand before his teacher is called wicked and does not live a long life and his knowledge is forgotten as it says: "and it will not be well with the scoundrel, and he will not live long, because he does not revere God (Ecclesiastes 8:13)."

As the connection between statement and prooftext makes clear, the rabbis expect to be honored as surrogates for God's honor in this world.

Our narrative does not describe R. Huna as a *Talmid Ḥakham* but as a *Ḥaver*. The choice of this term is not incidental for it allows the story to assert that "the wife of a *Ḥaver* is as a *Ḥaver*." The term appears at ʿAvodah Zarah 39a within the context of items that emerge from a household after the death of its head. Thus R. Levi's servant's sale of

[404] Sifra, 3:7 and Babylonian Kiddushin 32b in the name of R. Yose Hagelili: "אין זקן אלא זה שקנה חכמה"

a pungent substance was permitted because he had been the servant of a *Ḥaver*, and R. ʿAmram Ḥasida's wife's blue dye was considered authentic since the household was his household. Our *Sugyah* borrows the language of *Ḥaver* and the terminology equating the household with its head in order to suggest a mandatory honor for the wife of a scholar. Unconsciously, this choice once again alerts us to the extent to which the rabbinic class in Babylonia has replaced the class of *Ḥaverim*. Where *Ḥaverim* were once an elite group associated by their commitment to dietary rules, the rabbis are now a group constituted around the symbolic capital of Torah. Just as in the story around R. Yosef's "with you in Torah Umiẓvot," in which the character of R. Naḥman struggles with the problem of adhering to R. Yosef's preferential treatment while maintaining the equality of potential litigants, the character of R. Naḥman in the story of R. Huna's wife also juggles the requirement to stand for the *Ḥaver*'s wife against the inequality such respect would entail.

R. Naḥman and the *Stam* offer different physical compromises to his dilemma. R. Naḥman attempts to solve it through a ruse. He asks the bailiff to import a goose into the courtroom and startle the judge into standing. The goose distorts the semiotic message of his respectful posture, fulfilling his mandate to stand while not communicating to R. Huna's wife's opponent the respect R. Naḥman is showing. The *Stam* offers a literal physical compromise in which R. Naḥman crouches as if to tie his shoelaces and thus manages to sit and stand simultaneously. The two solutions offered by R. Naḥman and the *Stam*, like the answers that R. Naḥman and the *Stam* provide in the previous legal narrative of Torah Umiẓvot juggle opposing rules which symbolize opposing cultural

norms. There is in this culture both a desire to show preference for rabbis and a need to be fair and just. While in the R. Yosef story, R. Naḥman and the *Stam* managed to distance preference from the act of fair adjudication, here the simplicity of the act and transparency of its symbolic meaning make compromise more difficult. In fact, by attempting physical compromises, both R. Naḥman and the *Stam* undermine all symbolic meaning. The symbolism of standing out of respect and sitting to command that respect reflects a certain gravitas in courtroom behavior. A goose flying around the courtroom is a powerful symbol of complete anarchy and chaos, emptying the symbolic register of the required postures. It is not simply that the opponent will be distracted and think that R. Naḥman is standing because of the goose; the appearance of the goose makes the act of standing and sitting irrelevant. Maintaining a commitment to positive rules under those conditions is the very definition of a farce.[405] The *Stam*'s solution of crouching is no better. If his recommended posture can be construed as both standing and sitting it is also neither. The description invokes the image of someone tying shoelaces, a decidedly mundane action. Despite the fact that R. Naḥman and the *Stam* attempt to solve their

[405] R. Naḥman's attention to the ritualized rules of procedure is echoed in the following story told about Marie Antoinette's levee in David Kertzer, *Ritual, Politics and Power*, (New Haven: Yale University Press, 1988), 106: "This extravagant ritualization could take on a life of its own, just because to change precedent meant to change rank. The results were occasionally ludicrous. The levee (rising from bed) of the French king and queen formed part of this system of ritually denoting rank. When the seventeenth-century king, Louis XIV, got out of bed it was no simple matter: dozens of aristocrats and others were involved in a complex choreography of power. Still in the eighteenth century, Marie-Antoinette underwent such a rite each morning. The queen's maid of honor had the right to give her her chemise, while the lady-in-waiting then helped her get into her petticoat and dress. If, however, a royal princess happened to be present, she had the honor of putting the chemise on the queen. One day, after Marie-Antoinette had been entirely undressed by her attendants, the maid of honor was about to give her her chemise when in walked the Duchess of Orleans. Attentive to the duchess's higher rank, the maid of honor handed the chemise back to the chambermaid, so that she could then pass it to the duchess. No sooner had the duchess acquired the chemise than the higher-ranking Countess of Provence made her entry. Though the queen still stood entirely naked before the noble crowd, the duchess had no choice but to pass the chemise back to the chambermaid, so that it could then be given to the countess. Fortunately for the queen, the countess was able to get the chemise to her before any higher-ranking noblewoman arrived."

conflict without considering the symbolic consequences, the narrative—a crudely iterated message in a bottle—allows the reader qua ethnographer to achieve a thick description of the interwoven semiotic systems of rabbinic culture.

III. A) The Dicta of Rabbah bar Huna and Their Narratives

The *Sugyah* follows the climactic story of R. Naḥman with a discussion that employs both narrative and non-narrative materials to further refine some of the cultural conflicts that the *Sugyah* addresses. The compositional bedrock of this passage is a series of three dicta attributed to the early *Amora* Rabbah bar R. Huna. After two of these dicta are posited, they are followed by narratives in which later *Amoraim* encounter the dictum's scenario. The incoherence of theoretical law and purportedly historical story highlights further the need to privilege this narrative material as a record of rabbinic culture:

> 1) Rabbah son of R. Huna said [when] a *Ẓurba Merabannan*[406] and an *ʿAm Haʾaretz* have a court case [with each other[407]] the *Ẓurba Merabannan* should not sit down [before the judge[408]] before [the *ʿAm Haʾaretz* does] because it looks like [the judge] is arranging [the *Ẓurba Merabannan*'s] judgment.
> We only say this if [the *Ẓurba Merabannan*] does not have a regular time slot [to learn with the judge], but if he has a regular time slot, there is nothing for us in it.[409]

[406] Lee I. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity* (Jerusalem [New York]: Yad Izhak Ben-Zvi; The Jewish Theological Seminary of America, 1989), 68 #121: "The Babylonian Talmud uses such terms as רבנן or צורבא דרבנן to designate the lesser members of the academy." David Halivni, "Sefeikei Degavrei (Hebrew)" *Proceedings of the American Academy of Jewish Research* 46-47 (1979-80) 73 mentions that sometimes after the use of this anonymous term, the specific individual is identified.

[407] The implicit bracketed words are explicated in Vatican 140, Florence and Pesaro. This parallels the below passage in which all text witnesses have these words.

[408] The implicit bracketed words are explicated in Vatican 140 and Florence.

[409] Pesaro adds that "[the opponent] will certainly say that [the *Ẓurba Merabannan*] is busy with his regular learning [and not discussing or deciding the pressing case]."

This first dictum of Rabbah bar Huna alerts us to yet another intriguing way in which inequalities manifest themselves in amoraic courtrooms. The amoraic courtroom did not occupy a uniquely dedicated space; court cases were conducted in the *Beit Midrash*. As the workspace of rabbinic scholars, the *Beit Midrash* would have been more comfortable for the rabbinic scholar than for his counterpart.[410] This dynamic was not at play in the story of R. Huna's wife because, presumably, her gender precluded her from spending regular time at the *Beit Midrash*.

The amoraic *Beit Midrash*/courthouse is fascinating because it appears to be less of an institution than its forbears and successors. The tannaitic period is dominated by the Sanhedrin, a judicial court/political body that occasionally served as the forum for theoretical debates about the law. In Palestine, the third century saw both the absence of a formal Sanhedrin and the appearance of institutional *Batei Midrash*.[411] The savoraic and geonic periods are dominated by the Babylonian Yeshiva, an institution of formalized theoretical study which intermittently engaged in practical law through its publication of responsa. The amoraic *Beit Midrash*/courthouse is simply a local study hall where

---

[410] Eliezer Segal, *Case Citation in the Babylonian Talmud: The Evidence of Tractate Neziqin* (Atlanta, Ga.: Scholars Press, 1990), 8: "Almost nowhere do we find, among the judges who are trying cases in the Talmud, figures who are not familiar to us from the academic bases of the yeshivot. This should presumably lead us to the conclusion that the courts in the Amoraic era were closely connected to the academies, and it is likely that the sages would try their cases within the walls of the yeshivah itself, perhaps during fixed hours of the day." See also Isaiah Gafni, "Maaseh Beit Din Betalmud Habavli," *Proceedings of the American Academy of Jewish Research* 49 (1982): 23-40.

[411] Lee Levine, *The Rabbinic Class*, 25 claims that Palestinian academies were disciple circles in the first and second centuries, and became institutions in the third. At 76-83 Levine maintains that the Sanhedrin was not extant in the Third Century. In other words, in Palestine the institution of the Sanhedrin waned as the academies qua institutions were waxing. In Babylonia, by contrast, there is a longer period of no formal institutions and local *Batei Midrash*/courthouses.

distinguished scholars charismatically attracted students for their classes and litigants for their cases.[412]

In the practice of contemporary American law, formalized language and ritualized practice lend gravitas to a courtroom proceeding that is conducted within facilities whose architecture and décor already define the space.[413] But in amoraic Babylonia there was no architecture or décor to mark off the space of adjudication. The act of judging relied heavily on symbols to redefine its space for either study or judging. The *Sugyah*'s obsession with the posture of judges, witnesses and litigants is undoubtedly necessitated by the double duty of the *Beit Midrash*. If an *Amora* could spend all day in this room studying and teaching, there needed to be a way to create respect for judicial procedures in the same space.

---

[412] David M. Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Leiden: Brill, 1975), 267 differentiates between a school and a disciple circe: "By "school" I mean an institution which transcends its principals. It has a staff, a curriculum, and, most important, a life of its own, a corporate identity. Students come and go, teachers leave and are replaced, the head of the school dies and a new one is appointed—the institution goes on. A disciple circle, on the other hand, does not transcend its principals. Disciples meet with a master and study with him. There may be a fixed curriculum; the master may have teaching assistants; the group may meet in a special building. But when the master dies , the disciple circle disbands. Some of the disciples will attach themselves to a new master. Others may consider themselves no longer in need of a master and may even take on students of their own." Isaiah Gafni, ""Yeshiva" U"Metivta"," *Zion* 43 (1978): 12-37 and again in Isaiah Gafni, *Yehude Bavel Bitekufat Ha-Talmud* (Jerusalem: Merkaz Zalman Shazar, 1990) critiques Goodblatt on the basis of several passages that would seem to imply the the existence of academic institutions. Jeffrey L. Rubenstein, "The Rise of the Babylonian Rabbinic Academy: A Reexamination of the Talmudic Evidence," *Jewish Studies, an Internet Journal* 1 (2002): 55-68 and Rubenstein, *Talmudic Stories*, 21-22 notes that Gafni's sources are from the Stammaitic and hence later layer of the Babylonian Talmud.

[413] Margaret Talbot, "Supreme Confidence: The Jurisprudence of Antonin Scalia," *The New Yorker*, March 28, 2005 2005, 44 writes the following paragraph about the recent proceedings of the Unites States Supreme Court: "The visitors' seats were filled. The marshal issued a warning about keeping quiet. With Ionic columns and claret-colored velvet curtains, the Court is one of those grand spaces which make you feel exalted. The rules of the house are high church: No audio or video recording is allowed. Leaning on one's elbows is frowned upon. A journalist must wear a suit to sit in the press gallery." Even the hallowed Supreme Court mobilizes ritual to sanctify space.

Rabbah bar R. Huna's first dictum struggles with the imbalance in judgment that would result from the scholar's habitual presence in the *Beit Midrash*. Because rabbinical scholars are students who study with the judge/teacher, there is an appearance of impropriety that now attaches to their studies. If the *ʿAm Haʾaretz* should walk into the courtroom and see the judge communicating with the opposing litigant, the *ʿAm Haʾaretz* would draw the conclusion that the case is being pre-judged. Curiously, Rabbah bar R. Huna's rhetoric is concerned not about real impropriety, but only its appearance. Clearly, he thinks that there will be no holdover from one function to the other—that the teacher will not show favoritism towards the student in the adjudication.

The dictum describes the *Ẓurba Merabannan* as sitting down. Until now the *Sugyah* has posited that litigants stand; in the next dictum Rabbah bar Huna suggests that when a *Ẓurba Merabannan* is involved, the litigants are seated. Because of the assumption that the dictum to allow sitting must come before a discussion of that sitting, the print editions alter the order of the dicta so that Rabbah bar Huna first says that they sit and then talks about when the rabbinical student sits. But this switch, while understandable, is also unnecessary. The sitting described by this dictum is not during the litigation, but before it. Rabbah wants to avoid the appearance of impropriety that would transpire if the judge and litigant would be sitting and studying when the *ʿAm Haʾaretz* walks in. The *ʿAm Haʾaretz* would be confused by the other role of the courtroom space and would misunderstand that the case had already begun.

The *Stam* here modifies Rabbah bar Huna's dictum not because of legal precedent but because of the cultural primacy of Torah study. The scholar does spend much of his day in this space, and the culture, with its strong investment in promoting Torah study—

encourages him to do so. The *Stam* thus suggests that if the scholar has a regular time slot to study in this space, the law does not take an interest in the appearance of impropriety. In other words, it is inappropriate for a member of the rabbinic class to abuse that class status by sidling up to the judge, but it is perfectly acceptable for a rabbinical scholar who ordinarily studies in a specific study hall to sit down to study in that study hall before his opponent arrives. Though in both cases the *ʿAm Haʾaretz* will walk in on the same scene—the *Ẓurba Merabannan* sitting collegially before his judge—the inequality that emerges from the apparent impropriety is ultimately less significant than the cultural norm of promoting Torah study.

The second dictum returns to the question of the proper posture during judicial proceedings articulating through a pairing of dictum and narrative:

> 2) Rabbah son of R. Huna said [when] a *Ẓurba Merabannan* and an *ʿAm Haʾaretz* have a court case with each other we seat them [both[414]]. And if they will not sit, we contend[415] with the *Ẓurba Merabannan*, while with the *ʿAm Haʾaretz* we do not contend.[416]
>
> Rav son of Sheva[417] had a courtcase before R. Pappa.[418] [R. Pappa] seated both of them.

---

[414] The implicit bracketed word is explicated in Vatican 140 and Florence. Pesaro and Aggadot Hatalmud enumerate the *Ẓurba Merabannan* and *ʿAm Haʾaretz* by name here by saying "We seat the *Ẓurba Merabannan* and to the *ʿAm Haʾaretz* we also say 'sit' but if he stands, it is not our concern." The strangeness of the term in our text may have motivated a rewrite.

[415] Rashi claims the root בתש (pester) for this word and suggests a meaning of bothering, but the word is not attested elsewhere.

[416] Pesaro and Aggadot simplify the language by saying that "we seat the *Ẓurba Merabannan* and tell the *ʿAm Haʾaretz* to sit, but if [the *ʿAm Haʾaretz*] stands, it is not our business."

[417] Pesaro makes the father's name Sherbia, while Florence turns the son into Rabbah.

[418] Vatican 140, Munich and Florence add that Rav had an opponent in this litigation.

> The court agent came and kicked [the *ʿAm Haʾaretz*[419]] and made him stand.[420]
> But how could he do this? The [opponent's] arguments were being silenced?
> He certainly said, '[R. Pappa[421]] seated us [both]; the [court[422]] agent is not appeased[423] by me.

Unlike the case of R. Huna's wife, which focused on the postures of R. Naḥman as judge, this dictum focuses on the proper postures of the litigants. In both situations there are three actors—a judge and two litigants. Because the judge and the scholar-litigant are members of the same social class, they belong on the same postural plane; because the two litigants are to be treated as equal before the law they too belong on the same postural plane. Since the social norm would dictate unequal postures but the norms of equal adjudication demand equal treatment in the courtroom, the scenario presents the same dilemma as the story of R. Huna's wife; this dictum, however, resolves the matter by offering a third compromise. According to Rabbah son of R. Huna (and presumably the son of R. Huna's wife), we violate the norms of judicial procedure and seat both parties. This position bears traces of R. Yehudah's insistence that standing is less relevant than making sure that both were treated equally. But while seating the litigants allows both scholars (litigant and judge) to be on the same postural plane, it also elevates an

---

[419] The implicit bracketed term is explicated in Pesaro.

[420] Pesaro and the margins of Vatican 140 continue "And R. Pappa absolutely did not tell him to sit".

[421] The implicit bracketed name is explicated in Vatican 140, Munich and Florence.

[422] The implicit bracketed word is added in Vatican 140, Munich and Florence.

[423] Sokoloff, *Babylonian*, 900 defines this as "the court messenger has not been bribed by me." I do not think this is necessary; once the litigant distinguishes between bailiff and judge, he can still consider the judge impartial.

unworthy layperson to their ranks. Rabbah bar R. Huna allows for some distinction here. If, after the court seats both individuals, the ordinary person decides to stand, the court passively tolerates that inequality; if the scholar stands, thereby creating an environment in which the ordinary person remained seated, the court forces the scholar to sit. In other words, the court can passively tolerate an inequality if the ordinary person initiates it, but will not passively tolerate a socially inappropriate inequality that favors the ordinary person over the scholar.

Once again a non-narrative legal principle is paired with a legal narrative. This policy of passive discrimination recalls another legal narrative, which describes a fifth generation amoraic court case. The story recounts the appearance of Rav bar Sheva, an infrequent participant in talmudic discourse, as a litigant in front of R. Pappa. Though both rabbis are fifth generation *Amoraim*, there is no question that R. Pappa is the more distinguished of the two. Nevertheless, as a member of the rabbinic class and according to Rabbah bar Huna's dictum, Rav bar Sheva and his opponent are both seated. After they had already been seated, the bailiff forces the *ʿAm Haʾaretz* to stand. Instead of the policy of passive discrimination we find a policy of court-enforced active discrimination. The story is quite precise in describing the fact that the ordinary person is seated and then forced to stand. In other words, there is an expectation that ordinary people in this scenario will opt to place themselves on a different postural plane because of their social standing.[424]

[424] This story might reflect the development of animosity towards *ʿAmmei Haaretz* in late amoraic Babylonia.

Chapter One focuses on the fact that the *Stam* finds the incoherence between legal narratives and statutes quite problematic. Because the *Stam* wants to maintain a monolithic view of legal precedent, the gap between theoretical law and practiced law threatens to open up the possibility of disagreeing precedent, or perhaps, to threaten the very idea of applying theoretical precedent to practical situations. As we have seen, the *Stam* is also interested in preserving all posited statements of law. Here the *Stam* asks how the agent could force the *ʿAm Haʾaretz* to stand when the unequal postures and the forced respect would ordinarily silence the *ʿAm Haʾaretz*'s pleas—when the very notion of seating both of them is already a compromise dictated by the need for judicial equality. To answer this question, the *Stam* effectively turns the *ʿAm Haʾaretz* into a knowledgeable legist, who is able to split hairs and internalize different legal realities. The *ʿAm Haʾaretz* is supposed to recognize that the bailiff's actions do not reflect the position of the court, and that R. Pappa will still judge impartially.

Thus far in the *Sugyah* we have seen several sources that have attempted to balance competing norms by suggesting various compromises. The goose and the crouch were offered as compromises between courtroom postural rules, cultural norms about respecting scholars and the need to judge equally. Rabbah bar Huna's decision to seat both litigants with passive discrimination was an attempt to balance equal justice against respect for scholars. The *Stam*'s modification of Rabbah bar Huna's limitation on the *Ẓurba Merabannan*'s presence in the *Beit Midrash* and his justification for the bailiff's action in this story share the same approach—they make the ordinary folk responsible for juggling the cultural values by asking them to draw fine distinctions. The *ʿAm Haʾaretz* who sees his opponent talking with the judge before the proceeding is supposed to realize

that the opponent has a regular study time with this teacher in this *Beit Midrash*; the *ʿAm Haʾaretz* who gets kicked by the bailiff and forced to stand is supposed to distinguish between the court's enforcer (the bailiff) and its brain (the judge).

Rabbah bar Huna's final dictum and narrative pair addresses a scenario in which a potential witness occupies a higher social standing than the judge(s):

> And Rabbah son of R. Huna said if a certain *Ẓurba Merabannan* knew testimony and it was degrading to him to go to the house of judges[425] who are less than he to testify before it, he should not go.
> R. Shisha son of R. ʾIddi said we also have learned [something similar] in a mishnah: "if he found a bag or box, if it is not his routine to pick it up he should not pick it up."
> And this is true regarding monetary [matters], but for [moral] prohibitions "There is no wisdom and no insight and counsel to counter God": Wherever there is desecration [of God[426]] we do not grant honor to the rabbi.
>
> R. Yeimar knew testimony about Mar Zutra.
> [R. Yeimar] came before ʾAmeimar.[427]
> [ʾAmeimar] seated [R. Yeimar][428]
> But[429] ʿUlla said the argument [in the *Beraita* between the anonymous position and R. Yehudah about posture in the courtroom] was only about litigants, but regarding the witnesses everyone agrees that they must stand.

---

[425] The "house of judges" as a courtroom term is unattested elsewhere and some have taken it to refer to the judge's residence. Munich and Florence attempt to clarify by turning לבי into לגבי but this ultimately doesn't work with the singular enclitic of לקמיה.

[426] The implicit bracketed term is added in Munich, Florence and Pesaro.

[427] Florence has Mereimar.

[428] Pesaro uses a plural form to indicate that ʾAmemar "seated all of them." While there is no need for equality here since R. Yeimar is a witness rather than a litigant, it stands to reason that Mar Zutra would also have merited being seated because of his own stature.

[429] Pesaro claims that this question is posed by R. ʾAshi to ʾAmemar. The subsequent verb "say" is a reply by ʾAmemar to R. ʾAshi. Pesaro is trying to fend off the search for the identity of the final speaker.

> We say[430] this is a [biblical] positive commandment and this is a [biblical] positive commandment, but the positive commandment of honoring Torah takes precedence.

Our *Sugyah* is located at the beginning of the fourth chapter of tractate Shavuʿot. This chapter's subject matter is the oath of testimony—a biblical oath that a litigant can force upon a reluctant witness to compel testimony. The *Sugyah* so far has discussed the biblical mandates to stand in a courtroom, to judge with equality and to respect the learned (elderly), and now returns to the mandate of testifying. Rabbah bar R. Huna says that though there is a biblical mandate to testify, the scholar who knows testimony need not attend the court's proceedings if doing so is beneath his dignity. The dictum evidences the powerful force of the cultural norm of rabbinic elitism inasmuch as it shows the predominance of class standing over a well-worn biblical imperative. It also reminds us of the interactions of kings and the law that we dealt with in the prologue. One of the points of the Shimʿon ben Shetaḥ story is the notion that even kings are responsible before the law. Even in a scenario in which his servant had committed the crime Yannai was forced to sacrifice his dignity and come to court. Though the rabbi in this dictum is witness and not defendant, it is indeed remarkable that the rabbis are willing to tolerate such behavior.

Rabbah bar Huna's assertion is supported by R. Shisha bar ʾIddi's statement that this rule is similar to the one that allows individuals to ignore lost objects and not return them to their owners. Just as returning lost objects is a biblical obligation but one need

[430] Who is the final speaker here? Pesaro tries to make ʾAmemar the final speaker, but it seems that this last statement is a quotation. It is possible that the text is here explicitly marking the transfer from Ketubot 105b. Tanhuma makes ʾAmemar the final speaker. This could be the source for Pesaro.

not fulfill one's obligation if doing so is not respectful, so a rabbi need not fulfill the obligation of testifying if the context for such testimony is beneath his dignity.

But the *Stam* is troubled by Rabbah bar Huna's dispensation for rabbis, and seeks to curb the impact of this dictum by limiting it to monetary matters. Since the comparison of lost items makes testimony analogous to incursion of monetary loss and since the oath of testimony also refers to civil litigation, the *Stam* limits the notion of rabbinic self-respect to a monetary lawsuit. If a criminal charge is at stake, though, the rabbi must appear in the courtroom of someone respectfully beneath him because crimes are desecrations of God.

Once again, the previous dictum is illustrated by a legal narrative that both supports and undermines it. R. Yeimar, Mar Zutra and ʾAmeimar are all sixth-generation Babylonian *Amoraim*. In this case R. Yeimar knew testimony about a civil[431] matter concerning Mar Zutra. Though he could have refused to testify, R. Yeimar comes before ʾAmeimar to testify. In deference to the respect that R. Yeimar shows ʾAmeimar by coming to court, ʾAmeimar responds in kind by violating the norm and seating a witness so that both judge and witness can inhabit the same social plane. The very point of the story is that R. Yeimar's respectful action is repaid by ʾAmeimar in violation of the expectation that witnesses will stand.

As I have noted repeatedly with respect to legal narratives, the *Stam* is unwilling to accept these narratives as a different dialogical perspective on the law and insists that they all must fit in with the rules law. As such, ʿUlla's argument that there is unanimity

[431] I presume it is a civil matter because there were few if any criminal trials in these tribunals.

about the posture of witnesses in the courtroom does not work with ʾAmeimar's action in the story. In attempting to generate a legal solution for these contradictory positions, the *Stam* finally reaches for an answer that has been consistently deferred—faced with competing positive laws one cannot fulfill both; instead one must choose which one is more important. If the solutions of the goose, the crouch, the seating of both litigants and forcing one litigant to stand either passively or actively have weighed social inequality against judicial equality within a discussion of courtroom postures, the *Sugyah* concludes that social inequality is more important. Honoring Torah through its scholars, in other words, is posited here as the quintessential cultural value.

This final preference for venerating Torah through its scholars merely codifies what the *Sugyah* since R. Yosef has reflected—that preference for the rabbinic class is more important than other cultural values. Within R. Yosef's statement and the two answers of the *Stam* that ask the ordinary folk to split hairs, the *Sugyah* has already indicated this preference. Considering that it is the central value around which the social class is constructed, it is not surprising that it earns the power to override other commitments.

IV. Epilogue: Ketubot 105b-106a

In his recent work on the composition history of talmudic narratives, Shamma Friedman has demonstrated the ways in which certain lengthy narratives borrow motifs and language from other texts in the Babylonian Talmud.[432] It is my contention that a

[432] Shamma Friedman, "The Further Adventures of Rav Kahana," in *The Talmud Yerushalmi and Graeco-Roman Culture*, ed. Peter Schafer (Tubingen: Mohr Siebeck, 2002), 247-271 and Shamma Friedman,

lengthy narrative that concludes a legal story cycle at Ketubot 105b-106a draws heavily from the *Sugyah* at Shavuʿot 30a-b. By invoking the *Sugyah*, the Ketubot narrative offers a critique of both the *Sugyah*'s final preference for honoring Torah and of the tendency to think within the law.

The final chapter of Ketubot begins with several Mishnayot that reference the judges of Jerusalem. A discussion of how judges are paid struggles with the fine line between compensation for judges and bribery. Within this context, the Talmud discusses the ills of bribery and asserts that even intangible bribes count as bribes. The explanation of "intangible bribes" is found in a series of stories—a story cycle about rabbis.

The cycle consists of six stories that are nested so that each story pushes the definition of an intangible bribe further than its predecessors. The first three share a basic plot; in each, a potential litigant does a favor for a potential judge, and when the petitioner reveals that the reason for the favor was an upcoming litigation, the judge recuses himself from the case. The intangibility of the bribes becomes more extreme from case to case as the favors become smaller and smaller. In the first case, the petitioner helps Shmuel across a bridge, in the second case the petitioner shoos a bird away from ʾAmeimar's head and in the third case the petitioner covers up some phlegm that is on the ground in front of Mar ʿUkva.

The fourth and fifth stories in this story cycle also share a basic plot. In each, a petitioner bears a gift for the potential judge to which the judge is, by law, already entitled. In one case, a sharecropper brings produce a day early to his judge/landowner; in

---

"Leaggadah Hahistorit Betalmud Habavli," in *Sefer Hazikaron Lerabi Shaul Lieberman*, ed. Shamma Friedman (Jerusalem: The Jewish Theological Seminary of America, 1993), 119-164.

the subsequent scenario a farmer brings first shearings to the judge/priest. Both judges decline these gifts and recuse themselves but find that while watching the proceedings that take place under a different judge they are constantly pleading in their heads on behalf of their would-be bribers. Both stories conclude with the judges' assertions that the force of a bribe must indeed be great if it can impact even those who decline it.

The sixth and final story of R. ʿAnan builds on the two basic plots of the stories that precede it, but creates a more elaborate narrative by borrowing motifs and language from the *Sugyah* at Shavuʿot 30a-b.

> A man brought R. ʿAnan a basket of deep water fish.[433]
> [R. ʿAnan] said to him, "why are you doing this?"
> [The man] said to [R. ʿAnan] "I have a lawsuit."
> [R. ʿAnan did not accept the fish and[434]] said to [the man], "I am disqualified from your judgment."
> [The man] said to [R. ʿAnan] "I do not want your judgment, but master should accept [my gift] so as not to prevent me from bringing first fruits as it says: "And the man came from Baal Shalishah and he brought to the man of God bread of first fruits etc." Was Elisha an eater of first fruits? It must come to teach that whosoever brings a gift to a scholar it is like he has brought first fruits."
> [R. ʿAnan] said to [the man], "I did not want to accept; now that you have told me a reason, I will accept."
> [R. ʿAnan] sent [the man] before R. Naḥman [for his lawsuit].
> [R. ʿAnan] sent [a letter] to [R. Naḥman]: "Let master judge this man for I, ʿAnan, am disqualified from his judgment."
> [R. Naḥman] said, "because he sent me thus, I must conclude that [the man] is [R. ʿAnan's] relative."
> A case involving orphans was on the docket.
> [R. Naḥman] said, "one (caring for orphans) is a positive commandment and the other (respecting scholars) is a

[433] According to Sokoloff, *Babylonian*, 210.

[434] The implicit bracketed line is explicated in Vatican 113, Soncino and Leningrad/Firkovich.

> positive commandment, but the positive commandment to honor Torah takes precedence."
> [R. Naḥman] removed the case [of the orphans[435] from the docket] and brought [the man's] case to judgment.[436]
> Once the other litigant saw [the respect shown to the man[437]], his pleas were silenced.
> Elijah [the prophet] would regularly visit [R. ʿAnan] in order to teach him "Seder ʾEliyahu".
> Once R. ʿAnan did this, [Elijah] was absent.
> [R. ʿAnan] sat in a fast and begged mercy and [Elijah] came.
> Even [when he came], [Elijah[438]] would sit in a box[439] and teach him Seder ʾEliyahu Rabbah and Seder ʾEliyahu Zuta.[440]

R. ʿAnan's story begins with the form of the first three—a petitioner does a favor for a rabbi and, upon hearing that the favor is in anticipation of a judgment, the rabbi disqualifies himself from the judgment. The story takes a twist, though, when the

---

[435] "of the orphans" is explicated in Soncino.

[436] אחית is "to bring a case to judgment" according to Sokoloff, *Babylonian*, 744.

[437] The implicit bracketed line is explicated in Vatican 113 and Soncino.

[438] Translated according to the implication of Vatican 113 and Vatican 130. Munich has a homoioteleuton on the word אליהו that skips the entire incident. Soncino says, "When [Elijah] came, [Elijah] would really frighten [ʿAnan], so [ʿAnan] made a box and sat in it until [Elijah] exposited his "Seder". And that is why we call it Seder Eliyahu Rabbah and Seder Eliyahu Zuta." Leningrad Firkovich has a longer expansion of the story: "When [Elijah] came, [ʿAnan] asked him, "Why has master not come?" [Elijah] responded, "because of this [incident with the courtcase]." [ʿAnan] said, "let us finish our book from where we began in it?" [Elijah] said to him, "go ahead." Until that day whenever [ʿAnan] would ask something of [Elijah], [Elijah] would explain it. Henceforth, [Elijah] would really frighten [ʿAnan], so [ʿAnan] made a box and sat in it. [ʿAnan] sat in the box and [ʿElijah] outside it and they began. And that is why they call it Seder ʾEliyahu Rabbah and Seder ʾEliyahu Zuta."

[439] Meir Ish Shalom (Friedmann), *Tanna Debe Eliyahu* (Jerusalem: Faculty of Humanities, Hebrew University, 1902), Introduction A, no. 1 suggests that the meaning is not to sit in the box, but to sit in front of the box.

[440] Translated on the basis of the original text of Vatican 130. A marginal note on that MS and all other text witnesses add "And that is why they/say" before the description of the two *Seder ʿEliyahus*. Ish Shalom (Friedmann), *Tanna*, 1, no. 1 suggests on the basis of this line that this phrase was a late insertion from either the Geonic or Saboraic period before adding that from the content of the story it seems that the book was around during R. ʿAnan's lifetime.

petitioner marshals a midrashic reading of a biblical verse about Elisha to argue that the gift is not simply a favor but is an entitlement not unlike those of the preceding two stories. The midrash argues that bringing a gift to a scholar is a fulfillment of the biblical imperative to bring first fruits to the temple. Though he initially refused the gift, R. ʿAnan now accepts the gift, sending a letter with the petitioner to R. Naḥman. This motif is borrowed from the *Sugyah* at Shavuʿot in which R. Yosef sends a letter to R. Naḥman on behalf of ʿUlla. R. Naḥman here infers from R. ʿAnan's letter that the petitioner is a relative, and rearranges his docket, postponing the case at bar concerning a group of orphans. R. Naḥman's actions here mimic his actions in the Shavuʿot story where he infers from R. Yosef's letter that he is to move ʿUlla's case to the front of the docket. The Ketubot story provides insight into R. Naḥman's decision using an inner monologue—a device attributed to R. Naḥman's character in both the R. Yosef story and the story of R. Huna's wife. R. Naḥman ultimately decides to defer the orphans' court case because "one is a positive commandment and the other is a positive commandment, but the positive commandment of honoring Torah takes precedence." The language of this inner monologue is borrowed from the *Stam*'s conclusion in Shavuʿot—the only parallel of this sentence in rabbinic literature.[441] The respect caused by the reordering of the docket in favor of R. ʿAnan's petitioner evokes silence from that petitioner's opponent and R. ʿAnan's petitioner wins his case. The motif of silencing an opponent through symbolic

[441] According to David Weiss Halivni, *Meqorot Umesorot:Eruvin Upesahim*, 407, if there are parallels in which one text is attributed and the other an anonymous abbreviation, the brevity indicates that the anonymous one is taken from the attributed and the attribution dropped because of the push towards brevity. In our case, the statement is attributed as part of the narrative; perhaps we should treat attributions in narrative differently from attributions generally.

respect and the specific language employed are rampant in Shavuʿot 30. The story concludes by describing Elijah's displeasure with R. ʿAnan for having behaved thus.

In order to understand the way this story critiques the conclusion of the *Sugyah* at Shavuʿot 30 we need to focus our attention on the quintessential cultural symbol for rabbinic culture—Torah. The word Torah is not a synonym for the bible in rabbinic culture. Torah describes a cultural direction or purpose. The primary activity of rabbinic culture is the accumulation of knowledge through study. It is this activity that lies at the heart of the cultural divide between the social classes of *Talmid Ḥakham* and *ʿAm Haʾaretz*. In other words, it is not possession of vast quantities of Torah qua cultural capital that separates one class from another, but the recognition of the activity of Torah study as primary. Torah is thus both a currency as well as a market; it is a set of texts and the commitment to study them. But Torah is not simply knowledge—it is knowledge that is implicated in practice. Practice informs knowledge and vice versa.

To appreciate the quintessential status of Torah within rabbinic culture, it is helpful to consider the famous martyrology of R. ʿAqiva at Berakhot 61b. If there is one event whose spiritual power requires no elaboration, it is martyrdom. The narrative of R. ʿAqiva's martyrdom ends with R. ʿAqiva asserting that his death is a fulfillment of Deuteronomy 6:5 "You shall love the Lord your God with all of your soul and all your possessions." It is remarkable that martyrdom in this instance draws value from the fact that it fulfills not only the biblical Torah but also the midrashic interpretation attributed to R. ʿAqiva that "with all of your soul" means even if your soul is taken. It is unclear whether the midrash is attributed to R. ʿAqiva because of his martyrdom—whether practice informs theory—or whether the story is told about R. ʿAqiva because of his

midrash—whether theory informs practice—but there is no escaping the way in which the powerful action of martyrdom becomes meaningful when it is incorporated into Torah's symbolic matrix. Martyrdom draws energy from the fact that it participates in the dynamics of Torah scholarship.

The story of R. ʿAnan also implicates the ideal and activity of Torah study in ways that allow the notion of שוחד דברים to be translated not as "intangible bribe" but as "bribe of words." When R. ʿAnan is offered the gift as an explicit financial bribe he refuses. But his petitioner does not allow R. ʿAnan to refuse, and explains that R. ʿAnan should accept the gift as a midrashic fulfillment of the commandment to bring first fruits. The petitioner's midrash is a different form of bribe—it is a bribe in Torah capital. In order to actualize the theoretical concept behind the midrash, R. ʿAnan has to accept the gift as first fruits. Furthermore, there is once again a highly symbolic register for the gift of first fruits because both the theory and the practice of such a gift cement the status of scholars as the new priests, reminding us of Rava's explicit statement at Nedarim 62a that scholars can benefit from their status as scholars much like priests can benefit from their status as priests.[442]

If we attend to the content of this midrash, though, we discover that the scholars are more than simply priests. The Bible mandates that first fruits be given to priests as

[442] The motif is found also in the Palestinian Talmud Maʿser Sheni 5:5; 56b "R. Yona gave tithes to R. ʾAḥa b. ʿUlla, not because he was a priest but because he studied Torah."

part of a ritual that transpires in the Temple.[443] The narrative of II Kings 4:42-44 reads as follows:

> A man came from Baal-Shalishah and he brought the man of God some bread of the first reaping—twenty loaves of barley bread, and some fresh grain in his sack. And [Elisha] said, "Give it to the people and let them eat." His attendant replied, "How can I set this before a hundred men?" But he said, "Give it to the people and let them eat. For thus said the Lord: They shall eat and have some left over." So he set it before them; and when they had eaten they had some left over, as the Lord had said.[444]

The focus of the story is on the miracle that allowed a hundred men to eat from meager supplies. But the story also finds Elisha serving first fruits to his non-priestly followers outside the temple. The midrash suggests that the prophet/scholar is the priest and his court of followers is the temple. This analogy is made more explicit within the parallel to this midrash at *Seder ʾEliyahu Zuta*:

> Whenever the temple exists, its altar is an atonement for Israel in all of the places they dwell. And outside the land [of Israel] it is scholars and students of scholars who are an atonement for Israel in all of the places they dwell as it says [Leviticus 2:14] "And when you offer the gift of first fruits to God, etc." and its says, "And a man came from baal-shalisha and he brought to the man of God loaves of first fruits etc." Was Elisha a priest? And [how could he do this if] there were no temple there, no altar there and no high priest? But Elisha was a prophet, and the scholars sat before him whether in Dotan or Shomron. From here we learn that whoever attends to scholars and their students, the verse considers him as if he brought first fruits and did the will of his father in heaven.[445]

---

[443] The commandment is mentioned briefly in Exodus (23:19; 34:26) and in Numbers (18:13). A longer treatment is Deuteronomy 26:1-12.

[444] Jewish Publication Society, *Tanakh: A New Translation of the Holy Scriptures According to the Traditional Hebrew Text*, 1st ed. (Philadelphia: Jewish Publication Society, 1985), 572.

[445] Seder ʾEliyahu Zuta Chapter 2.

This passage adds two aspects that are missing in the Ketubot version. First, it explicitly raises the issue of the temple. Second, it identifies the verse's anonymous "men" as the students of scholars, treating Elisha as the head of an academy with students around him in both Dotan and Shomron. R. ʿAnan is offered a gift that turns him into the priest and his society—his class of students—into the temple.

The end result of this bribe is that R. ʿAnan writes a letter that is misinterpreted and leads to an unequal result in the courtroom. The story could easily have ended there; such an ending certainly would have been consistent with the endings of the other stories, furthering the overall argument that bribes have a remarkable ability to determine unequal results in the courtroom even when the recipient is not the judge and the bribe is שוחד דברים "a bribe of words." But the story instead concludes with a myth of origin about the rabbinic work *Tanna Debe ʾEliyahu*, which is divided into two parts: *Seder ʾEliyahu Rabbah* (major) and *Seder ʾEliyahu Zuta* (minor). According to this myth, R. ʿAnan pens this work on the basis of a study arrangement with Elijah the prophet. Whereas before the incident the two work closely, after the incident Elijah's anger terrifies ʿAnan and the latter must enclose himself in a protective box in order not to be harmed by Elijah. The point of this story is to teach a lesson about R. ʿAnan's actions within the symbolic currency of Torah. While R. ʿAnan may have gained both knowledge and symbolic stature from the Torah of his petitioner, he ultimately loses both knowledge and symbolic stature with Elijah. The quality of the Midrash they coauthor is altered by the change in social status, by the degree to which ʿAnan is no longer on the symbolic plane of Elijah. Like the postures of a courtroom, the box communicates a disparity of

levels in addition to shielding ʿAnan from Elijah's wrath. R. ʿAnan is literally put in his place by Elijah for accepting the Torah bribe.

The story at Ketubot 105b-106a thus becomes a critique of the *Sugyah* at Shavuʿot 30a-b. Where the latter struggles to balance competing positive laws, placing the interest of the rabbinic class above other values, the Ketubot story inverts this preference. The "honor of Torah" that is implied in the petitioner's midrash provokes the "honor of Torah" in R. Naḥman's courtroom, which is ultimately perceived as a perversion of justice and a desecration and dishonor of Torah by Elijah.

But the difference between Ketubot and Shavuʿot is not simply a difference in value preference, in which one picks honor of Torah and the other chooses equal justice. Both the narratives and the Stammaitic frame of Shavuʿot struggle to evaluate a conflict of overlapping laws as if these were inherently valuable constructs irrespective of symbolic or moral content. In contrast to this approach, the *Sugyah* at Ketubot asserts a point about a moral value which trumps the technical fulfillment of law. Even though R. ʿAnan fulfills a positive commandment by receiving the first fruits, and is not guilty of accepting a bribe since he is not the one who judges the petitioner, his action is retroactively tantamount to a bribe since an identical perversion of justice transpires as a result of his action. The story critiques the practice of evaluating actions in light of laws, pointing out that violations of spirit can often be just as dangerous as violations of law. The *Deus ex Machina* here does not replace Torah study as the primary cultural value; rather, the narrative suggests that the centrality of that practice may blind scholars to the important ethical questions that are fundamental to the practice of Jewish law.

Concluding Statement: Thematic Connections

This dissertation identifies an unstudied literary genre, the talmudic legal narrative, and attempts to fuse various methods of reading in order to meet the unique challenges presented by this particular confrontation of law and narrativity. The four chapters read four independent talmudic *Sugyot*; by way of conclusion I would like to draw thematic connections between the chapters.

I. The *Stam*

When we talk about the contributions of the *Stam* we refer to different functions within the literary production of the Talmud. In his introductions to *Meqorot Umesorot*, David Weiss Halivni has divided Stammaitic activity into four activities: generalization, expansion, completion and alteration.[446] This categorization divides the contributions of the *Stammaim* as anonymous participants in talmudic discourse. But the *Stammaim* are also, as Halivni has noted elsewhere, the presumed final redactors of the Babylonian Talmud and are responsible for arranging the arguments of the talmudic text.[447] This dissertation furthers our understanding of the *Stam* both as an anonymous contributor and as the redactor of talmudic *Sugyot*.

Chapter One focuses on the function of the *Stam* in processing the legal narrative of the lovesick man. Within the amoraic debate about this story it is unclear whether all

[446] The most precise categorization is David Weiss Halivni, *Meqorot Umesorot: Bava Qamma* (Jerusalem: Magnes Press, 2003), 12-21.

[447] For the *Stam* as redactors see David Weiss Halivni, *Midrash, Mishnah and Gemara* (Cambridge: Harvard University Press, 1986), 79-82.

of the scholarly positions insist that the story cohere with legal precedent. In the early amoraic period, for example, there is a debate about whether the female protagonist of the story is married. The view that says she is unmarried would have a difficult time making the story cohere with the laws governing martyrdom since even sexual intercourse would in that case only violate a rabbinic prohibition. The reaction to this in the *Stam*'s anonymous text is telling; the *Stam* refuses to accept even one attributed scholarly position that would take this story outside of the realm of legal precedent. Moreover, the *Stam* as redactor constructs the *Sugyah* as a discourse on the incoherence of this story with legal precedent. This culminates in the anonymous answer that connects the story with post-destruction psychology.

In its anonymous comments on the legal narratives of Chapter Two, the *Stam* once again tries to control legal meaning by making the stories cohere with precedent. With respect to Rava's special treatment for R. Yoshiah and R. ʿOvadiah, the anonymous text modifies the statutory material that precedes the narrative so as to create space within the law for the narrative's position. When Ravina decides that the foreign merchants can sell their wares to foreign buyers in the local market, the anonymous text modifies the ruling so that it does not completely undermine the statutory position on market restrictions.

The interaction of the anonymous text and the amoraic story is more complex in Chapter Three. In the story of Rava's anger, the anonymous text reacts to a new legal position—that students are in the service of their teachers—not because the law contradicts precedent, but because its assertion of unequivocal power draws the anonymous voice into the story, making it a character in Rava's study hall. An

anonymous voice (though possibly not the *Stam*) is responsible for the resurrection of Rava's reputation after he is shamed. Here the anonymous position is not reacting to law, but to the problematic personal degradation Rava suffers in the story.

Chapter Four finds the *Stam*'s anonymous voice once again struggling to make problematic legal narrative cohere with precedent. The goose solution is R. Nahman's way of resolving the competing requirements of standing before the wife of a rabbinical scholar, and not favoring one side in a litigation. But his solution of standing does not help to contend with R. Huna's mandate that a judge must sit. The anonymous voice of the *Stam* offers the solution that R. Naḥman crouches in between sitting and standing like one tying one's shoelace. After a legal narrative in which an *ʿAm Haʾaretz* is forced to stand in R. Pappa's courtroom while his opponent, a rabbinical scholar, sits, the anonymous voice questions this incoherence with the preceding dictum and answers that the *ʿAm Haʾaretz* can distinguish between the impartial judge who had encouraged both parties to sit originally and the partial bailiff who forces the *ʿAm Haʾaretz* to stand subsequently. After the final legal narrative in which ʾAmemar seats R. Yeimar when the latter comes to testify, the anonymous voice questions this in light of the unanimous position attributed to Ulla a few lines earlier that witnesses must stand. The anonymous voice answers its own question with the notion that honor of Torah as a positive commandment supersedes the requirements of standing in the courtroom.

Two of the chapters in this dissertation are an appreciation of the *Stam*'s artful work as the *Sugyah*'s redactor. The *Sugyah* covered in Chapter Two extends over four pages and is usually understood as consisting of separate discussions of education and restricted competition. By my reading, the entire *Sugyah* is unified through its

understanding of the knowledge and commercial fields. The recurrence of the motif "scholarly envy will increase wisdom" and the repetition of the names and structures from the non-narrative legal discussion within the legal narratives reflects the design of the *Stam* as redactor.

Similarly, Chapter Four pays attention to the way the seemingly haphazard connections of the material at the beginning of the *Sugyah*—with the digression into a discussion of equal justice—pays dividends at the *Sugyah*'s climax as the various strands are interwoven within the question of courtroom postures. The sustained dialectical discussion of competing cultural values unifies the *Sugyah* as a work of literature.

Rabbinic Authority

The *Stam*'s efforts as both anonymous contributor and redactor in Chapter One highlight the way the story functions as a myth of rabbinic authority.[448] The legal narratives in this dissertation all highlight a particular anxiety about rabbinic powerlessness.[449] According to this reading, manifestations or assertions of rabbinic power are motivated by unconscious fears for either personal or social impotence.

Two of the stories in the dissertation—the Chapter One story of the lovesick man and the story of Shimʿon ben Shetaḥ and King Yannai in the prologue to Chapter Four—

[448] There has recently been a surge in interest in the question of rabbinic authority. On this topic see: Michael S. Berger, *Rabbinic Authority* (New York: Oxford University Press, 1998), Beth Berkowitz, "Arguments for Authority: Innovations to Criminal Execution in Rabbinic Law" (Ph.D. diss., Columbia University, 2001), Charlotte Elisheva Fonrobert, "When Women Walk in the Way of Their Fathers; on Gendering the Rabbinic Claim for Authority," *Journal of the History of Sexuality* 10, no. 3-4 (2001): 398-415, Christine Elizabeth Hayes, "Displaced Self-Perceptions: The Deployment of "Minim" and Romans in B. Sanhedrin 90b-91a," in *Religious and Ethnic Communities in Later Roman Palestine*, ed. Hayim Lapin (Bethesda, Maryland: University Press of Maryland, 1998), 249-289.

[449] A similar phenomenon in the realm of exegesis is at work in Hayes, "Displaced Self-Perceptions"

are archetypal myths of rabbinic power. In each, the story's plot features a rabbinic figure or figures contesting control over the body of a human being. As I argue in Chapter One, the human body was often the site of battles for cultural control within the Greco-Roman world. Lovesickness is well covered in Greco-Roman medical texts, and functions within Greco-Roman literature as a unique site for the cultural contests of philosophers, poets, doctors and priests. Thus the original lovesickness narrative, attributed to the early Babylonian *Amora* Rav (early 3rd century) echoes the Greco-Roman cultural milieu in staging a cultural battle between rabbis and doctors over the body of the dying man (and the body of his putative lover).

But the story's inherent poetics calling for rabbinic power are lost on the *Stam* who, in the spirit of statutory coherence, attempts to find a way for the story to be incorporated within the matrix of legal precedent. After several amoraic attempts to justify the story on legal grounds, the *Stam* ultimately accepts the story on its own terms by positing a dialogical solution which grounds rabbinic action in the dying man's unique psychological condition—a condition that requires a forbidden sexual encounter. Ironically, this dialogical solution substitutes a myth of powerlessness for a myth of power. Despite their inclinations, the rabbis are unable to assist the dying man because their sanction—the sanction of the law—would undermine the palliative properties of the prescribed sexual cures.

The *Stam*'s answer utilizes a tannaitic source that asserts that sexual pleasure is altered by the destruction of the temple. This mourning performance connects the loss of rabbinic power to the loss of divine presence in the world as occasioned by the Temple's destruction. The tannaitic text—attributed to R. Yiẓḥaq—connects with a corpus of

tannaitic materials that, in the process of working through the traumatic loss of the temple, portray a deep rabbinic anxiety about the impact of that loss on their own authority. Though Chapter One argues that the *Stam*'s dialogical answer distorts the original meaning of the lovesickness narrative, this answer of rabbinic powerlessness shares with the reading of rabbinic power a sense in which the assertions of power are manifestations of anxiety about the loss of such power.

The story of Shimʿon ben Shetaḥ and Yannai in the prologue of Chapter Four describes an incident in which the Hasmonean king Yannai is forced to appear in the courtroom for the capital trial of his slave. When Yannai appears in court, Shimʿon ben Shetaḥ insists that Yannai stand up as fulfillment of the biblical mandate to stand in the courtroom before God. When Yannai refuses to stand by appealing to the other judges, Shimʿon ben Shetaḥ invokes God and the angel Gabriel arrives in the courtroom to kill all of the other judges who cower before Yannai. As Chapter Four argues, the story is not only about speaking truth to power, but about who speaks for God, the ultimate power. Both rabbi and king/priest have claims within Jewish political theory to being God's primary representative—God's voice. By narrating a story in which a rabbi forces a priestly monarch to stand before him in the guise of demanding that Yannai stand before God, the rabbinic writer articulates a desire for that ultimate authority. When God's henchman Gabriel follows that claim with utter destruction, the rabbinic writer establishes unequivocally that rabbinic power speaks for and calls forth divine power.[450]

[450] Elsewhere I hope to address the prevalence of this calling forth of divine power within rabbinic narratives about Shimʿon ben Shetaḥ in particular.

The anxieties about rabbinic power in the heart of Chapter Four and in Chapters Two and Three are less mythical and more individual. The central text of Chapter Four, the discussion of mandatory courtroom posture, portrays rabbinic anxieties of influence in its treatment of the requirements to honor Torah by standing for the members of the scholarly elite. R. Yosef's explicit statement at the beginning of the *Sugyah* that advocates preferential treatment within the courtroom for those who are "with you in Torah and Miẓvot" bifurcates Babylonian Judaism into two groups—the insiders who recognize the cultural primacy of Torah study as an enterprise and revere scholars as the epitomes of cultural achievement and the outsiders who constitute themselves as *ʿAmmei Haʾaretz*, ordinary folk, by dint of their refusal to tow this line. The *Sugyah*'s fundamental attempt to balance the postural respect for the rabbinic elite against the cultural norm of judging all fairly ultimately ends with the declaration that honor of Torah takes precedence over other legal rules. The palpable need to reinscribe honor of Torah as the central cultural value reflects a rabbinic anxiety that the worldview of the *ʿAm Haʾaretz* that devalues their own standing within the community threatens to pervade their own institutions and undermine their own standing and the concomitant claim to power.

Chapter Two attends to a lengthy *Sugyah* in Bava Batra that rhetorically and structurally maps out a field of knowledge that runs parallel to the commercial economy. Drawing upon the language of Pierre Bourdieu, Chapter Two argues that the knowledge field is constituted by a competition over knowledge as symbolic capital and creates a hierarchy around the quantitative possession of such capital. The use of Bourdieu is not an inherent critique of rabbinic practice; Bourdieu's argument is that social formations

are always structured as fields constituted by competitions over symbolic capital. Nevertheless, our awareness of the parallelism between the knowledge and commercial fields draws our attention to the many moments of slippage between the two. Knowledge capital empowers rabbis with political control of the commercial market. In that capacity, they have the capacity to grant or deny favors to colleagues on the basis of their own possession of capital.

The seven narratives that conclude the *Sugyah* in Chapter Two have much to say about rabbinic power. The initial three legal narratives—about Rava, R. Kahana and Ravina in their capacities as arbiters of the local commercial markets—highlight the extent to which law is a tool of rabbinic power, not vice versa. In each case, the letter of the law is abrogated as the rabbi decides to partially enforce or ignore the rules of restricted competition. In the first story Rava grants privileges to visiting rabbis because of their status as rabbis. In the second and third stories R. Kahana and Ravina do not fully enforce the restrictions on foreign competition in the local market because of empathy for the potentially impoverished foreign merchants and, perhaps, because of the xenophobia that occasions the attempt to keep these merchants out of the local market in the first place.

The central narrative in Chapter Two, the story of R. Dimmi's figs, draws meaning from the expectations set by the stories that precede it. If Rava cared for visiting rabbis, and Ravina and R. Kahana for the devastating impact of restriction rules on foreign merchants, then a visiting merchant rabbi would presumably be treated to these same extra-legal privileges. When Rava instead dispatches his arguably most qualified student, R. ʾAdda, to stump R. Dimmi and demonstrate R. Dimmi's poverty in knowledge

capital which leads to a devastating loss of his economic capital, we recognize that application of the letter of the law can be the jurist's most devastating subjective weapon. Though the law is on Rava's side, the story's poetics demand that we view his action as an abuse of rabbinic power. Once again, this assertion of rabbinic power betrays a deeply seated fear of displacement; Rava lashes out against R. Dimmi because he fears the latter as a competitor who may unseat him and undermine his authority.

The three aggadic narratives of rabbis' claiming responsibility for R. ʾAdda's death are themselves claims to power that provide further nuance for the understanding of Rava's treatment of R. Dimmi. ʾAbaye's claim to power in the death of R. ʾAdda comes from R. ʾAdda's assertion of institutional priority for Rava's Meḥoza over ʾAbaye's Pumbedita; this assertion naturally threatens ʾAbaye's standing as the head of an institution by threatening the viability of that institution. Rava's claim of responsibility connects to R. ʾAdda's demand that he be served ahead of Rava's agent at the meat market. The assertion of priority to Rava's agent and possibly to Rava himself challenges Rava's standing within his own institution; Rava fears R. ʾAdda will attempt to depose him. The final story of R. Naḥman bar Yiẓḥaq's claim to power highlights the extent to which that anxiety may be well founded. R. Naḥman has achieved a position within the academy for which he is unworthy, and relies on R. ʾAdda, an undecorated colleague, to facilitate his claim to power. R. Naḥman fears in this story that R. ʾAdda has exposed their charade while defecting to the party of R. Naḥman's rivals, R. Pappa and R. Huna b. R. Yehoshuʿa. These three aggadic sage stories highlight the extent to which R. Dimmi is both a personal and an institutional rival for Rava and nuance our insight into the way

Rava's treatment of R. Dimmi is an assertion of power out of the anxiety over the possibility of powerlessness.

The anxieties of this particular scholar, Rava, are also on display in the stories of his anger and shame in Chapter Three. The *Sugyah* begins with Rava's humorous hypothetical of a man gaining liability exemption by asking the object's owner to pour him a glass of water. This humorous example echoes Rava's sentiment, explicitly mentioned at Nedarim 62a and echoed throughout this dissertation, that scholars can take advantage of their knowledge capital for financial gain. Rava concludes the hypothetical by imagining that the bailment's owner is also a scholar and knows to constitute the water transaction in a way that defends against the exemption. As Rava transitions from the humorous hypothetical to an earnest discussion of a class of public servants whose status automatically grants liability exemptions, his students attempt to insert him into that legal category and gain exemption from liability for bailments borrowed from him. The students' attempt offends Rava by suggesting his structural kinship with the naïve owner of his hypothetical, by conceiving of his status as akin to that of a lowly schoolteacher and by envisioning Rava in the students' service. Rava's angry response does not simply defend against the asserted hypothetical; it goes on the offensive to suggest that the students are in his service. This assertion of power over the students again emerges from the threat to Rava's institutional and social power.

The shame story critiques Rava's assertion of power. Rava is here depicted as an errant judge whose mistake is corrected by his students. The shame of Rava's mistake is, in Chapter Three, the product of a realization that the students are well qualified, that they understand Rava's judicial proclivities perhaps better than he does, and that they are

still motivated by their ideals while Rava is motivated by the need to decide in certain ways in order to solidify his own power. Rava's shame justifies his anxieties in Chapter Two and in the anger story by suggesting that his power can be easily undermined.

The anonymous interventions into the stories of Rava's shame and anger flatten out the material so that both Rava's angry assertion of power and his shameful disappearance are mitigated. Rava's assertion of unequivocal power over his students is undermined by the *Stam*, who uses the unilateral rhetoric of "but it is not so" to offer a compromise which recognizes the pedagogical scene as one which serves the needs of both teacher and student. The anonymous formula "he was shamed but in the end it turned out that…" makes Rava's shame and disappearance short-lived. Though the shame would appear to undermine Rava's status, the formula resurrects Rava's reputation by giving him a claim to divine infallibility that determines that even when an error has been made according to the presented facts of the case, the truth of the matter vindicates Rava's ruling. Once again in this story we find an appeal to divine power that buttresses rabbinic power.

Inside/Outside, Theory/Practice

The anxieties that fuel assertions of rabbinic power within the readings can be thought of as fears about the intrusion of the outside world into the academy. The dissertation establishes the dichotomy of the world inside the academy and the world outside the academy—a distinction between theory and practice—and then deconstructs this dichotomy in two primary ways. First, the readings attend to the ways in which the

larger world enters the academy. Second, the readings note the manner in which the construct of the academy expands and incorporates the outside world.

The construct of parallel fields in Chapter Two conceives of the academy as a field of knowledge production and of the world outside the academy as the economic marketplace. The slippage between the two fields punctures the integrity of each, as commercial restrictions are imported by Rava into the field of knowledge production to keep R. Dimmi out of the local knowledge market while knowledge capital encourages Rava in the earlier legal narrative to provide special privileges for R. Yoshiah and R. ʿOvadiah. Knowledge capital and power become more tangible through their exchange into the more transparent economic capital and power as the two separate fields become united. The larger structure of the *Sugyah* mirrors this by following an initial discussion of education with a subsequent discussion of restricted commercial competition before combining the two discussions within the story of R. Dimmi's figs.

In constructing the academy as a competitive market, the *Sugyah* allows for a comparison of the ways in which the two markets function. While competition is considered bad for the outside world represented by the commercial market, competition is considered (in the initial legal discussion) a positive goad to creativity within the academy. The stories that follow undermine both of these claims by showing rabbis as jurists resisting the rules of competition restriction within the economic market and rabbis within the academy becoming violently and destructively envious of their colleagues.

Rava's humorous hypothetical in Chapter Three continues this slippage by describing a way in which scholars can take advantage of their knowledge developed inside the academy for financial benefit outside the academy. The students follow this

with their own attempt to take their theoretical discussion outside of the theoretical study hall and into the actual marketplace where their teacher would actualize his own theoretical construct by filling the role of the teacher. Rava's angry assertion of control maintains their conversation as a practical one. The *Stam*'s compromise, though, claims that Rava is in his students' service during the *Kallah* days, while they are in his service the rest of the year. The *Kallah* days—days that immediately precede holidays—are days that collapse the inside/outside dichotomy by inviting non-scholars into the academy for lectures. Rava is in the students' service during *Kallah* days because the lecture necessarily focuses on the upcoming holiday. This practical focus forces the study of law out of its theoretical remove in the academy by grounding it in the practice of Jewish law.

The narrative of Rava's shame in Chapter Three is a story of adjudication within the walls of the *Beit Midrash*. In its role as a courtroom, the *Beit Midrash* invites the outside world into its discussions. These court cases are then incorporated in the theoretical debates as students are encouraged to challenge their teachers on matters of practical adjudication as in matters of theoretical law. Such cases do more than actualize the theoretical discussion; they actually collapse the divide between theory and practice.

Chapter Four's discussion of courtroom postures struggles with the problems occasioned by the overlapping functions of the *Beit Midrash* as study hall and courtroom. This overlap creates the opportunities for favoritism towards rabbinic litigants, which is further problematized by a problem that is made more problematic by R. Yosef's explicit call for such favoritism in adjudication. The need to reinscribe Torah study as the primary cultural value in the face of the *ʿAmmei Haʾaretz*, who do not share that concern, redefines the inside space as that occupied by the rabbinic class and the outside space as

that occupied by the class of ʿ*Ammei Haʾaretz* who have differing values. The problems within this *Sugyah* emerge from the need to guarantee that the culture of the outside world (ʿ*Ammei Haʾaretz*) will not influence the culture of the inside world ("with you in Torah and Miẓvot") even as outsiders themselves penetrate the walls of the academy with the expectations of a fair trial.

Law and Culture

Chapter One identifies what Peter Brooks calls legal hermeticism[451]—law's resistance to engaging outside discourses—and argues that talmudic legal narratives construct an inherently unhermetic legal discourse. It is for this kind of discourse that Robert Cover turns to Jewish law within his "Nomos and Narrative."[452] Though Suzanne Last Stone has critiqued Cover for idealizing Jewish law, the critique focuses on the aspects of Jewish law, like legal codes or the understanding of Jewish law as a case-based system, that construct Jewish law in the Western image.[453] Legal narratives and the subsequent responsa tradition, however, construct Jewish law as an unhermetic legal discourse in exactly the way Cover describes. Cover's *nomos* is the cultural world as a place in which to understand law's meaning. Cover's notion of a *nomos* is a modified version of Geertz's definition of culture as the web of intersecting systems of

---

[451] Peter Brooks, "Narrativity of the Law," *Law and Literature* 14, no. 1 (2002): 1-9.

[452] Robert M. Cover, Martha Minow, Michael Ryan and Austin Sarat, *Narrative, Violence, and the Law: The Essays of Robert Cover*, *Law, Meaning, and Violence* (Ann Arbor: University of Michigan Press, 1992).

[453] Suzanne Last Stone, "In Pursuit of the Countertext: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," *Harvard Law Review* 106, no. 4 (1993): 813-894.

significance.[454] Legal narratives, as texts that construct meaning out of the intersection of different discourses are inherently valuable sources of insight into rabbinic culture.

The discussion of parallel fields in Chapter Two highlights the way knowledge (of Torah) functions as cultural capital. The rabbinic academy is a violently combative space in which knowledge duels are conducted that have political ramifications. The competition for limited positions of prestige within the academies encouraged scholars to knock each other down in order to lift themselves up. These competitions apparently attached to both individual and corporate identities. While it is unclear how one would go about dating the story of R. Dimmi's figs, this story and the aggadic stories that follow it seem to embrace an institutional model of Babylonian academic life. Jeffrey Rubenstein has shown on the basis of the work of David Goodblatt that talmudic texts that betray signs of true institutional life stem from the *Stammaitic* period when such institutions began to appear.[455]

In its legal narratives that culminate in the story of R. Dimmi's figs, Chapter Two draws attention to the subjective nature of adjudication. These highlight the extent to which legal rules are not computed, but interpreted and applied. In his book on Jewish law, Hanina ben Menahem evokes examples of extra-legal adjudication within talmudic legal narratives to argue that Jewish law, as opposed to Western law, handles the tension between equity and justice by empowering its judges, imbued with Torah values, to

---

[454] Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York,: Basic Books, 1973).

[455] Jeffrey L. Rubenstein, "The Rise of the Babylonian Rabbinic Academy: A Reexamination of the Talmudic Evidence," *Jewish Studies, an Internet Journal* 1 (2002): 55-68, Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999). David M. Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Leiden: Brill, 1975).

interpret for the good.[456] I would prefer to consider extra-legal adjudication a more typical phenomenon of all legal systems and the judgments of self-interest in rabbinic legal narratives to be the product of the kind of juggling of cultural norms that I discuss in Chapter Four.

In thinking through the relationship between legal dicta and cultural norms, Chapter Four highlights the extent to which law writes cultural norms as legal rules in an effort to contain them. Dialogical realities are masked as Law convinces itself that its rules substitute for those cultural norms. Within the practice of law all legal systems must determine appropriate procedures for conflicts of law. In this *Sugyah*, the legal narratives and surrounding discursive information tend to avoid articulating such procedures by balancing contradictory rules of law to the point of absurdity. This balancing of formal

---

[456] Hanina Ben-Menahem, *Judicial Deviation in Talmudic Law: Governed by Men, Not by Rules* (Chur [Switzerland] ; New York: Harwood Academic Publishers, 1991), 47 "It is important to realize that there is a misleading gap between the theoretical discussion of the halakhah and its actual application in the judicial process. Legal formalism, the specific, precise, and detailed formulation of halakhic rules on the theoretical plane, the extensive use of minutely defined measures and standards, the shunning of abstract terms such as "reasonable," "good faith," and the like, may create the impression that, in practice, Talmudic halakhah is a pedantic, legalistic system, where rights and obligations are determined by the breadth of a hair. This impression, however, is fundamentally wrong. In most cases a judge's ruling will of course be presented as corresponding to the theoretical formulation. However, the Talmudic judge does not feel chained to the legal norm, and does not hesitate to deviate from it when, in his opinion, circumstances of the case warrant such a deviation. Obviously, we are not dealing here with an arbitrary, wanton deviation. When a judge deviates from the law, he does so in order to enforce the spirit of the Torah as he understands it. But this is a concept that is not susceptible to an objective definition."
The last three sentences of this quotation are challenged by the various examples of rabbinic adjudication motivated by self-interest that are found in this dissertation.
See also at p. 180 "Western legal thinking demands total obedience to the letter of the law, making no allowance for extra-legal considerations….Talmudic law employs a different approach. It allows judges to deviate from the law if, in their opinion, such a course is justified. This is not due to an insensitivity about the importance of legal certainty and stability. Rather, while reasoning along the same lines as their Western counterparts, Jewish jurists arrived at a different conclusion: that good laws by themselves are not sufficient to protect people, and that imperfect laws do not necessarily lead to injustice. The only guarantees against arbitrariness are the judges' sense of responsibility, their esteem for their office, their fidelity to the spirit of the law, and their concern for society. No law by itself can prevent an unscrupulous judge from thwarting justice. Jewish law has come to terms with this problem by implicitly trusting its judges as the ultimate arbiters of justice. The law is regarded as a guiding instrument in their hands rather than as an external, independent entity."

rules masks the *Sugyah*'s own more problematic need to weigh competing cultural values against one another. When R. Naḥman attempts to balance three competing legal rules that reflect cultural norms, he successfully accommodates the rules but completely undermines the cultural values that stand behind the rules as he undercuts the symbolic significance of courtroom postures by bringing a goose in the courtroom and standing out of fear. The *Stam*'s solution of crouching also attempts to satisfy the rules while sacrificing the cultural work that those rules aim to capture. This thinking within the rules also characterizes the difference felt within the *Sugyah*'s discussion of courtroom postures between the initial argument between R. Yehudah and an anonymous position that tries to make postural rules meaningful by grounding them in some outside source of meaning, and the later stories and discourse which are satisfied to consider postures as posited laws without making them meaningful outside of these posited rules.

R. Yosef's call to advantage those who are "with you in Torah and miẓvot" identifies the study of Torah as the supreme cultural value—the doxa. While the fulfillment of the commandments is also necessary to be a social insider, the centrality of Torah study as a belief is not the legacy of earlier periods of rabbinic Judaism, but is the invention of late Babylonian rabbinic Judaism. This has proven to be a lasting cultural contribution of rabbinic Judaism; in contemporary Judaism, belief in Torah study is arguably the one theological principle shared by all denominations of Judaism.

There are thus several ways in which these readings highlight the tension between inside and outside. The *Stam*'s struggle to force dialogical legal narratives into the monological world of law is itself occasioned by the need for those rules of law to control the vagaries of lived life. The move to control culture through law is understandable if

doomed to failure, as the complex dynamic of culture can never be contained by law. This loss of control is one of the causes of rabbinic anxiety, an anxiety that is often transformed into assertions of rabbinic power.

BIBLIOGRAPHY

Albeck, Chanoch. *Mavo La-Mishnah*. Jerusalem: Mossad Bialik, 1966.

Albeck, Chanokh. *Mavo La-Talmudim*. Tel-Aviv: Devir, 1969.

Albeck, Shalom. *Bate Ha-Din Bi-Yeme Ha-Talmud*. Ramat-Gan: Bar Ilan University, 1980.

Alter, Robert. *The Art of Biblical Narrative*. New York: Basic Books, 1981.

Aretaeus. *The Extant Works of Aretaeus, the Cappadocian*. Translated by Francis Adams. London,: Sydeham Society, 1856.

Assaf, Simha. *Teshuvot Ha-Geonim*. Jerusalem, 1928.

Ayali, Meir. *Otsar Kinuye Ovdim Be-Sifrut Ha-Talmud Veha-Midrash*. Tel Aviv: ha-Kibuts ha-meuhad, 1984.

Bakhtin, M. M., and Caryl Emerson. *Problems of Dostoevsky's Poetics*, *Theory and History of Literature ; V. 8*. Minneapolis: University of Minnesota Press, 1984.

Bakhtin, M. M., and Michael Holquist. *The Dialogic Imagination: Four Essays*, *University of Texas Press Slavic Series ; No. 1*. Austin: University of Texas Press, 1981.

Bal, Mieke. *Narratology : Introduction to the Theory of Narrative*. 2nd ed. Toronto ; Buffalo: University of Toronto Press, 1997.

Baron, Jane. "Law, Literature and the Problems of Interdisciplinarity." *The Yale Law Journal* 108 (1999): 1059-85.

Barthes, Roland. *S/Z*. Translated by Richard Miller. [1st American ed. New York,: Hill and Wang, 1974.

Beer, Moshe. *Amorae Bavel*. Ramat-Gan,: Bar Ilan University, 1982.

Ben-Menahem, Hanina. *Judicial Deviation in Talmudic Law: Governed by Men, Not by Rules*, *Jewish Law in Context, V. 1*. Chur [Switzerland] ; New York: Harwood Academic Publishers, 1991.

Benovitz, Moshe. "Critical Commentary to Chapter Shevuot Shtayim Batra of the Babylonian Talmud." The Jewish Theological Seminary of America, 1993.

———. *Maseket Berakhot Min Hatalmud Habavli*, forthcoming.

Bentham, Jeremy, and H. L. A. Hart. *Of Laws in General*. [London]: University of London, Athlone Press, 1970.

Berger, Michael S. *Rabbinic Authority*. New York: Oxford University Press, 1998.

Berkowitz, Beth. "Arguments for Authority: Innovations to Criminal Execution in Rabbinic Law." Columbia University, 2001.

Blau, M.Y. *Shittat Haqadmonim Al Shalosh Bavot*. New York, 1982.

———. *Shittat Haqadmonim on the Tractate Bava Mezia*. New York, 1985.

Bloch, Hermann. *Mavo Hatalmud*. Berlin: Friedlander, 1883.

Bourdieu, Pierre. *The Field of Cultural Production: Essays on Art and Literature*. Translated by Randal Johnson. New York: Columbia University Press, 1993.

———. "The Force of Law: Toward a Sociology of the Juridical Field." *The Hastings Law Journal* 38 (1987): 814-53.

———. *Outline of a Theory of Practice*. Cambridge; New York: Cambridge University Press, 1977.
———. *The Rules of Art: Genesis and Structure of the Literary Field*. Cambridge: Polity Press, 1996.
Boyarin, Daniel. *Carnal Israel: Reading Sex in Talmudic Culture*, *The New Historicism; 25*. Berkeley: University of California Press, 1993.
———. *Intertextuality and the Reading of Midrash*, *Indiana Studies in Biblical Literature*. Bloomington: Indiana University Press, 1990.
———. *A Radical Jew: Paul and the Politics of Identity*, *Contraversions; 1*. Berkeley: University of California Press, 1994.
Brody, Robert. *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture*. New Haven: Yale University Press, 1998.
Brooks, Peter. "Narrativity of the Law." *Law and Literature* 14, no. 1 (2002): 1-9.
———. *Troubling Confessions: Speaking Guilt in Law & Literature*. Chicago: University of Chicago Press, 2000.
Brooks, Peter, and Paul D. Gewirtz. *Law's Stories: Narrative and Rhetoric in the Law*. New Haven: Yale University Press, 1996.
Brown, Francis, S. R. Driver, Charles A. Briggs, Edward Robinson, and Wilhelm Gesenius. *A Hebrew and English Lexicon of the Old Testament, with an Appendix Containing the Biblical Aramaic*. Oxford,: Clarendon Press, 1952.
Brown, Peter. "Bodies and Minds: Sexuality and Renunciation in Early Christianity." In *Before Sexuality*, edited by D. Halperin, J. Winkler and F. Zeitlin. Princeton: Princeton University Press, 1990.
Calabresi, Guido. *The Costs of Accidents; a Legal and Economic Analysis*. New Haven,: Yale University Press, 1970.
Carlton, Dennis, and Avi Weiss. "The Economics of Religion: Jewish Survival and Jewish Attitudes toward Competition in Torah Education." *The Journal of Legal Studies* 30, no. 1 (2001): 253-75.
Caruth, Cathy. *Unclaimed Experience: Trauma, Narrative, and History*. Baltimore: Johns Hopkins University Press, 1996.
Cohen, Avinoam. *Ravina Vehakhme Doro*. Ramat-Gan: Bar-Ilan University, 2001.
Cohen, Stuart. *The Three Crowns: Structures of Communal Politics in Early Rabbinic Jewry*. Cambridge [England] ; New York: Cambridge University Press, 1989.
Cornell, Drucilla, Michel Rosenfeld, David Carlson, and Benjamin N. Cardozo School of Law. *Deconstruction and the Possibility of Justice*. New York: Routledge, 1992.
Cover, Robert M., Martha Minow, Michael Ryan, and Austin Sarat. *Narrative, Violence, and the Law: The Essays of Robert Cover*, *Law, Meaning, and Violence*. Ann Arbor: University of Michigan Press, 1992.
Dan, Joseph. *Studies in Jewish Thought*, *Binah ; V. 2*. New York: Praeger, 1989.
Derrida, Jacques. *Of Grammatology*. Corrected ed. Baltimore: Johns Hopkins University Press, 1998.
———. "Structure, Sign and Play." In *The Structuralist Controversy: The Languages of Criticism and the Sciences of Man*, edited by Richard Macksey and Eugene Donato, 247-72. Baltimore: Johns Hopkins University, 1972.

DeVries, Benjamin. "Ha"Ovda" Kegorem Lehidush Hahalakhah." In *The Leo Jung Jubilee Volume*, edited by Norman Lamm and Leonard Rosenfeld Menahem M. Kasher, 143-148. New York, 1962.
Dimock, Wai-chee. *Residues of Justice: Literature, Law, Philosophy*. Berkeley: University of California Press, 1996.
Duenner, Joseph Zevi Hirsch. *Hiddushei Haritzad*. Jerusalem: Mossad Harav Kook, 1981.
Dworkin, R. M. *Taking Rights Seriously*. Cambridge: Harvard University Press, 1977.
Eagleton, Terry. *Literary Theory: An Introduction*. 2nd ed. Minneapolis, Minn.: University of Minnesota Press, 1996.
Efron, Joshua. *Hikre Ha-Tekufah Ha-Hashmonait : Sheva Sugyot*. Tel Aviv: Hakibbutz Hameuhad, 1980.
Elon, Menachem. *Jewish Law: History, Sources, Principles*. Translated by Bernard Auerbach and Melvin Sykes. A Philip and Muriel Berman ed. Philadelphia: Jewish Publication Society, 1994.
Epstein, J. N. *Mavo Lenusah Hamishnah*. Mahad. 3. ed. Jerusalem: Magnes, 2000.
Epstein, J.N., and E.Z. Melamed. *Mekhilta Derabbi Shimon Ben Yohai*. Jerusalem: Mekize Nirdamim, 1955.
Ewick, Patricia, and Susan S. Silbey. *The Common Place of Law: Stories from Everyday Life*, *Language and Legal Discourse*. Chicago: University of Chicago Press, 1998.
Felman, Shoshana. *Jacques Lacan and the Adventure of Insight: Psychoanalysis in Contemporary Culture*. Cambridge, Mass.: Harvard University Press, 1987.
———. *The Juridical Unconscious: Trials and Traumas in the Twentieth Century*. Cambridge, Mass.: Harvard University Press, 2002.
———. *Literature and Psychoanalysis: The Question of Reading, Otherwise*. Baltimore: Johns Hopkins University Press, 1982.
Felman, Shoshana, and Dori Laub. *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History*. New York: Routledge, 1991.
Fischel, Henry A. *Essays in Greco-Roman and Related Talmudic Literature*, *The Library of Biblical Studies*. New York: Ktav Pub. House, 1977.
Fish, Stanley Eugene. *Is There a Text in This Class?: The Authority of Interpretive Communities*. Cambridge, Mass.: Harvard University Press, 1980.
Flaubert, Gustave. *Sentimental Education*. Translated by Robert Baldick. Baltimore,: Penguin Books, 1964.
Fonrobert, Charlotte Elisheva. *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender*. Stanford, CA: Stanford University Press, 2000.
———. "When Women Walk in the Way of Their Fathers; on Gendering the Rabbinic Claim for Authority." *Journal of the History of Sexuality* 10, no. 3-4 (2001): 398-415.
Fox, Everett. *The Five Books of Moses : Genesis, Exodus, Leviticus, Numbers, Deuteronomy; a New Translation with Introductions, Commentary, and Notes*, *The Schocken Bible ; V. 1*. New York: Schocken Books, 1995.
Fraade, Steven D. "Nomos and Narrative before "Nomos and Narrative"." *Yale Journal of Law and the Humanities* 17, no. 1 (2005).

Fraenkel, Jonah. *Darkhe Ha-Agadah Veha-Midrash*. Masada, Israel: Yad la-Talmud, 1991.
———. *Sippur Haaggadah, Ahdut Shel Tokhen Vezurah*. Tel Aviv: Ben Hayim, 2001.
Freud, Sigmund. *Dora: An Analysis of a Case of Hysteria*. Edited by Philip Rieff. New York,: Collier Books, 1963.
———. *The Standard Edition of the Complete Psychological Works of Sigmund Freud*. Translated by James Strachey. Edited by James Strachey. London,: Hogarth Press, 1953.
Friedman, Shamma. "The Further Adventures of Rav Kahana." In *The Talmud Yerushalmi and Graeco-Roman Culture*, edited by Peter Schafer, 247-71. Tubingen: Mohr Siebeck, 2002.
———. "A Good Story Deserves Retelling." *Jewish Studies, An Internet Journal* 3 (2004): 55-93.
———. "Ketiv Hashemot "Rabbah" U"Rava" Betalmud Habavli." *Sinai* 110 (1992): 140-64.
———. "Leaggadah Hahistorit Betalmud Habavli." In *Sefer Hazikaron Lerabbi Shaul Lieberman*, edited by Shamma Friedman. Jerusalem: The Jewish Theological Seminary of America, 1993.
———. "Mavo Kelali Al Derekh Heqer Hasugya." In *Mehqarim Umeqorot*, edited by H.Z. Dmitrovsky, 283-321. New York: The Jewish Theological Seminary of America, 1978.
———. *Talmud Arukh: Perek Ha-Sokher Et Ha-Umanin*. 2 vols. Jerusalem: The Jewish Theological Seminary of America, 1990.
Gafni, Isaiah. "Maaseh Beit Din Betalmud Habavli." *Proceedings of the American Academy of Jewish Research* 49 (1982): 23-40.
———. *Yahadut Bavel U-Mosdoteha Bi-Tekufat Ha-Talmud*. Jerusalem: Zalman Shazar Center, 1975.
———. *Yehude Bavel Bi-Tekufat Ha-Talmud*. Jerusalem: Zalman Shazar Center, 1990.
———. ""Yeshiva" U"Metivta"." *Zion* 43 (1978): 12-37.
Gaster, Moses. *The Exempla of the Rabbis; Being a Collection of Exempla, Apologues and Tales Culled from Hebrew Manuscripts and Rare Hebrew Books*. New York,: Ktav Pub. House, 1968.
Geertz, Clifford. *The Interpretation of Cultures; Selected Essays*. New York,: Basic Books, 1973.
Geiger, Abraham. *Ha-Mikra Ve-Targumav*. [Jerusalem,: Mossad Bialik, 1949.
Genette, Gerard. *Narrative Discourse: An Essay in Method*. Ithaca, N.Y.: Cornell University Press, 1980.
———. *Narrative Discourse Revisited*. Ithaca, N.Y.: Cornell University Press, 1988.
Ginzberg, Louis, and Israel Davidson. *Ginzei Schechter*. New York: Hermon, 1969.
Goldin, Judah. "The Freedom and Restraint of Haggadah." In *Midrash and Literature*, edited by Geoffrey Hartman, 57-76. New Haven: Yale University, 1986.
Goodblatt, David. "The Babylonian Talmud." In *The Study of Ancient Judaism*, edited by Jacob Neusner. New York: Ktav, 1981.

Goodblatt, David M. *Rabbinic Instruction in Sasanian Babylonia*, *Studies in Judaism in Late Antiquity ; V. 9*. Leiden: Brill, 1975.
Goshen-Gottstein, Alon. *The Sinner and the Amnesiac: The Rabbinic Invention of Elisha Ben Abuya and Eleazar Ben Arach*. Stanford, CA: Stanford University Press, 2000.
Green, William Scott. "What's in a Name?--the Problematic of Rabbinic 'Biography'"." In *Approaches to Ancient Judaism: Theory and Practice*, edited by William Scott Green. Missoula, Montana: Scholars Press, 1978.
Guttmann, Yehiel Mikhel. "Sheelot Akademiyot Betalmud." *Dvir* 1 (1923): 38-87.
Halevy, Isaak. *Dorot Ha-Rishonim*. Frankfurt A.M.: Slobotzky, 1901.
Halivni, David Weiss. *Meqorot Umesorot: Bava Mezia*. Jerusalem: Magnes Press, 2003.
———. *Meqorot Umesorot: Bava Qamma*. Jerusalem: Magnes, 1993.
———. *Meqorot Umesorot: Bava Meẓia*. Jerusalem: Magnes, 2003.
———. *Meqorot Umesorot: Eruvin Upesahim*. Jerusalem: The Jewish Theological Seminary of America, 1982.
———. *Meqorot Umesorot: Miyoma Ad Hagigah*. Jerusalem: The Jewish Theological Seminary of America, 1975.
———. *Meqorot Umesorot: Nashim*. Tel Aviv, Israel: Dvir, 1968.
———. *Meqorot Umesorot: Shabbat*. Jerusalem: The Jewish Theological Seminary of America, 1975.
———. *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law*. Cambridge, Mass.: Harvard University Press, 1986.
———. *Peshat and Derash: Plain and Applied Meaning in Rabbinic Exegesis*. New York: Oxford University Press, 1991.
Hart, H. L. A. *The Concept of Law*. 2nd ed. Oxford and New York: Clarendon Press and Oxford University Press, 1994.
———. *Law, Liberty and Morality*. [1st ed. London, Oxford,: Oxford U.P., 1968.
———. *Punishment and Responsibility : Essays in the Philosophy of Law*. New York: Oxford University Press, 1968.
Hart, H. L. A., and Tony Honore. *Causation in the Law*. Oxford,: Clarendon Press, 1959.
Hasan-Rokem, Galit. *Riqmat Hayyim*. Tel Aviv: Am Oved, 1996.
Haut, Irwin H. *The Talmud as Law or Literature: An Analysis of David W. Halivni's Mekorot Umasorot*. New York: Bet Sha'ar Press, 1982.
Hayes, Christine Elizabeth. *Between the Babylonian and Palestinian Talmuds: Accounting for Halakhic Difference in Selected Sugyot from Tractate Avodah Zarah*. New York: Oxford University Press, 1997.
———. "Displaced Self-Perceptions: The Deployment of "Minim" and Romans in B. Sanhedrin 90b-91a." In *Religious and Ethnic Communities in Later Roman Palestine*, edited by Hayim Lapin, 249-89. Bethesda, Maryland: University Press of Maryland, 1998.
Heinemann, Joseph. *Aggadot Vetoldotehen*. Jerusalem: Keter, 1974.
Heinemann, Joseph, E. Fleischer, and Jakob Josef Petuchowski. *Mehqarim Beaggadah, Targumim Utefilot Yisrael Lezekher Yosef Heineman*. Jerusalem and Cincinnati: Magnes and Hebrew Union College Press, 1981.

Heinemann, Joseph, and Dov Noy. *Studies in Aggadah and Folk-Literature*, *Scripta Hierosolymitana, V. 22*. Jerusalem,: Magnes Press, 1971.
Henshke, David. *Mishnah Rishonah Be-Talmudam Shel Tanaim Aharonim: Sugyot Be-Dine Shomrim*. Ramat Gan: Bar Ilan University, 1997.
Hezser, Catherine. *Form, Function, and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin*, *Texte Und Studien Zum Antiken Judentum; 37*. Tübingen: Mohr, 1993.
———. *The Social Structure of the Rabbinic Movement in Roman Palestine*, *Texte Und Studien Zum Antiken Judentum, 66*. Tübingen: Mohr Siebeck, 1997.
———, ed. *Rabbinic Law in Its Roman and near Eastern Context*, *Texte Und Studien Zum Antiken Judentum ; 97*. Tübingen: Mohr Siebeck, 2003.
Horovitz, S., and I.A. Rabin. *Mekhilta Derabi Yishmael*. Jerusalem: Wahrman, 1970.
Ish Shalom (Friedmann), Meir. *Tanna Debe Eliyahu*. Jerusalem: Faculty of Humanities, Hebrew University, 1902.
Jacobs, Louis. *Structure and Form in the Babylonian Talmud*. Cambridge [England] ; New York: Cambridge University Press, 1991.
Jastrow, Marcus. *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*. Brooklyn: Traditional Press, 1975.
Jewish Publication Society. *Tanakh = [Tanakh]: A New Translation of the Holy Scriptures According to the Traditional Hebrew Text*. 1st ed. Philadelphia: Jewish Publication Society, 1985.
Kahana, Menahem. *Sifre Zuta Devarim*. Jerusalem: Magnes, 2002.
Kalmin, Richard Lee. *The Sage in Jewish Society of Late Antiquity*. New York: Routledge, 1999.
———. *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*, *Brown Judaic Studies; No. 300*. Atlanta, Ga.: Scholars Press, 1994.
Kaminka, Armand. *Mehqarim Bamiqra Vetalmud Uvesifrut Rabbanit*. 2 vols. Tel-Aviv: Devir, 1938.
Katz, Abraham Isaac. *Ginze Talmud Bavli*. Jerusalem: R. Mas, 1975.
Katz, Jacob, and Bernard Dov Cooperman. *Tradition and Crisis: Jewish Society at the End of the Middle Ages*. New York: New York University Press, 1993.
Kennedy, Duncan, and Paul Carrington. *Legal Education and the Reproduction of Hierarchy: A Polemic against the System: A Critical Edition*, *Critical America*. New York: New York University Press, 2004.
Kertzer, David I. *Ritual, Politics, and Power*. New Haven: Yale University Press, 1988.
Kraemer, David Charles. *Reading the Rabbis: The Talmud as Literature*. New York: Oxford University Press, 1996.
LaCapra, Dominick. *History and Memory after Auschwitz*. Ithaca, NY: Cornell University Press, 1998.
Lehman, Marjorie. "A Talmudic Anthology of Aggada: Examining the Ein Yaakov." Columbia, 1993.
Levine, Lee I. *The Rabbinic Class of Roman Palestine in Late Antiquity*. Jerusalem and [New York]: Yad Izhak Ben-Zvi ;The Jewish Theological Seminary of America, 1989.

Levinson, Joshua. "An-Other Woman: Joseph and Potiphar's Wife: Staging the Body Politic." *Jewish Quarterly Review* 87, no. 3-4 (1997): 269-301.
———. ""Tragedies Naturally Performed": Fatal Charades, Parodia Sacra and the Death of Titus." In *Jewish Culture and Society under the Christian Roman Empire*, edited by Richard Kalmin and Seth Schwartz. Leuven: Peeters, 2003.
Lewin, Benjamin Manasseh. *Otsar Ha-Geonim*. Haifa,, 1928.
Libson, Gideon. *Jewish and Islamic Law: A Comparative Study of Custom During the Geonic Period*, *Harvard Series in Islamic Law ; 1*. Cambridge, Mass.: Islamic Legal Studies Program, Harvard Law School, 2003.
Lieberman, Saul. *Greek in Jewish Palestine; Hellenism in Jewish Palestine*. New York: Jewish Theological Seminary of America, 1994.
———. *Tosefta*. Jerusalem: The Jewish Theological Seminary of America, 1988.
———. *Tosefta Kifeshutah*. Jerusalem: The Jewish Theological Seminary of America, 1955.
Lifshitz, Berachyahu. ""Aggadah" Betoldot Torah Sheb'al Peh." *Shenaton Hamishpat Haivri* 22 (2004): 233-328.
Margaliot, Reuben. *Nitsotse Or: Hearot Be-Talmud Bavli*. Jerusalem: Mosad ha-Rav Kuk, 1965.
Margalit, Natan. "Life Containing Texts: The Mishnah's Discourse of Gender, a Literary/Anthropological Analysis." University of California Berkeley, 2001.
Martin, John Levi. "What Is Field Theory?" *American Journal of Sociology* 109, no. 1 (2003).
Martin, Wallace. *Recent Theories of Narrative*. Ithaca: Cornell University Press, 1986.
Meir, Ofra. "Sippure Haaggadah Beheksherim Sifrutiyim Ketofaah Makbilah Lematzave Higgud Mishtanim." *Jerusalem Studies in Hebrew Folklore* 13-14 (1992): 81-98.
———. *Sugyot Bapoetikah Shel Sifrut Hazal*. Tel-Aviv: Sifriyat Poalim, 1993.
Melamed, Ezra Zion. "Hamaaseh Bemishnah Kemekor Lehalakhah." *Sinai* 46 (1954-60): 152-66.
Miller, Patricia Cox. *Biography in Late Antiquity: A Quest for the Holy Man*, *The Transformation of the Classical Heritage ; 5*. Berkeley: University of California Press, 1983.
Moscovitz, Leib. "The Holy One Blessed Be He...Does Not Permit the Righteous to Stumble." (forthcoming).
Naveh, Joseph, and Shaul Shaked. *Amulets and Magic Bowls: Aramaic Incantations of Late Antiquity*. Jerusalem and Leiden: Magnes Press and E.J. Brill, 1985.
Neusner, Jacob. *A History of the Jews in Babylonia*. 5 vols, *South Florida Studies in the History of Judaism ; 217-221*. Atlanta, GA: Scholars Press, 1999.
———. *A Life of Yohanan Ben Zakkai, Ca.1-80 C.E*. 2d ed, *Studia Post-Biblica, V. 6*. Leiden,: Brill, 1970.
Noonan, John Thomas. *Persons and Masks of the Law: Cardozo, Holmes, Jefferson, and Wythe as Makers of the Masks*. Berkeley: University of California Press, 2002.

Obermeyer, Jacob. *Die Landschaft Babylonien Im Zeitalter Des Talmuds Und Des Gaonats: Geographie Und Geschichte Nach Talmudischen, Arabischen Und Andern Quellen*. Frankfurt am Main,: I. Kauffmann, 1929.

Oppenheimer, Aharon. *The Am Ha-Aretz: A Study in the Social History of the Jewish People in the Hellenistic-Roman Period*, *Arbeiten Zur Literatur Und Geschichte Des Hellenistischen Judentums ; 8*. Leiden: E.J. Brill, 1977.

Oppenheimer, Aharon, Benjamin H. Isaac, and Michael Lecker. *Babylonia Judaica in the Talmudic Period*, *Beihefte Zum Tubinger Atlas Des Vorderen Orients. Reihe B, Geisteswissenschaften ; Nr. 47*. Wiesbaden: L. Reichert, 1983.

Paul, Shalom M. *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law*, *Supplements to Vetus Testamentum ; V. 18*. Leiden,: E. J. Brill, 1970.

Posner, Richard A. *Law and Literature*. Rev. and enl. ed. Cambridge, Mass.: Harvard University Press, 1998.

Rabbinovicz, Raphael Nathan Nata. *Sefer Diqduqe Sofrim*. 2 vols. Jerusalem: Ohr Hahokhma, 2002.

Richter, David H. *The Critical Tradition: Classic Texts and Contemporary Trends*. 2nd ed. Boston: Bedford Books, 1998.

Rubenstein, Jeffrey L. "The Bavli's Ethic of Shame." *Conservative Judaism* 53, no. 3 (2001): 27-39.

———. *The Culture of the Babylonian Talmud*. Baltimore, Md.: Johns Hopkins University Press, 2003.

———. "The Rise of the Babylonian Rabbinic Academy: A Reexamination of the Talmudic Evidence." *Jewish Studies, an Internet Journal* 1 (2002): 55-68.

———. *Talmudic Stories: Narrative Art, Composition, and Culture*. Baltimore: Johns Hopkins University Press, 1999.

Ryle, Gilbert. *Collected Papers*. London,: Hutchinson, 1971.

Segal, Eliezer. *Case Citation in the Babylonian Talmud: The Evidence of Tractate Neziqin*, *Brown Judaic Studies ; No. 210*. Atlanta, Ga.: Scholars Press, 1990.

Segal, M. H. *Sefer Ben Sira Ha-Shalem*. Jerusalem: Mosad Bialik, 1958.

Sklare, David Eric. *Samuel Ben Hofni Gaon and His Cultural* World. Leiden ; New York: E.J. Brill, 1996.

Sokoloff, Michael. *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*. Ramat-Gan, Israel and Baltimore: Bar Ilan University Press and Johns Hopkins University Press, 2002.

———. *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period*. 2nd ed, *Dictionaries of Talmud, Midrash, and Targum ; 2*. Ramat Gan, Israel and Baltimore: Bar Ilan University Press and Johns Hopkins University Press, 2002.

Sternberg, Meir. *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading*, *The Indiana Literary Biblical Series*. Bloomington: Indiana University Press, 1985.

Stone, Suzanne Last. "In Pursuit of the Countertext: The Turn to the Jewish Legal Model in Contemporary American Legal Theory." *Harvard Law Review* 106, no. 4 (1993): 813-94.

Strack, Hermann Leberecht, and Gunter Stemberger. *Introduction to the Talmud and Midrash*. 1st Fortress Press ed. Minneapolis: Fortress Press, 1992.
Talbot, Margaret. "Supreme Confidence: The Jurisprudence of Antonin Scalia." *The New Yorker*, March 28, 2005.
Toohey, Peter. "Love, Lovesickness and Melancholy." *Illinois Classical Studies* 17 (1992): 265-86.
Trachtenberg, Joshua. *Jewish Magic and Superstition: A Study in Folk Religion*. Philadelphia: University of Pennsylvania Press, 2004.
Tur-Sinai, Naphtali Herz. *Peshuto Shel Mikra*. Jerusalem: Kiryat Sefer, 1962.
Urbach, Efraim Elimelech. *The Sages, Their Concepts and Beliefs*. Cambridge, Maa.: Harvard University Press, 1987.
Urbach, Ephraim Elimelekh. "Haderashah Keyesod Hahalakhah Ubeayat Hasofrim." *Tarbiz* 27, no. 2-3 (1958).
Wack, Mary Frances. *Lovesickness in the Middle Ages : The Viaticum and Its Commentaries*, *Middle Ages Series*. Philadelphia: University of Pennsylvania Press, 1990.
Wald, Stephen G. *Bt Pesahim III: Critical Edition with Comprehensive Commentary*. New York and Jerusalem: The Jewish Theological Seminary of America, 2000.
Weiss, Abraham. *Al Ha-Yetsirah Ha-Sifrutit Shel Ha-Amoraim*. [New York,, 1961.
———. *Leheqer Hatalmud*. New York: Feldheim, 1954.
Weiss, Isaac Hirsch. *Dor Dor Vedorshav*. 5 vols. Berlin: Platt and Minkus, 1923.
Weissberg. "Odot Batei Din Bizman Hatalmud." In *Sefer Hayovel Lekavot Moshe Aryeh Bloch*. Budapest: Singer Es Wolfner, 1905.
West, Robin. *Caring for Justice*. New York: New York University Press, 1997.
———. *Re-Imagining Justice: Progressive Interpretations of Formal Equality, Rights, and the Rule of Law*, *Applied Legal Philosophy*. Aldershot, Hants, England ; Burlington, VT: Ashgate, 2003.
White, James Boyd. *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law*, *Rhetoric of the Human Sciences*. Madison, Wis.: University of Wisconsin Press, 1985.
Yassif, Eli. *The Hebrew Folktale: History, Genre, Meaning*. Translated by Jacqueline S. Teitelbaum, *Folklore Studies in Translation*. Bloomington, Ind.: Indiana University Press, 1999.

Appendix A: Synopsis of Sanhedrin 75a (Chapter One)[457]

1	Herzog	בפרהסיא	׳אמ	רב	יהודה	׳אמ	רב	מעשה	באדם	אחד	שנתן	עיניו
	Karlsruhe	בפרהסיא	׳אמ	רב	׳יהוד	׳א]	[רב	׳מעש	באדם	אחד	שנתן	עיניו
	Barko	בפרהסיא	׳אמ	רב	יהודה	׳אמ	רב	מעשה	באדם	אחד	שנתן	עיניו
	Vilna	בפרהסיא	אמר	רב	יהודה	אמר	רב	מעשה	באדם	אחד	שנתן	עיניו
2	Herzog	באשה	אחת	והעלה	לבבו		טינה		ושאלו	לרופאים	ואמרו	אין
	Karlsruhe	באשה	[אחת]	[הע]לה	לבו	(באש)	טינה	ובאו	ושאלו	[לרופ]אים	ואמרו	[אין]
	Barko	באשה	אחת	והעלה	לבו		טינא	ובאו	ושאלו	׳לרופאי	ואמרו	אין
	Vilna	באשה	אחת	והעלה	לבו		טינא	ובאו	ושאלו	לרופאים	ואמרו	אין
3	Herzog	לו	תקנה	עד	שתיבעל	לו	אמרו	׳חכמ	ימות	ואל	תיבעל	לו
	Karlsruhe	לו	תקנה	עד	שתיבעל	לו	ואמרו	חכמים	ימות	ואל	תיבעל	לו
	Barko	לו	תקנה	עד	שתבעל	לו	אמרו	חכמים	ימות	ולא	תבעל	לו
	Vilna	לו	תקנה	עד	שתבעל		אמרו	חכמים	ימות	ואל	תבעל	לו
4	Herzog	תעמוד	לפניו	ערומה	ימות	ואל	תעמוד	לפניו	ערומה	תספר	עמו	מאחורי
	Karlsruhe	תעמוד	לפניו	ערומה	ימות	[וא>[ל<	תעמוד	לפניו	ערומה	תספר	עמו	אחורי
	Barko	תעמד	לפניו	ערומה	ימות	ולא	תעמוד	לפניו	ערומה	תספר	עמו	מאחורי
	Vilna	תעמוד	לפניו	ערומה	ימות	ואל	תעמוד	לפניו	ערומה	תספר	עמו	מאחורי
5	Herzog	הגדר	ימות	ואל	תספר	עמו	מאחורי	הגדר	פליגי	בה	׳ר	יעקב
	Karlsruhe	הגדר	ימות	ואל	תספר	׳עמ	אחורי	הגדר	פליגו	בה	׳ר	יעקב
	Barko	הגדר	ימות	ולא	תספר	עמו	מאחורי	הגדר	פליגי	בה	׳ר	יעקב
	Vilna	הגדר	ימות	ולא	תספר	עמו	מאחורי	הגדר	פליגי	בה	׳ר	יעקב

[457] The texts in these synopses are drawn from The Sol and Evelyn Henkind Talmud Text Databank and are punctuated according to its rules.

Appendix A: Synopsis of Sanhedrin 75a (Chapter One)

6	Herzog	בר	אידי	׳ור	ישמעאל	בר	נחמני	חד	אמר	אשת	איש	היתה
	Karlsruhe	בר	אידי	׳ור	׳שמו			חד	׳אמ	אשת	איש	היתה
	Barko	בר	אידי	׳ור	שמואל	בר	נחמני	חד	׳אמ	אשת	איש	היתה
	Vilna	בר	אידי	׳ור	שמואל	בר	נחמני	חד	אמר	אשת	איש	היתה
7	Herzog	וחד	׳אמ	פנויה	היתה	׳בשלמ	למן	׳דאמ	אשת	איש	היתה	שפיר
	Karlsruhe	וחד	׳אמ	פנויה	היתה	׳בשלמ	למאן	׳דאמ	אשת	איש	היתה	׳שפ
	Barko	וחד	׳אמ	פנויה	היתה	׳בשלמ	למאן	׳דאמ	אשת	איש	היתה	שפיר
	Vilna	וחד	אמר	פנויה	היתה	בשלמא	למאן	דאמר	אשת	איש	היתה	שפיר
8	Herzog	אלא	למן	׳דאמ	פנויה		אמאי	כולי	האי	רב	פפא	׳אמ
	Karlsruhe	אלא	למאן	׳דאמ	פנויה	היתה	[מאי]	כולי	האי	רב	פפא	׳אמ
	Barko	אלא	למאן	׳דאמ	פנויה	היתה	מאי	כולי	האי	רב	פפא	׳אמ
	Vilna	אלא	למאן	דאמר	פנויה	היתה	מאי	כולי	האי	רב	פפא	אמר
9	Herzog	משום	פגם	משפחה	רב	אחא	בריה	דרב	איקא	׳אמ	כדי	שלא
	Karlsruhe	משום	פגם	משפחה	רב	אחא	בריה	דרב	׳איק	׳אמ	כדי	שלא
	Barko	משום	פגם	משפחה	רב	אחא	בריה	דרב	איקא	׳אמ	כדי	שלא
	Vilna	משום	פגם	משפחה	רב	אחא	בריה	דרב	איקא	אמר	כדי	שלא
10	Herzog	יהיו		בנות	ישראל	פרוצות	בעריות	ולינסבה	מיסב	לא	מיתבא	דעתיה
	Karlsruhe	[יהו]	(יאמרו)	בנות	׳ישר	פרוצות	בעריות	ולינסבא	מינסב	לא	מיתבא	דעתיה
	Barko	יהו		בנות	׳ישר	פרוצות	בעריות	ולינסבה	׳מינסב	לא	מייתבה	דעתה
	Vilna	יהו		בנות	ישראל	פרוצות	בעריות	ולינסבה	מינסב	לא	מייתבה	דעתיה
11	Herzog	׳כדר	יצחק	׳דאמ	׳ר	יצחק	מיום	שחרב	בית	המקדש	ניטל	טעם
	Karlsruhe	׳כדר	יצחק	דא״ר		יצחק	מיום	שחרב	בית	המקדש	ניטל	טעם
	Barko	׳כדר	יצחק	׳דאמ	׳ר	יצחק	מיום	שחרב	בית	המקדש	ניטלה	טעם
	Vilna	כדרבי	יצחק	דאמר	רבי	יצחק	מיום	שחרב	בית	המקדש	ניטלה	טעם

Herzog	ביאה	וניתן	לעוברי	עבירה	ש׳נ	מים	גנובים	ימתקו	ולחם	סתרים	ינעם
Karlsruhe	ביאה	וניתן	[לעו]ברי	עבירה	ש׳נ	מים	גנובים	ימתקו	ולחם	סתרים	ינעם
Barko	ביאה	וניתנה	לעוברי	עבירה	שנאמר	מים	גנובים	ימתקו	ולחם	סתרים	ינעם
Vilna	ביאה	וניתנה	לעוברי	עבירה	שנאמר	מים	גנובים	ימתקו	ולחם	סתרים	ינעם

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

1	Oxford	׳סיפ	אתאן					לתינוקות	של	בית	רבן	ומתקנת	
	Escorial	סופא	אתאן					לתינוקות	של	בית	רבן	ומתקנת	
	Hamburg	סופא	אתאן					לתינוקות	של	בית	רבן	ומתקנת	
	Vatican 115	סיפא	אתאן					לתינוקות	של	בית	רבן	ומתקנת	של
	Munich	׳סיפ	אתאן					׳לתינוקו	של	׳בי	רבן	׳ומתקנ	
	Florence	סיפא	אתאני	לחצר)	אחרת	(ומותר		לתינוקות	של	בית	רבן	ומתקנת	
	Paris	סופא	אתאן					לתינוקות	של	בית	רבן	ומתקנת	
	Pesaro	סיפא	אתן					׳לתינוקו	של	בית	רבן	ומתקנת	
	Vilna	סיפא	אתאן					לתינוקות	של	בית	רבן	ומתקנת	
2	Oxford	יהושע	בן	גמליאל	ואילך	׳דאמ		רב	יהודה	׳אמ	רב		ברם
	Escorial	יהושע	בן	גמלא	ואילך	׳דאמ		רב	יהודה	׳אמ	רב		
	Hamburg	יהושע	בן	גמלא	ואילך	׳דאמ		רב	יהודה	׳אמ	רב		
	Vatican 115	יהושע	בן	גמלאל	ואילך	׳דאמ		רב	יהודה	׳אמ	רב		ברם
	Munich	׳יהוש	בן	׳גמל	ואילך	׳דא		רב	׳יהוד	׳א	רב		
	Florence	׳יהוש	בן	גמלא	ואילך	׳דאמ		רב	׳יהוד	׳אמ	רב	זביד	ברם
	Paris	יהושע	בן	גמלא	ואילך	׳דאמ		רב	יהודה	׳אמ	רב		
	Pesaro	יהושע	בן	גמלא	ואילך	׳דאמ		רב	יהודה	׳אמ	רב		
	Vilna	יהושע	בן	גמלא	ואילך	דאמר		רב	יהודה	אמר	רב		ברם

Oxford	3	זכור	אותו	האיש	לטוב		ויהושע	בן	גמליאל	שמו	׳שאילמ	הוא
Escorial		זכור	אותו	האיש	לטוב		ויהושע	בן	גמלא	שמו	שאלמלא	הוא
Hamburg		זכור	אותו	האיש	לטוב		׳ויהוש	בן	גמלא	שמו	שאלמלא	הוא
Vatican 115		זכור	לאותו	האיש	לטוב		ויהושע	בן	גמליאל	שמו	שאילמלא	הוא
Munich		זכור	אותו	האיש	לטוב		׳׳יהוש	בן	׳גמל	שמו	׳שאלמל	׳הו
Florence			אתו	האיש	לטוב	׳ור	יהושע	בן	גמלא	שמו	׳שאילמל	הוא
Paris		זכור	אותו	האיש	׳לטו		׳ויהוש	בן	גמלא	שמו	שאלמלא	הוא
Pesaro		זכור	אותו	האיש	לטוב		ויהושע	בן	גמלא	שמו	שאלמלא	הוא
Vilna		זכור	אותו	האיש	לטוב		ויהושע	בן	גמלא	שמו	שאלמלא	הוא
Oxford	4	נשכחת	תורה	׳מישר	שבתחילת	מי	שהיה	לו	אב		מלמדו	׳תור
Escorial		נשתכחה	תורה	מישראל	שבתחלה	מי	שהיה	לו	אב	היה	מלמדו	תורה
Hamburg		נשתכחה	תורה	מישראל	שבתחלה	מי	שיש	לו	אב		מלמדו	תורה
Vatican 115		נשתכחה	תורה	מישראל	שבתחילה	מי	שהיה	לו	אב		מלמדו	תורה
Munich		׳נשתכח	׳תור	׳מישר	׳שבתחיל	מי	שיש	לו	אב		מלמדו	
Florence		נשתכחה	תורה	׳מישר	שבתחילה	מי	שיש	לו	אב		מלמדו	תורה
Paris		נשתכחה	תורה	מישראל	שכתחלה	מי	שהיה	לו	אב		מלמדו	תורה
Pesaro		נשתכח	תורה	מישראל	שבתחלה	מי	שיש	לו	אב		מלמדו	תורה
Vilna		נשתכח	תורה	מישראל	שבתחלה	מי	שיש	לו	אב		מלמדו	תורה

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

5	Oxford	ומי	שלא	היה	לו	אב	לא	היה	מלמדו			מאי
	Escorial	מי	שאין		לו	אב	לא	היה	למד	תורה		מאי
	Hamburg	ומי	שאין		לו	אב	לא	היה	למד	תורה		מאי
	Vatican 115	ומי	שלא	היה	לו	אב	לא	היה	מלמד	תורה		ומאי
	Munich	מי	שאין		לו	אב	לא	היה	׳לומ	׳תור		מאי
	Florence	מי	שאין		לו	אב	לא	היה	לומד	תורה	לו	מאי
	Paris	ומי	שלא	היה	לו	אב	לא	היה	מלמדו	תורה		מאי
	Pesaro	מי	שאין		לו	אב	לא	היה	למד	תורה		מאי
	Vilna	מי	שאין		לו	אב	לא	היה	למד	תורה		מאי
6	Oxford	דרוש	ולמדתם	אותם			התקינו	שהיו	מושיבין	מלמדי	תינוקות	׳ב]ירושלי[
	Escorial	דריש	ולמדתם	אותם	ולמדתם	אתם	התקינו	שיהיו	מושיבין	מלמדי	תינוקות	בירושלים
	Hamburg	דרוש	ולמדתם	אותם	ולמדתם	אתם	התקינו	שיהו	מושיבין	מלמדי	תינוקות	בירושלם
	Vatican 115	דרוש	ולמדת	אותם	את	בניכם	התקינו	שיהו	מושיבים	מלמדי	תינוקות	בירושלים
	Munich	דרוש	׳ולמדת	׳אות	ולמדתם	אתם	התקינו	שיהו	מוש[י]בין	׳מלמ	׳תינוקו	׳בירושל
	Florence	דרוש	ולמדתם	אתם	את	בניכם	התקינו	שיהיו	מושיבין	מלמדי	תינוקות	בירושלים
	Paris	דרוש	ולמדתם	אותם	ולמדתם	אתם	התקינו	שיהו	מושיבין	מלמדי	תורה	בירושלם
	Pesaro	דרוש	ולמדתם	אותם	ולמדתם	אתם	התקינו	שיהו	מושיבין	מלמדי	תינוקות	בירושלם
	Vilna	דרוש	ולמדתם	אותם	ולמדתם	אתם	התקינו	שיהו	מושיבין	מלמדי	תינוקות	בירושלים

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

7	Oxford	[	]							עדיין	מי
	Escorial	מאי	דרוש	כי	מציון	תצא	תורה	ודבר	״י	מירושלים ועדיין	מי
	Hamburg	מאי	דרוש	כי	מציון	תצא	תורה	׳וג		ועדיין	מי
	Vatican 115									ועדיין	מי
	Munich	מאי	דרוש	כי	מציון	׳תצ	׳תור	׳ודב	״י	׳מירושל ועדיין	מי
	Florence	מאי	דרוש	כי	מציון	תצא	תורה			ועדיין	מי
	Paris	מאי	דרוש	כי	מציון	תצא	תורה	׳וגו		ועדין	מי
	Pesaro	מאי	דרוש	כי	מציון	תצא	תורה			ועדין	מי
	Vilna	מאי	דרוש	כי	מציון	תצא	תורה			ועדיין	מי
8	Oxford	שהיה		אב		מעלי		ומלמדו	מאי	דרוש כי	מציון
	Escorial	שהיה	לו	אב	היה	מעלו		ומלמדו			
	Hamburg	שיש	לו	אב		מעלו		ומלמדו			
	Vatican 115	שהיה	לו	אב		מעלו	לשם	ומלמדו			
	Munich	שיש	לו	אב	היה	מעלו		ומלמדו			
	Florence	שיש	לו	אב	היה	מעלו		ומלמדו			
	Paris	שהיה	לו	אב		מעלו		ומלמדו			
	Pesaro	שיש	לו	אב	היה	מעלו		ומלמד			
	Vilna	שיש	לו	אב	היה	מעלו		ומלמדו			

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

9	Oxford	תצא	תורה	ועדיין	מי	שהיה	לו	אב	מעלו	ומלמדו	מי	שלא
	Escorial										מי	שלא
	Hamburg										ומי	שאין
	Vatican 115										ומי	שלא
	Munich										מי	שאין
	Florence										מי	שאין
	Paris										ומי	שלא
	Pesaro										מי	שאין
	Vilna										מי	שאין
10	Oxford	היה		אב	לא	היה	מעלו	ומלמדו				
	Escorial	היה	לו	אב	לא	היה	עולה	ולמד				
	Hamburg		לו	אב	לא	היה	עולה	ולמד				
	Vatican 115	היה	לו		אינו		מעלו		מאי	דרוש	כי	מציון
	Munich		לו	אב	לא	היה	׳עול	ולומד				
	Florence		לו	אב	לא	היה	עולה	ולומד				
	Paris	היה	לו	אב	לא	היה	מעלו	התקינו				
	Pesaro		לו	אב	לא	היה	עולה	ולמד				
	Vilna		לו	אב	לא	היה	עולה	ולמד				

Oxford	11			התקינו	שיהו	מושיבין	מלמדי	תינוקות	בכל	פלך	ופלך	ומכניסי׳
Escorial				התקינו	שיהיו	מושיבין	מלמד	תינוקות	בכל	פלך	ופלך	ומכניסין
Hamburg				התקינו	שיהו	מושיבין	אותן		בכל	פלך	ופלך	ומכניסין
Vatican 115		תורה	תצא	התקינו	שיהו	מושיבים	מלמדי	תינוקות	בכל	פלך	ופלך	ומכניסין
Munich				התקינו	שיהו	׳מושיבי			בכל	פלך	ופלך	ומכניסי׳
Florence				התקינו	שיהו	׳מושבי			בכל	פלך	ופלך	ומכניסין
Paris					שיהו	מושיבין	מלמדי	תינוקות	בכל	פלך	ופלך	ומכניסין
Pesaro				התקינו	שיהו	מושיבין			בכל	פלך	ופלך	ומכניסין
Vilna				התקינו	שיהו	מושיבין			בכל	פלך	ופלך	ומכניסין
Oxford	12	אותן	כבן	שש	עשרה	וכבן	שבע	עשרה				וכשרבו
Escorial			כבן	שש	עשרה	כבן	שבע	עשרה		ומי	שהיה	רבו
Hamburg		אותן	כבן	שש	עשרה	כבן	שבע	עשרה			וכשהיה	רבו
Vatican 115		אותן	כבן	[...]	תשע							וכשרבו
Munich		אותן	כבן	שש	׳עשר	כבן	שבע	׳עשר	שנה		וכשהיה	רבו
Florence		אותו	כבן	שש	עשרה	שנה	כבן	שבע	עשרה		וכשהיה	רבו
Paris		אותן	כבן	שבע	עשרה	וכבן	שש	עשרה				וכשרבו
Pesaro		אותן	כבן	שש	׳עשר	כבן	שבע	׳עשר		ומי	שהיה	רבו
Vilna		אותן	כבן	ט״ז	כבן	י״ז				ומי	שהיה	רבו

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

13	Oxford	כועס	עליו		בועט	בו	ויוצא	עד	שבא		יהושע	בן
	Escorial	כועס	עליו		מבעט	בו	ויוצא	עד	שבא		יהושע	בן
	Hamburg	כועס	עליו	היה	מבעט	בו	ויוצא	עד	שבא		יהושע	בן
	Vatican 115	כועס	עליו		בועט	בו	ויוצא	עד	[...]		יהושע	בן
	Munich	בועט	עליו		מבעט	בו	׳ויוצ	עד	שבא		׳יהוש	בן
	Florence	כועס	עליו		מבעט	בו	ויוצא	עד	שבא	׳ר	׳יהוש	בן
	Paris	כועס			בועט	בו	ויוצא	עד	שבא		יהושע	בן
	Pesaro	כועס	עליו		מבעיט	בו	ויצא	עד	שבא		יהושע	בן
	Vilna	כועס	עליו		מבעיט	בו	ויצא	עד	שבא		יהושע	בן
14	Oxford	גמליאל	ותיקן	שהן	מושיבין	מלמדי	תינוקות				בכל	עיר
	Escorial	גמלא	ותיקן	שיהו	מושיבין			בכל	מדינה	ומדינה	ובכל	עיר
	Hamburg	גמלא	ותקן	שיהו	מושיבין	אותן		בכל	מדינה		ובכל	עיר
	Vatican 115	גמליאל	והתקין	שיהו	מושיבים	מלמדי	תינוקות				בכל	עיר
	Munich	׳גמל	ותקן	שיהו	׳מושיבי			בכל	׳מדינ	׳ומדינ	ובכל	עיר
	Florence	גמלא	ותיקן	שיהו	מושיבין			בכל	מדינה	ומדינה	ובכל	עיר
	Paris	גמלא	ותקן	שיהו	מושיבין	מלמדי	תינוקות				בכל	עיר
	Pesaro	גמלא	ותיקן	שיהו	מושיבין			בכל	מדינה	ומדינה	ובכל	עיר
	Vilna	גמלא	ותיקן	שיהו	מושיבין	מלמדי	תינוקות	בכל	מדינה	ומדינה	ובכל	עיר

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

15	Oxford	ועיר	ומכניסין	אותן	כבן	שש	וכבן	שבע	כי	הא	דא״ל	
	Escorial	ועיר	ומכניסין	אותן	כבן	שש	כבן	שבע			׳אמ	ליה
	Hamburg	ועיר	ומכניסין	אותן	כבן	שש	כבן	שבע			׳אמ	ליה
	Vatican 115	ועיר	ומכניסין	אותן	כבר	שית	כבר	׳שב			א״ל	
	Munich	ועיר	ומכניסין	אותן	כבן	שש	כבן	שבע			א״ל	
	Florence	ועיר	ומכניסין	אותו	כבן	שבע	כבן	שש			׳אמ	׳ל
	Paris	ועיר	ומכניסין	אותן	כבן	שש	וכבן	שבע	כי	הא	׳דאמ	׳לי
	Pesaro	ועיר	׳ומכניסי	אותן	כבן	שש	כבן	שבע			׳אמ	ליה
	Vilna	ועיר	ומכניסין	אותן	כבן	שש	כבן	שבע			אמר	ליה
16	Oxford	רב	לרב	שמואל	בר	שילת	עד	בר	שית	לא	תקביל	מיכן
	Escorial	רב	לרב	שמואל	בר	שילת	עד	בר	שית	לא	תקבל	מכאן
	Hamburg	רב	לרב	שמואל	בר	שילת	עד	בר	שית	לא	תקביל	מיכן
	Vatican 115	רב	לרב	שמואל	בר	שילת	בציר	מבר	שית	לא	תקבל	מיכאן
	Munich	רב	לרב	שמואל	בר	׳שיל	עד	בר	שית	לא	תקבל	׳מכא
	Florence	רב	לרב	שמואל	בר	שילא	עד	בר	שית	לא	תקביל	מיכאן
	Paris	רב	לרב	׳שמו	בר	שילת	בציר	מבר	שית	לא	תקביל	מכאן
	Pesaro	רב	לרב	שמואל	בר	שילת	עד		שית	לא	תקביל	מכאן
	Vilna	רב	לרב	שמואל	בר	שילת	עד		שית	לא	תקביל	מכאן

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

17	Oxford	ואילך	תקביל	ואספי	ליה	כי	תורא	א״ל		רב	לרב	שמואל
	Escorial	ואילך	קביל	ואספי	ליה		כתורא	׳ואמ	ליה	רב	לרב	שמואל
	Hamburg	ואילך	קביל	ואספי	ליה	כי	תורא	׳ואמ	ליה	רב	לרב	שמואל
	Vatican 115	ואילך	תקבל	ואספי	ליה	כי	תורא	א״ל		רב	לרב	שמואל
	Munich	׳ואיל	׳קבי	ואספי	׳לי	כי	׳תור	א״ל		רב	לרב	׳שמו
	Florence	ואילך	תקביל	וספי	ליה		כתורא	׳אמ	׳ל	רב	לרב	שמואל
	Paris	ואילך	קביל	וספי	ליה	כי	תורא	׳אמ	ליה	רב	לרב	שמואל
	Pesaro	ואילך	קביל	ואספו	׳לי		כתורא	׳ואמ	׳לי	רב	לרב	שמואל
	Vilna	ואילך	קביל	ואספי	ליה		כתורא	וא״ל		רב	לרב	שמואל
18	Oxford	בר	שילת	כי	מיחיית		לינוקא	לא		תמחיי	אלא	בארקתא
	Escorial	בר	שילת	כי	מחית		לינוקא	לא	מי	תמחי	אלא	בערקתא
	Hamburg	בר	שילת	כי	מחית		לינוקא	לא		תמחי	אלא	׳בערקת
	Vatican 115	בר	שילת	כי	מחית		לינוקא	לא		תימחי	אלא	ברקתא
	Munich	בר	שילת	כי	׳מחי		׳לינוק	לא		תמחי	׳אל	׳בערקת
	Florence	בר	שילא	כי	מחית	(לא)	לינוקא	לא		תימחי	אלא	בערקתא
	Paris	בר	שילת	כי	מחית		ינוקא			מחי	׳לי	׳בערקת
	Pesaro	בר	שילת	כי	מחית		לינוקא	לא		תימחי	אלא	בערקתא
	Vilna	בר	שילת	כי	מחית		לינוקא	לא		תימחי	אלא	בערקתא

19	Oxford	דמסאנא	דקרי	קרי	דלא	קרי	ליהוי	צוותא		לחבריה	מיתיבי	אחד
	Escorial	דמסנא	דקרי	קרי	ודלא	קרי	ליהוי	צותא		דחבריה	מיתיבי	אחד
	Hamburg	דמסאני	דקארי	קארי	ודלא	קארי	ליהוי	צותא	בעלמא	לחבריה	מיתיבי	אחד
	Vatican 115	דמסנא	דקרי	קרי	ודלא	קרי	ליהוי	צותא		לחבריה	מיתיבי	אחד
	Munich	׳דמסנ	דקרי	קרי	ודלא	קרי	ליהוי	׳צות		׳לחברי	מתיבי	׳אח
	Florence	דמסנא	דקרי	קרי	ודלא	קרי	ליהוי	צוותא		לחבריה	מתיבי	אחד
	Paris	דמסנא	דקרי	קרי	ודלא	קרי	ליהוי	צותא		לחבריה	מיתיבי	אחד
	Pesaro	דמסנא	דקרי	קארי	דלא	קארי	ליהוי	צותא		לחבריה	מיתיבי	אחד
	Vilna	דמסנא	דקארי	קארי	דלא	קארי	ליהוי	צוותא		לחבריה	מיתיבי	אחד
20	Oxford	מבני		חצר	שביקש	לעשות	רופא	או	אומן	או	גרדי	או
	Escorial	מבני		חצר	שביקש	לעשות	רופא		אומן		וגרדי	
	Hamburg	מבני		חצר	שבקש	לעשות	רופא		אומן		וגרדי	
	Vatican 115	מבני	מבוי	חצר	שביקש	ליעשות	רופא	או	אומן	או	גרדי	או
	Munich	מבני		חצר	שבקש	׳לעשו	׳רופ		אומן		וגרדי	
	Florence	מבני		חצר	ביקש	לעשות	אומן				וגרדי	
	Paris	מבני		חצר	שבקש	ליעשות	רופא		אומן		וגרדי	
	Pesaro	מבני		חצר	שביקש	לעשות	רופא		אומן		וגרדי	
	Vilna	מבני		חצר	שביקש	לעשות	רופא		אומן		וגרדי	

21	Oxford	מלמדי	תינוקות	חברו		מעכב	עליו	׳הכ				בתינוקות
	Escorial	ומלמדי	תינוקות	בני	חצר	מעכבין	עליו	הכא	במאי	׳עסיקי		בתינוקות
	Hamburg	ומלמד	תינוקות	בני	חצר	מעכבין	עליו	הכא	במאי	עסיקינן		בתינוקות
	Vatican 115	מלמדי	תינוקות	בני	חצר	מעכבין	עליו	הכא				בתינוקות
	Munich	׳ומלמ	׳תינו	בני	׳חצ	׳מעכבי	עליו	׳הכ	במאי	׳עסי		׳בתינוקו
	Florence	ומלמדי	תינוקות	בני	חצר	מעכבין	עליו	הכא	במאי	׳עסיק		בתינוקות
	Paris	מלמד	תינוקות	בני	חצר	מעכבין	עליו	הכא	במאי	׳עסיקי		בתינוקות
	Pesaro	ומלמד	תינוקות	בני	חצר	מעכבין	עליו	הכא	במאי	עסקינן		בתינוקות
	Vilna	ומלמד	תינוקות	בני	חצר	מעכבין	עליו	הכא	במאי	עסקינן		בתינוקות
22	Oxford	דגוים										
	Escorial	דגוים	ת״ש		שנים	שדרין	בחצר	וביקש	אחד	מהן	ליעשות	רופא
	Hamburg	דגוים	תא	שמע	שנים	שדרים	בחצר	ובקש	אחד	מהן	ליעשות	רופא
	Vatican 115	גוים	ת״ש		שנים	שרוים	בחצר	וביקש	אחד	מהן	ליעשות	רופא
	Munich	׳דגוי	ת״ש		שנים	שרויין	בחצר	׳ובק	׳אח	מהם	׳לעשו	׳רופ
	Florence	דגוים	ת״ש		שנים	שרויין	בחצר	וביקש	אחד	מהן	לעשות	רופא
	Paris	דגוים	ת״ש		שנים	שרויין	בחצר	ובקש	אחד	מהן	ליעשות	רופא
	Pesaro	דגוים	תא	שמע	שנים	שיושבין	בחצר	וביקש	אחד	מהן	לעשות	רופא
	Vilna	דעכו״ם	ת״ש		שנים	שיושבין	בחצר	וביקש	אחד	מהן	לעשות	רופא

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

Oxford	23										
Escorial		אומן	וגרדי		ומלמד	תינוקות	חבירו	מעכב	עליו	הכא	נמי	בתינוקות
Hamburg		אומן			ומלמד	תינוקות	חברו	מעכב	עליו	הכא	נמי	בתינוקות
Vatican 115		או	גרדי	או	מלמד	תינוקות	חבירו	מעכבין	עליו	הכא	נמי	בתינוקות
Munich		׳אומ	וגרדי		׳ומלמ	׳תינוקו	׳חבי	׳מעכ	עליו	׳הכ	נמי	׳בתינוק
Florence		אומן	וגרדי		ומלמד	תינוקות	חבירו	מעכב	עליו	הכא	נמי	בתינוקות
Paris		אומן	גרדי		מלמד	תינוקות	חבירו	מעכב	עליו	הכא	נמי	בתינוקות
Pesaro		ואומן	וגירדי		ומלמד	תינוקות	חבירו	מעכב	עליו	הכא	נמי	בתינוקות
Vilna		ואומן	וגרדי		ומלמד	תינוקות	חבירו	מעכב	עליו	ה״נ		בתינוקות
Oxford	24		ת״ש		מי	שיש	לו	בית	בחצר	השותפין	הרי	זה
Escorial		דגוים	ת״ש		מי	שיש	לו	בית	בחצר	השותפין	הרי	זה
Hamburg		דגוים	תא	שמע	מי	שיש	לו	בית	בחצר	השותפין	הרי	זה
Vatican 115		גוים	ת״ש		מי	שיש	לו	בית	בחצר	השותפין	הרי	זה
Munich		דגוים	ת״ש		מי	שיש	לו	בית	בחצר		הרי	זה
Florence		דגוים	ת״ש		מי	שיש	לו	בית	בחצר	השותפין		
Paris		דגוים	ת״ש		מי	שיש	לו	בית	בחצר	השותפין	הרי	זה
Pesaro		דגוים	תא	שמע	מי	שיש	לו	בית	בחצר	השותפין	הרי	זה
Vilna		דעכו״ם	ת״ש		מי	שיש	לו	בית	בחצר	השותפין	ה״ז	

Oxford	לא	ישכירנו	לא	לרופא	ולא]	[לאומן	לא	לגרדי	ולא	לסופר	יהודי
Escorial	לא	ישכירנו	לא	לרופא	ולא	לאומן	ולא	לגרדי	ולא	לסופר	יהודי
Hamburg	לא	ישכירנו	לא	לרופא	ולא	לאומן	ולא	לגרדי	ולא	לסופר	יהודי
Vatican 115	לא	ישכירנו	לא	לרופא	ולא	לגרדי	ולא	לאומן	ולא	לסופר	יהודי
Munich	לא	ישכיר	בו	׳לרופ	ולא	לאומן	ולא	לגרדי	ולא	׳לסופ	יהודי
Florence	לא	ישכירנו	לא	לרופא	ולא	לאומן	ולא	לגרדי	ולא	לסופר	יהודי
Paris	לא	ישכירנו	לא	לרופא	ולא	לאומן	ולא	לגרדי	ולא	לסופר	יהודי
Pesaro	לא	ישכירנו	לא	׳לרופ	ולא	לאומן	ולא	לגרדי	ולא	לסופר	יהודי
Vilna	לא	ישכירנו	לא	לרופא	ולא	לאומן	ולא	לגרדי	ולא	לסופר	יהודי

Oxford	ולא	לסופר	ארמאי	׳הכ	במאי	׳עסיקנ	בסופר	מתא	׳אמ	רבא	מתקנת
Escorial	ולא	לסופר	ארמאי	הכא	במאי	׳עסיקי	בספר	מתא	׳אמ	רבא	מתקנת
Hamburg	ולא	לסופר	ארמאי				בספרא	דמתא	׳אמ	רבא	מתקנת
Vatican 115	ולא	לסופר	ארמאי	הכא	במאי	עסקינן	בסופר	מתא	׳אמ	רבא	מתקנת
Munich	ולא	׳לסופ	ארמאי				בספר	׳מת	׳א	רבא	׳מתקנ
Florence	ולא	לסופר	ארמאי	הכא			בספר	מתא	׳אמ	רב	מתקנת
Paris	ולא	לסופר	ארמאי	הכא	במאי	׳עסי	בספר	מתא	׳אמ	רבא	מתקנת
Pesaro	ולא	לסופר	ארמאי	הכא	במאי	׳עסי	בסופר	מתא	׳אמ	רבא	מתקנת
Vilna	ולא	לסופר	ארמאי	הכא	במאי	עסקינן	בסופר	מתא	אמר	רבא	מתקנת

Oxford	27	יהושע	בן	גמליאל	ואילך		′ממטינ	ינוקא	ממתא	למתא	אבל	מבי
Escorial		יהושע	בן	גמלא	ואילך	לא	ממטינן	ינוקא	ממתא	למתא	אבל	מבי
Hamburg		יהושע	בן	גמלא	ואילך	לא	ממטינן	ינוקא	ממתא	למתא	אבל	מבי
Vatican 115		יהושע	בן	גמליאל	ואילך	לא	ממטן	′ינוק	ממתא	למתא	אבל	מבי
Munich		′יהוש	בן	′גמל	ואילך	לא	ממטינן	′ינוק	′ממת	′למת		מבי
Florence		′יהוש			ואילך	לא	ממטינן	ינוקא	ממתא	ל]מתא[(		מבי
Paris		יהושע	בן	גמלא	ואילך	לא	ממטינן	ינוקא	ממתא	למתא	אבל	מבי
Pesaro		יהושע	בן	גמלא	ואילך	לא	′ממטי	ינוקא	′ממת	למתא	אבל	מבי
Vilna		יהושע	בן	גמלא	ואילך	לא	ממטינן	ינוקא	ממתא	למתא	אבל	מבי
Oxford	28	כנישתא			ממטנאן		מפסיק	נהרא	לא		ממטנאן	אי
Escorial		כנישתא	לבי	כנישתא	ממטינן	ואי	מפסיק	נקרא			ממטינן	ואי
Hamburg		כנשתא	לבי	כנשתא	ממטינן	ואי	מפסק	נהרא	לא		ממטינן	ואי
Vatican 115		כנישתא	לבי	כנישתא	ממטן	ואי	איכא	נהרא	לא		ממטן	ואי
Munich		′כנישת	לבי	′כנישת	ממטינן	ואי	מפסק	′נהר	לא		′ממטינ	ואי
Florence		כנישתא	לבי	כנישתא	ממטין	ואי	מפסק	נהרא	לא	(מפסיק)	ממטינן	ואי
Paris		כנישתא	לבי	′כניש	ממטינן	ואי	מפסיק	נהרא	לא		ממטינן	ואי
Pesaro		כנישתא	לבי	כנישתא	ממטינן	ואי	מספק	נהרא	לא		ממטינן	ואי
Vilna		כנישתא	לבי	כנישתא	ממטינן	ואי	מפסק	נהרא	לא		ממטינן	ואי

29	Oxford	׳איכ	תותורא	ממטנאן	ואי	׳איכ	גמלא	לא	ממטנאן	׳זימנ	
	Escorial	איכא	תיתורא	ממטינן	ואי	איכא	גמלא	לא	ממטינן	זימנין	דמקרי
	Hamburg	איכא	תיתורא	ממטינן			גמלא	לא	ממטינן		
	Vatican 115	איכא	תותירא	ממטן	ואי	איכא	גמלא	לא	ממטן		
	Munich	׳איכ	׳תיתור	׳ממטי			׳גמל	לא	׳ממטי		
	Florence	איכא	תיתורא	ממטינן	ואי	׳איכ	גמלא	לא	ממטינן		
	Paris	איכא	תיתורא	ממטינן	ואי	איכא	גמלא	לא	ממטינן		
	Pesaro	איכא	תיתורא	׳ממטי	ואי	איכא	גמלא	לא	׳ממטי		
	Vilna	איכא	תיתורא	ממטינן	ואי	איכא	גמלא	לא	ממטינן		
30	Oxford	׳אמ	רבא	סך		מיקרי	דקרי	עשרין	וחמשה		ואי
	Escorial	׳אמ	רבא	סך		מקרי	דרדקי	עשרין	וחמשה	ינוקי	אי
	Hamburg	׳ואמ	רבא	סך		מקרי	ינוקי	עשרין	וחמשה	ינוקי	ואי
	Vatican 115	׳אמ	רבא	סך		ממקרי	דרדקי	עשרין	וחמשה		ואי
	Munich	׳וא	רבא	סך		מקרי	דרדקי	עשרין	׳וחמ	׳ינוק	ואי
	Florence	׳ואמ	רבא	סך	(ממטינן)	מקרי	דרדקי	עשרין	׳וחמש	ינוקי	ואי
	Paris	׳ואמ	רבא	סך		מקרי	דרדקי	׳עשרי	׳וחמש	ינוקי	אי
	Pesaro	׳ואמ	רבא	סך		מקרי	דרדקי	עשרין	׳וחמש	ינוקי	אי
	Vilna	ואמר	רבא	סך		מקרי	דרדקי	עשרין	וחמשה	ינוקי	ואי

31	Oxford	חמשים	מותבינן	תרי	ואי	׳איכ	ארבעין	מותבינן	ליה	ריש	דוכנא	
	Escorial	חמשין	מותבינן	תרי	ואי	איכא	ארבעין	מותבינן		ריש	דוכנא	וגריס
	Hamburg	חמשין	מותבינן	תרי	ואי	איכא	ארבעין	מותבינן		ריש	דוכנא	
	Vatican 115	חמשין	מותבינן	תרתי	ואי	ליכא	חמשין	מותבינן	להו	ריש	דוכנא	
	Munich	׳חמשי	׳מותבינ	תרי			ארבעין	׳מותבי		ריש	׳דוכנ	
	Florence	׳חמשי	מותבין	תרי			ארבעין	מותבינן		ריש	דוכנא	
	Paris	חמשין	׳מותבי	תרי	ואי	איכא	ארבעין	׳מותבי		ריש	דוכנא	
	Pesaro	חמשין	מותבינן	תרי	ואי	איכא	ארבעין	מוקמינן		ריש	דוכנא	
	Vilna	חמשין	מותבינן	תרי	ואי	איכא	ארבעין	מוקמינן		ריש	דוכנא	
32	Oxford	מסייענן	ליה	ממתא	׳ואמ	רבא	האי	מיקרי	דרקי	דגריס		׳ואיכ
	Escorial	לסיועי	ליה		׳ואמ	רבא	האי	מקרי	דרדקי	דגריס	בינוקי	ואיכא
	Hamburg	ומסייעינן	ליה	ממתא	׳ואמ	רבא	האי	מקרי	דרדקי	דגריס		ואיכא
	Vatican 115	ומסייען	ליה	׳ממת	׳דאמ	רבא	האי	מקרי	דרדקי	דגריס		ואיכא
	Munich	׳ומסייעי	׳לי	׳ממת	׳וא	רבא	האי	מקרי	ינוקי	דגריס	טפי	׳ואיכ
	Florence	ומסייעין	ליה	ממתא	׳ואמ	רבא	האי	מיקרי	ינוקי			ואיכא]
	Paris	ומסייעין	׳לי	ממתא	׳ואמ	רבא	האי	מיקרי	דרדקי	דגריס		ואיכא
	Pesaro	ומסייען	ליה	ממתא	׳ואמ	רבא	האי	מקרי	ינוקי	דגריס		ואיכא
	Vilna	ומסייעין	ליה	ממתא	ואמר	רבא	האי	מקרי	ינוקי	דגריס		ואיכא

Oxford	33	׳אחרי		דגריס	טפי	מיניה	לא	מסלקינן	ליה	מ״ט		׳דילמ
Escorial		אחריני		דגריס	טפי	מיניה	לא	מסלקינן	ליה	מאי	׳טעמ	׳דילמ
Hamburg		אחרינא		דגריס	טפי		לא	מסלקינן	ליה	מאי	׳טע	׳דילמ
Vatican 115		אחרינא	דלא	גריס	[..שמ]		לא	מסלקינן	ליה	מאי	טעמא	
Munich		׳אחרינ		׳דגרי	טפי	׳מיני	לא	׳מסלקי	׳מקמי			דא״ל
Florence		[׳אחרינ		דגריס	[טפי]	מיניה	לא	מסלקינן	קמיה			׳דיל
Paris		אחרינא		דגריס	טפי	׳מיני	לא	׳מסלקי	׳לי	מאי	׳טע	דלמא
Pesaro		אחרינא		דגריס	טפי	מיניה	לא	מסלקינן	ליה			דילמא
Vilna		אחרינא		דגריס	טפי	מיניה	לא	מסלקינן	ליה			דלמא
Oxford	34	אתו		אירשולי	ורב	דימי	׳אמ	מנהרדעא				כ״ש
Escorial		אתי		לאירשולי	רב	דימי		מנהרדעא	׳אמ			כל
Hamburg		אתי		לאירשולי	רב	דימי		מנהרדעא	׳אמ			כל
Vatican 115		אתי		לרשולי	ורב	דימי			׳אמ			כל
Munich		אתי		לאירשולי	ורב	דימי		׳מנהרדע	׳א			כ״ש
Florence		אתי	איד	לאירשולי	ורב	דימי		מנהרדעא				כל
Paris		אתו		׳לאירשו	ורב	דימי		מנהרדעא	׳אמ	׳מסלקי	׳לי	וכל
Pesaro		אתי		לאיתרשולי	רב	דימי		מנהרדעא	אמר			כל
Vilna		אתי		לאיתרשולי	רב	דימי		מנהרדעא	אמר			כ״ש

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

Oxford		דגריס	טפי	אי	<...>			קנאת	׳סופרי	תרבה	חכמה
Escorial	שכן	דגריס	טפי					[קנא(ה)][ת	סופרים	תרבה	חכמה
Hamburg	שכן	דגריס		מאי	׳טע			קנאת	סופרים	תרבה	חכמה
Vatican 115	[שכן]	דגריס						קנאת	סופרים	תרבה	חכמה
Munich		דגריס	טפי					׳קנא	׳סופרי	׳תרב	׳חכמ
Florence	שכן	דגריס	טפי					קנאת	סופרים	תרבה	חכמה
Paris	שכן	דגריס	טפי			׳דאמ	מר	קנאת	׳סופרי	׳תרב	חכמה
Pesaro	שכן	דגריס	טפי					קינאת	סופרים	תרבה	חכמה
Vilna		דגריס	טפי					קנאת	סופרים	תרבה	חכמה
Oxford	׳אמ	רבא	הני	תרי	מיקרי	דדרקי	חד	גריס	ולא	דייק	וחד
Escorial	׳ואמ	רבא	הני	תרי	מקרי	דדרדקי	חד	גריס	ולא	דייק	וחד
Hamburg	׳ואמ	רבא	הני	בתרי	מקרי	דרדקי	חד	גריס	ולא	דאיק	וחד
Vatican 115	׳דאמ	רבא	הני	תרתי	מקרי	דרדקי	חד	גריס	ולא	דייק	וחד
Munich	׳וא	רבא	הני		מקרי	דרדקי	חד	גריס	ולא	דייק	וחד
Florence	׳ואמ	רבא	הני	תרי	מקרי	דרדקי	חד	גריס	ולא	דייק	וחד
Paris	׳ואמ	רבא	הני	תרי	מקרי	דרדקי	חד	גריס	ולא	דייק	וחד
Pesaro	ואמר	רבא	הני	תרי	מקרי	דרדקי	חד	גריס	ולא	דייק	וחד
Vilna	ואמר	רבא	הני	תרי	מקרי	דרדקי	חד	גריס	ולא	דייק	וחד

Oxford	37	דייק	ולא	גריס	מותבינן	ההוא	דגריס			מאי	טעמי	שבשתא
Escorial		דייק	ולא	גריס	מותבינן	ההוא	דגריס	ולא	דייק	מאי	׳טעמ	שבשתא
Hamburg		דאיק	ולא	גריס	מותבינן		גריס	ולא	דאיק			ושבשתא
Vatican 115		דייק	ולא	גריס	מותבינן	ההוא	דגריס			מאי	׳טעמ	שבשתא
Munich		דייק	ולא	׳גרי	׳מותבינ	קמי	דגריס	ולא	דייק			׳שבשת
Florence		דייק	ולא	גריס	מותבינן]	קמיה	דגריס	ולא	דייק			שבשתא
Paris		דייק	ולא	גריס	׳מותבי	ההוא	דגריס	ולא	דייק	מאי	׳טע	דשבשתא
Pesaro		דייק	ולא	גריס	מותבינן	ההוא	דגריס	ולא	דייק			שבשתא
Vilna		דייק	ולא	גריס	מותבינן	ההוא	דגריס	ולא	דייק			שבשתא
Oxford	38	ממילא	׳נפק	ורב	דימי	מנהרדעא	׳אמ		מותיבינן	ההוא	דדייק	ולא
Escorial		ממילא	נפקא	רב	דימי	מנהרדעא	׳אמ		מותבינן	ההוא	דדייק	ולא
Hamburg		ממילא	נפקא	רב	דימי	מנהרדעא	׳א		מותבינן		לדאיק	ולא
Vatican 115		ממילא	נפקא	ורב	דימי	מנהרדעא	׳אמ		מותבינן	ההוא	דדייק	ולא
Munich		ממילא	׳נפק	רב	דימי	׳מנהרדע	׳א		מותבינן	קמי	דדייק	ולא
Florence		ממילא	נפקא	ורב	דימי	׳מנהרדע	׳אמ	[(מותבי)	מותבינן	מקמי	דדייק	ולא
Paris		ממילא	נפיק	רב	דימי	מנהרדעא	׳אמ		מותבינן	ההוא	דדייק	ולא
Pesaro		ממילא	נפקא	רב	דימי	מנהרדעא	אמר		מותבינן		דדייק	ולא
Vilna		ממילא	נפקא	רב	דימי	מנהרדעא	אמר		מותבינן		דדייק	ולא

Oxford	39	גריס			דשבשתא		דעל	על	׳דכת	כי	ששת	׳חדשי
Escorial		גריס			דשבשתא	כיון	דעל	על	׳דכתו	כי	ששה	חדשים
Hamburg		גריס			דשבשתא		דעל	על	׳דכת	כי	ששה	חדשים
Vatican 115		גירס	מאי	׳טעמ	שבשתא	כיון	דעל	על	׳דכת	כי	ששה	חדשים
Munich		גריס			׳שבשת		דעל	על	׳דכת	כי	׳שש	׳חדשי
Florence		גריס			שבשתא	כיון	דעל	על	׳דכת	כי	ששה	חדשים
Paris		גריס	מאי	׳טעמ	דשבשתא	כיון	דעאל	עאל	׳דכתי	כי	ששת	׳חדשי
Pesaro		גריס			שבשתא	כיון	דעל	על	׳דכ	כי	ששת	חדשים
Vilna		גריס			שבשתא	כיון	דעל	על	דכתיב	כי	ששת	חדשים
Oxford	40	ישב	שם	יואב	דכל	׳ישר	עד	הכרית	כל	זכר	באד[ו]ם	כי
Escorial		ישב	שם	יואב	וכל	ישראל	עד	הכרית	כל	זכר	באדום	כי
Hamburg		ישב	שם	יואב	וכל	ישראל	עד	הכרית	כל	זכר	באדום	כי
Vatican 115		ישב	שם	יואב			עד	הכרית	כל	זכר	באדום	כי
Munich		ישב	שם	יואב	וכל	׳ישר	עד	׳הכרי	כל	׳זכ	באדום	כי
Florence		ישב	שם	יואב	וכל	׳ישר	עד	הכות	כל	זכר	באדום	כי
Paris		ישב	שם	יואב	וכל	ישראל	עד	הכרית	כל	זכר	באדום	כי
Pesaro		ישב	שם	יואב	וכל	ישראל	עד	הכרית	כל	זכר	באדום	כי
Vilna		ישב	שם	יואב	וכל	ישראל	עד	הכרית	כל	זכר	באדום	כי

Appendix B: Synopsis of Bava Batra 21a (Chapter Two)

41	Oxford	אתא	׳לקמי	דדוד	א״ל	
	Escorial	אתא	לקמיה	דדוד	׳אמ	ליה
	Hamburg	אתא	לקמיה	דדוד	׳אמ	ליה
	Vatican 115	אתא		דדוד	א״ל	
	Munich	׳את	׳לקמ	דדוד	א״ל	
	Florence	אתא	לקמיה	דדוד	׳אמ	
	Paris	אתא	׳לקמי	דדוד	׳אמ	׳לי
	Pesaro	אתא	לקמיה	דדוד	אמר	ליה
	Vilna	אתא	לקמיה	דדוד	אמר	ליה

Appendix C: Synopsis of Bava Batra 21B (Chapter Two)

1	Paris	מאי	׳טעמ	עבדת	הכי	קטלת	׳לזכרי	ושבקת	לנקבות	׳אמ	׳לי	
	Munich	מאי	׳טע	׳עבד	הכי					א״ל		׳דכתי
	Florence	מאי	׳טעמ	עבדת	הכי					׳אמ	׳ל	׳דכת
	Escorial	מאי	׳טעמ	עבדת	הכי					׳אמ	ליה	׳דכתו
	Vilna	מאי	טעמא	עבדת	?הכי					אמר	,ליה	:דכתיב
	Pesaro	מאי	׳טע	עבדת	הכי					אמר	ליה	׳דכת
	Oxford 249 (369)	מאי	׳טע	עבדת	הכי							׳דכת
	Hamburg 165	מאי	׳טע	עבדת	הכי	דקטלת	זכרים	ושבקת	לנקבות	׳אמ	ליה	׳דכת
	Vatican 115	מאי	׳טעמ	עבדת	הכי							׳דכת
2	Paris	תמחה	את	זכר	עמלק	׳אמ	׳לי		אנן	קרינן	זכר	
	Munich	׳תמח	את	זכר	עמלק	א״ל			והאנן	זכר	קרינן	
	Florence	תמחה	את	זכר	עמלק	׳אמ	׳ל	והא	אנן	זכר	קרינן	
	Escorial	תמחה	את	זכר	עמלק	׳אמ	ליה	והא	אנן	זכר	קרינן	ליה
	Vilna	תמחה	את	זכר	.עמלק	אמר	:ליה	והא	אנן	זכר	!קרינן	
	Pesaro	תמחה	את	זכר	עמלק	אמר	ליה	והא	אנן	זכר	קרינן	
	Oxford 249 (369)	תמחה	את	זכר	עמלק	א״ל			אנן	זכר	׳קרינ	
	Hamburg 165	?תמח ה	את	זכר	עמלק	׳אמ	ליה	והא	אנן	זכר	קרינן	
	Vatican 115	תמחה	את	זכר	עמלק	א״ל			אנן	זכר	קרינן	

3	Paris	׳אמ	׳לי	אנא	זכר	אקרינן	אזל	שייליה	לרביה	׳אמ	׳לי	היכי
	Munich	א״ל		׳אנ	זכר	אקריון	אזל	שיילי	׳לרבי	א״ל		היכי
	Florence	׳אמ		אנן	זכר	אקרייון	אזל	שיילוה	לרביה	׳אמ	׳ל	היכי
	Escorial	׳אמ	׳לי	אנא	זכר	אקריין	אזל	שייליה	לרביה	׳אמ	ליה	ה[י]כי
	Vilna	:א״ל		אנא	זכר	.אקריון	אזל	שייליה	,לרביה	אמר	:ליה	היאך
	Pesaro	׳אמ	ליה	אנא	׳זכ	אקריון	אזל	שייליה	לרביה	׳אמ	ליה	היאך
	Oxford 249 (369)						אזל	׳לקמי	רביה	א״ל		הכי
	Hamburg 165	׳אמ	ליה	אנא	זכר	אקריון	אזל	שיליה	לרביה	׳אמ	ליה	היכי
	Vatican 115						אזל	לגבי	רביה	א״ל		מאי
4	Paris	׳אמרי	׳אמ	׳לי			זכר		שקל	ספסירא	ובעא	למיקטליה
	Munich	אקריתו	א״ל				זכר		שקל	׳ספסיר		וקקטיל
	Florence	אקריתן	׳אמ	׳ל			זכר		שקל	ספסירא	ובעא	למיקטליה
	Escorial	אקריתן	׳אמ	ליה			זכר		שקל	ספסירא		למיקטליה
	Vilna	?אקריתן	אמר	:ליה			.זכר		שקל	ספסירא		,למיקטליה
	Pesaro	אקריתן	אמר	ליה			זכר		שקל	ספסירא		למיקטליה
	Oxford 249 (369)	אקריתן	א״ל				זכר		?שק ?א/יו	ספסירא		למיקטליה
	Hamburg 165	אקריתן	׳אמ	ליה	תמחה	את	זכר	עמלק	שקל	ספסירא	ובעא	למקטליה
	Vatican 115	אקריתון	א״ל				זכר		שקל	ספסידא		למיקטליה

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

Paris	5	′אמ		′לי	אמאי		′אמ	′לי	′דכתי	ארור	′עוש	מלאכת
Munich		א״ל	ליה	(דן)	מאי				′דכת	ארור	′עוש	′מלאכ
Florence		′אמ		′ל	א<.	י<	′אמ	′ל	′דכת	ארור	עושה	מלאכת
Escorial		′אמ		ליה	אמאי				′דכתו	ארור	עושה	מלאכת
Vilna		אמר		ליה:	?אמאי	א״ל,			:דכתיב	ארור	עושה	מלאכת
Pesaro		אמר		ליה	אמאי				′דכת	ארור	עושה	מלאכת
Oxford 249 (369)		א״ל								ארור	עושה	מלאכת
Hamburg 165		′אמ		ליה	אמאי		′אמ	ליה	′דכת	ארור	עשה	מלאכת
Vatican 115		א״ל			אמאי				′דכת	ארור	עשה	מלאכת
Paris	6	ייי		רמיה					′לי	′שבקי	להוא	גברא
Munich		′יי		רמיה						′שבקי	′להו	′גבר
Florence		ייי		מיה<					′ל	שבקיה	להוא	גברא
Escorial		(השם)		רמיה					ליה	שבקיה	להוא	גברא
Vilna		′ה		.רמיה					:א״ל	שבקיה	להוא	גברא
Pesaro		′ה		רמיה					ליה	שבקיה	להוא	גברא
Oxford 249 (369)		השם		רמיה					א״ל	שבקא	להוא	גברא
Hamburg 165		ייי		רמיה	וארור	מנע	חרבו	מדם	ליה	שבקיה	להוא	גברא
Vatican 115		′ה		רמייה					א״ל	שבקיה	להוא	גברא

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

7	Paris	דליקום	בארור	׳אמ	׳לי		ארור	מונע	חרבו	מדם	?שקל]	ספסירא
	Munich	׳ליקו	בארור	א״ל		׳כתי	ארור	מונע	חרבו	מדם	שקל	׳ספסיר
	Florence	ליקום	<.באר	׳אמ	׳ל	׳כת	ארור	מונע	חרבו	מדם		
	Escorial	דקאי	בארור	׳אמ	ליה	׳כתו	ארור	מונע	חרבו	מדם		
	Vilna	דליקום	!בארור	,א״ל		:כתיב	וארור	מונע	חרבו	!מדם	איכא	:דאמרי
	Pesaro	ליקום	בארור	אמר	ליה	׳כת	וארור	מונע	חרבו	מדם		
	Oxford 249 (369)	׳ליקו	בארור	א״ל		׳כתי	ארור	מונע	חרבו	מדם		
	Hamburg 165	בארור	׳אמ	ליה		׳כת	ארור	מונע	חרבו	מדם		
	Vatican 115	דליקו	בארור	א״ל			ארור	מונע	חרבו	מדם	שקל	ספסידא
8	Paris	[וקטליה					׳ואמ	רבא			מקרי	דרדקי
	Munich	׳וקטלי					׳וא	רבא			מקרי	דרדקי
	Florence	?קטלי?ה					׳ואמ	רבא			מקרי	דרדקי
	Escorial	וקטליה					׳אמ	רבא	סימ״ן	משט״ן	מקרי	דרדקי
	Vilna	,קטליה	ואיכא	:דאמרי	לא	.קטליה	ואמר	:רבא			מקרי	,ינוקא
	Pesaro						אמר	רבא			מקרי	ינוקי
	Oxford 249 (369)						אמר	רבא			מיקרי	דרדקי
	Hamburg 165						׳אמ	רבא			מקרי	דרדקי
	Vatican 115	וקטליה					׳אמ	רבא			מקרי	דרדקי

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

Paris	9	שתלא	טבחא	ואומנא		וספר	מתא	כולן	כמותרין	ועומדין	הן
Munich		׳שתל	טבחא	׳ואומנ		וספר	׳מת	כולהו	כמותרין	׳ועומדי	דמו
Florence		שתלא	טבחא	[א?ומנא?		וספר	מתא	כולהו	כמותרין	ועומדין	דמו
Escorial		שתלא	טבחא	ואומנא		וספר	מתא	כלן	כמותרין	ועומדין	ומסלקינן
Vilna		שתלא,	טבחא,	ואומנא		וסופר	מתא	כולן	כמותרין	ועומדין	.נינהו
Pesaro		שתלא	טבחא	ואומנא		וספר	מתא	כולן	כמותרין	ועומדין	נינהו
Oxford 249 (369)		שתלא	וטבחא	ואומנא		וספר	מתא	כולן	מותרין	ועומדין	הן
Hamburg 165		שתלא	וטבחא	ואומנא		וספר	מתא	כולן	כמותרין	ועומדין	דמו
Vatican 115		שתלא	וטבחא	ואומנא	[...]	וספר	מתא	כולן	מותרין	ועומדין	ומסלקינן
Paris	10				כללא	דמילתא	כל	פסידא		דלא	הדר
Munich		להו	בלא	׳אתרית	׳כלל	׳דמילת	כל	׳פסיד		דלא	הדר
Florence					כללא	דמילתא	כל	פסידא		דלא	הדר
Escorial		להו	בלא	התראה	כללא	דמילתא	כל	פסידא		דלא	הדר
Vilna					כללא	:דמילתא	כל	פסידא		דלא	הדר
Pesaro					כללא	דמילתא	כל	פסידא		דלא	הדר
Oxford 249 (369)					כללא	דמילתא	כל	פסידא			הדר
Hamburg 165					כללא	דמלתא	כל	פסידא		דלא	הדר
Vatican 115		להו	בלא	התראה	כללא	דמילתא	כל	פסידא	דמילתא	דלא	הדר

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

11	Paris	ועומד	הוא					′אמ	רב	הונא	האי	בר
	Munich	′ועומ	′הו					′א	רב	′הונ	האי	בר
	Florence	ועומד	הוא					′אמ	רב	הונא	האי	בר
	Escorial	ועומד	דמי					′אמ	רב	הונא	האי	בר
	Vilna	ועומד	.הוא					אמר	רב	:הונא	האי	בר
	Pesaro	ועומד	הוא					אמר	רב	הונא	האי	בר
	Oxford 249 (369)	ועמדין	דמיא	ומסלקינן	להו	בלא	התראה	′אמ	רב	הונא	האי	בר
	Hamburg 165	ועומד	הוא					′אמ	רב	הונא	האי	בר
	Vatican 115	ועומד	הוא					′אמ	רב	הונא	האי	בר
12	Paris	מבואה			דאוקי	רחיא	ואתא	בר	מבואה	חבריה		ומוקי
	Munich	′מבוא			דאוקים	′רחיי	′ואת	בר	′מבוא	′חברי		וקמוקים
	Florence	מבואה			דאוקים	ריחיא	ואתא	בר	מבואה	חבריה	וקם	ומוקים
	Escorial	מבואה			דאוקים	רחיא	ואתא	בר	מבואה	חבריה	וקא	מוקים
	Vilna	מבואה			דאוקי	,ריחיא	ואתא	בר	מבואה	חבריה		וקמוקי
	Pesaro	מבואה			דאוקי	ריחיא	ואתא	בר	מבואה	חבריה	קא	מוקי
	Oxford 249 (369)	מבואה			דאוקי	ריחא	ואתא	בר	מבואה	′אחרינ	וקא	′מוקינ
	Hamburg 165	מבואה			דאוקים	רחיא	ואתא	בר	מבואה	חבריה	קא	מוקים
	Vatican 115	מבואה					דאתא			חבריה		אוקי

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

13	Paris	׳רחי	גביה	דינא	הוא	דמעכב	עליה	׳דאמ	׳לי	קא		מפסקת
	Munich		׳גבי	׳דינ	׳הו	דניעכב	׳עילוי	דא״ל				׳פסק
	Florence		גביה	דינא	הוא	דמעכב	עילויה	׳דאמ	׳ל	קא		פסקת
	Escorial	רחיא	גביה	דינא	הוא	דמעכב	עילויה	׳דאמ	ליה	קא		מפסקת
	Vilna		,גביה	דינא	הוא	דמעכב	,עילויה	:דא״ל		קא		פסקת
	Pesaro		גביה	דינא	הוא	דמעכיב	עילויה	׳דאמ	ליה	קא		פסקת
	Oxford 249 (369)	ריחא	גבי	דינה	הוא	דמעכב	עילויה	דא״ל		קא		פסקא
	Hamburg 165		גביה	דינא	הוא	דמעכיב	עילויה	׳דאמ	ליה	קא		פסקת
	Vatican 115	ריחיא	עליה	דינא		דמעכב	עליה	׳דאמ	׳לי			פסקת
14	Paris	לחיותאי	לימא	מסייעא	׳לי			׳מרחיקי				מצודת
	Munich	לחיותאי	׳לימ	מסייע	׳לי			׳מרחיקי				מצודת
	Florence	לחיותא	׳לימ	מסייע	ליה			מרחיקין				מצודת
	Escorial	לחיותאי	לימא	מסייע				מרחיקין				מצודת
	Vilna	.לחיותי	לימא	מסייע	:ליה			מרחיקים				מצודת
	Pesaro	לחיותי	לימא	מסייע	ליה			מרחיקין				מצודת
	Oxford 249 (369)	לחוותאי	׳לימ	מסייע	ליה			מרחיקין				מצודת
	Hamburg 165	לחיותי	לימא	מסייעא	ליה	לרב	הונא	מרחיקין	)	(		מצודת
	Vatican 115	לחיותאי	לימא	מסייע	ליה			מרחיקין				מצודת

15	Paris	מן	הדג					כמלוא	ריצת	הדג	
	Munich	הארגמן	הדג					כמלא	ריצ׳	הדג	
	Florence	מן	הדג					כמלא	ריצת	הדג	
	Escorial		דג					כמלא	ריצת	הדג	ועד
	Vilna	מן	הדג					כמלא	ריצת	הדג;	
	Pesaro	מן	הדג					כמלא	ריצת	הדג	
	Oxford 249 (369)	מן	הדג					כמלא	ריצת	הדג	
	Hamburg 165	מן	+הדג	מצודת]	הדייג	ממצודת	דייג	כמלא [אחר	ריצת	הדג	ועד
	Vatican 115	מן	הדג					כמלא	ריצת	גד	
16	Paris	וכמה	׳אמ		רבא	בר	רב	עד הונא	׳פרס	שני	דגים
	Munich		׳וא		׳רב	בר	רב	עד ׳הונ	׳פרס	שני	׳דגי
	Florence	וכמה	׳אמ		רבה	בר	רב	הונא	פרסה	שאני	דגים
	Escorial	כמה	׳אמ	׳ר	רבה	בר	רב	עד הונא	פרסה	שאנו	דגים
	Vilna	?וכמה	אמר		רבה	בר	רב	:הונא עד	!פרסה	שאני	,דגים
	Pesaro	וכמה	׳אמ		רבה	בר	רב	עד הונא	פרסה	שאני	דגים
	Oxford 249 (369)	וכמה	׳אמ		רבה	בר	רב	עד הונא	פרסה	שאני	דגים
	Hamburg 165	כמה	׳אמ		רבה	בר	רב	עד הונא	פרסה	שאני	דגים
	Vatican 115	וכמה	׳אמ		רבה	בר	רב	עד הונא	פרסה	שאני	דגים

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

Paris	17	דיהבי	סיארא	גרש"י]	[סיידא	ʼאמ	ʼלי	רבינא		לרבא	לימא	רב
Munich		דיהבי	סיירא			א"ל		רבינא		לרבא	ʼלימ	רב
Florence		דייהבי	סיירא			ʼאמ	ʼל	ʼרבינ		לרבא	ʼלימ	רב
Escorial		דיהבי	סיארא			ʼאמ	ליה	(רב(הונא	[ינא]	לרבה	ʼלימ	רב
Vilna		דיהבי	.סייארא			א"ל		רבינא		:לרבא	,לימא	רב
Pesaro		דיהבי	סייארא			ʼאמ	ליה	רבינא		לרבא	לימא	רב
Oxford 249 (369)		דייהבי	שיירא			א"ל		רבינא		לרבא	לימא	רב
Hamburg 165		דיהבי	סירא			ʼאמ	ליה	רבינא		לרבא	לימא	רב
Vatican 115		דייהבי	סיירא			ʼאמ	ליה	רבינא		לרבא	לימא	רב
Paris	18		הונא	ʼדאמ	ʼכר	יהודה	דתנן	ʼר	יהודה	ʼאומ	לא	יחלק
Munich			ʼהונ	ʼדא	ʼכר	ʼיהוד	דתנן	ʼר	ʼיהוד	ʼאו	לא	יחלק
Florence			הונא	ʼדאמ	ʼכר	ʼיהוד	דתנן	ʼר	ʼיהוד	ʼאומ	לא	יחלק
Escorial		(יהודה)	הונא	ʼדאמ	ʼכר	יהודה	דתנן	ʼר	יהודה	ʼאו	לא	יחלק
Vilna			הונא	דאמר	כרבי	;יהודה	,דתנן	רבי	יהודה	:אומר	לא	יחלק
Pesaro			הונא	דאמר	ʼכר	יהודה	דתנן	ʼר	יהודה	אומר	לא	יחלק
Oxford 249 (369)			הונא	ʼדאמ	כרב	ʼיהוד	דתנן	ʼר	ʼיהוד	ʼאמ	לא	יחלוק
Hamburg 165			הונא	ʼדאמ	ʼכר	יהודה	דתנן	ʼר	ʼיהוד	ʼאומ	לא	יחלק
Vatican 115			הונא	ʼדאמ	ʼכר	ʼיהוד	דתנן	ʼר	יהודה	ʼאו	לא	יחלוק

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

19	Paris	חנוני		קליות	ואגוזי	לתינוקו	מפני	שמרגילן	לבוא	אצלו	וחכמי	מתירין
	Munich	חנוני		קליו	ואגוזי	לתינוקו	מפני	שמרגילן	לבא	אצלו	וחכמ	מתירי
	Florence	חנויי		קליות	ואגודים	לתינוקות	מפני	שמרגילין	לבא	אצלו	וחכמ	מתירין
	Escorial			קליות	ואגוזים	לתינוקות	מפני	שמרגילן		אצלו	וחכמי	מתירי
	Vilna	חנוני		קליות	ואגוזין	,לתינוקות	מפני	שמרגילן		,אצלו	וחכמים	!מתירין
	Pesaro	חנווני		קליות	ואגוזין	לתינוק	מפני	שמרגילן		אצלו	וחכמים	מתירין
	Oxford 249 (369)	חנווני		קליות	ואגוזין	לתינוקו	מפני	שמרגילין	לבא	אצלו	וחכמי	מיתורין
	Hamburg 165	חנוני		קליות	ואגוזין	לתינוקות	מפני	שמרגילן	לבא	אצלו	וחכמ	מתירין
	Vatican 115	חנוני	לתינוקות	קליות	ואגוזים		מפני	שמרגילין	לבא	אצלו	וחכמים	מתירים
20	Paris	אפי	תימא	רבנן	עד	כאן	לא		פליגי	רבנן	עלי	דר
	Munich	אפי	תימ	רבנן	ע"כ		לא		פליגי	רבנ	עלי	דר
	Florence	אפיל	תימא	רבנן	על	כאן	לא		פליגי	רבנן	עליה	דר
	Escorial	אפי		רבנן	עד	כאן	לא	קא	פליגי	רבנן	עליה	דר
	Vilna	אפי	תימא	,רבנן	עד	כאן	לא		פליגי	רבנן	עליה	דרבי
	Pesaro	אפילו	תימא	רבנן	עד	כאן	לא		פליגי	רבנן	עליה	דר
	Oxford 249 (369)	אפי	תימ	רבנן	עד	כאן	לא		קאמרי	רבנן		
	Hamburg 165	אפלו	תימא	רבנן	עד	כאן	לא		פליגי	רבנן	עליה	דר
	Vatican 115	אפילו	תימא	רבנן	עד	כאן	לא		קאמרי	רבנן		

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

21	Paris	יהודה	התם	אלא	׳דאמ	׳לי	אנא		פליגנא			אמגוזי
	Munich	׳יהוד	׳הת	׳אל	דא״ל		׳אנ		׳קמפליגנ			אמגוזי
	Florence	׳יהוד	התם	אלא	׳דאמ	׳ל	אנא	קא	פליגנא			אמגוזי
	Escorial	יהודה	התם	אלא	׳דאמ	ליה	אנא		פליגנא			אמגוזאי
	Vilna	יהודה	התם	אלא	דאמר	:ליה	אנא		קמפלגינא			,אמגוזי
	Pesaro	יהודה	התם	אלא	׳דאמ	׳לי	אנא		קמפלגינא			אמגוזי
	Oxford 249 (369)		׳הת	דא״ל			אנא		׳פליגת	<...>	קליות	ואגוזין
	Hamburg 165	יהודה	התם	אלא	׳דאמ	ליה	אנא		פליגנא			אמגוזי
	Vatican 115		התם	דאמרי			אנא		פליגנא			שי[ב]סקי
22	Paris	אתפלוג			שיסקי	אבל	הכא	מצי			׳אמ	ליה
	Munich	את		פלוג	שיסקי	אבל	׳הכ				א״ל	
	Florence	את	קא	?פלו?ג	שיבקי	אבל	הכא	אפילו	רבנן	מודו	׳אמ	׳ל
	Escorial	ואת		פלוג	שיסקי	אבל	הכא				׳אמ	ליה
	Vilna	את		פלוג	,שיוסקי	אבל	הכא	אפילו	רבנן	,מודו	:דא״ל	
	Pesaro	את		פלוג	שיסקי	אבל	הכא	אפילו	רבנן	מודו	׳דאמ	ליה
	Oxford 249 (369)	ואת		פליג	שיסקי	אבל	׳הכ	׳אפי	לרבן	מודו	דא״ל	
	Hamburg 165	את		פליג	שסקי	אבל	הכא				׳אמ	ליה
	Vatican 115	ואת		פלוגא	מגוזי	אבל	הכא	אפילו	רבנן	מודו	דא״ל	

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

23	Paris	קא	פסקת		לחיותאי	מיתיבי	עושה	אדם	חנות	בצד	חנות	
	Munich		׳קפסק	ליה	לחיותאי	מתיבי	׳עוש	׳אד	׳חנו	בצד	חנותו	של
	Florence	קא	פסקת	ליה	לחיותאי	מתיבי	עושה	אדם	חנות	בצד	חנותו	של
	Escorial	קא	פסקת	לה	לחיותאי	מיתיבי	עושה	אדם	חנות	בצד	חנותו	של
	Vilna	קא	פסקת	ליה	.לחיותי	:מיתיבי	עושה	אדם	חנות	בצד	חנותו	של
	Pesaro	קא	פסקת	ליה	לחיותי	מיתיבי	עושה	אדם	חנות	בצד	חנותו	של
	Oxford 249 (369)	קא	פסקת		לחיותאי	מיתיבי	עושה	אדם	חנות	בצד	חנותו	של
	Hamburg 165	קא	פסקת	ליה	לחיותאי	מיתיבי	עושה	אדם	חנות	בצד	חנות	של
	Vatican 115		קפסקת	לי	לחיותאי	מתיבי	עושה	אדם	חנות	בצד	חנות	של
24	Paris	חבירו	ומרחץ	בצד	מרחץ		חבירו	ואין	׳יכו	למחות		
	Munich	׳חבי	׳ומרח	בצד	מרחצו	של	׳חבי	׳ואי	׳יכו	׳למחו	בידו	מפני
	Florence	חבירו	ומרחץ	בצד	מרחץ	של	חבירו	ואינו	יכול	למחות	בידו	מפני
	Escorial	חבירו	ומרחץ	בצד	מרחצו	של	חבירו	ואינו	יכול	למחות	בידו	מפני
	Vilna	,חבירו	ומרחץ	בצד	מרחצו	של	,חבירו	ואינו	יכול	למחות	,בידו	מפני
	Pesaro	חבירו	ומרחץ	בצד	מרחיצו	של	חבירו	ואינו	יכול	למחות	בידו	מפני
	Oxford 249 (369)	חבירו	ומרחץ]	בצד	מרחץ	של	[חבירו	ואינו	יכול	לימחות	בידו	מפני
	Hamburg 165	חברו	מרחץ	בצד	מרחצו	של	חברו	ואינו	יכול	למחות	בידו	מפני
	Vatican 115	חבירו	ומרחצו	בצד	מרחצו	של	חבירו	ואינו	יכול	למחות	בידו	מפני

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

Paris	25	שיכול	׳לומ		לו	אתה	עושה		בשלך	ואני		עושה
Munich		׳שיכו	׳לומ		לו	׳את	׳עוש	׳בתו	שלך	ואני	׳עוש	׳בתו
Florence		שיכול	לומר		לו	אתה	עושה	בתוך	שלך	ואני	עושה	בתוך
Escorial		שיכול	׳לומ		לו	אתה	עושה	בתוך	שלך	ואני	עושה	בתוך
Vilna		שיכול	לומר		:לו	אתה	עושה	בתוך	שלך	ואני	עושה	בתוך
Pesaro		שיכול	לומר		לו	אתה	עושה	בתוך	שלך	ואני	עושה	בתוך
Oxford 249 (369)		שיכול	׳לומ		לו	אתה	עושה	בתוך	שלו	ואני	עושה	בתוך
Hamburg 165		שיכול	(ל?ו?מר)	לומר	לו	אתה	עושה	בתוך	שלך	ואני	עושה	בתוך
Vatican 115		שיכול	לומר		לו	אתה	עושה	בתוך	שלך	ואני		בתוך
Paris	26	בשלי	תנאי	היא	דתניא	כופין	בני	מבואות	זה	את	זה	שלא
Munich		שלי	תנאי	׳הי	׳דתני	׳כופי	בני	׳מבואו	זה	את	זה	שלא
Florence		שלי	תנאי	היא	דתניא	כופין	בני	מבואות	זה		אזה	שלא
Escorial		שלי	תנאי	היא	דתניא	כופין	בני	מבואות	זה	את		שלא
Vilna		!שלי	תנאי	;היא	:דתניא	כופין	בני	מבואות	זה	את	זה	שלא
Pesaro		שלי	תנאי	היא	דתניא	כופין	בני	מבואות	זה	את	זה	שלא
Oxford 249 (369)		שלי	תנאי	היא	׳דתני	כופין	בני	מבוי	זה	את	זה	שלא
Hamburg 165		שלי	תנאי	היא	דתניא	כופין	בני	מבוי	זה	את	זה	שלא
Vatican 115		שלי	תנאי	היא	דתניא	כופין	בני	מבוי	זה	את	זה	שלא

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

Paris	27	להושיב	ביניהן		חייט		ספר		בורסי			
Munich		׳להושי	׳ביניה	לא	חייט			ולא	בורסקי			
Florence		להושיב	ביניהם	לא	חייט	ולא	ספר	ולא	בורסקי			
Escorial		להושיב	ביניהן	לא	חייט	ולא	ספר	ולא	בורסין	ולא	מלמדי	תינוקות
Vilna		להושיב	ביניהן	לא	חייט			ולא	,בורסקי	ולא	מלמד	,תינוקות
Pesaro		להושיב	ביניהן	לא	חייט			ולא	בורסקי			
Oxford 249 (369)		להושיב	ביניהן	לא	חייט	ולא	ספר	ולא	בורסי	ולא	מלמדי	תינוקות
Hamburg 165		להושיב	ביניהן	לא	חייט			ולא	בורסי			
Vatican 115		להושיב	בניהם	לא	חייט	ולא	ספר	ולא	בורסקי	ולא	מלמדי	תינוקות
Paris	28	ולא	אחד		מבעלי	׳אומניו	ולשכנו	אין	כופהו	רשב״ג		
Munich		ולא	׳אח		מבעלי	׳אומניו	ולשכנו	׳אי	כופהו	רשב״ג		
Florence		ולא	אחד		מבעלי	אומנות	ולשכינו	אין	כופיהו	רבן	׳שמע	בן
Escorial							ולשכנו	אין	כופהו	רבן	שמעון	בן
Vilna		ולא	אחד	מבני	בעלי	,אומניות	ולשכנו	אינו	;כופיהו	רשב״ג		
Pesaro		ולא	אחד	מבני	בעלי	אומניות	ולשכנו	אינו	כופיהו	רבן	שמעון	בן
Oxford 249 (369)							ולשכינו	אינו	כופיהו	׳דר	׳שמע	בן
Hamburg 165		ולא	אחד		מבעלי	אומניות	ולשכינו	אין	כופה	ורבן	שמעון	בן
Vatican 115							ולשכינו	אינו	כופהו	רבן	שמעון	בן

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

Paris	29	′או		אף	לשכנו	כופהו	′אמ	רב	הונא	בריה]	דרב	[יהושע
Munich		′או		אך	לשכנו	כופהו	′א	רב	′הונ	′ברי	דרב	′יהוש
Florence		′אומ	′גמלי	אף	לשכינו	כופהו	′אמ	רב	הונא	בריה	דרב	′יהוש
Escorial		′או	גמליאל	אף	לשכנו	כופהו	′אמ	רב	הונא	בריה	דרב	יהושע
Vilna		:אומר		אף	לשכנו	.כופיהו	אמר	רב	הונא	בריה	דרב	:יהושע
Pesaro		אומר	גמליאל	אף	לשכנו	כופהו	אמר	רב	הונא	בריה	דרב	יהושע
Oxford 249 (369)			גמליאל	אף	לשיכנו	כופיהו	′אמ	רב	הונא	′ברי	דרב	יהושע
Hamburg 165		′או	′גמל	אף	לשכינו	כופהו	′אמ	רב	הונא	בריה	דרב	יהושע
Vatican 115		′או	גמליאל	אף	לשנינו	כופהו	′אמ	רב	הונא	בריה	דרב	יהושע
Paris	30	לי	′פשיט	בר	מתא	אבר	מתא	אחריתי	מצי	מעכב	ואי	שייך
Munich		לי	′פשי	בר	′מת	אבר	′מת	אחריתי	מצי	′מעכ	ואי	שיך
Florence		[לי	′פשיט]	בר	מתא	אבר	מתא		[מצי]	מעכב	ואי]	שייך
Escorial		לי	′פשיט	בר		אבר	מתא	אחריתי	מצי	מעכב	ואי	שיך
Vilna		,לי	פשיטא	בר	מתא	אבר	מתא	אחריתי	מצי	,מעכב	ואי	שייך
Pesaro		לי	פשיטא	בר	מתא	אבר	מתא	אחריתי	מצי	מעכב	ואי	שייך
Oxford 249 (369)			′פשיט	כרמתא		אברמתא		אחריתי	מצי	עכב<..>	ואי	שייך
Hamburg 165		לי	פשיטא	בר	מתא	אבר	מתא	אחריתי	מצי	מעכיב	ואי	שדייה
Vatican 115		לי	′פשיט	בר	תא	אבר	מתא	אחריתי		מעכב	ואי	שייך

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

Paris	31	בכרגא	דהבא		לא	מצי	מעכב	בר	מבואה	אבר	מבואה	דנפשיה
Munich		׳בכרג	׳דהכ		לא	מצי	מעכב	בר	׳מבוא	אבר	׳מבוא	׳דנפשי
Florence		בכרגא			לא	מצי	[מעכב	בר	מבואה	אבר	מבואה	דנפשיה
Escorial		בכרגא			לא	מצי	מעכב					
Vilna		בכרגא	דהכא		לא	מצי	,מעכב	בר	מבואה	אבר	מבואה	דנפשיה
Pesaro		אכרגא	׳דהכ		לא	מצי	מעכב	בר	מבואה	אבר	מבואה	דנפשיה
Oxford 249 (369)		בכרגא	דהכא	הוא	לא	מצי	מעכב	בר	מבואה	אבר	מבואה	׳דנפשי
Hamburg 165		אכרגיה	להכא		לא	מצי	מעכב	בר	מבואה	אבר	מבואה	דנפשיה
Vatican 115		בכרגא		הוא	דלא	מצי	מעכב	בר	מבואה	אבר	מבואה	דנפשי
Paris	32	לא	מצי	מעכב					בעי	רב	הונא	׳ברי
Munich		לא	מצו	מעכב					בעי	רב	׳הונ	׳ברי
Florence		לא	מצי	מעכב					בעי	רב	הונא	בריה
Escorial									בעי	רב	הונא	בריה
Vilna		לא	מצי	.מעכב					בעי	רב	הונא	בריה
Pesaro		לא	מצי	מעכב					בעי	רב	הונא	בריה
Oxford 249 (369)		לא	מצי	מעכב	ואע״ג	דלא	שייך	בכרגא	בעי	רב	הונא	בריה
Hamburg 165		לא	מצי	מעכב					בעי	רב	הונא	בריה
Vatican 115		לא	מצי	מעכב					בעי	רב	הונא	בריה

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

Paris	33	דרב	יהושע	בר		מבואה	אבר	מבואה	אחרינא	מאי			
Munich		דרב	יהוש	בר		מבוא	אבר	מבוא	אחרינ	מאי			
Florence		דרב	יהוש	בר	(מ(ת	[בו]א	אבר	מ(ת)[בו]אה	אחרינא	מאי			
Escorial		דרב	יהושע	בר		מבואה	אבר	מבואה	אחרינא	מאי	מי		אמרי
Vilna		דרב	יהושע:	בר		מבואה	אבר	מבואה	,אחרינא	?מאי			
Pesaro		דרב	יהושע	בר		מבואה	אבר	מבואה	אחרינא	מאי			
Oxford 249 (369)		דרב	יהושע				אבר	מבואה	דעלמ	מאי			
Hamburg 165		דרב	יהושע	בר		מבוא	אבר	מבואה	אחרינא	מאי			
Vatican 115		דרב	יהושע	בר		מבואה			דעלמא	מאי			
Paris	34												
Munich													
Florence		אי	שיך	אכרגא	דמתא	הא	אמרת	לא	מצי	מעכב			לא
Escorial		כיון	דשיך	בכרגא		הוא		לא	מצי	מעכב	או		דילמ
Vilna													
Pesaro													
Oxford 249 (369)													
Hamburg 165													
Vatican 115													

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

											Paris	35
											Munich	
		צריכא		דלא	שיך						Florence	
	′אמ	ליה	את	עבדת	במבואך	ואנא	עבידנא	במבואיי	מאי	תיקו	Escorial	
										תיקו	Vilna	
										תיקו	Pesaro	
										תיקו	Oxford 249 (369)	
										תיקו	Hamburg 165	
										תיקו	Vatican 115	
	רב	יוסף	ומודה	רב	הונא	במקרי	דרדקי	דלא	מצי	מעכב	Paris	36
	רב	יוסף	′ומוד	רב	′הונ	במקרי	דרדקי	דלא	מצי	′מעכ	Munich	
	רב	יוסף	ומודה	רב	הונא	במקרי	דרדקי	דלא	מצי	מעכב	Florence	
	רב	יוסף	ומודה	רב	הונא	במקרי	דרדקי	דלא	מצי	מעכב	Escorial	
	רב	יוסף:	ומודי	רב	הונא	במקרי	דרדקי	דלא	מצי	,מעכב	Vilna	
	רב	יוסף	ומודי	רב	הונא	במקרי	דרדקי	דלא	מצי	מעכב	Pesaro	
	רב	יוסף	מודי	רב	הונא	במקרי	דרדקי	דלא	מצי	מעכב	Oxford 249 (369)	
	רב	יוסף	מודה	רב	הונא	במקרי	דרדקי	דלא	מצי	מעכיב	Hamburg 165	
	רב	יוסף	ומודה	רב	הונא	במלמדי	תינוקות	דלא	מצי	מעכב	Vatican 115	

Appendix C: Synopsis of Bava Batra 21b (Chapter Two)

Paris	37	מר									
Munich		מר	׳עזר	תקן	׳לה	׳לישר	שיהו	׳מושיבי	׳סופ	בצד	׳וניחו
Florence		מר									
Escorial		מר	עזרא	תקן	להם	לישראל	שיהיו	מושיבין	סופר	בצד	וניחוש
Vilna		:מר	עזרא)	תיקן	להן	לישראל	שיהו	מושיבין	סופר	בצד	וניחוש
Pesaro		מר	עזרא	תקן	להן	לישראל	שיהו	מושיבין	סופר	בצד	וניחוש
Oxford 249 (369)		מר	עזרא	תיקן	להם	׳לישר	שיהו	מושיבין	סופר	בצד	וליחוש
Hamburg 165											
Vatican 115		טעמ									
Paris	38										
Munich		׳דיל	אתי	לאירשולי	א״ל						
Florence											
Escorial		׳דילמ	אתי	לאירשולי	׳דאמ	מר					
Vilna		דילמא	אתי	לאיתרשולי	(:א״ל						
Pesaro		דילמא	אתי	לאיתרשולי	אמר	ליה					
Oxford 249 (369)		׳דילמ	עשו	לראשולי							
Hamburg 165											
Vatican 115											

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

1	Oxford	קנאת	׳סופרי	תרבה	חכמה	׳אמ	רב	׳נחמ	בר	יצחק	ומודה	רב
	Hamburg	קנאת	סופרים	תרבה	חכמה	׳אמ	רב	נחמן	בר	יצחק	ומודה	רב
	Vatican 115	קנאת	סופרים	תרבה	חכמה	׳אמ	רב	נחמן	בר	יצחק	׳ומוד	רב
	Munich	׳קנא	׳סופרי	׳תרב	׳חכמ	׳א	רב	׳נחמ	בר	׳יצח	׳ומוד	רב
	Florence	קנאת	׳סופרי	תרבה	חכמה	׳אמ	רב	׳נחמ			ומודה	רב
	Paris	קנאת	סופרים	תרבה	חכמה	׳אמ	רב	נחמן	בר	יצחק	׳ומוד	רב
	Pesaro	קנאת	סופרים	תרבה	חכמה	אמר	רב	נחמן	בר	יצחק	ומודי	רב
	Vilna	קנאת	סופרים	תרבה	חכמה	אמר	רב	נחמן	בר	יצחק	ומודה	רב
	M. Haggadol Maasiyot Escorial Haggadot Ein Yaakov	קנאת	סופרים	תרבה	חכמה	׳אמ	רב	נחמן	בר	יצחק	ומודה	רב

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

2	Oxford	הונא	בריה	דרב	יהושע	ברוכלי			לא	מצי	מעכב	׳דאמ
	Hamburg	הונא	בריה	דרב	יהושע	ברוכלין	המחזירין	בעיירות	דלא		מעכב	׳דאמ
	Vatican 115	הונא	בריה	דרב	יהושע	ברוכלין			דלא	מצי	מעכב	׳דאמ
	Munich	׳הונ	׳ברי	דרב	׳יהוש	ברוכלין	׳המחזי	׳בעיירו	דלא	מצי	׳מעכ	׳דא
	Florence	הונא	בריה	דרב	׳יהוש	ברוכלין	המחזרין	בעיירות	דלא	מצי	מעכב	׳דאמ
	Paris	הונא				ברוכלין	המחזרין	בעיירות	דלא	מצי	מעכב	׳דאמ
	Pesaro	הונא	׳ברי	דרב	יהושע	ברוכלין	המחזרין	בעיירות	דלא	מצי	מעכב	דאמר
	Vilna	הונא	בריה	דרב	יהושע	ברוכלין	המחזירין	בעיירות	דלא	מצי	מעכב	דאמר
	M. Haggadol											
	Maasiyot											
	Escorial	הונא	בריה	דרב	יהושע	ברוכלין	המחזירין	בעיירות	דלא	מצי	מעכב	׳דאמ
	Haggadot											
	Ein Yaakov											

3	Oxford	מר	׳עזר	תיקן	להן	׳לישר	שיהו	רוכלין	מערבין	מחזרין	ועיירות	
	Hamburg	מר	עזרא	תקן	להם	לישראל	שיהו	רוכלין		מחזירין	בעיירות	
	Vatican 115	מר	עזרא	תיקן	להן	לישראל	שיהו	רוכלין		מחזרין	בעירות	
	Munich	מר	׳עזר	תקן	׳לה	׳לישר	שיהו	רוכלין		׳מחזי	׳בעיירו	
	Florence	מר	עזרא	תיקן	להן	׳לישר	שיהו	רוכלין		מחזירין	׳בעיירו	בחמישי
	Paris	מר	עזרא	תקן		׳לישר	שיהו	רוכלין		מחזרין	בעיירות	
	Pesaro	מר	עזרא	תקן	להן	לישראל	שיהו	רוכלין		מחזרין	בעיירות	
	Vilna	מר	עזרא	תקן	להן	לישראל	שיהו	רוכלין		מחזירין	בעיירות	
	M. Haggadol											
	Maasiyot											
	Escorial	מר	עזרא	תקן	להם	לישראל	שיהיו	רוכלין		מחזירין	בעיירות	
	Haggadot											
	Ein Yaakov											

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

4	Oxford		כדי	שיהו	תכשיטין	מצויין	ליבנות	[ישראל]	מערב	שבת	לערב	שבת
	Hamburg		כדי	שיהו	תכשיטין	מצויין	לבנות	ישראל				
	Vatican 115		כדי	שיהו	׳תכשיט	מצויין	לבנות	׳ישר				
	Munich		כדי	שיהו	תכשיטין	מצויין	׳לבנו	׳ישר	׳מער	׳שב	לע״ש	
	Florence	בשבת	כדי	שיהו	תכשיטין	מצויין	לבנות	׳ישר			בערב	שבת
	Paris			שיהו	תכשיטין	מצויין	לבנות	ישראל				
	Pesaro		כדי	שיהו	תכשיטין	מצוין	לבנות	ישראל				
	Vilna		כדי	שיהו	תכשיטין	מצויין	לבנות	ישראל				
	M. Haggadol											
	Maasiyot											
	Escorial		כדי	שיהיו	תכשיטין	מצויות	לבנות	ישראל				
	Haggadot											
	Ein Yaakov											
5	Oxford						וה״מ		לאהדורי	אבל	לאקבועי	נמי
	Hamburg						והני	מילי	לאהדורי	אבל	לאקבועי	
	Vatican 115						והני	מילי	לאהדורי	אבל	לאקבועי	
	Munich						והני	מילי	לאהדורי	אבל	לאקבועי	
	Florence	כדי	שלא	יתגנו	על	בעליהן	והני	מילי	לאהדורי	אבל	לאקבועי	
	Paris						והני	מילי	׳לאהדו	אבל	לאקבועי	
	Pesaro						והני	מיל	לאהדורי	אבל	לאקבועי	
	Vilna						והני	מילי	לאהדורי	אבל	לאקבועי	
	M. Haggadol											
	Maasiyot											
	Escorial						והני	מילי	לאהדורי	אבל	לאיקבועי	
	Haggadot											
	Ein Yaakov											

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

6	Oxford	לא	ואי]	צורבא	ן..		׳אפי	לא..עי	נמי]	כי	הא	דרבא
	Hamburg	לא	ואי	צורבא	מרבנן	הוא	אפלו	לאקבועי	נמי	כי	הא	דרבא
	Vatican 115	לא	ואי	צורבא	מרבנן	הוא	אפילו	לאקובעי	נמי	כי	הא	דרבא
	Munich	לא	ואי	׳צורב	מרבנן	׳הו	׳אפי	לאקבועי		כי	הא	דרבא
	Florence	לא	ואי	צורבא	מרבנן	הוא	אפילו	לאקבועי		כי	הא	דרב
	Paris	לא	ואי	צורבא	מרבנן	הוא	׳אפי	לאקבועי	נמי	כי	הא	דרבא
	Pesaro	לא	ואי	צורבא	מרבנן	הוא	אפילו	לאקבועי		כי	הא	דרבא
	Vilna	לא	ואי	צורבא	מרבנן	הוא	אפילו	לאקבועי	נמי	כי	הא	דרבא
	M. Haggadol											
	Maasiyot											
	Escorial	לא	ואי	צורבא	מרבנן	הוא	׳אפי	לאיקבועי	נמי	כי	הא	דרבא
	Haggadot											
	Ein Yaakov											
7	Oxford	שרא	להו	לרב	׳ע[ו]בדי	ולרב		יאשיה	לאקבועי	דלא	׳כהילכת	מ״ט
	Hamburg	שרא	להו	לרב	יאשיה	ולרב		עובדיה	לאקבועי	דלא	׳כהילכת	מאי
	Vatican 115	שרא	להו	לרב	עובדיה	ולרב		יאשיהו	לאקבועי	דלא	׳כהילכת	מאי
	Munich	׳שר		לרב	יאשיה	ולרב		׳עובדי	לאקבועי	דלא	׳כהילכת	מאי
	Florence	שרא		לרב	יאשיה	ולרב	(׳ירמי)	עובדיה	לאקבועי	דלא	כהילכתא	מאי
	Paris	שרא	להו	לרב	עובדיה	ולרב		יאשיה	לאקבועי	דלא	כהלכתא	מאי
	Pesaro	שרא	להו	לרב	יאשיה	ולרב		עובדיה	לאיקבועי	דלא	כהילכתא	מאי
	Vilna	שרא	להו	׳לר	יאשיה	ולרב		עובדיה	לאקבועי	דלא	כהלכתא	מאי
	M. Haggadol											
	Maasiyot											
	Escorial	שרא	להו	לרב	יאשיה	ולרב		עובדיה	לאיקבועי	דלא	כהלכתא	מאי
	Haggadot											
	Ein Yaakov											

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

8	Oxford	׳כיו	דרבנן	נינהו	אתו	לאיטרודי	מגירסייהו	הנהו	דיקלא	דאייתו	דיקולא
	Hamburg	׳טע	כיון	דרבנן	נינהו	לא	ליטרדו	מגרסיהו	הנהו	דקולאי	דאיתו	דקולי
	Vatican 115	׳טעמ	כיון	דרבנן	נינהו	אתי	לאטרודי	מגרסייהו	הנהו	דקלאי	דאייתו	דיקולי
	Munich	׳טע	כיון	׳דרבנ	נינהו	דלא	ליטרדו	מגירסיהו	הנהו	דקולאי	דאיתו	דיקולי
	Florence	טעמא	כיון	דרבנן	נינהו	לא	ליטרדו	מגירסיהו	הנהו	דקולאי	דאייתו	דקולי
	Paris	׳טע	כיון	דרבנן	נינהו	לא	ליטרדו	מגרסיהו	הנהו	דקולאי	דאיתו	דיקולי
	Pesaro	טעמא	כיון	דרבנן	נינהו	לא	לטרדו	מגירסיהו	הנהו	דיקולאי	דאייתי	דיקלאי
	Vilna	טעמא	כיון	דרבנן	נינהו	אתו	לטרדו	מגירסייהו	הנהו	דיקולאי	דאייתו	דיקלאי
	M. Haggadol											
	Maasiyot											
	Escorial	׳טעמ	כיון	דרבנן	נינהו	לא	ליטרדו	מגרסיהו	הנהו	דקולאי	דאייתו	דיקולי
	Haggadot											
	Ein Yaakov											
9	Oxford	לשוקא	דבבל	אתו	בני	מתא	הוא	קא	מעכבי	עלייהו	אתו	׳לקמי
	Hamburg	לשוקא	דבבל	אתו	בני	מתא			מעכבי	עליהו	אתו	לקמיה
	Vatican 115	לשוקא	דבבבל	אתו	בני	מתא		קא	מעכבי	עילויהו	אתו	לקמי
	Munich		לבבל	אתו	בני	מתא			וקמעכבי	עליהו	אתו	לקמיה
	Florence		לבבל	אתו	בני	מתא		וקא	מעכבי	עליהו	אתי	לקמיה
	Paris	לשוקא	דבבל	אתו	בני	מתא			מעכבי	׳עלי	אתא	׳לקמי
	Pesaro		לבבל	אתו	בני	מתא		קא	מעכבי	עילויהו	אתו	לקמיה
	Vilna		לבבל	אתו	בני	מתא		קא	מעכבי	עלויהו	אתו	לקמיה
	M. Haggadol											
	Maasiyot											
	Escorial	לשוקא	דבבל	אתו	בני	מתא		קא	מעכבי	עליהו	את	לקמיה
	Haggadot											
	Ein Yaakov											

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

10	Oxford	ד׳דרבינ	א׳אמ	להו	מ׳מעלמ	אתו	ו׳לעלמ	ליזבני	וה״מ		ביומא	דשוקא
	Hamburg	דרבינא	א׳אמ	להו	מעלמא	אתו	ולעלמא	ליזבנו	והני	מילי	ביומא	דשוקא
	Vatican 115	דרבינא	א׳אמ	להו	מעלמא	אתו	לעלמא	זבני	והני	מילי	ביומא	דשוקא
	Munich		א׳	להו	מ׳מעלמ	אתו	ו׳לעלמ	ניזבנו	וה״מ		ב׳יומ	ד׳שוק
	Florence	דרבינא	א׳אמ	להו	מ׳מעלמ	אייתו	ומעלמא	זבינת	והני	מילי	ב׳יומ	דשוקא
	Paris	דרבינא	א׳אמ	להו	מעלמא	אתו	ולעלמא	זבני	והני	מילי	ליומא	דשוקא
	Pesaro	דרבינא	אמר	להו	מעלמא	איתו	ולעלמא	ליזבנו	והני	מילי	ביומא	דשוקא
	Vilna	דרבינא	אמר	להו	מעלמא	אתו	ולעלמא	ליזבנו	והני	מילי	ביומא	דשוקא
	M. Haggadol											
	Maasiyot											
	Escorial	דרבינא	א׳אמ	להו	מעלמא	אתו	ולעלמא	ליזבנו	והני	מילי	ביומא	דשוקא
	Haggadot											
	Ein Yaakov											
11	Oxford	אבל	לא	ביומא	דשוקא			וביומא	ד׳שוק	נמי	לא	אמרן
	Hamburg	אבל	בלא	יומא	דשוקא	לא		וביומא	דשוקא	נמי	לא	אמרן
	Vatican 115	אבל	שלא	ביומא	דשוקא	לא		ו׳ביום	דשוקא	נמי	לא	אמרן
	Munich	אבל	בלא	יומא	ד׳שוק	לא	(ובל)	ו׳ביום	ד׳שוק	נמי	לא	אמרן
	Florence	אבל	בלא	יומא	דשוקא	לא		וביומא	דשוקא	נמי	לא	אמרן
	Paris	אבל	בלא	יומא	דשוקא	לא		וביומא	דשוקא	נמי	לא	אמרן
	Pesaro	אבל	בלא	יומא	דשוקא	לא		וביומא	דשוקא	נמי	לא	אמרנא
	Vilna	אבל	בלא	יומא	דשוקא	לא		וביומא	דשוקא	נמי	לא	אמרינן
	M. Haggadol											
	Maasiyot											
	Escorial	אבל	בלא	יומא	דשוקא	לא		וביומא	דשוקא	נמי	לא	אמרן
	Haggadot											
	Ein Yaakov											

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

12	Oxford	אלא	לזבוני	בשוקא	אבל	לאהדורי	במתא	לא	הנהו	עמרויי	דאייתו	עמרא
	Hamburg	אלא	לזבוני	בשוקא	אבל	לאהדורי		לא	הנהו	עמרויי	דאיתו	עמרא
	Vatican 115	אלא	לזבוני	׳בשוק	אבל	הדורי	במתא	לא	הנהו	עמרוי	דאייתו	עמרא
	Munich	׳אל	לזבוני	׳בשוק	אבל	להדורי	׳במת	לא	הנהו	עמרויי	דאיתו	׳עמר
	Florence	אלא	לזבוני	׳לשוק	אבל	לאהדורי	במתא	לא	הנהו	עמוראי	דאייתי	עמרא
	Paris	אלא	לזבוני	בשוקא	אבל	לאהדורי	במתא	לא	הנהו	עמרויי	דאיתו	עמרא
	Pesaro	אלא	לזבוני	בשוקא	אבל	לאהדורי		לא	הנהו	עמוראי	דאייתי	צמרא
	Vilna	אלא	לזבוני	בשוקא	אבל	לאהדורי		לא	הנהו	עמוראי	דאייתו	עמרא
	M. Haggadol											
	Maasiyot											
	Escorial	אלא	לזבוני	בשוקא	אבל	לאהדורי	במתא	לא	הנהו	עמראי	דאייתו	עמרא
	Haggadot											
	Ein Yaakov											
13	Oxford	לפום	נהרא	אתו	בני	מתא		וקמעכבי	עילויהי	אתו	׳לקמי	דרבא
	Hamburg	לפום	נהרא	אתו	בני	מתא		מעכבי	עליהו	אתו	לקמיה	דרב
	Vatican 115	לפום	נהרא	אתו	בני	מתא	וקא	מעכבי	עילויהו	אתו	לקמיה	דרב
	Munich	לפום	׳נהר	אתו	בני	׳מת		וקמעכבי	עליהו	אתו	׳לקמי	לרב
	Florence	לפום	נהרא	אתו	בני	מתא	וקא	מעכבי	עליהו	אתו	לקמיה	דרב
	Paris	לפום	נהרא	אתו	בני	מתא	וקא	מעכבן	עליהו	אתו	׳לקמי	דרב
	Pesaro	לפום	נהרא	אתו	בני	מתא	קא	מעכבי	עילויהו	אתו	לקמיה	דרב
	Vilna	לפום	נהרא	אתו	בני	מתא	קא	מעכבי	עלויהו	אתו	לקמיה	דרב
	M. Haggadol											
	Maasiyot											
	Escorial	לפום	נהרא	אתא	בני	מתא	קא	מעכבי	עליהו	אתו	לקמיה	דרב
	Haggadot											
	Ein Yaakov											

14	Oxford		׳אמ	להו	דינא	הוא		מעכבי		אמרו	ליה	איתּ
	Hamburg	כהנא	׳אמ	להו	דינא	הוא		דמעכבי	עליכו	אמרו	ליה	איתּ
	Vatican 115	כהנא	׳אמ	להו	דינא		דקא	מעכבי		אמרו	ליה	איתּ
	Munich	׳כהנ	א״ל		׳דינ	׳הו		דקמעכבי	עליכו	אמרו	׳לי	איתּ
	Florence	כהנא	׳אמ	להו	דינא	הוא		דמעכבי	עליכו	אמרו	ליה	איתּ
	Paris	כהנא	׳ואמ	להו	דינא	הוא		דמעכבי	עליכו	׳אמ	ליה	איתּ
	Pesaro	כהנא	אמר	להו	דינא	היוא		דמעכבי	עליהו	אמרו	ליה	איתּ
	Vilna	כהנא	אמר	להו	דינא	הוא		דמעכבי	עלייכו	אמרו	ליה	איתּ
	M. Haggadol											
	Maasiyot											
	Escorial	כהנא	׳אמ	להו	דינא	הוא	דמעכבי	עליה	ואמרו	ליה	והא	איתּ
	Haggadot											
	Ein Yaakov											
15	Oxford	לן	אשראי	במתא		להו	זילו	וזבינו	שיעור	חיותייכו	עד	דעקרית
	Hamburg	לן	אשראי		׳אמ	להו	זילו	זבינו	שיעור	חיותיכו	עד	דעקריתו
	Vatican 115		אשראי		׳אמ	להו	זילו	זבינו	כדי	חייכו	עד	דאקריתו
	Munich	לן	אשראי		׳אמ	להו	זילו	זבינו	׳שיעו	חיותיכו	עד	דעסריתו
	Florence	לן	אשראי		׳אמ	להו	זילו	זבניתו	׳שיעור	?ו ?ע)[ח]ייותיכ)	עד	דעקריתו
	Paris	לן	אשראי	במתא	׳אמ	להו	זילו	וזבינו	שיעור	חיותכון	עד	דעקריתו
	Pesaro	לן	אשראי		׳אמ	להו	זילו	זבנו	שיעור	חיותיכו	עד	דעקריתו
	Vilna	לן	אשראי		אמר	להו	זילו	זבנו	שיעור	חיותייכו	עד	דעקריתו
	M. Haggadol											
	Maasiyot											
	Escorial	לן	אשראי	[במתא]	׳אמ	להו	זילו	זבינו	שיעור	חיות[י]כו	עד	דעקריתו
	Haggadot											
	Ein Yaakov											

16	Oxford	אשראי	ד[י]דכו	ואזליתו				רב	דימי	מנהרדעי	אייתי	גרוגרות
	Hamburg	אשראי	דידכו	ואזליתו				רב	דימי	מנהרדעא	איתי	גרוגרות
	Vatican 115	אשראי	דידכו	ואזליתו				רב	דימי	מנהרדעא	אייתי	גרוגרות
	Munich	אשראי	דידכו	ואזליתו				רב	דימי	׳מנהרדע	אייתי	׳גרוגרו
	Florence	אשראי	דידכו	ואזליתו				רב	דימי	׳מנהרדע	אייתי	גרוגרות
	Paris	אשראי	דידכו	ואזליתו				רב	דימי	מנהרדעא	איתי	גרוגרות
	Pesaro	אשראי	דידכו	ואזליתו				רב	דימי	מנהרדעא	איתי	גרוגרות
	Vilna	אשראי	דידכו	ואזליתו				רב	דימי	מנהרדעא	אייתי	גרוגרות
	M. Haggadol							רב	דימי	מנהרדעא	איתי	גרוגרות
	Maasiyot				מעשה	תנו	רבנן	רב	דימי	מנהרדעא	איתי	גרוגרות
	Escorial	אשראי	דידכו	ואזליתו				רב	דימי	מנהרדעא	אייתי	גרוגרות
	Haggadot							רב	דימי	מנהרדעא	איתי	גרוגרות
	Ein Yaakov							רב	דימי	מנהרדעא	אייתי	גרוגרות
17	Oxford	בספינה										
	Hamburg	בספינתא										
	Vatican 115	בספינה										
	Munich	׳בספינ										
	Florence	בספינה	במחוזא									
	Paris	בספינה										
	Pesaro	בספינה										
	Vilna	בספינה										
	M. Haggadol	בספינתא	למחוזא	אתא	לקמיה	דריש	גלותא	אתחזי	ולקמיה	דראבא	לא	איתחזי
	Maasiyot	בספינתא	למהוזא	אתא	לקמיה	דריש	גלותא	איתחזי	ולקמיה	דרבא	לא	איתחזי
	Escorial	בספינה	[כמחוזא]									
	Haggadot	בספינה										
	Ein Yaakov	בספינה										

18	Oxford	א״ל		ריש	גלותא	לרבא	פוק	חזי	אי	צורבא	מרבנן	הוא
	Hamburg	׳אמ	ליה	ריש	גלותא	לרבא	פוק	חזי	אי	צורבא	מרבנן	הוא
	Vatican 115	א״ל		ריש	גלותא	לרבא	פוק	חזי	אי	צורבא	מרבנן	הוא
	Munich	א״ל		ריש	׳גלות	לרבא	פוק	חזי	אי	׳צורב	מרבנן	׳הו
	Florence	׳אמ	ל	ריש	גלותא	לרבא	פוק	חזי	אי	צורבא	מרבנן	הוא
	Paris	׳אמ	ליה	ריש	גלותא	לרבא	פוק	חזי	אי	צורבא	מרבנן	הוא
	Pesaro	׳אמ	ליה	ריש	גלותא	לרבא	פוק	חזי	אי	צורבא	מרבנן	הוא
	Vilna	א״ל		ריש	גלותא	לרבא	פוק	חזי	אי	צורבא	מרבנן	הוא
	M. Haggadol	אמר	ליה	ריש	גלותא	לראבא	פוק	חזי	אי	צורבא	מרבנן	הוא
	Maasiyot	׳אמ	ליה	ריש	גלותא	לרבא	פוק	חזי	אי	צורבא	מרבנן	הוא
	Escorial	׳אמ	ליה	ריש	גלותא	[לרב(ה)]א	פוק	חזי	אי	צורבא	מרבנן	הוא
	Haggadot	אמר	ליה	ריש	גלותא	לרבא	זיל	חזי	אי	צורבא	מרבנן	הוא
	Ein Yaakov	א״ל		ריש	גלותא	לרבא	פוק	חזי	אי	צורבא	מרבנן	הוא
19	Oxford	נקטו	ליה	שוקא	<...>		רבא	לרב	אדא	בר	אהבה	
	Hamburg	נקיט	ליה	שוקא	׳אמ	ליה	רבא	לרב	א(ח)[ד]א	בר	אבא	
	Vatican 115	לינקטו	ליה	שוקא	א״ל		רבא]	ל]רב	אדא	בר	אהבה	
	Munich	נ<..>ט	׳לי	׳שוק	א״ל		רבא	לרב	׳אד	בר	׳אב	
	Florence	נקוט	ליה	שוקא	׳אמ	׳ל	רבא	לרב	אדא	בר	אהבה	
	Paris	נקטו	ליה	שוקא	׳אמ	׳לי	רבא	לרב	אדא	בר	אהבה	
	Pesaro	נקיט	ליה	שוקא	׳אמ	ליה	רבא	לרב	אדא	בר	אבא	
	Vilna	נקיט	ליה	שוקא	א״ל		רבא	לרב	אדא	בר	אבא	
	M. Haggadol	נקיט	ליה	שוקא	אמר	ליה	ראבא	לרב	אדא	בר	אהבה	
	Maasiyot	נקוט	ליה	שוקא	שדריה		רבא	לרב	אדה	בר	אהבה	׳אמ
	Escorial	נקיט	ליה	שוקא	׳אמ	ליה	[רבא]	לרב	אדא	בר	אהבה	
	Haggadot	נקיטו	ליה	שוקא	אמר	ליה	רבא	לרב	אדא	בר	אהבה	
	Ein Yaakov	נקיט	ליה	שוקא	א״ל		רבא	לרב	אדא	בר	אהבה	

20	Oxford		פוק	תהי	ליה	בקנקניה		אזל	בעא	מיניה	פיל	שבלע
	Hamburg		פוק	תהי	ליה	אקנקניה	נפק		בעא	מיניה	פיל	שבלע
	Vatican 115		פוק	תהי	ליה	אקנקניה		אזל	בעא	מיניה	פיל	שבלע
	Munich		פוק	תהי		′אקנקני	נפק		′בע	′מיני	פיל	שבלע
	Florence		פוק	תהי	ליה	אקנקניה	נפק		בעא	מיניה	פיל	שבלע
	Paris		פוק	תהי	′לי	בקנקניה		אזל	בעא	מיניה	פיל	שבלע
	Pesaro		פוק	תהי	ליה	′בקנקני	נפק		בעא	′מיני	פיל	שבלע
	Vilna		פוק	תהי	ליה	בקנקניה	נפק	[אזל]	בעא	מיניה	פיל	שבלע
	M. Haggadol		פוק	תהי	ליה	בקנקניה	נפק		בעא	מיניה	פיל	שבלע
	Maasiyot	ליה	פוק	תהי	ליה	בקנקניה	נפק		בעא	מניה	פיל	שבלע
	Escorial		פוק	תהי	ליה	בקנקניה		אזל	בעא	מיניה	פול	שבלע
	Haggadot		זיל	תהי	ליה	בקנקניה		אזל	בעא	מיניה	פיל	שבלע
	Ein Yaakov		זיל	תהי	ליה	אקנקניה		אזל	בעא	מיניה	פיל	שבלע
21	Oxford	כפיפה	מצרית	והקיאה	דרך	בית	הרעי	מהו				
	Hamburg	קפיפה	מצרית	והקיאה	דרך	בית	הרעי	מהו				
	Vatican 115	כפיפה	מצרית	והקיאה	דרך	בית	הריעי	מהו				
	Munich	′כפיפ	′מצרי	′והקיא	דרך	′בי	הרעי	מהו				
	Florence	כפיפת	מצרית	והקיאתו	דרך	בית	הריעי	מהו				
	Paris	כפיפה	מצרית	והקיאה	דרך	בית	הרעי	מהו				
	Pesaro	כפיפה	מצרית	′והקיא	דרך	′בי	הרעי	מהו				
	Vilna	כפיפה	מצרית	והקיאה	דרך	בית	הרעי	מהו				
	M. Haggadol	קפיפה	מצרית	והקיאה	דרך	בית	הרעי	מהוא	ככלי	גללים	דמיא	ולא
	Maasiyot	קפיפה	מצרית	והקיאה	דרך	בית	הרעי		ככלי	גללים	דמיא	ולא
	Escorial	כפיפה	מצרית	והקיאה	דרך	בית	הרעי	מהו				
	Haggadot	כפיפא	מצרית	והקיאה	דרך		הרעי	מהו				
	Ein Yaakov	כפיפה	מצרית	והקיאה	דרך	בית	הרעי	מהו				

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

22	Oxford										לא	הוה
	Hamburg										לא	הוה
	Vatican 115										לא	הוה
	Munich										לא	הוה
	Florence										לא	הוה
	Paris										ולא	ידע
	Pesaro										לא	הוה
	Vilna										לא	הוה
	M. Haggadol	מקבלא	טומאה	או	דלמא	ככלי	עץ	דמיא	ומקבלת	טומאה	לא	הואי
	Maasiyot	מקבלא	טומאה	או	דלמא	ככלי	עץ	דמיא	׳ומקבל	טומאה	לא	הואי
	Escorial										לא	הוה
	Haggadot										לא	הוה
	Ein Yaakov										לא	הוה
23	Oxford	׳בידי	א״ל		מר	נינהו	רבא	טפח	ליה	׳בסנדלי		
	Hamburg	בידיה	׳אמ	ליה	מר	ניהו	רבא	טפח	ליה	בסנדליה		
	Vatican 115	בידיה	א״ל		מר	ניהו	רבא	טפח	ליה	בסנדליה		
	Munich	בידי	א״ל		מר	ניהו	רבה	טפח	׳לי	בסנדלי		
	Florence	בידיה	׳אמ	ל	מר	ניהו	רבא	טפח	ליה	בסנדליה		
	Paris							טפח	ליה	בסנדליה	׳אמ	ליה
	Pesaro	בידיה	אמר	ליה	מר	ניהו	רבא	טפח	ליה	בסנדליה		
	Vilna	בידיה	א״ל		מר	ניהו	רבא	טפח	ליה	בסנדליה		
	M. Haggadol	בידיה	אמר	ליה	מר	ניהו	ראבא	טפח	ליה	בסנדליה		
	Maasiyot	בידיה	׳אמ	ליה	מר	ניהו	רבא	טפח	ליה	בסנדליה		
	Escorial	בידיה	׳אמ	ליה	מר	[ניה]ו	רבא	טפח	ליה	בסנדליה		
	Haggadot	בידיה	אמר	ליה	מר	ניהו	רבא	טפח	ליה	בסנדליה		
	Ein Yaakov	בידיה	אמר	ליה	מר	ניהו	רבא	טפח	ליה	בסנדליה		

Oxford	24			וא״ל		בין		לרבא		טובא		׳איכ
Hamburg				׳אמ	ליה	בין	דידי	לרבא	איכא	טובא		
Vatican 115				׳אמ	לי	בין	דידי	לרבא		טובא		איכא
Munich				א״ל		בין	דידי	לרבה		׳טוב		׳איכ
Florence				׳אמ	׳ל	בין	דידי	לרבא		טובא		׳איכ
Paris		רבא	ניהו	׳אמ	ליה	בין	דידי	לרבא		טובא		איכא
Pesaro				אמר	ליה	בין	דידי	לרבא	איכא	טובא		
Vilna				א״ל		בין	דידי	לרבא	איכא	טובא		
M. Haggadol				אמר	ליה	בין	דילי	לראבא		דרגי		דרגי
Maasiyot				׳אמ	ליה	בין	דילי	לרבא		דרגי		דרגי
Escorial				׳ואמ	ליה	בין	דידי	לרבא	איכא	טובא		
Haggadot				וא״ל		בין	דידי	לרבא		טובא		איכא
Ein Yaakov				א״ל		בין	דידי	לרבא		טובא		איכא
Oxford	25		בעל	כורחך	אנא	רבך		רביה	דרבך			
Hamburg			בעל	כרחך	אנא	רבך	ורבא	רביה	דרבך			
Vatican 115			בעל	כרחך	אנא	רבך	ורבא	רבה	דרבך	הוא		לסוף
Munich			ובעל	׳כרח	רבך	׳אנ	׳ורב	דרבך	אנא			
Florence			על	כורחך	אנא	רבך	ורבא		רביה	רבא		
Paris			על	כרחיך	אנא	רבך	ורבא		[רביה]	דרבך		
Pesaro			על	כורחיך	אנא	רבך	ורבא	רבה		דרבך		
Vilna		מיהו	על	כרחך	אנא	רבך	ורבא	רבה		דרבך		
M. Haggadol												
Maasiyot												
Escorial			בעל	כרחך	אנא	רבך	ורבא	ורבה	[רביה]	דרבך		לסוף
Haggadot		אלא	על	כרחיך	אנא	רבך	ורבא		רביה	דרבך		לסוף
Ein Yaakov		מיהו	על	כרחך	אנא	רבך	ורבא	רבה		דרבך		לסוף

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

26	Oxford	לא	נקיטו	ליה	שוקא	פסוד	גרוגרות	׳דידי	אתא	׳לקמי	דרב	יוסף
	Hamburg	לא	נקטי	ליה	שוקא	פסיד	גרוגרות	דידיה	אתא	׳לקמ	דרב	יוסף
	Vatican 115	לא	נקיטו	ליה	שוקא	פסיד	גר[ו]גרות	דידה	אתא	לקמיה	דרב	יוסף
	Munich	לא	נקט	ליה	׳שוק	פסיד	׳גרוגרו	׳דידי	׳את	׳לקמי	דרב	יוסף
	Florence	לא	נקיט	ליה	שוקא	פסיד	גרוגרות	דידיה	אתא	לקמיה	דרב	יוסף
	Paris	לא	נקיטו	׳לי	שוקא	פסוד	גרוגרות	דידיה	אתא	׳לקמי	דרב	יוסף
	Pesaro	לא	נקטו	ליה	שוקא	פסוד	גרוגרות	דידיה	אתא	לקמיה	דרב	יוסף
	Vilna	לא	נקטו	ליה	שוקא	פסיד	גרוגרות	דידיה	אתא	לקמיה	דרב	יוסף
	M. Haggadol	לא	נקט	ליה	שוקא	פסוד	גרוגרות	דיליה	אתא	לקמיה	דרב	יוסף
	Maasiyot	לא	נקט	ליה	שוקא	ופסידן	גרוגרות	דיליה	אתא	לקמיה	׳דר	יוסף
	Escorial	לא	נקט	ליה	שוקא	ופסיד	גרוגרות		אתא	׳לקמי	דרב	יוסף
	Haggadot	לא	נקט	ליה	שוקא	פסיד	׳גרוגרו	דידיה	אתא	לקמיה	דרב	יוסף
	Ein Yaakov	לא	נקט	ליה	שוקא	פסיד	גרוגרות	דידיה	אתא	לקמיה	דרב	יוסף
27	Oxford	א״ל			חזי	מר	מאי		דעבדו	ביה	א״ל	
	Hamburg	׳אמ	ליה		חזי	מר	מאי		עבד	בי	׳אמ	ליה
	Vatican 115	א״ל			חזי	מר	מאי		עבדו	לי	א״ל	
	Munich	א״ל			חזי	מר	מאי		עבד	בי	א״ל	
	Florence				חזי	מר	מאי		עבד	בי	׳אמ	׳ל
	Paris	׳אמ	׳לי	קא	חזי	מר	מאי		עבדו	לי	׳אמ	׳לי
	Pesaro	אמר	ליה		חזי	מר	מאי		עבדו	לי	אמר	ליה
	Vilna	א״ל			חזי	מר	מאי		עבדו	לי	א״ל	
	M. Haggadol	אמר	ליה	קא	חזי	מר	מאי		עבדו	בי	אמר	ליה
	Maasiyot	׳אמ	ליה	קא	חאזי	מר	היכי		עבד	בי	׳אמ	ליה
	Escorial	׳אמ	ליה		חזי	מר	היכי		עבדי	בי	׳אמ	ליה
	Haggadot	א״ל			חזי	מר	מאי	קא	עבד	בי	א״ל	
	Ein Yaakov	אמר	ליה		חזי	מר	מאי		עביד	בי	אמר	ליה

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

28	Oxford	מאן	דלא	שהיה	לאוניתא	דמלכא	דאדום	לא		שהיה		לאוניתך
	Hamburg	מאן	דלא	שהייה	לאוניתא	דמלכא	דאדום	לא		לישהייה		לאוניתך
	Vatican 115	מאי	דלא	שהייה	לאוניתא	דמלכא	דאדום	לא	[..לאונת]	שהיות	למלכותא	דידך
	Munich	מאן	דלא	שהייתא	׳לאונית	׳למלכ	דאדום	לא		׳לשהיי	לאנותך	
	Florence	מאן	דלא	לישהייה	לאוניתא	דמלכא	דאדום	לא		לישהייה	לאוניתך	
	Paris	מאן	דלא	שהייה	לאוניתא	דמלכא	דאדום	לא		לישהייה	לאוניתך	
	Pesaro	מאן	דלא	שהייה	לאוניתא	דמלכא	דאדום	לא		נשהיה	לאוניתיך	
	Vilna	מאן	דלא	שהייה	לאוניתא	דמלכא	דאדום	לא		נשהייה	לאוניתיך	
	M. Haggadol	מאן	דלא	שהייה	לאוניתא	דמלכא	דאדום	לא		לשהייה	לאוניתך	
	Maasiyot	מן	דלא	שהייה	לאוניתא	דמלכא	דאדום	לא		לשהייה	לאוניתך	
	Escorial	מאן	דלא	שהייה	לאוניתא	דמלכא	דאדום	לא		לשהייה	לאוניתך	
	Haggadot	מאן	דלא	שהייה	לאוניתא	דמלכא	דאדום	לא		לשהייה	לאוניתיך	
	Ein Yaakov	מאן	דלא	שהייה	לאוניתיה	דמלכא	דאדום	לא		לישהייה	לאוניתיך	
29	Oxford	׳דכת	כה	׳אמ	׳׳׳		שלשה	פשעי	מיאב			
	Hamburg	׳דכת				על	שלשה	פשעי	מואב	ועל	ארבעה	לא
	Vatican 115	׳דכת	כה	אמר	׳ה	על	שלשה	פשעי	מואב	ועל	ארבעה	לא
	Munich	׳דכת	כה	׳אמ	׳׳׳	על	׳שלש	פשעי	אדום	׳וגו		
	Florence	׳דכת	כה	׳אמ	׳׳׳	על	׳שלש	פישעי	מואב	׳וגו		
	Paris	׳דכת	כה	אמר	׳׳׳	על	שלשה	פשעי	מואב	ועל	ארבעה	לא
	Pesaro	׳דכתי	כה	׳אמ	׳ה	על	׳שלש	פשעי	מואב	ועל	׳ארבע	לא
	Vilna	דכתיב	כה	אמר	׳ה	על	שלשה	פשעי	מואב	ועל	ארבעה	לא
	M. Haggadol	דכתיב				על	שלשה	פשעי	מואב	ועל	ארבעה	לא
	Maasiyot	׳דכת	כה	אמר	יו״י	על	שלשה	פשעי	מואב	ועל	ארבעה	לא
	Escorial	׳דכתו	כה	׳אמ	׳׳׳	על	שלשה	פשעי	מואב	ועל	ארבעה	לא
	Haggadot	דכתיב	כה	אמר	׳ה	על	שלשה	פשעי	מואב	ועל	ארבעה	לא
	Ein Yaakov	דכתיב	כה	אמר	׳ה	על	שלשה	פשעי	מואב	ועל	ארבעה	לא

Oxford	30		על	ששרפו		עצמות	מלך	אדום	לסד	נח	′נפשי	דרב
Hamburg		אשיבנו	על	שרפו		עצמות	מלך	אדום	לסיד	נח<..>	נפשיה	דרב
Vatican 115		אשיבנו	על	שורפו		עצמות	מלך	אדום	לסיד	נח	נפשיה	דרב
Munich										נח	′נפשי	דרב
Florence										נח	נפשיה	דרב
Paris		אשיבנו	על	שרפו		עצמות	מלך	אדום	בשיד	נח	נפשיה	דרב
Pesaro		אשיבנו	על	שורפם		′עצמ	מלך	אדום	לסיד	נח	נפשיה	דרב
Vilna		אשיבנו	על	שרפו		עצמות	מלך	אדום	לסיד	נח	נפשיה	דרב
M. Haggadol		אשיבנו	על	שרפו	את	עצמות	מלך	אדום	לשיד	נח	נפשיה	דרב
Maasiyot		אשיבנו	על	שרפו	את	עצמות	מלך	אדום	לשיד	נח	נפשיה	דרב
Escorial		אשיבנו	עד)	שרפו			מלך	אדום	(לסיד	נח	נפשיה	דרב
Haggadot		אשיבנו	על	שורפו		עצמות	מלך	אדום	לסיד	נח	נפשיה	דרב
Ein Yaakov		אשיבנו	על	שרפו		עצמות	מלך	אדום	לסיד	נח	נפשיה	דרב
Oxford	31	אדא	בר	אהבה			מלך<..>א		יוסף	′אמ	אנא	ענ(ס)[ש]תיה
Hamburg		א(ח)[ד]א	בר	אבא			′אמ	רב	יוסף		אנא	ענשתיה
Vatican 115		אדא	בר	אהבה			′אמ	רב	יוסף		אנא	ענישתיה
Munich		′אד	בר	′אה				רב	יוסף	′א	′אנ	′ענישתי
Florence		אדא	בר	אהבה	בר	אבא		בר	יוסף		אנא	ענישתיה
Paris		אדא	בר	אהבה				רב	יוסף	′אמ	אנא	ענשתיה
Pesaro		אדא	בר	אבא				רב	יוסף	אמר	אנא	ענישתיה
Vilna		אדא	בר	אבא				רב	יוסף	אמר	אנא	ענישתיה
M. Haggadol		אדא	בר	אהבה				רב	יוסף	אמר	אנא	ענשתיה
Maasiyot		אדה	בר	אהבה				רב	יוסף	′אמ	אנא	ענשתיה
Escorial		אדא	בר	אהבה				רב	יוסף	′אמ	אנא	ענשתיה
Haggadot		אדא	בר	אהבה				רב	יוסף	′אמ	אנא	ענשתיה
Ein Yaakov		אדא	בר	אהבה				רב	יוסף	אמר	אנא	ענישתיה

32	Oxford	דאנא	לטייהו	ורב	דימי		′אמ	אנא	ענשתיה	דפסוד	גרוגרות
	Hamburg		דלטתיה	רב	דימי		′אמ	אנא	ענשתיה	דפסוד	גרוגרות
	Vatican 115	דאנא	לשתיה	ורב	דימי		′אמ	אנא	ענישתיה	דפסיד	גרוגרות
	Munich			רב	דימי	′מנהרדע	′א	′אנ	′ענישתי		
	Florence		[דלטיתיה]	רב	דימי	מנהרדעא	′אמ	אנא	ענישתיה	דאפסיד	גרוגרות
	Paris	דאנא	לטתיה	רב	דימי		′אמ	אנא	ענשתיה	דפסוד	גרוגרות
	Pesaro	דאנא	לטייתיה	רב	דימי	מנהרדעא	אמר	′אנ	′ענישתי	דאפסיד	′גרוגרו
	Vilna	דאנא	לטייתיה	רב	דימי	מנהרדעא	אמר	אנא	ענישתיה	דאפסיד	גרוגרות
	M. Haggadol		דלטתיה	רב	דימי	דמנהרדעא	אמר	אנא	ענשתיה	דמרי	עובדא
	Maasiyot		דלטתיה	רב	דימי	מנהרדעא	′אמ	אנא	ענשתיה	דמרי	עובדא
	Escorial	דאנא	לטתיה	רב	דימי	מנהרדעא	[′אמ]	אנא	ענשתיה	דאפסיד	גרוגרות
	Haggadot	דאנא	לטיתיה	רב	דימי		אמר	אנא	ענשתיה	דאפסיד	גרוגרות
	Ein Yaakov	דאנא	לטיתיה	רב	דימי		אמר	אנא	ענישתיה	דאפסיד	גרוגרות
33	Oxford	דידי	אביי	′אמ	אנא	ענשתיה			′דאמ	להו	לרבנן
	Hamburg	דידי	אביי	′אמ	אנא	ענשתיה		דהוה	′אמ	להו	לרבנן
	Vatican 115	דידי	אביי	′אמ	אנא	ענישתיה			′דאמ	להו	
	Munich		אביי	′א	′אנ	′ענישתי			′דא	להו	רבנן
	Florence	דידיה	′אמ	אביי	אנא	ענישתיה			′דאמ	להו	לרבנן
	Paris	דידיה	אביי	′אמ	אנא	ענשתיה			′דאמ		לרבנן
	Pesaro	דידי	אביי	′אמ	′אנ	′ענישתי			′דאמ	להו	לרבנן
	Vilna	דידי	אביי	אמר	אנא	ענישתיה			דאמר	להו	לרבנן
	M. Haggadol	אנא	אביי	אמר	אנא	ענישתיה	דכי	הוה	משכח	להו	לרבנן
	Maasiyot	אנא	אביי	′אמ	אנא	ענישתיה		דהוה	′אמ	להו	לרבנן
	Escorial	דידי	אביי	′אמ	אנא	ענשתיה			′דאמ	להו	לרבנן
	Haggadot	דידי	אביי	אמר	אנא	ענשתיה			′דאמ	להו	לרבנן
	Ein Yaakov	דידי	אביי	אמר	אנא	ענישתיה		דהוה	אמר	להו	לרבנן

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

34	Oxford		עד	דמי	גרגי	גרמי	בי	אביי	מאביי		תו	ואיכלו	בישרא
	Hamburg			אדמגרשיתו		גרמי	בי	אביי			תו	אכלו	בשרא
	Vatican 115		עד	דמגרדתו		גרמי	ביה	אביי				אכלו	בישרא
	Munich			אדמגררתו		גרמי	בי	אביי			תו	ואכלו	׳בשר
	Florence			אדמגרמיתו		גרמי	בי	אביי			תו	ואכלי	׳בישר
	Paris			א?ד?מגרמיתו		גרמי	בי	אביי			תא	ואכלו	בשרא
	Pesaro			אדמגרשיתו		גרמי	בי	אביי			תו	אכלו	בישרא
	Vilna			אדמגרמיתו		גרמי	בי	אביי			תו	אכלו	בישרא
	M. Haggadol	להו		אדמדגרדישתו		גרמי	בי	אביי			תו	אכולו	בסרא
	Maasiyot			אדמגרסיתו		גרמי	בי	אביי			תו	אכולו	בסרא
	Escorial			אדמגרדיתו		גרמי	בי	אביי			אתו	איכלו	ביסרא
	Haggadot			אדמגררתו		גרמי	בי	אביי			אתו	אכלו	בשרא
	Ein Yaakov		עד	דמגרריתו		גרמי	בי	אביי			זילו	ואכלו	בישרא
35	Oxford	שמינה	ביה		רבא	׳אמ	אנא	ענשתיה					דכי
	Hamburg	שמינא	בי	רבא	ורבא	׳אמ	אנא	ענשתיה					
	Vatican 115	שמינה	בי	רבא	רבא	׳אמ	אנא	ענישתיה					דכי
	Munich	׳שמנ	בי	רבא	ורבא	׳א	אנא	׳ענישתי	׳דא	להו	למכחי		כי
	Florence	שמינא	בי	רב	ורבא	׳אמ	אנא	ענישתיה					
	Paris	שמינא	בי	רבא	רבא	׳אמ	אנא	ענשתיה					
	Pesaro		בי	׳רב	ורבא	׳אמ	אנא	ענישתיה					
	Vilna	[שמינא]	בי	רבא	ורבא	אמר	אנא	ענישתיה					דכי]
	M. Haggadol	שמינא	בי	ראבא	ראבא	אמר	אנא	ענשתיה					דכי
	Maasiyot	שמינא	בי	ראבא	רבא	׳אמ	אנא	ענשתיה					דכי
	Escorial	שמינא	בי	רבא	רבא	׳אמ	אנא	ענשתיה					
	Haggadot	שמינא	בי	רבא	ורבא	׳אמ	אנא	ענשתיה					דכי
	Ein Yaakov	שמינא	בי	רבא	רבא	אמר	אנא	ענישתיה					דכי

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

36	Oxford	הוה	אזיל		לבי	טבחא	למישקל	אומצא				׳אמ
	Hamburg										דהוה	׳אמ
	Vatican 115	הוה	אזיל				למישקל	אומצא	בי	טבחא		א״ל
	Munich	הוה	אזיל				למישקל	׳אומצ				
	Florence											׳דאמ
	Paris											׳דאמ
	Pesaro											׳דאמ
	Vilna	הוה	אזיל		לבי	טבחא	למשקל	[אומצא				אמר
	M. Haggadol	הוה	אתי		לגבי	טבאחא					הוה	אמר
	Maasiyot	הוה	אתי		לגבי	טבאחי					הוה	׳אמ
	Escorial											׳דאמ
	Haggadot	הוה	אזיל	שמעיה	בי	טבחא	למשקל	אומצא				׳אמ
	Ein Yaakov	הוה	אזיל		לבי	טבחא	למשקל	אומצא			הוה	אמר
37	Oxford	להן		הבו	לי	בישרא	מקמי		שמעיה	דרבא	דאנא	׳עדיפנ
	Hamburg	להו	לטבחי	אנא	שקילנא	בשרא	מקמי		דשמעיה	דרבא		
	Vatican 115			הבו	לי	בישרא	מקמי		שמעיה	דרבא	דאנא	עדיפא
	Munich			׳אנ	׳שקילנ	׳בישר	מקמי	()	׳שמעי	דרבא		
	Florence		לטבחיה	אנא	שקילנא	בישרא	מקמיה		שמעיה	דרבא	דאנא	עדיפא
	Paris	להו	לטבחי	אנא	שקילנא	אומצא	מקמי		שמעיה	דרבא		
	Pesaro	להו	לטבחי	אנא	שקילנא	בישרא	׳מיקמי		׳שמעי	׳דרב	דאנא	עדיפנא
	Vilna	להו	לטבחי	אנא	שקילנא	בישרא	מיקמי		שמעיה	דרבא	דאנא	עדיפנא
	M. Haggadol	להו		אנא	שקילנא	בסרא	מקמי		שמעיה	דראבא	דאנא	עדיפנא
	Maasiyot	להו		אנא	שקילנא	בשרא	מקמי		שליחיה	דראבא	דאנא	עדיפנא
	Escorial	להו	לטבחי	אנא	שקילנא	ביסרא	מקמי		שמעיה	דרבא	׳דאמ]	עדיפנא
	Haggadot	להו		אנא	׳שקילנ	אומצא	מקמי		שמעיה	דרבא	דאנא	עדיפנא
	Ein Yaakov	להו		אנא	אשקול	בישרא	מקמי		שמעיה	דרבא	דאנא	עדיפנא

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

Oxford	38	מיני׳	דרב	נחמן	בר		יצחק	אמ׳	אנא	ענשיה	
Hamburg			רב	נחמן	בר		יצחק	אמ׳	אנא	ענשתיה	ומסתברא דרב
Vatican 115		מיניה	רב	נחמן	בר		יצחק	אמ׳	אנא	ענישתיה	
Munich			רב	נחמ׳	בר		יצח׳	א׳	אנא	ענישתי׳	
Florence		מיניה	רב	נחמן	בר		יצחק	אמ׳	אנא	ענישתי׳	
Paris			רב	נחמן	בר		יצחק		אנא	ענשתיה	
Pesaro			רב	נחמן	בר		יצחק	אמר	אנא	ענישתיה	
Vilna		מיניה	רב	נחמן	בר		יצחק	אמר	אנא	ענישתיה	
M. Haggadol		מניה	רב	נחמן	בר		יצחק	אמר	אנא	ענשתיה	ומסתברא דרב
Maasiyot		מיניה	רב	נחמן	בר		יצחק	אמ׳	אנא	ענשתיה	
Escorial		[מיניה	רב	נחמן	בר	רב	יצחק	אמ׳	אנא	ענישתיה	[ומסתברא] דרב
Haggadot		מיניה	רב	נחמן	בר		יצחק	אמ׳	אנא	ענשתיה	
Ein Yaakov		מיניה	רב	נחמן	בר		יצחק	אמר	אנא	ענישתיה	
Oxford	39										
Hamburg		נחמן	בר	יצחק	הוא	דענשיה	משום	מעשה	שהיה		
Vatican 115										דההוא	יומא דהוה
Munich										ד׳ההו	יום׳ דהוה
Florence											
Paris											
Pesaro											
Vilna											
M. Haggadol		נחמן	בר	יצחק		ענשיה					
Maasiyot											
Escorial		ענשיה	דרב)	נחמן	בר	יצחק)[					
Haggadot											
Ein Yaakov											

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

Oxford											40
Hamburg											
Vatican 115	בעי	רב	נחמן	בר	יצחק	למיפתח	בפירקא	אשכחיה		אדא	בר
Munich	בעי	רב	׳נחמ	בר	״יצח	למפתח	׳בפירק	׳אשכחי	לרב	׳אד	בר
Florence											
Paris											
Pesaro											
Vilna											
M. Haggadol											
Maasiyot											
Escorial											
Haggadot											
Ein Yaakov											
Oxford											41
Hamburg											
Vatican 115	אהבה	א״ל	ליתיה	מר	לפירק	א״ל	השתא	אתינא	נגה	ולא	אתא
Munich	׳אב	א״ל	ליתי	מר	׳לפירק	א״ל	׳השת	׳אתינ	נגה	ולא	׳את
Florence											
Paris											
Pesaro											
Vilna											
M. Haggadol											
Maasiyot											
Escorial											
Haggadot											
Ein Yaakov											

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

Oxford											42
Hamburg											
Vatican 115	אדהכי		פתח	רב	נחמן			ולא	איסתייעא		מילתא
Munich	אדהכי	והכי	פתח	רב	נחמן	בר	׳יצח	ולא	׳אסתייע	׳לי	׳מילת
Florence											
Paris											
Pesaro											
Vilna											
M. Haggadol											
Maasiyot											
Escorial											
Haggadot											
Ein Yaakov											
Oxford											43
Hamburg											
Vatican 115	׳אמ	יהא	רעוא	דלישכוב	רב	אדא	בר	אהבה	ומסתברא	דרב	נחמן
Munich	׳א	יהא	׳רעו	דלישכיב	רב	׳אד	בר	׳אהב	׳ומסתבר	דרב	׳נחמ
Florence											
Paris											
Pesaro											
Vilna											
M. Haggadol											
Maasiyot											
Escorial											
Haggadot											
Ein Yaakov											

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

Oxford	44											דרב
Hamburg												דרב
Vatican 115							ענשיה	לישנ	אחרינא	׳אמ	רב	דרב
Munich		בר	׳יצח				׳ענשי					דרב
Florence												דרב
Paris												דרב
Pesaro												דרב
Vilna												דרב
M. Haggadol												דרב
Maasiyot												דרב
Escorial												דרב
Haggadot												דרב
Ein Yaakov												דרב
Oxford	45	נחמן	בר	יצחק				ראש			הוי	יומא	כל	מקמי	דניעול
Hamburg		נחמן	בר	יצחק				ריש	כלה		הוה	יומא	כל	מקמי	דניעול
Vatican 115		נחמן	בר	יצחק				ריש	כלה		הוה	יומא	כל	מקמי	דליעול
Munich		׳נחמ	בר	׳יצח				ריש	כלה		הוה	׳יום	וכל	מקמי	דניעול
Florence		׳נחמ	בר	יצחק				ריש	כלה		הוה	יומא	וכל	מקמיה	דעייל
Paris		נחמן	בר	יצחק				ריש	כלה		הוה	יומא	כל	מקמי	דניעול
Pesaro		נחמן						ריש	כלה		הוה	יומא	כל	מיקמי	דניעול
Vilna		נחמן	בר	יצחק				ריש	כלה		הוה	יומא	כל	מיקמי	דניעול
M. Haggadol		נחמן	בר	יצחק				ריש	כלה	דראבא	הוה	יומא	וכל	מקמי	דניעול
Maasiyot		נחמן	בר	יצחק				ריש	כלה	דראבא	הוה	יומי	וכל	מיקמי	דניעול
Escorial		נחמן	בר	יצחק				ריש	כלה		הוה	יומא	כל	מקמי	דליעול
Haggadot		נחמן	בר	יצחק				ריש	כלה		הוה	יומא	כל		דניעול
Ein Yaakov		נחמן	בר	יצחק				ריש	כלה		הוה	יומא	כל	קמי	דניעול

46	Oxford	לכלה			מרהיט		בהדיה		רב	אדא	בר
	Hamburg	לכלה			מרהיט	לשמעתא	בהדי		רב	א(ח)[ד]א	בר
	Vatican 115	לכלה			רהיטבהדי	שמעתיה			דרב	אדא	בר
	Munich	׳לכל	הוה		רהיט		בהדי	׳שמעי	רב	׳אד	בר
	Florence	לכלה	הוה		רהיט	שמעתתיה	בהדי		דרב	אדא	
	Paris	לכלה	הוה		מרהיט	לשמעתא	בהדי		רב	אדא	בר
	Pesaro	לכלה			מרהיט		בהדיה		רב	אדא	בר
	Vilna	לכלה			מרהיט		בהדיה		רב	אדא	בר
	M. Haggadol	לכלה			מהדר	שמעתא	בהדי		דרב	אדא	בר
	Maasiyot	לכלה			מהדר	שמעתא	בהדי		דרב	אדה	בר
	Escorial	לכלה		מעיין	בהדי	שמעתא			רב	אדא	בר
	Haggadot	לכלה	הוה		רהיט	שמעתתיה			דרב	אדא	בר
	Ein Yaakov	לכלה	הוה		מרהיט		בהדי		רב	אדא	בר
47	Oxford	אהבה	׳שמעת	והדר	עייל	לכלה	ההוא	יומא		נקטוה	
	Hamburg	אבא		והדר	עייל	לכלה	ההוא	יומא		נקטוה	
	Vatican 115	אהבה		והדר	עייל	לכלה	ההוא	יומא		עכבו	
	Munich	׳אהב		והדר	עייל	לכל	׳ההו	׳יום		׳ניכבי	
	Florence			והדר	עייל	לכלה	ההוא	יומא		עכביה()	
	Paris	אהבה		והדר	עייל	לכלה	ההוא	יומא		נקטוה	
	Pesaro	אבא	לשמעתיה	והדר	עייל	לכלה	ההוא	יומא		נקטוה	
	Vilna	אבא	לשמעתיה	והדר	עייל	לכלה	ההוא	יומא		נקטוה	
	M. Haggadol	אהבה		והדר	עיילי	למתיבתא	ההוא	יומא	רב	נפק	לבראי
	Maasiyot	אהבה		והדר	עיילי	למתיבתא	ההוא	יומא	רב	נפק	לבראי
	Escorial	[אהבה		והדר	עייל	לכלה	ההוא	יומא		נקטוה	
	Haggadot	אהבה		והדר	עייל	לכלה	ההוא	יומא		עכבוה	
	Ein Yaakov	אהבה	לשמעתיה	והדר	עייל	לכלה	ההוא	יומא		עכבוה	

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

48	Oxford			רב	פפא	ורב	הונא	..>ברי	<...	יהושע	לרב	אדא
	Hamburg			רב	פפא	ורב	הונא	בריה	דרב	יהושע	לרב	א(ח)[ד]א
	Vatican 115			רב	פפא	ורב	׳הונ	בריה	דרב	יהושע	לרב	אדא
	Munich			רב	׳פפ	ורב	׳הונ	׳ברי	דרב	׳יהוש	לרב	׳אד
	Florence			רב	פפא	ורב	הונא	בריה	דרב	׳יהוש	לרב	אדא
	Paris			רב	פפא	ורב	הונא	׳ברי	דרב	יהושע	לרב	אדא
	Pesaro			רב	פפא	ורב	הונא	׳ברי	דרב	יהושע	לרב	אדא
	Vilna			רב	פפא	ורב	הונא	בריה	דרב	יהושע	לרב	אדא
	M. Haggadol	פגעו	ביה	רב	פאפא	ורב	חונא	בריה	דרב			
	Maasiyot	פגעו	ביה	רב	פפא	ורב	הונא	בניה	דרב	יהודה		
	Escorial			רב	פפא	ורב	הונא	ברי	דרב	יהושע	לרב	אדא
	Haggadot			רב	פפא	ורב	הונא	בריה	דרב	יהושע		
	Ein Yaakov			רב	פפא	ורב	הונא	בריה	דרב	יהושע		
49	Oxford	בר	אהבה	׳משו	דלא	הוי	.>מאים<..>/בסיומ? ?.<	א״ל		׳אמ	לן	
	Hamburg	בר	אבא	משום	דלא	הוו	בסיומא	אמרו	ליה	אימא	לן	
	Vatican 115	בר	אהבה	משום	דלא	הוה	בסיומא	אמרו	ליה	׳אימ	לן	
	Munich	בר	׳אהב	׳משו	דלא	הוה	׳בסיימי	א״ל		׳אימ	לן	
	Florence	בר	אהבה	׳משו	דלא	הוו	בסיומיה	ואמרו	ליה	׳אימ	לן	מר
	Paris	בר	אהבה	׳משו	דלא	הוו	׳בסיום	אמרו	ליה	אימא	לן	
	Pesaro	בר	אבא	משום	דלא	הוו	בסיומא	אמרו	ליה	׳אימ	לן	
	Vilna	בר	אבא	משום	דלא	הוו	בסיומא	אמרו	ליה	אימא	לן	
	M. Haggadol							אמרו	ליה	נימר	לן	מר
	Maasiyot							אמרו	ליה	נימר	לן	מר
	Escorial	בר	אהבה	משום	דלא	[הו(ה)]ו	בסיומה	אמרו	ליה	׳אימ	לן	מר
	Haggadot			משום	דלא	הוו	בסיומיה	אמרו	ליה	׳אימ	לן	
	Ein Yaakov			משום	דלא	הוו	בסיומא	אמרו	ליה	אימא	לן	

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

50	Oxford	מהני	שמעת		דמעשר	בהמה	היכי	אמרינה	רבא	′אמ	להו	הכי
	Hamburg	הני	שמעתתא		דמעשר	בהמה	היכי	אמרינהו	רבא	′אמ	להו	הכי
	Vatican 115	מהני	שמעתא		דמעשר	בהמה	היכי	אמרינהו	רבא	א״ל		הכי
	Munich	הני	′שמעת		′ממעש	′בהמ	היכי	אמרינהו	רבא			
	Florence	הני	שמעתתא		דמעשר	בהמה	היכי	′אמ	רבא	′אמ	להו	הכי
	Paris	הני	שמעתתא		דמעשר	בהמה	היכי	אמרינהו	רבא	′אמ	להו	הכי
	Pesaro	הני	שמעתתא		דמעשר	בהמה	היכי	אמרינהי	רבא	אמר	להו	הכי
	Vilna	הני	שמעתתא		דמעשר	בהמה	היכי	אמרינהו	רבא	אמר	להו	הכי
	M. Haggadol	הני	שמעתאתא	דבסופיה	דמעשר	בהמה	היכי	אמרינהו	ראבא	′אמ	להו	הכי
	Maasiyot	הני	שמעתאתא	דבסופיה	דמעשר	בהמה	היכי	אמרינהו	ראבא	′אמ	להו	הכי
	Escorial	הני	שמעתא		דמעשר	בהמה	היכי	אמרינהו	רבא	′אמ	להו	הכי
	Haggadot	הני	הלכתא		דמעשר	בהמה	היכי	אמרינהו	רבא	′אמ	להו	הכי
	Ein Yaakov	הני	שמעתתא		דמעשר	בהמה	היכי	אמרינהו	רבא	אמר	להו	הכי
51	Oxford		<..>א	<..>רב	והכי	′אמ	רבא	אדהכי	והכי	נגה	ליה	לרב
	Hamburg		אמרינהו	רבא				אדהכי		נגה	ליה	יומא
	Vatican 115		′אמ	רבא	והכי	′אמ	רבא	אדהכי	והכי	נגה	ליה	לרב
	Munich							אדהכי	והכי	נגה	′לי	לרב
	Florence		′אמ	רבא	והכי	′אמ	רבא	אדהכי	והכי	נגה	להו	לרב
	Paris	והכי	′אמ	רבא				אדהכי		נגה	ליה	יומא
	Pesaro		אמר	רבא	והכי	′אמ	רבא	אדהכי		נגה	להו	
	Vilna		אמר	רבא	והכי	אמר	רבא	אדהכי		נגה	ליה	לרב]
	M. Haggadol		אמר	ראבא				אדהכי	ואדהכי	נגה		
	Maasiyot		′אמ	ראבא				אדהכי	ואדהכי	נגה		
	Escorial		′אמ	רבא	והכי	′אמ	רבא	אדהכי	והכי	נגה	ליה	ל]רב
	Haggadot		′אמ	רבא	והכי	′אמ	רבא	אדהכי				
	Ein Yaakov	והכי	אמר	רבא				אדהכי		נגה	ליה	לרב

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

Oxford	52	נחמ׳	בר	<..>יצח							אתו
Hamburg					ולא	אתא					
Vatican 115		נחמן	בר	יצחק							אתו
Munich		נחמ׳	בר	יצח							אתו
Florence		נחמן	בר	יצחק							אתו
Paris					ולא	אתא					
Pesaro					ולא	אתי	רב	אדא	בר	אבא	
Vilna		נחמן	בר	[יצחק	(ולא)	אתי	רב	אדא	בר	(אבא	רנב״י]	אתו
M. Haggadol					ולא	אתא					
Maasiyot					ולא	אתא					
Escorial		נחמן	בר	רב	יצחק							אתו
Haggadot											
Ein Yaakov		נחמן	בר	יצחק								אתו
Oxford	53	רבנן	אמרו	ליה							
Hamburg			אמרו	ליה				רבנן	לרב	נחמן	
Vatican 115		רבנן	אמרו	ליה							
Munich		׳רבנ	אמרו	׳לי							
Florence		רבנן	אמרו	ליה							
Paris			׳אמ	׳לי				רבא	לרב	נחמן	
Pesaro			׳אמ	׳לי				רבנן	לרב	נחמן	בר
Vilna		רבנן	א״ל		לרב	[נב״י	אמרו	ליה	רבנן	לרב	נחמן	בר
M. Haggadol			אמרו	ליה					רבנן	לרב	נחמן	בר
Maasiyot			אמרו	ליה					רבנן	לרב	נחמן	בר
Escorial		רבנן	אמרו	ליה								
Haggadot												
Ein Yaakov		רבנן	אמרו	ליה								

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

Oxford	54		קום	<..>נג	לן		אמאי	יתיב	מר	׳הכ	׳אמ	להו
Hamburg			קום	דינגה	לן		יומא				׳אמ	להו
Vatican 115							אמאי	יתיב	מר		׳אמ	לו
Munich			קום	׳נג	לן		אמאי	יתיב	מר		׳א	להו
Florence			קום	נגה	ליה		אמאי	יתיב	מר			
Paris			קום	?דנג ?ה	לך						׳אמ	׳לי
Pesaro		יצחק	קום	דנגה	לן		למה	יתיב	מר		אמר	להו
Vilna		יצחק	קום	דנגה	לן		למה	יתיב	מר		אמר	להו
M. Haggadol		יצחק	קום	דנגה	לן		ואמאי	יתיב	מר		אמר	להו
Maasiyot		יצחק	קום	דנגה	לן		ואמאי	יתיב	מר		׳אמ	להו
Escorial				נגה	לן	מר	למה	יתיב	מר		׳אמ	להו
Haggadot												
Ein Yaakov				נגה	לן		למה	יתיב	מר		אמר	להו
Oxford	55		קא	נטרנא			לערסיה	דרב	אדא	בר	אהבה	אדהכי
Hamburg		יתיבנא		ונטרנא			לערסיה	דרב	א(ח)[ד]א	בר	אבא	אדהכי
Vatican 115			קא	נטרנא			ערסיה	דרב	אדא	בר	אהבא	אדהכי
Munich				׳קנטרנ			׳ערסי	דרב	׳אד	בר	׳אהב	אדהכי
Florence		יתיבנא	וקא	נטרנא			ערסא	דרב	אדא	בר	אהבה	אדהכי
Paris		יתיבנא		ונטרנא			׳לערסי	דרב	אדא	בר	אהבה	אדהכי
Pesaro		יתיבנא	וקא	מנטרנא			לערסיה	דרב	אדא	בר	אבא	אדהכי
Vilna		יתיבנא	וקא	מנטרא			לערסיה	דרב	אדא	בר	אבא	אדהכי
M. Haggadol		יתיבנא		ונטירנא			ערסיה	דרב	אדה	בר	אהבה	
Maasiyot			לא	קאימנא	עד	דחלפא	ערסיה	דרב	אדה	בר	אהבה	
Escorial			קא	נטרנא			לערסיה	דרב	אדא	בר	אהבה	[אדהכי]
Haggadot												
Ein Yaakov			קא	׳נטרנ			לערסיה	דרב	אדא	בר	אהבה	אדהכי

Appendix D: Synopsis of Bava Batra 22a (Chapter Two)

56	Oxford	והכי	<...>		ערסיה							מסתברא
	Hamburg		נפק		קלא	דנח	נפשיה					
	Vatican 115		נפק		קלא	דנח	נפשיה		אדא	בר	אהבה	ומסתברא
	Munich		נפק		׳קל	דנח	׳נפשי	דרב	׳אד	בר	׳אהב	׳ומסתבר
	Florence		נפק		קלא	דנח	נפשיה	דרב	אדא	בר	אהבה	
	Paris		׳נפק	בת	קלא	דנח	׳נפשי	דרב	אדא	בר	אהבה	
	Pesaro		נפק		קלא	דנח	נפשיה	דרב	אדא	בר	אבא	ומסתברא
	Vilna		נפק		קלא	דנח	נפשיה	דרב	אדא	בר	אבא	ומסתברא
	M. Haggadol											
	Maasiyot		חליפא		ערסיה			דרב	אדא	רב	אהבה	ומסתברא
	Escorial		נפק		קלא	דנח	נפשיה	דרב	אדא	בר	אהבה	ומסתברא]
	Haggadot		נפק		קלא	נח	נפשיה	דרב	אדא	בר	אהבה	ומסתברא
	Ein Yaakov		נפק		קלא	דנח	נפשיה	דרב	אדא	בר	אהבה	ומסתברא
57	Oxford	דרב	נחמן	בר	<..>יצח	ענשיה						
	Hamburg											
	Vatican 115	דרב	נחמן	בר	יצחק	ענשיה						
	Munich	דרב	׳נחמ	בר	יצחק	ענשיה						
	Florence											
	Paris											
	Pesaro	דרב	נחמן	בר	יצחק	ענשיה						
	Vilna	דרב	נחמן	בר	יצחק	ענשיה						
	M. Haggadol											
	Maasiyot	דרב	נחמן	בר	יצחק	ענשיה						
	Escorial	דרב	נחמן	בר	יצחק	[ענשייה						
	Haggadot	דרב	נחמן	בר	יצחק	ענשיה						
	Ein Yaakov	דרב	נחמן	בר	יצחק	ענשיה						

Appendix E: Synopsis of Bava Meẓiʿa 97a (Chapter Three)

Vilna	אמר	רבא	האי	מאן	דבעי		למישאל	מידי	מחבריה	וליפטר	
T-S[458]	׳אמ	ראבא	האי	מאן	דניחא	ליה	דלישול	מידי		וליפטר	
Hamburg 165	׳אמ	רבא	האי	מאן	דבעי		דנשאול	מידי	מחבריה	ונפטר	ליה
Cremona	׳אמ	רבא	האי	מאן	דבעי		{..}למישא		מחבריה	ונפטר	
Escorial	׳אמ	רבא	האי	מאן	דבעי		דנשאל	מידי	מחבריה	וניפטר	
Soncino	׳אמ	רבא	האי	מאן	דבעי		למישאל	מידי	מחבריה	וליפטר	
Vatican 115	׳א	רבא	האי	מאן	דבעי		דמשאל	נרגא	מחבריה	ומפטר	
Vatican 117	אמר	רבא	האי	מאן	דבעי		דנישאול	מידי	חבריה	וניפטר	
Munich 95	׳א	רבא	האי	מאן			׳דנשאי	מידי	׳מחברי	ונפטר	׳לי
Florence	׳אמ	רבא	האי	מאן	דבעי		דנישול	מידיה	מחבריה	וניפטר	

[458] This fragment TS FII(2).14, associated as a witness to Talmud Bavli by Abraham Isaac Katz, *Ginze Talmud Bavli* (1975). is in my opinion a fragment of *Halakhot Gedolot*. Because of Katz I have included it in this synopsis.

Appendix E: Synopsis of Bava Meẓia 97a (Chapter Three)

2	Vilna	נימא	ליה	אשקיין	מיא	דהוי		שאילה	בבעלים	ואי	פקח	הוא
	T-S	לימא	ליה	אשקין	מיא					ואי	פקיח	
	Hamburg 165	לימא	ליה	אשקיין	מיא					ואי	פקח	אידך
	Cremona	׳נימ	ליה	אשקיין	מיא					ואי	פירח	{.}אי
	Escorial	נימא	ליה	אשקיאן	מייא	דהוי		שאלה	בבעלים	ואי	פקח	הוא
	Soncino	נימא	ליה	אשקיין	מיא	דהויא		שאלה	בבעלים	ואי	פקח	הוא
	Vatican 115	נימא	ליה	אשקיין	מיא	דהויא		שאלה	בבעלים	ואי	פיקח	הוא
	Vatican 117	׳נימ	ליה	אשקין	מיא	דהויא		שאלה	בבעלים	ואי	פיקח	הוא
	Munich 95	׳לימ	׳לי	אשקיין	מיא	(דהו | ה)	׳שאל	׳בבעלי	ואי	׳פיק	׳הו
	Florence	׳נימ	ליה	אשקיין	מיא					ואי	פיקח	אידך
3	Vilna	נימא	ליה		שאיל	ברישא	והדר	אשקייך		אמר	רבא	מקרי
	T-S	לימא	ליה		שויל	ברישא				׳ואמ	ראבא	מקרי
	Hamburg 165	נימא	ליה		שקול	ברישא	והדר	אשקייך		׳אמ	רבא	מקרי
	Cremona	׳נימ	ליה		שקול	ברישא	והדר	אשקייך		׳אמ	רבא	{..}מדרי
	Escorial	נימא	ליה		שאיל	ברישא	והדר	אשקייך		׳אמ	רבא	מקרי
	Soncino	׳נימ	ליה		שאיל	ברישא	והדר	אשקייך		׳א	רבא	מקרי
	Vatican 115	נימא	ליה		שאיל	׳בריש	והדר	אשקייך	מיא	׳א	רבא	מקרי
	Vatican 117	נימא	ליה	משוך	שאיל	בדישא	והדר	אשקיין	היא	אמר	רבא	מקרי
	Munich 95	׳נימ	׳לי		שאיל	׳בריש	והדר	נשתי)		׳א	רבא	מקרי
	Florence	נימא	ליה	משוך		ברישא				׳אמ	רבא	מקרי

Appendix E: Synopsis of Bava Meẓia 97a (Chapter Three)

Vilna	4	דרדקי	שתלא	טבחא	ואומנא		ספר	מתא	כולהון		
T-S		דרדקי		טבחא	ואומנא		ס>פר<	מאתא	כולהו		
Hamburg 165		דרדקי	שתלא	וטבחא	ואומנא		וספר	מתא	כולהו		
Cremona			שתלא	וטבחא	ואומנא		וספד	מתא	כולן	מוזהרין	{..}ועום הן
Escorial		דרדקי	שתלא	וטבחא	ואומנא		וספר	מתא	כולהו		
Soncino		דרדקי	שתלא	טבחא	ואומנא		וספר	מתא	כולהון		
Vatican 115		דרדקי	ושתל	וטבחא	ואומנא		וספר	מתא	כולהו		
Vatican 117		דרדקי	ושתלא	וטבחא	ואומנא		וספר	מתה	כולהו		
Munich 95		דרדקי		׳טבח	׳ואומנ	׳ושתל	וספר	׳מת	כולהו		
Florence		דרדקי	ושתלא	וטבחא	ואומנא		וספיר	מתא	כולהו		
Vilna	5					בעידן	עבידתייהו		כשאילה	בבעלים	דמו אמרו
T-S						בעידן	עבידתיהו	כי	שאלה	בבעלים	דאמו
Hamburg 165						בעידן	עבדתיהו		כשאלה	בבעלים	דמי אמרי
Cremona		׳דמספקינ	להו	בלא	אחריתא	ובעידן	דעבידתיהו		{..}כש	׳בבעלי	דמו אמרו
Escorial						בעידן	עיבידתיהו		כשאלה	בבעלים	דמי אמרי
Soncino						בעידן	עיבידתיהו		כשאלה	בבעלים	דמו אמרו
Vatican 115						בעידן	עיבידתייהו	כי	שאלה	בבעלים	דמי אמרו
Vatican 117						בעידן	עיבידתיה	כי	נשאלה	בבעלים	דמי אמרו
Munich 95						׳בעיד	עיבידתיהו		׳כשאל	׳בבעלי	דמו ואמרו
Florence						בעידן	עיבידתיהו	)כא(	כשאלה	בעלים	דמו אמרו

Appendix E: Synopsis of Bava Meẓia 97a (Chapter Three)

6	Vilna	ליה	רבנן	לרבא		שאיל	לן	מר	אקפיד	אמר	להו	
	T-S											
	Hamburg 165	ליה	רבנן	לרבא		שאילן		מר	איקפד	׳אמ	להו	
	Cremona	ליה	רבנן	לרב	אשי	ה[ש]ואיל	לן	מר	איקפד	׳אמ	להו	
	Escorial	ליה	רבנן	לרבא		שאיל	לן	מר	איקפד	׳אמ	להו	
	Soncino	ליה	רבנן	׳לרב		שאיל	לן	מר	איקפד	׳אמ	להו	
	Vatican 115	ליה	רבנן	לרבא		שאילן		מד	איקפד	׳א	להו	
	Vatican 117	ליה	רבנן	לרב	אשי	שאיל	לן	מר	איקפד	אמר	להו	לא
	Munich 95	׳לי	׳רבנ	׳לרב		שאיל	לן	מר	׳איקפ	׳א		
	Florence	ליה	רבנן	לרבא		שאיל	לאן	מר	איכפר	׳אמ	׳ל	
7	Vilna	לאפקועי	ממונאי	קא	בעיתו	אדרבה	אתון		שאילתון	לי	דאילו	אנא
	T-S											
	Hamburg 165	לאפקועי	לממונאי	קא	בעיתו		אתון	הוא	דשאליתו	לי	דאילו	אנא
	Cremona	לאפקועי	ממונא	קא	בעיתו		אתו	הוא	דשאליתוני		דאילו	אנא
	Escorial	לאפקועי	ממונא	קא	בעיתו	אדרבה	אתון	הוא	דשאיליתו	לי	דאלו	אנא
	Soncino	לאפקועי	ממונאי	קא	בעיתו	אדרבה	אתון	הוא	דשאילתו	לי	דאלו	אנא
	Vatican 115	לאפקועי	לממונאי	קא	בעיתי	אדרבה	אתון		שאיליתו	לי	דאילו	אנא
	Vatican 117	פקועי	ממונא		קבעיתו	אדרבא	אתון	הוא	דשאליתו	לי	דאילו	אנא
	Munich 95	לאפקועי	ממוני		בעיתו	׳אדרב	אתו	׳הו	דשייליתו	לי	דאילו	׳אנ
	Florence	)אפקרעי(מ	ממונאי	קא	בעיתו		אתון	הוא	דשייליתון	לי	דאילו	אנא

Appendix E: Synopsis of Bava Meẓia 97a (Chapter Three)

8	Vilna	מצי	אישתמוטי	לכו	ממכתא		למסכתא	אתון	לא	מציתו	לאישתמוטי
	T-S										
	Hamburg 165	מצינא	אשתמוטי	לכו	ממכתא		למסכתא	אתו	לא	מציתו	אשתמוטי
	Cremona	מצינא	אישצמוטי	להו	ממכתא		למסכתא	דאתון	לא	מציתון	לאשתמוטי
	Escorial	מצי	אשתמוטי	לכו	ממכתא		למסכתא	אתון	לא	מציתו	אשתמוטי
	Soncino	מצינא	אישתמוטי	לכו	ממכת		למסכתא	אתון	לא	מציתו	לאישתמוטי
	Vatican 115	מצינא	לאישתמוטי	לכו	ממכתא		למסכתא	אתו	לא	מציתו	לאישתמוטי
	Vatican 117	מצינא	לאישתמוטי	לכו	ממכתא		למסכתא	אתו	לא	מציתו	לאישתמוטי
	Munich 95	׳מצינ	אשתמוטי	לכו	ממכתא		׳למסכת	אתו	לא	מציתו	אשתמוטי
	Florence	מיניינא	לאישטמוטי	להו	ממכתא	דא	למסכתא	אחריתי	אתון	לא	מציתון	לאישתמוטי
9	Vilna		ולא	היא	איהו	שאיל	להו	ביומא	דכלה	אינהו	שאילו	ליה
	T-S											
	Hamburg 165	לי	ולא	היא	איהו	שאיל	להו	ביומי	דכלה	אינהו	שאילו	ליה
	Cremona	לי	ולא	היא	איהו	שא[י]ל	><	ביומי	דכלא	אינהו	שאילו	ליה
	Escorial	לי	ולא	היא	איהי	שאיל	להו	מיומא	דכלה	אינהו	שאילי	ליה
	Soncino	ל	ולא	היא	איהו	שאיל	להו	ביומא	דכלה	דאינהו	שאילו	ליה
	Vatican 115	לי	ולא	היא	איהו	שאיל	להו	ביומי	דכלא	אינהו	שאילי	ליה
	Vatican 117	לי	ולא	היא	איהו	שאיל	להו	ביומא	דכלא	אינהו	שאלי	ליה
	Munich 95	לי	ולא	׳הי	איהו	שאיל	להו	׳ביום	׳דכל	אינהו	שיילי	׳לי
	Florence	לי	ולא	היא	איהו	שאיל	ליה	ביומא	דכלה	אינהו	שילי	ליה

Appendix E: Synopsis of Bava Meẓia 97a (Chapter Three)

Vilna	10	בשאר		יומי		מרימר	בר	חנינא	אוגר	כודנייתא	בי	חוזאי
T-S						׳מארי	בר	חנניא	אוגר	כודנתיה	לבית	חוזאי
Hamburg 165		בשאר	כל	ימות	השנה	מארי	בר	חנניה	אוגר	כונדתיה	לבי	חוזאי
Cremona		בשאר	[כל]	ימות	השנה	מי>.<	בר	חנינא	אוגיר	כורנתי	לבי	חוזאי
Escorial		בשאר		יומי		מר	בר	חנינא	אוגר	]כונדנית)([יא	לבי	חוזאי
Soncino		בשאר		יומי		מרימר	בר	חנינ	אוגר	כודנייתה	בי	חוזאי
Vatican 115		בשאר		יומי	דשתא	מרי	בר	חנניא	אוגר	כונדתיה	לבי	חוזאי
Vatican 117				ביומא	דשתא	מרי	בר	חנניה	אוגר	כודנתיה	לבי	חוזאי
Munich 95		בשאר		יומי		מר	בר	׳חנינ	אוגר	׳כונדנתי	לבי	חוזאי
Florence		בשאר		יומי		מרי	בר	׳חנינ	אגר	]כורדנייתא[	לבני	חוזאי
Vilna	11	נפק		לדלויי		טעונה	בהדייהו	פשעו	בה	ומית	אתו	לקמיה	דרבא
T-S		<...>		לדלויי		טעונא	בהדיהו	פשעו	בה	ומית	אתי	לקמיה	דראבא
Hamburg 165		נפק		לדלויי		טעוניה		פשעי	בה	ומתה	אתו	לקמיה	דרבא
Cremona		נפק		לדלויי		טעונה	בהדיהו	פשעו	בה	ומתה	אתא	לקמיה	דרבא
Escorial		נפק		לדלויי		טעונה	בהדייהו	פשעו	בה	ומית	אתו	לקמיה	דרבא
Soncino		נפק		לדלויי		׳טעונ	בהדייהו	פשעו	בה	ומית	אתו	׳לקמי	׳דרב
Vatican 115		נפק		לדלויי		טעונא	בהדייהו	פשעו	בה	ומית	אתו	לקמיה	דרבא
Vatican 117		נפק		לדלויי		טעונה	בהדיהו	פשעי	בה	ומית	אתו	לקמיה	דרבא
Munich 95		׳נפק		לדלויי		׳טוענ	בהדייהו	פשעו	׳בי	ומית	אתי	׳לקמי	דרבא
Florence		נפק	>...<	]לדלויי[		טעונא	בהדיהו	פשעו	בה	ומתה	אתו	לקמיה	דרבא

Appendix E: Synopsis of Bava Meẓia 97a (Chapter Three)

Vilna 12	חייבינהו			אמרו	ליה	רבנן	לרבא			פשיעה	בבעלים
T-S	חייבנהו			אמרו	ליה	ר<בנן	ל.>בא	והא		פשיעה	בבעלים
Hamburg 165	חייבינהו	רבא	לשלומי	אמרו	ליה	רבנן	לרבא	והא		פשיעה	בבעלים
Cremona	חייבינהו	רבא	לשלומי	אמרי	ליה	רבנן	לרבא	והא		פשיעה	בבעלים
Escorial	חייבינהו			אמרו	ליה	רבנן	לרבא	הכי	דינא	פשיעה	בבעלים
Soncino	חייבינהו			אמרי	׳לי	רבנן	׳לרב			פשיעה	בבעלים
Vatican 115	חייבינהו			אמרו	ליה	רבנן	לרבא	הכי	דינא	פשיעה	בבעלים
Vatican 117	חייבינהו			אמר	ליה	רבנן	לרבא			פשיעה	בבעלים
Munich 95	חייבינהו			א״ל		׳רבנ	לרבא			׳פשיע	׳בבעלי
Florence	חייבינהו	אתו(	)׳לר	אמרו	׳ל	רבנן	לרבא	הכי	דינא	פשיעה	׳בבעלי
Vilna 13	היא	איכסיף	לסוף	איגלאי	מילתא	דלמיסר	טעונה	דנפק	הוא	הניחא	למאן
T-S	היא	איכסיף		איגלא	מילתא	<...>	טעונה	דנפק	היא	..}הניח	
Hamburg 165	היא	איכסיף	לסוף	איגלאי	מלתא	דלמיסר	טעוניה	דנפק	הוא	הניחא	למאן
Cremona	היא	איכסיף	לבסוף	איגלאי	׳מילת	׳דלימסר	טוענינהו	דנפק	הוא	׳הניח	למ״ד
Escorial	הוא	איכסיף	לסוף	איגלי	מילתא	דלמיסר	טוענייה	דנפק	הוא	הניחא	למאן
Soncino	היא	איכסיף	לסוף	איגלאי	׳מילת	דלמיסר	טעוניה	דנפק	הוא	הניחא	למאן
Vatican 115	היא	איכסיף	לסוף	איגלאי	מילתא	דלמיסר	טעוניה	דנפק	הוא	הניחא	למאן
Vatican 117	היא	אוכסיף	לסוף	איגלאי	מילתא	דלמיסר	טעוניה	דנפק	הוא	הניחא	למאן
Munich 95	׳הי	איכסף	לסוף	איגלאי	׳מילת	דלמיסר	׳טועני	נפק		׳הניח	למ״ד
Florence	היא	איכסיף	לסוף	איגלאי	מילתא	דלמסר	טעוניה	דנפק	הוא	הניחא	למאן

Appendix E: Synopsis of Bava Meẓia 97a (Chapter Three)

Vilna 14	דאמר	פשיעה	בבעלים	פטור		משום	הכי	איכסיף		אלא	למאן
T-S	...	רעא{..	בבעלים	פטור						אלא	למאן
Hamburg 165	׳דאמ	פשיעה	בבעלים	פטור						אלא	למאן
Cremona		פשיעה	׳בבעלי	׳פטו		׳משו	׳המ	איכסיף		אלא	למ״ד
Escorial	׳דאמ	פשיעה	בבעלים	פטור		משום	הכי	איכסיף	)לי(	אלא	למאן
Soncino	׳דאמ	פשיעה	בבעלים	פטור	צ	׳משו	הכי	איכסף		אלא	למאן
Vatican 115	׳דא	פשיעה	בבעלים	פטור						אלא	למאן
Vatican 117	דאמר	פשיעה	בבעלים	פטור		משום	הכי	איכסיף	לאו	אלא	למאן
Munich 95		׳פשיע	׳בבעלי	׳פטו		מ״ה		איכסיף		׳אל	למ״ד
Florence	׳דאמ	פשיעה	׳בבעלי	פטור						אלא	למאן
Vilna 15	דאמר			חייב	אמאי				איכסיף	לא	מיפשע
T-S	..>דא			<...	מאי	איכא	למימר				
Hamburg 165	׳דאמ			חייב	מאי	׳טע			איכסיף	לאו	מפשע
Cremona		׳פשיע	׳בבעלי	חייב	אמאי				איכסיף	לא	מפשע
Escorial	׳דאמ			חייב	מאי	איכא	למימר	אמאי	איכסיף	לא	מיפשע
Soncino	׳דאמ			חייב	אמאי				אכסיף	לא	מיפשע
Vatican 115	׳דא			חייב	מאי	איכא	למימר		איכסיף	לאו	מיפשע
Vatican 117	דאמר			חייב	אמאי				איכסיף	לאו	מיפשע
Munich 95		׳פשיע	׳בבעלי	׳חיי	אמאי				׳אכסי	לא	מפשע
Florence	׳דאמ			חייב	אמאי				איכסיף	לאו	מיפשע

Appendix E: Synopsis of Bava Meẓia 97a (Chapter Three)

Vilna	16	פשעו	בה	אלא	איגנובי	איגנוב	ומתה	כדרכה	בי	גנב	הוי	ואתו
T-S					איגנובי	איגנב	ומיתה	כדירכא				
Hamburg 165		פשעי	בה	אלא	איגנובי	איגנוב	ומתה	כדרכה	בי	גנב	הואי	אתא
Cremona		פשעי	בה	אלא	אגנובי	מיגנוב	ומתה	כדרכה	בי	>.<גנב	הוי	ואתו
Escorial		פשעו	בה	אלא	איגנובי	איגנוב	ומתה	כדרכה	כי	גנב		אתו
Soncino		פשעו	בה	אלא	איגנובי	איגנוב	ומתה	כדרכה	כי	גנב	היו	ואתו
Vatican 115		פשעו	בה	אלא	איגנובי	איגנוב	ומתה	כדרכה		מגנב	הואי	ואתו
Vatican 117		פשעי	בה	אלא	איגנובי	איגניב	ומתה	כדרכה	כי	גנוב	הואי	אתי
Munich 95		פשעי	׳בי	׳אל		איגנוב	׳ומת	׳כדרכ	בי	גנב		אתו
Florence		פשעו	בה		איגנובי	איגנוב	ומתה	כדירכה	בי	גנב	הויא	ואתא
Vilna	17	לקמיה	דרבא	וחייבינהו	אמרו	ליה	רבנן	לרבא		גניבה	בבעלים	היא
T-S							{ }	לר<ב>א	הא	גניבה	{}בבע	
Hamburg 165		לקמיה	דרבא	חייבינהו	אמרי	ליה	רבנן	לרבא	והא	גניבה	בבעלים	היא
Cremona		לקמיה	דרבא	חייבינהו	><	><	?					
Escorial		לקמיה	דרבא	וחייבינהו	אמרו	ליה	רבנן	לרבא	אמאי	גניבה	בבעלים	הוא
Soncino		׳לקמי	דרבא	וחייבינהו	אמרו	ליה	רבנן	לרבא		גניבה	בבעלים	היא
Vatican 115		לקמיה	דרבא	וחייבונהו	אמרו	ליה	רבנן	ליכא		גניבה	בבעילים	היא
Vatican 117		לקמיה	דרבא	וחייבינהו	אמרי	ליה	רבנן	לרבא		גניבה	בבעלים	היא
Munich 95		׳לקמי	דרבא	וחייבינהו	׳אמ	׳לי	׳רבנ	לרבא	והא	׳גניב	׳בבעלי	׳הי
Florence		לקמיה		וחייבינהו	אמרו	׳ל	רבנן	לרבא	והא	גניבה	׳בבעלי	היא

Appendix E: Synopsis of Bava Meẓia 97a (Chapter Three)

Vilna	איכסיף	לסוף	איגלאי	מילתא	דלמיסר	טעונה	הוא	דנפק:
T-S								
Hamburg 165	איכסיף	לסוף	איגלאי	מלתא	דלמיסר	טעוניה	הוא	דנפק
Cremona								
Escorial	איכסיף	לסוף	איגלי	מילתא	דלמיסר	טוענה	הוא	דנפיק
Soncino	אכסיף	לסוף	איגלאי	מילתא	דלמיסר	טעוניה	הוא	דנפק
Vatican 115	איכסיף	לסוף	איגלאי	מילתא	ולמיסר	טעוניה	הוא	דנפק
Vatican 117	איכסיף	לסוף	איגלאי	מילתא	דלמיסר	טעוניה	היא	דנפיק
Munich 95	איכסיף	׳לסו	איגלאי	׳מילת	דלמיסר	׳טוענ	׳הו	דנפק
Florence	איכסיף	לסוף	איגלאי	מילתא	דלמיסר	טעוניה	הוא	דנפק

Appendix F: Synopsis of Sanhedrin 19a (Chapter Four)

1	Herzog	מלך	לא	דן	ולא	דנין	אותו	׳אמ	רב	פפא	לא	שנו
	Munich	מלך	לא	דן				׳א	רב	יוסף	לא	<..>שנ
	Florence	מלך	לא	דן	ולא	׳כו		׳אמ	רב	יוסף	לא	שנו
	Karlsruhe	מלך	לא	דן	ולא	דנין	אותו	׳אמ	רב	יוסף	לא	שנו
	Barko	מלך	לא	דן	׳כו			אמר	רב	יוסף	לא	שנו
	Vilna	מלך	לא	דן	׳כו			אמר	רב	יוסף	לא	שנו
2	Herzog	אלא	מלכי			ישראל	אבל	מלכי	בית	דויד	דן	ודנין
	Munich	׳אל	מלכי			׳ישר	אבל	מלכי	׳בי	דוד	דן	ודנין
	Florence	אלא	מלכי	בית)	(דוד	ישראל	אבל	מלכי	בית	דוד	דן	ודנין
	Karlsruhe	אלא	מלכי			׳ישר	אבל	מלכי	[בית]	דוד	דן	ודנין
	Barko	אלא	מלכי			ישראל	אבל	מלכי	בית	דוד	דן	ודנין
	Vilna	אלא	מלכי			ישראל	אבל	מלכי	בית	דוד	דן	ודנין
3	Herzog	אותו	׳שנ	בית	דוד	כה	׳אמ	׳׳׳י	דינו	לבקר	משפט	ואילא
	Munich	אותו	׳דכתי	בית	דוד	כה	׳אמ	׳׳י	דינו	לבקר	׳משפ	ואי
	Florence	אתו	׳דכת	בית	דוד	כה	אמר	׳׳׳	דינו	לבקר	משפט	ואי
	Karlsruhe	אותו	׳דכת	בית]	[דוד	כה	אמר	׳׳י	דינו	׳לב	משפט	ואי
	Barko	אותן	דכתיב	בית	דוד	כה	אמר	׳׳	דינו	לבקר	׳משפ	ואי
	Vilna	אותן	דכתיב	בית	דוד	כה	אמר	׳ה	דינו	לבקר	משפט	ואי

4	Herzog		דדינינן	להו	אינהו	היכי	דייני	׳והכת	התקוששו	וקשו	׳ואמ	ריש
	Munich	לאו	דדינינן	להו	אינהו	היכי	דייני	׳והכתי	התקוששו	וקושו	׳וא	ריש
	Florence	לא	׳דייני	לכו		היכי	דייני	׳והכת	היתקוששו	וקושו	׳אמ	ריש
	Karlsruhe	לא	דדינינן	להו	אינהו	היכי	דיני	׳והכת	התקוששו	וקושו	׳ואמ	ריש
	Barko	לא	דייניגן	ליה	אינהו	היכי	דייני	והכתיב	התקוששו	וקשו	ואמר	ריש
	Vilna	לא	דייניגן	ליה	אינהו	היכי	דייני		התקוששו	וקושו	ואמר	ריש
5	Herzog	לקיש	קשט		עצמך	ואחר	כך	קשט		אחרים		מלכי
	Munich	׳לקי	קשט		׳עצמ	ואחר	כך	קשט		׳אחרי	׳אל	מלכי
	Florence	לקיש	קשוט	את	עצמך	ואחר	כך	קשוט	את	׳אחרי		מלכי
	Karlsruhe	לקיש	קשש		עצמך	׳ואח	כך	קשש		אחרים	[אלא]	מלכי
	Barko	לקיש	קשט		עצמך	ואחר	כך	קשט		אחרים	אלא	מלכי
	Vilna	לקיש	קשט		עצמך	ואחר	כך	קשט		אחרים	אלא	מלכי
6	Herzog	ישראל	מאי	טעמא	לא	דינינן	להו		ממעשה	שהיה	מאי	מעשה
	Munich	׳ישר	מאי	׳טע	לא			׳משו	׳מעש	׳שהי		
	Florence	׳ישר	מאי	׳טעמ				׳משו	מעשה	שהיה		
	Karlsruhe	׳ישר	מאי	׳טעמ	(לאו)			משום	מעשה	שהיה		
	Barko	ישראל	מאי	׳טעמ	לא			משום	מעשה	שהיה		
	Vilna	ישראל	מאי	טעמא	לא			משום	מעשה	שהיה		
7	Herzog	שהיה	כי	הא	דעבדיה	דינאי				קטל	נפשא	
	Munich		כי	הא	׳דעבדי	דינאי	׳מלכ			קטל	׳נפש	׳שדרי
	Florence				דע(ו)בדיה	דיינאי	מלכא	׳אמ)	(׳ל	קטל	נפשה	
	Karlsruhe		כי]	[הא	דעבדא	דינאי	מלכא			קטל	נפשא	
	Barko				דעבדיה	דינאי	מלכא			קטל	נפשא	
	Vilna				דעבדיה	דינאי	מלכא			קטל	נפשא	

8	Herzog		׳אמ	להם	שמעון	בן	שטח	לחכמים	תנו	עיניכם	בו	ונדיננו
	Munich	ניהליהו	׳א	להן	שמעון	בן	׳שט	׳לחכמ	תנו	׳עיניכ	בו	ונדינהו
	Florence		׳אמ	להו	׳שמע	בן	שטח		תנו	עיניכם	בו	ונדינכו
	Karlsruhe		׳א	להן	׳שמ	בן	שטח	[לחכמים]	תנו	עיניכם	בו	ו[נ]דונינו
	Barko		אמר	להו	שמעון	בן	שטח	׳לחכמי	תנו	עיניכם	בו	ונדוננו
	Vilna		אמר	להו	שמעון	בן	שטח	לחכמים	תנו	עיניכם	בו	ונדוננו
9	Herzog	שלחו	ליה	עבדך	קטל	נפשא	שדריה	ניה	ליהו	שלחו	ליה	תא
	Munich	שלחו	לי	עבדך	קטל	נפש	׳שדרו	ניהליהו		שלחו	׳לי	
	Florence	שלחו	ליה	עבדך	קטל	נפשא	שדריה	להו				תא
	Karlsruhe	שלחו	ליה	עבדך	קטל	׳נפש	שדרוה	(ליה)	[נהלייהו]	שלחוה		תא
	Barko	שלחו	ליה	עבדך	קטל	נפשא	שדריה	להו		שלחו		תא
	Vilna	שלחו	ליה	עבדך	קטל	נפשא	שדריה	להו		שלחו	ליה	תא
10	Herzog	את	נמי	להכא	׳דכתי	והועד	בבעליו		אמרה	תורה	יבוא	בעל
	Munich					והועד	בבעליו	׳כתי	׳אמר	׳תור	יבא	בעל
	Florence	אנת	נמי	להכא		והועד	בבעליו		אמרה	תורה	יבוא	בעל
	Karlsruhe	אנת	נמי	להכא		והועד	בבעליו		׳אמ	׳רחמנ	יבא	בעל
	Barko	אנת	נמי	להכא		והועד	בבעליו		אמרה	תורה	יבא	בעל
	Vilna	אנת	נמי	להכא	{כ״א	והועד	בבעליו		אמרה	תורה	יבא	בעל
11	Herzog	השור	ויעמוד	על	שורו	אתא	ואייתיב					׳אמ
	Munich		ויעמד	על	שורו	׳את	ויתיב					א״ל
	Florence	השור	ויעמד	על	שורו	אתא	יתיב	׳ר)	׳שמע	בן	(שטח	׳אמ
	Karlsruhe	השור	ויעמוד	על	שורו	אתא	יתיב					׳אמ
	Barko	השור	ויעמוד	על	שורו	אתא	ויתיב					אמר
	Vilna	השור	ויעמוד	על	שורו	אתא	ויתיב					אמר

12	Herzog	ליה	שמעון	בן	שטח	ינאי	המלך	עמוד	על	רגליך	ויעידו
	Munich		׳שמע	בן	שטח	ינאי	המלך	עמוד	על	רגליך	ויעידוך
	Florence	׳ל	׳שמע	בן	שטח	ינאי	המלך	עמוד	על	רגליך	ויעידו
	Karlsruhe	ליה	׳שמ	׳ר	בן	שטח	ינאי	המלך	עמוד	על	רגליך	ויעידו
	Barko	לו	שמעון		בן	שטח	ינאי	המלך	עמוד	על	רגליך	ויעידו
	Vilna	ליה	שמעון		בן	שטח	ינאי	המלך	עמוד	על	רגליך	ויעידו
13	Herzog	בך	לפנינו		שאין	אתה	עומד	אלא	לפני	מי	׳שאמ	והיה
	Munich		לפנינו	לא		׳את	׳עומ	׳אל	לפני	מי	׳שא	והיה
	Florence	בך	לפנינו	ולא		אתה	עומד	אלא	לפני	מי	שאמר	והיהעולם
	Karlsruhe	בך	לפנינו	לא		אתה	עומד	אלא	לפני	מי	׳שאמ	והיה
	Barko	בך	לפנינו	ולא		אתה	עומד	אלא	לפני	מי	׳שאמ	והיה
	Vilna	בך	לפנינו	ולא		אתה	עומד	אלא	לפני	מי	שאמר	והיה
14	Herzog	העולם			׳שנ	ועמדו	שני	האנשים	אשר	להם	הריב	לפני
	Munich	׳העול			׳שנ	ועמדו		׳האנשי	׳אש	להם	הריב	לפני
	Florence				׳שנ	ועמדו	שני	׳האנשי	אשר	להם	הריב	לפני
	Karlsruhe	עולם			׳שנ	ועמדו		האנשים	אשר	להם	הריב	לפני
	Barko	העולם	׳את	עומד	׳שנ	ועמדו	שני	האנשים	אשר	להם	הריב	׳וגו
	Vilna	העולם	אתה	עומד	שנאמר	ועמדו	שני	האנשים	אשר	להם	הריב	׳וגו
15	Herzog	יי׳י	׳אמ	לו	לא	כשתאמר	אתה	אלא		כשיאמרו	חבירך	
	Munich	׳יי	א״ל		לא	׳כשתאמ	׳את	׳אל		כשיאמרו	חבריך	
	Florence	יי׳י	׳אמ	׳ל	לא	כשתאמר	אתה	אלא		כשיאמרו	חבירך	
	Karlsruhe	׳יי	׳אמ	לו	לא	כש(י)[ת]אמר	אתה	אלא		[כשי]אמרו	חבירך	
	Barko		׳אמ	לו	לא	כשתאמר	אתה	אלא	כמה	שיאמרו	חבירך	
	Vilna		אמר	לו	לא	כשתאמר	אתה	אלא	כמה	שיאמרו	חבריך	

Appendix F: Synopsis of Sanhedrin 19a

4	Herzog	מלך	לא	דן	ולא	דנין	אותו	לא	חולץ	ולא	חולצין	לאשתו
	Munich	מלך	לא	דן	ולא	דנין	אותו					
	Florence	מלך	לא	דן	ולא	דנין	אותו	לא	מעיד	ולא	מעדין	אתו
	Karlsruhe	מלך	לא	דן	ולא	דנין	אותו	לא	מעיד	ולא	מעידין	אותו
	Barko	מלך	לא	דן	ולא	דנין	אותו	לא	מעיד	ולא	מעידין	אותו
	Vilna	מלך	לא	דן	ולא	דנין	אותו	לא	מעיד	ולא	מעידין	אותו
5	Herzog											
	Munich											
	Florence	לא	חולץ	ולא	חולצין	לאשתו	לא	מייבם	ולא	מייבמים	לאשתו	
	Karlsruhe											
	Barko	לא	חולץ	ולא	חולצין							
	Vilna	לא	חולץ	ולא	חולצין	וכו׳						

Appendix G: Synopsis of Sanhedrin 19b (Chapter Four)

1	Herzog	פנה	לימין	כבשו	פניהם	בקרקע	פנה	לשמאל	כבשו	פניהם	בקרקע	אמר
	Munich	′נפנ	לימין	וכבשו	′פניה	′בקרק	′נפנ	לשמאל	וכבשו	′פניה	בקרקע	′א
	Florence	נפנה	לימינו	כב?שו?	פניהם	בקרקע	פנה	לשמאלו	כבשו	פניהם	בקרקע	′אמ
	Karlsruhe	נפנה	לימין	כבשו	פניהם	בקרקע	נפנה	לשמאל	כבשו	פניהם	בקרקע	′אמ
	Barko	נפנה	לימינו	כבשו	פניהם	בקרקע	נפנה	לשמאלו	וכבשו	פניהם	בקרקע	′אמ
	Vilna	נפנה	לימינו	כבשו	פניהם	בקרקע	נפנה	לשמאלו	וכבשו	פניהם	בקרקע	אמר
2	Herzog	להם				בעלי	מחשבות	אתם	יבוא	בעל	מחשבות	ויפרע
	Munich	′לה	′שמע	בן	′שט	בעלי	′מחשבו	אתם	יבא	′בע	′מחשבו	ויפרע
	Florence	להן	′שמע	בן	שטח	בעלי	מחשבות	אתם	יבא	בעל	מחשבות	ויפרע
	Karlsruhe	להם	′שמ	בן	שטח	בעלי	מחשבות	אתם	יבא	בעל	מחשבות	ויפרע
	Barko	להן	שמעון	בן	שטח	בעלי	מחשבות	אתם	יבא	בעל	מחשבות	ויפרע
	Vilna	להן	שמעון	בן	שטח	בעלי	מחשבות	אתם	יבא	בעל	מחשבות	ויפרע
3	Herzog	מהם	מיד	בא	גבריאל	[וחיבט]ן	כולן	בקרקע		באותה	שעה	גזרו
	Munich	מהם		בא	גבריאל	וחבטן	′כל	′בקרק	ומתו	′באות	′שע	אמרו
	Florence	מהן		בא	גבריאל	וה(פ)[ב]טן		בקרקע		באותה	שעה	אמרו
	Karlsruhe	מכם		בא	גבריאל	וחבטן		בקרקע	[ומתו]	באותה	שעה	אמרו
	Barko	מכם	מיד	בא	גבריאל	וחבטן		בקרקע	ומתו	באותה	שעה	אמרו
	Vilna	מכם	מיד	בא	גבריאל	וחבטן		בקרקע	ומתו	באותה	שעה	אמרו

Appendix G: Synopsis of Sanhedrin 19b (Chapter Four)

4	Herzog	מלך	לא	דן	ולא	דנין	אותו	לא	חולץ	ולא	חולצין	לאשתו
	Munich	מלך	לא	דן	ולא	דנין	אותו					
	Florence	מלך	לא	דן	ולא	דנין	אותו	לא	מעיד	ולא	מעדין	אתו
	Karlsruhe	מלך	לא	דן	ולא	דנין	אותו	לא	מעיד	ולא	מעידין	אותו
	Barko	מלך	לא	דן	ולא	דנין	אותו	לא	מעיד	ולא	מעידין	אותו
	Vilna	מלך	לא	דן	ולא	דנין	אותו	לא	מעיד	ולא	מעידין	אותו
5	Herzog											
	Munich											
	Florence	לא	חולץ	ולא	חולצין	לאשתו	לא	מייבם	ולא	מייבמים	לאשתו	
	Karlsruhe											
	Barko	לא	חולץ	ולא	חולצין							
	Vilna	לא	חולץ	ולא	חולצין	וכו׳						

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

1	Vatican 140	גמרא	מנהני	מילי	דתנו	רבנן	ועמדו	שני	אנשים	אשר	להם	הריב
	Vatican 156		מנהני	מילי	דתנו	רבנן	ועמדו	שני	האנשים			
	Munich 95		מנהני	מילי	דת"ר		ועמדו	שני	׳האנשי			
	Florence		מנהני	מילי	דתנו	רבנן	ועמדו	שני	׳אנשי			
	Pesaro	׳גמ	מנהני	מילי	דתנו	רבנן	ועמדו	שני	האנשים			
	Vilna	׳גמ	מנהני	מילי	דת"ר		ועמדו	שני	האנשים			
	Haggadot				ת"ר		ועמדו	שני	׳האנשי			
2	Vatican 140	׳בעדי	הכתוב	מדבר	אתה	׳או	בעדים	או	אינו	אלא	בבעלי	דינין
	Vatican 156	בעדים	הכתוב	מדבר	אתה	׳אומ	׳בעדי	או	אינו	אלא	בבעלי	דינין
	Munich 95	׳בעדי	׳הכתו	׳מדב	׳את	׳או	׳בעדי	או	אינו	׳אל	בבעלי	דינין
	Florence	בעד(ות)[ים]	הכתוב	מדבר	אתה	׳אומ	׳בעידי	או	אינו	אלא	בבעלי	דינין
	Pesaro	בעדים	׳הכת	מדבר	אתה	׳אומ	׳בעדי	או	אינו	אלא	בבעלי	דינין
	Vilna	בעדים	הכתוב	מדבר	אתה	אומר	בעדים	או	אינו	אלא	בבעלי	דינין
	Haggadot	בעדים	הכתוב	מדבר	׳וכו							

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

3	Vatican 140	כשהוא	׳אומ						אשר	להם	הריב	הרי
	Vatican 156	כשהוא	׳אומ						אשר	להן	הריב	הרי
	Munich 95	׳כשהו	׳או	׳אל	בבעלי	דינין	׳כשהו	׳או	אשר	׳לה	הריב	הרי
	Florence	כשהוא]	׳או						אשר	להם	הריב	הרי
	Pesaro	כשהוא	או						אשר	להם	הריב	הרי
	Vilna	כשהוא	אומר						אשר	להם	הריב	הרי
	Haggadot											
4	Vatican 140	בעלי	דינין	אמור	הא	(הא)	מה	אני	מקיים	ועמדו	שני	אנשים
	Vatican 156	בעלי	דינין	׳האמו	הא		מה	אני	׳מקיי	ועמדו	שני	אנשים
	Munich 95	בעלי	דינין	אמור	הא		מה	אני	מקיים		שני	׳אנשי
	Florence	בעלי	[דינין	׳אמור	הא		מה	אני	מקיים	ועמדו	שני	׳האנשי
	Pesaro	בעלי	דינין	אמור	הא		מה	אני	׳מקיי	ועמדו	שני	האנשים
	Vilna	בעלי	דינין	אמור	הא		מה	אני	מקיים	ועמדו	שני	האנשים
	Haggadot											
5	Vatican 140	׳בעדי	׳הכתו	מדבר	ואם	נפשך	לומר	[נאמ(ן)][ר	כאן	שני	ונאמר	להלן
	Vatican 156	בעדים	׳הכתו	מדבר	ואם	נפשך	לומר	נאמר	כאן	שנים	ונאמר	להלן
	Munich 95	׳בעדי	׳הכתו	׳מדב	ואם	׳נפש	׳לומ	׳נאמ	כאן	שני	׳ונא	להלן
	Florence	׳בעדי	הכתוב	מדבר	ואם	נפשך	לומר	׳נאמ	כאן	שני	׳ונאמ	להלן
	Pesaro	בעדים	׳הכת	מדבר	ואם	נפשך	לומר	׳נאמ	כאן	שני	׳ונאמ	להלן
	Vilna	בעדים	הכתוב	מדבר	ואם	נפשך	לומר	נאמר	כאן	שני	ונאמר	להלן
	Haggadot											

6	Vatican 140	שני	מה	להלן	בעדים	אף	כאן	עדים	מאי	ואם	נפשך	׳לום
	Vatican 156	שנים	מה	להלן	בעדים	אף	כאן	בעדים	מאי	ואם	נפשך	לומר
	Munich 95	שני	מה	להלן	׳בעדי	אף	כאן	׳בעדי	מאי	ואם	נפשך	׳לום
	Florence	שני	מה	להלן	׳בעדי	אף	כאן	בעדים	מאי	ואם	נפשך	לומר
	Pesaro	שני	מה	להלן	׳בעדי	אף	כאן	בעדים	מאי	אם	נפשך	׳לום
	Vilna	שני	מה	להלן	בעדים	אף	כאן	בעדים	מאי	אם	נפשך	לומר
	Haggadot											
7	Vatican 140	וכי	תימא	מדלא	׳כת	ואשר	להם	הריב			בבעלי	דינין
	Vatican 156	וכי	׳תימ	מדלא	׳כתי	ואשר	להן	הריב			בבעלי	דינין
	Munich 95	וכי	׳תימ	מדלא	׳כתי	׳ואש	להם	הריב			בבעלי	דינין
	Florence	וכי	׳תימ	מדלא	׳כת	ואשר	להם	הריב			בבעלי	דינין
	Pesaro	וכי	׳תימ	מדלא	׳כת	אשר	להם	הריב	כוליה	קרא	בבעלי	דינין
	Vilna	וכי	תימא	מדלא	כתב	ואשר	להם	הריב	כוליה	קרא	בבעלי	דינין
	Haggadot											
8	Vatican 140		קמישתעי	קרא	נאמר	כאן	שני	ונאמר	להלן	שני	מה}	{?ו?
	Vatican 156	קא	מישתעי	קרא	נאמר	כאן	׳שני	ונאמר	להלן	׳שני		
	Munich 95		קמשתעי	׳קר	׳נא	כאן	שני	׳ונא	להלן	שני		
	Florence	קא	מישתעי	קרא	׳נאמ	כאן	שני	׳ונאמ	להלן	שני		
	Pesaro		משתעי		נאמר	כאן	שני	׳ונאמ	להלן	שני		
	Vilna		משתעי		נאמר	כאן	שני	ונאמר	להלן	שני		
	Haggadot											

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

9	Vatican 140	מה	להלן	בעדים	אף	כאן	בעדים	תניא	אידך	ועמדו	שני	אנשים
	Vatican 156	מה	להלן	בעדים	אף	כאן	עדים	תניא	אידך	ועמדו	שני	אנשים
	Munich 95	מה	להלן	׳בעדי	אף	כאן	׳בעדי	׳תני	אידך	ועמדו	שני	׳אנשי
	Florence	מה	כאן	בעדים	אף	להלן	בעדים	תניא	אידך	ועמדו	שני	׳אנשי
	Pesaro	מה	להלן	׳בעדי	אף	כאן	׳בעדי	תניא	אידך	ועמדו	שני	האנשים
	Vilna	מה	להלן	בעדים	אף	כאן	בעדים	תניא	אידך	ועמדו	שני	האנשים
	Haggadot											
10	Vatican 140		בעדים	הכתוב	מדבר	׳את	׳או	בעדים			או	אינו
	Vatican 156	׳וגו	בעדים	׳הכתו	מדבר	אתה	׳אומ	בעדים			או	אינו
	Munich 95		׳בעדי	׳הכתו	׳מדב	׳את	׳או	׳בעדי	׳הכתו	׳מדב	או	אינו
	Florence		בעדים	׳הכת	מדבר	אתה	׳אומ	בעדים			או	אינו
	Pesaro		בעדים	׳הכת	מדבר	אתה	׳או	בעדים			או	אינו
	Vilna		בעדים	הכתוב	מדבר	אתה	אומר	בעדים			או	אינו
	Haggadot											
11	Vatican 140	אלא	בבעלי	דינין	אמרת	וכי	שנים	באים	לדין	שלשה	אין	באים
	Vatican 156	אלא	בבעלי	דינין	אמרת	וכי	׳שני	באו	לדין	שלשה	לא	באו
	Munich 95	׳אל	בבעלי	דינין	׳אמר	וכי	׳שני	באין	לדין	׳שלש	אינן	באין
	Florence	אלא	בבעלי	דינין	אמרת()	וכן	שנים	באין	לדין	שלשה	אינן	באים
	Pesaro	אלא	בבעלי	דינין	אמרת	וכי	שנים	באים	לדין	שלשה	אין	באין
	Vilna	אלא	בבעלי	דינין	אמרת	וכי	שנים	באים	לדין	שלשה	אין	באין
	Haggadot											

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

12	Vatican 140	לדין	ואם	נפשך	׳לום	[ן](ר)נאמ	כאן	שני	׳ונאמ	להלן	שני	מה
	Vatican 156	לדין	ואם	נפשך	׳לום	׳נאמ	כאן	׳שני	׳ונאמ	להלן	שנים	מה
	Munich 95	לדין	ואם	׳נפש	׳לום	׳נא	כאן	שני				מה
	Florence	לדין	אם	נפשך	לומר	׳נאמ	כאן	שני	׳ונאמ	להלן	שני	מה
	Pesaro	לדין	ואם	נפשך	לומר	נאמר	כאן	שני	ונאמר	להלן	שני	מה
	Vilna	לדין	ואם	נפשך	לומר	נאמר	כאן	שני	ונאמר	להלן	שני	מה
	Haggadot											
13	Vatican 140	להלן	בעדים	אף	כאן	בעדים	מאי	ואם	נפשך	׳לום	וכי	׳תימ
	Vatican 156	להלן	בעדים	אף	כאן	בעדים	מאי	ואם	נפשך	לומר	וכי	תימא
	Munich 95	להלן	׳בעדי	אף	כאן	׳בעדי	מאי	ואם	׳נפש	׳לום	וכי	׳תימ
	Florence	לה(ן)[ל]ן	בעדים	אף	כאן	בעדים	מאי	ואם	נפשך	לומר	וכי	׳תימ
	Pesaro	להלן	בעדים	אף	כאן	בעדים	מאי	אם	נפשך	׳לום	וכי	תימא
	Vilna	להלן	בעדים	אף	כאן	בעדים	מאי	אם	נפשך	לומר	וכי	תימא
	Haggadot											
14	Vatican 140	בתובע	ונתבע		קמישתעי	קרא	׳נאמ	כאן	שני	׳ונאמ	להלן	שני
	Vatican 156	תובע	ונתבע	קא	מישתעי	קרא	נאמר	כאן	<...>	׳ונאמ	להלן	שני
	Munich 95	בתובע	׳ונתב		קמשתעי	׳קר	׳נא	כאן	שני	׳ונא	להלן	שני
	Florence	תובע	וניתבע	קא	מישתעי	קרא	׳נאמ	כאן	שני	ונאמר	להלן	שני
	Pesaro	בתובע	ונתבע	קא	מישתעי	קרא	נאמר	כאן	שני	ונאמר	להלן	שני
	Vilna	בתובע	ונתבע	קא	משתעי	קרא	נאמר	כאן	שני	ונאמר	להלן	שני
	Haggadot											

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

15	Vatican 140	מה	להלן	בעדים	אף	כאן	בעדים		תניא	אידך	ועמדו	שני
	Vatican 156	<...>	להלן	בעדים	אף	כאן	בעדים		תניא	א<..>דך	ועמדו	שני
	Munich 95	מה	להלן	׳בעדי	אף	כאן	׳בעדי		׳תני	אידך	ועמדו	שני
	Florence	מה	להלן	׳בעדי	אף	כאן	בעדים	(וע)	תניא	אידך	ועמדו	שני
	Pesaro	מה	להלן	׳בעדי	אף	כאן	׳בעדי		תניא	אידך	ועמדו	שני
	Vilna	מה	להלן	בעדים	אף	כאן	בעדים		תניא	אידך	ועמדו	שני
	Haggadot											
16	Vatican 140	אנשים	בעדים	הכתוב	מדבר	אתה	׳או	בעדים	או	אינו	אלא	בבעלי
	Vatican 156	אנשים	בעדים	הכתוב	מדבר	אתה	<..>	בעדים	או	אינו	אלא	בבעלי
	Munich 95	׳האנשי	׳בעדי	׳הכתו	׳מדב	׳את	׳או	׳בעדי	או	אינו	׳אל	׳בבע
	Florence	׳האנשי	בעדים	הכתוב	מדבר	אתה	׳אומ	בעדים	או	אינו	אלא	בבעלי
	Pesaro	האנשים	בעדים	׳הכת	מדבר	אתה	אומר	בעדים	או	אינו	אלא	בבעלי
	Vilna	האנשים	בעדים	הכתוב	מדבר	אתה	אומר	בעדים	או	אינו	אלא	בבעלי
	Haggadot											
17	Vatican 140	דינין	אמרת	וכי	אנשים	באים	לדין	נשים	אין	באות	לדין	ואם
	Vatican 156	דינין	אמרת	וכי	אנשים	באו	לדין	נשים	אין	׳באו	לדין	ואם
	Munich 95	דינין	אמרת	וכי	׳אנשי	באין	לדין	׳נשי	אינן	באין	לדין	ואם
	Florence	דינין	אמרת	וכי	אנשים	באין	לדון	נשים		באות	לדון	ומה
	Pesaro	׳דינ	אמרת	וכי	אנשים	באין	לדין	נשים	אין	באות	לדין	ואם
	Vilna	דינין	אמרת	וכי	אנשים	באין	לדין	נשים	אין	באות	לדין	ואם
	Haggadot											

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

18	Vatican 140	נפשך	לומר	׳נאמ	כאן	שני	׳ונאמ	להלן	שני	מה	להלן	בעדים
	Vatican 156	נפשך	<..>ל	׳נאמ	כאן	שני	׳ונאמ	להלן	׳שני	מה	להלן	בעדים
	Munich 95	׳נפש	׳לומ	׳נא	כאן	שני	׳ונאמ	להלן	שני	מה	להלן	׳בעדי
	Florence	נפשך	לומר	׳נאמ	כאן	שני	׳ונאמ	להלן	שני	מה	להלן	בעדים
	Pesaro	נפשך	לומר	נאמר	כאן	שני	ונאמר	להלן	שני	מה	להלן	בעידים
	Vilna	נפשך	לומר	נאמר	כאן	שני	ונאמר	להלן	שני	מה	להלן	בעדים
	Haggadot											
19	Vatican 140	אף	כאן	בעדים	מאי	ואם	נפשך	׳לומ	וכי	תימא	אשה	לאו
	Vatican 156	אף	כאן	בעדים	מאי	ואם	נפשך	לומר	וכי	׳תימ	אשה	לאו
	Munich 95	אף	כאן	׳בעדי	מאי	ואם	׳נפש	׳לומ	וכי	׳תימ	אשה	לאו
	Florence	אף	כאן	בעדים	מאי	אם	׳נפש	׳לומ	וכי	תימא	אשה	לאו
	Pesaro	אף	כאן	בעדים	מאי	אם	נפשך	לומר	וכי	תימא	אשה	לאו
	Vilna	אף	כאן	בעדים	מאי	אם	נפשך	לומר	וכי	תימא	אשה	לאו
	Haggadot											
20	Vatican 140	אורח	ארעא			כל	כבודה	בת	מלך	פנימה	נאמר	כאן
	Vatican 156	אורח	ארעא	הא	׳כתי	כל	כבודה	בת	מלך	פנימה	נאמר	כאן
	Munich 95	׳אורח				כל	׳כבוד	בת	׳מל	׳פנימ	׳נא	כאן
	Florence	אורח	ארעא			כל	כבודה	בת	מלך	פנימה	׳נאמ	כאן
	Pesaro	אורחה	׳משו			כל	כבודה	בת	מלך	פנימה	נאמר	כן
	Vilna	אורחה	משום			כל	כבודה	בת	מלך	פנימה	נאמר	כאן
	Haggadot											

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

21	Vatican 140	שני	ונאמר	להלן	שני	מה	להלן	׳בעדי	אף	כאן	בעדים	תנו
	Vatican 156	שני	׳ונאמ	להלן	׳שני	מה	להלן	בעדים	אף	כאן	בעדים	תנו
	Munich 95	שני	׳ונאמ	להלן	שני	מה	להלן	בעדים	אף	כאן	׳בעדי	ת״ר
	Florence	שני	׳ונאמ	להלן	שני	מה	להלן	בעדים	אף	כאן	בעדים	תניא
	Pesaro	שני	ונאמר	להלן	שני	מה	להלן	בעדים	אף	כאן	בעדים	תנו
	Vilna	שני	ונאמר	להלן	שני	מה	להלן	בעדים	אף	כאן	בעדים	ת״ר
	Haggadot											
22	Vatican 140	רבנן	ועמדו	שני	אנשים	אשר	להם	הריב	מצוה	בנידונין		שיעמודו
	Vatican 156	רבנן	ועמדו	שני	אנשים	אשר	הם<..>	הריב	מצוה	בבעלי	דינין	שיעמדו
	Munich 95		ועמדו	שני	׳האנשי				׳מצו	בנדונין		שיעמדו
	Florence	אידך	ועמדו	שני	׳אנשי				מצוה	בנידונין		שיעמדו
	Pesaro	רבנן	ועמדו	שני	האנשים				מצוה	לבעלי	דינין	שיעמדו
	Vilna		ועמדו	שני	האנשים				מצוה	לבעלי	דינין	שיעמדו
	Haggadot											
23	Vatican 140	׳אמ	׳ר	׳יהוד	שמעתי	שאם	רצו	בית	דין	להושיב	את	שניהם
	Vatican 156	׳אמ	׳ר	יהודה	׳שמע	שאם	רצו	ב״ד		להשיב	אותם	
	Munich 95	א״ר		׳יהוד	שמעתי	שאם	רצו	ב״ד		׳להושי		׳בשניה
	Florence	׳אמ	׳ר	׳יהוד	שמעתי	שאם	רצו	בית	דין	להושיב	את	׳שניה
	Pesaro	׳אמ	׳ר	יהודה	שמעתי	שאם	רצו			להושיב	את	שניהן
	Vilna	אמר	׳ר	יהודה	שמעתי	שאם	רצו			להושיב	את	שניהם
	Haggadot											

24	Vatican 140	מושיבין	אלא			שלא	יהא	אחד	עומד	ואחד	יושב	אחד
	Vatican 156	מושיבין	אלא	איזה	אסור	שלא	יהא	[אחד]	עומד	ואחד	יושב	אחד
	Munich 95	מושיבין	ʾאל	איזהו	ʾאסו	שלא	ʾיה	אחד	עומד	ואחד	יושב	אחד
	Florence	מושבין	אלא	איזהו	אסור	שלא	יהא	אחד	עומד	ואחד	יושב	אחד
	Pesaro	מושיבין		איזהו	אסור	שלא	יהא	אחד	עומד	ואחד	יושב	אחד
	Vilna	מושיבין		איזהו	אסור	שלא	יהא	אחד	עומד	ואחד	יושב	אחד
	Haggadot											
25	Vatican 140	מדבר	כל	צרכו	ואחד	ʾאומ	לו	קצר		דברך	תניא	אידך
	Vatican 156	מדבר	כל	צורכו	ואחד	ʾאומ		קצר		דבריך	תניא	אידך
	Munich 95	מדבר	כל	צרכו	ואחד	ʾאו	לו	קצר		דבריך	ת״ר	
	Florence	מדבר	כל	צורכיו	ואחד	ʾאומ	לו	קצר	את	דבריך	תניא	אידך
	Pesaro	מדבר	כל	צורכו	ואחד	אומר	לו	קצר		דבריך	תנו	רבנן
	Vilna	מדבר	כל	צרכו	ואחד	אומר	לו	קצר		דבריך	ת״ר	
	Haggadot										ת״ר	
26	Vatican 140	בצדק	תשפוט	עמיתך	שלא	יהא	אחד	עומד	ואחד	יושב	אחד	מדבר
	Vatican 156	בצדק	תשפוט	עמיתך	שלא	יהא	אחד	יושב	ואחד	עומ	אחד	מדבר
	Munich 95	ʾבצד	תשפט	עמיתך	שלא	יהא	אחד	ʾעומ	ʾואח	יושב	ʾאח	ʾמדב
	Florence	בצדק	תשפוט	עמיתך	שלא	יהא	אחד	עומד	ואחד	יושב	ואחד	מדבר
	Pesaro	בצדק	תשפט	עמיתך	שלא	יהא	אחד	יושב	ואחד	ʾעומ	ʾא	מדבר
	Vilna	בצדק	תשפוט	עמיתך	שלא	יהא	אחד	יושב	ואחד	עומד	אחד	מדבר
	Haggadot	בצדק	תשפוט	עמיתך	שלא	יהא	ʾא	יושב	ואחד	עומד	אחד	מדבר

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

27	Vatican 140	כל	צורכו	ואחד	׳אומ	לו	קצר		דבר[י]ך	ד״א		בצדק
	Vatican 156	כל	צורכו	ואחד	׳אומ	לו	קצר		דבריך	ד״א		בצדק
	Munich 95	כל	צרכו	ואחד	׳או	לו	קצר		דבריך	ד״א		בצדק
	Florence	כל	צורכיו	ואחד	׳אומ	לו	קצר	את	דבריך	׳דב	׳אח	בצדק
	Pesaro	כל	צרכו	׳וא	׳או	לו	קצר		דבריך	ד״א		׳בצד
	Vilna	כל	צרכו	ואחד	אומר	לו	קצר		דבריך	ד״א		בצדק
	Haggadot	כל	צורכו	ואחד	אומרי	לו	קצר		דבריך	ד״א		בצדק
28	Vatican 140	תשפוט	עמיתך	הוי]	דן		׳חביר		לכף	[זכות	תני]	׳ר
	Vatican 156	תשפוט	עמיתך	הוי	דן		חבירך		לכף	זכות	תני	רב
	Munich 95	׳תשפ	עמיתך	הוי	דן	את	חברך	(׳לזכו)	לכף	זכות	תני	רב
	Florence	תשפוט	עמיתך	הוי	דן	את	חבירך		לכף	זכות	תני	רב
	Pesaro	׳תשפ	׳עמית	הוי	דן	את	חבירך		לכף	זכות	תני	רב
	Vilna	תשפוט	עמיתך	הוי	דן	את	חבירך		לכף	זכות	תני	רב
	Haggadot	תשפוט	עמיתך	הוי	דן	את	חברך		לכף	זכות	ד״א	
29	Vatican 140	יוסי	בצדק	תשפוט	עמיתך	{עם]}	עם	שאתך	בתורה	ובמצות	השתדל	ו?דונו?
	Vatican 156	יוסף	בצדק	תשפוט	עמיתך		עם	ש<..>	בתורה	ובמצוה	השתדל	ודונו
	Munich 95	יוסף	׳בצד	׳תשפ	׳עמית		עם	שאתך	׳בתור	׳ובמצו	השתדל	לדונו
	Florence	יוסף	בצדק	תשפוט	׳עמית		עם	שאיתך	בתורה	ובמצות	השתדל	?לדונ?ך
	Pesaro	יוסף	׳בצד	׳תשפ	׳עמית		עם	שאיתך	בתורה	ובמצות	השתדל	לדונו
	Vilna	יוסף	בצדק	תשפוט	עמיתך		עם	שאתך	בתורה	ובמצות	השתדל	לדונו
	Haggadot		בצדק	תשפוט	עמיתך		עם	שאתך	בתורה	ובמצות	השתדל	לדונו

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

30	Vatican 140	יפה	יפה	רב	עולא				הוי	ליה	דינה	קמיה
	Vatican 156	יפה	יפה		עולא				הוה	ליה	דינא	קמיה
	Munich 95	׳יפ	יפה	רב	׳עול	׳ברי	דרב	עילאי	הוה	ליה	׳דינ	׳קמי
	Florence	יפה	יפה	רב	עולא				הוה	ליה	דינא	קמיה
	Pesaro	יפה		רב	עולא	בריה	דרב	עילאי	׳הו	ליה	דינא	קמיה
	Vilna	יפה		רב	עולא	בריה	דרב	עילאי	הוה	ליה	דינא	קמיה
	Haggadot	יפה										
31	Vatican 140	דרב	נחמן	שלח	ליה	רב	יוסף	עולא	חבירה	עם	שאתך	בתורה
	Vatican 156	דרב	נחמן	שלח	לה	׳ר	יוסיף	עולא	נו<..>	עם	שאתך	בתורה
	Munich 95	דרב	נחמן	שלח	׳לי	רב	יוסף	׳עול		עם	שאתך	׳בתור
	Florence	דרב	נחמן	שלח	ליה	רב	יוסף	עולא	חבירנו	עם	שאיתך	בתורה
	Pesaro	דרב	נחמן	שלח	ליה	רב	יוסף	עולא	חבירנו	עמית		בתורה
	Vilna	דרב	נחמן	שלח	ליה	רב	יוסף	עולא	חברנו	עמית		בתורה
	Haggadot											
32	Vatican 140	ובמצות	הוא	?׳אמ?	אמאי	שלח	ליה	לחנופיה	ליה	הדר	׳אמ	לא
	Vatican 156	ובמצות		׳אמ	למאי	שלח		לחנופי		הדר	׳אמ	
	Munich 95	׳ובמצו	הוא	׳אמ	למאי	שלח	לי	לחנופי	ליה	הדר	׳א	לא
	Florence	ובמצוות	הוא		למאי	שלח	ליה	לחנופי	ליה	הדר	׳אמ	
	Pesaro	׳ובמצו		אמר	מאי	שלח	לי	לחנופי	ליה	הדר	׳אמ	
	Vilna	ובמצות		אמר	למאי	שלח	לי	לחנופי	ליה	הדר	אמר	
	Haggadot											

Appendix H: Synopsis of Shavuʿot 30a (Chapter Four)

Vatican 140	למשרא	ליה		תיגריה
Vatican 156	למישרי	ליה		תיגרי
Munich 95	למישרי			תיגרי
Florence	למישריה	ליה		תגריה
Pesaro	למישרא			בתיגרא
Vilna	למישרא			בתיגריה
Haggadot				

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

1	Vatican 140	אינמי		!לשו	!ר	א	דדייני	׳אמ	עולא	מחלוקת	בבעלי	דינין
	Vatican 156	אינמי		לשודא			דדייני	׳א	עולא	מחלוקת		
	Munich 95	אינמי		׳לשור			דדייני	׳א	׳עול	׳מחלוק	בבעלי	דינין
	Florence	אי	נמי	לשודה			דדיניה	׳אמ	עולא	מחלוקת	בבעלי	דינין
	Pezaro	אינמי		בשודא			דדייני	אמר	עולא	מחלוקת	בבעלי	דינין
	Vilna	אי	נמי	לשודא			דדייני	אמר	עולא	מחלוקת	בבעלי	דינין
	Haggadot											
2	Vatican 140	אבל	בעדים	דברי	הכל		׳בעמיד	׳שנ	ועמדו			׳אמ
	Vatican 156											
	Munich 95	אבל	׳בעדי	דברי	הכל		׳בעמיד	׳שנ	ועמדו			׳א
	Florence	אבל	׳בעדי	דברי	הכל	היא	בעמידה	׳דכת	ועמדו	שני	׳האנשי	׳אמ
	Pezaro	אבל	בעדים	דברי	הכל		בעמידה	׳דכת	ועמדו	שני	׳האנשי	׳אמ
	Vilna	אבל	בעדים	דברי	הכל		בעמידה	דכתיב	ועמדו	שני	האנשים	אמר
	Haggadot											

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

3	Vatican 140	רבא		ובעלי	דינין	נמי	לא	אמרן	אלא	בשעת	משא	ומתן
	Vatican 156											
	Munich 95	רב	הונא	ובבעלי	דינין	נמי	לא	אמרו	׳אל	׳בשע	׳מש	ומתן
	Florence	רבא		ובבעלי	דינין		לא	אמרן	אלא	בשעה	משא	ומתן
	Pezaro	רב	הונא						׳מחלוק	בשעת	משא	ומתן
	Vilna	רב	הונא						מחלוקת	בשעת	משא	ומתן
	Haggadot											
4	Vatican 140	אבל	בשעת	גמר	דין	דברי	הכל		בעמידה	ודיינין		בישיבה
	Vatican 156											
	Munich 95	אבל	׳בשע	׳גמ	דין	דברי	הכל		מעמידין	ודין		׳בישיב
	Florence	אבל	בשעת	גמר	דין	דברי	הכל		בעמידה	ודיין		בישיבה
	Pezaro	אבל	בשעה	גמר	דין	דברי	חבל	דיינין	בישיבה	ובעלי	דינין	בעמידה
	Vilna	אבל	בשעת	גמר	דין	דברי	הכל	דיינין	בישיבה	ובעלי	דינין	בעמידה
	Haggadot											
5	Vatican 140	׳שנ	וישב	משה	לשפוט	את	העם					
	Vatican 156											
	Munich 95	׳דכ	וישב	משה	לשפט	את	העם					
	Florence	׳שנ	וישב	משה	לישפוט							
	Pezaro	׳דכת	וישב	משה	לשפט	את	העם	ויעמד	העם			
	Vilna	דכתיב	וישב	משה	לשפוט	את	העם	ויעמוד	העם	ל״א	מחלוקת	בשעת
	Haggadot											

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

6	Vatican 140										
	Vatican 156										
	Munich 95										
	Florence										
	Pezaro										
	Vilna	משא	ומתן	אבל	בשעת	גמר	דין	דברי	הכל	דיינין	בישיבה	ובעלי
	Haggadot										
7	Vatican 140										
	Vatican 156										
	Munich 95										
	Florence			והא	עדים	בשעת	גמר	דין	דמו			
	Pezaro			דהא	עדים		כגמר	דין	דמו	׳וכת	בהו	ועמדו
	Vilna	דינין	בעמידה	דהא	עדים		כגמר	דין	דמו	וכתיב	בהו	ועמדו
	Haggadot											
8	Vatican 140			דביתהו	דרב	הונא	הוה	ליה	דינא	קמיה	דרב	נחמן
	Vatican 156											
	Munich 95			דביתהו	דרב	הונא	הוה	לה	׳דינ	׳קמי	דרב	׳נחמ
	Florence			דביתהו	דרב	הונא	הוה	ליה	דינא	קמיה	דרב	׳נחמ
	Pezaro	שני	האנשים	דביתהו	דרב	הונא	הוה	לה	דינא	קמי	דרב	נחמן
	Vilna	שני	האנשים	דביתהו	דרב	הונא	הוה	לה	דינא	קמיה	דרב	נחמן
	Haggadot			דביתהו	דרב	הונא	הוה	לה	דינא	קמיה	דרב	נחמן

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

9	Vatican 140	׳אמ		היכי		איעביד		איקום		מקמה		קמסתמן		תענתיה		דהאיך
	Vatican 156															
	Munich 95	׳א		היכי		׳אעבי		׳איקו		׳מקמ		קמסתתמא		׳טענ		דהאיך
	Florence	׳אמ	׳ל	היכי		אעביד		איקום		מיקמי	קא	מסתתמא		טענתא		דהאיך
	Pezaro	אמר		היכי		ניעביד	אי	׳איקו		מקמה		׳מסתתמ		טענתיה		דבעל
	Vilna	אמר		היכי		נעביד	אי	איקום		מקמה		מסתתמן		טענתיה		דבעל
	Haggadot	׳אמ		היכי		אעביד		איקום		מקמה		מיסתמן		טענתיה		דבעל
10	Vatican 140		לא	איקום		מקמה	אשת	חבר		היא	ואשת	חבר		הרי		הוא
	Vatican 156															
	Munich 95		לא	׳איקו		׳מקמ					אשת	חבר		הרי		׳הי
	Florence		לא	איקום		מיקמי					אשת	חבר		הרי		היא
	Pezaro	דינא	לא	איקום		מקמה					אשת	חבר		הרי		היא
	Vilna	דינא	לא	איקום		מקמה					אשת	חבר		הרי		היא
	Haggadot	דינה	לא	אקום							אשת	חבר		הרי		היא
11	Vatican 140	כחבר	׳אמ	ליה		לשמעיה		אפרח		ע]לי[	בר	אווזא		וא?(י)[ו]?ק (ו)[י]ם		
	Vatican 156															
	Munich 95	כחבר	א״ל			׳לשמעי		אפרח			בר	אווזא		׳ואיקו		ומתחזי
	Florence	כחבר	׳אמ	׳ל		שמעיה		אפרח		עלי	בר	אווזא		דאיקום		
	Pezaro	כחבר	אמר	ליה		לשמעיה	צא	ואפרח		עלי	בר	אווזא		ושדי		עלוואי
	Vilna	כחבר	א״ל			לשמעיה	צא	ואפרח		עלי	בר	אווזא		ושדי		עלוואי
	Haggadot	כחבר	א״ל			לשמעיה		אפרח			בר	אווזא		ושדי		עילואי

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

12	Vatican 140	כמאן	דקאי	מקמיה	בר	׳אווז	׳והאמ	מר			
	Vatican 156										
	Munich 95	כמאן	דקאי	מקמי	בר	אווזא	׳והא	מר			
	Florence	כמאן	דקאי	משום	בר	אווזא	׳והאמ	מר			
	Pezaro	׳ואיקו					׳והאמ	מר	מחלוקת	בשעת	משא ומתן
	Vilna	ואיקום					והאמר	מר	מחלוקת	בשעת	משא ומתן
	Haggadot										
13	Vatican 140		בשעת	גמר	דין	דברי	הכל		בעמידה		ודיין בישיבה
	Vatican 156										
	Munich 95		׳בשע	׳גמ	דין	דברי	הכל		׳בעמיד		ודיין ׳בישיב
	Florence		בשעת	גמר	דין	דברי	הכל		בעמידה		ודיין בישיבה
	Pezaro	אבל	בשעת	גמר	דין	דברי	הכל	דיינין	בישיבה	בעלי	דינין בעמידה
	Vilna	אבל	בשעת	גמר	דין	דברי	הכל	דיינים	בישיבה	ובעלי	דינין בעמידה
	Haggadot										
14	Vatican 140	דיתיב	כמאן	דשרי	ערקתא	דמסאנא	׳ואו	איש	׳פלו	אתה	זכאי ואיש
	Vatican 156										
	Munich 95	ויתיב	כמאן	דשרי	׳ערק	מסנא	׳ואמ	איש	׳פלו	׳את	זכאי ואיש
	Florence	יתיב	כמאן	דשרי	ארקתא	דמסנא		ואיש	׳פל	אתה	זכאי ואיש
	Pezaro	׳דייתי	כמאן	דשרי		מסאניה	ואמר	איש	פלוני	אתה	זכאי איש
	Vilna	דיתיב	כמאן	דשרי		מסאניה	ואמר	איש	פלוני	אתה	זכאי איש
	Haggadot										

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

Vatican 140	15	׳פלו	אתה	חייב							
Vatican 156											
Munich 95		׳פלו	׳את	חייב							
Florence		׳פל	אתה	חייב							
Pezaro		פלוני	אתה	חייב	אמר	רבה	בר	רב	הונא	האי	צורבא	מרבנן
Vilna		פלוני	אתה	חייב	אמר	רבה	בר	רב	הונא	האי	צורבא	מרבנן
Haggadot					׳אמ	רבא	בר	רב	הונא		צורבא	מרבנן
Vatican 140	16											
Vatican 156												
Munich 95												
Florence												
Pezaro		ועם	הארץ	דאית	להו	דינא	בהדי	הדדי	׳מותבינ	ליה	׳לצורב	׳מרבנ
Vilna		ועם	הארץ	דאית	להו	דינא	בהדי	הדדי	מותבינן	ליה	לצורבא	מרבנן
Haggadot		ועם	הארץ	דאית	להו	דינא	בהדי	הדדי	מותבין	ליה	לצורבא	מרבנן
Vatican 140	17											
Vatican 156												
Munich 95												
Florence												
Pezaro		ולעם	׳האר	נמי	׳אמ	׳לי	תיב	ואי	קאי	לית	לן	בה
Vilna		ולעם	הארץ	נמי	אמרינן	ליה	תיב	ואי	קאי	לית	לן	בה
Haggadot		ולעם	הארץ	׳אמרי	ליה	תיב		ואי	קאי	לית	לן	בה

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

Vatican 140	18										
Vatican 156											
Munich 95											
Florence											
Pezaro	רב	בר	׳שרבי	הוה	ליה	דינא	קמיה	דרב	פפא	אותביה	ואותיב
Vilna	רב	בר	שרביא	הוה	ליה	דינא	קמיה	דרב	פפא	אותביה	ואותיב
Haggadot											
Vatican 140	19										
Vatican 156											
Munich 95											
Florence											
Pezaro	נמי	לבעל	דיניה	׳את	שליחא	דבי	דינא	בטש	ביה	ואוקמיה	לעם
Vilna	נמי	לבעל	דיניה	אתא	שליחא	דבי	דינא	בטש	ביה	ואוקמיה	לעם
Haggadot											
Vatican 140	20										
Vatican 156											
Munich 95											
Florence											
Pezaro	הארץ	ולא	אמר	ליה	רב	פפא	תיב	היכי	עביד	הכי	והא
Vilna	הארץ	ולא	אמר	ליה	רב	פפא	תיב	היכי	עביד	הכי	והא
Haggadot											

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

Vatican 140	21										
Vatican 156											
Munich 95											
Florence											
Pezaro		מסתתמן	ʼטענתי	ʼאמ	רב	פפא	מימר	ʼאמ	איהו	הא	אותבן	שליחא
Vilna		מסתתמן	טענתיה	אמר	רב	פפא	מימר	אמר	איהו	הא	אותבן	שליחא
Haggadot												
Vatican 140	22					ʼאמ	רבה	בר	רב	הונא	האי	!צור
Vatican 156												
Munich 95						ʼא	רב	בר	רב	ʼהונ	האי	ʼצורב
Florence						ʼאמ	רבא	בדרב		הונא	האי	צורבא
Pezaro		הוא	דלא	מפייס	מינאי	ואמר	רבה	בר	רב	הונא	האי	צורבא
Vilna		הוא	דלא	מפייס	מינאי	ואמר	רבה	בר	רב	הונא	האי	צורבא
Haggadot												
Vatican 140	23	!כ	א	מדרבנן	ועם	הארץ	דאית	להו	דינא	בהדי	הדדי	לא
Vatican 156												
Munich 95				מרבנן			דאית	ליה	ʼדינ			לא
Florence				מרבנן	ועם	הארץ	דאית	להו	דינא	בהדי	הדדי	לא
Pezaro				מרבנן	ועם	הארץ	דאית	להו	דינא	בהדי	הדדי	לא
Vilna				מרבנן	ועם	הארץ	דאית	להו	דינא	בהדי	הדדי	לא
Haggadot												

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

24	Vatican 140	ליקדום	!צור	!כ	א	מדרבנן	ויתיב	קמיה	דיינא		דמיחזי	כמאן
	Vatican 156											
	Munich 95	′ליקדי					וליתיב				דמיחזי	כמאן
	Florence	ליקום	צורבא			מרבנן	ויתיב	קמיה	דיינא	′משו	דמחזי	
	Pezaro	ליקדום	צורבא			מרבנן	וליתיב			משום	דמיחזי	כמן
	Vilna	ליקדום	צורבא			מרבנן	וליתיב			משום	דמיחזי	כמאן
	Haggadot											
25	Vatican 140		דמסדר	ליה	דינא	ולא	אמרן	אלא	דלא	קביע	ליה	עידניה
	Vatican 156											
	Munich 95		דמסדר		′דיני	ולא	אמרן	′אל	דלא	קביע		′עידנ
	Florence	דקא	סדר	ליה	דינא	ולא	אמרן	אלא	דלא	קביע	להו	בעיד?נ?יה
	Pezaro		דסדר	ליה	לדיניה	לא	′אמר	אלא	דלא	קביע	ליה	עידניה
	Vilna		דסדר	ליה	לדיניה	ולא	אמרן	אלא	דלא	קביע	ליה	עידניה
	Haggadot											
26	Vatican 140	אבל	קביע	ליה	עידנא	לית	לן	בה				
	Vatican 156											
	Munich 95	אבל	קביע	′לי	′עידנ	לית	לן	בה				
	Florence	אבל	קביע	להו	בעידניה	לית	לן	בה				
	Pezaro	אבל	קביע	ליה	עידניה	לית	לן	בה	מימר	′א	בעידניה	טריד
	Vilna	אבל	קביע	ליה	עידניה	לית	לן	בה	מימר	אמר	בעידניה	טריד
	Haggadot											

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

27	Vatican 140	׳ואמ	רבה	בר	רב	הונא	האי	!צור	!כ	א	מרבנן	ועם
	Vatican 156											
	Munich 95	׳א	רבה	בר	רב	׳הונ	האי	׳צורב			מרבנן	ועם
	Florence	׳ואמ	רבא	בר	רב	הונא	האי	צורבא			מרבנן	ועם
	Pezaro											
	Vilna											
	Haggadot											
28	Vatican 140	הארץ	דאית	להו	דינא	בהדי	הדדי	מותבינן	להו	לתרוייהו	ואי	לא
	Vatican 156											
	Munich 95	הארץ	דאית	להו	׳דינ	בהדי	הדדי	מותבינן	להו		ואי	לא
	Florence	הארץ	דאית	להו	דינא	בהדי	הדדי	מותבינן	להו	לתרויהו	ואי	לא
	Pezaro											
	Vilna											
	Haggadot											
29	Vatican 140	יתבי	!בצור	!כ	א	מרבנן	מכתשינן	ביה	בעם	הארץ	לא	מכתשינן
	Vatican 156											
	Munich 95	יתבי	׳לצורב			מרבנן	מכ(?ט?)[ת]שינן		בעם	׳האר	לא	מכטשינן
	Florence	יתיב	צורבא			מרבנן	מכתשינן		בעם	הארץ	לא	מכתשינן
	Pezaro											
	Vilna											
	Haggadot											

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

30	Vatican 140	ביה	ר[']רב	בר		שבא	הוה	ליה	דינא	בהדי	חד	אתא
	Vatican 156											
	Munich 95		רב	בר		שבא	הוה	ליה	׳דינ	בהדי	חד	אתו
	Florence	ביה	רבה	בר	רב	שבה	הוה	ליה	דינא	בהדי	חד	אתא
	Pezaro											
	Vilna											
	Haggadot											
31	Vatican 140	לקמיה	דרב	פפא	אותבינהו	׳לתרוייה	אתא	שליח	בית	דין	(בש)	?בט ?ש
	Vatican 156											
	Munich 95	׳לקמ	דרב	׳פפ	אותבינהו	לתרויהו	אתא	שליח	דבי	׳דינ		בטש
	Florence	לקמיה	דרב	פפא	אותבינהו	לתרויהו	אתא	ו)שילחא(	דבי	דינא		
	Pezaro											
	Vilna											
	Haggadot											
32	Vatican 140	ביה	ואוקמיה	לעם	הארץ]	ולא	אמר	רב	פפא	ולא	[מידי	והיכי
	Vatican 156											
	Munich 95	ביה	׳ואוקמי	לעם	הארץ							היכי
	Florence		אוקמה	לעם	הארץ							היכי
	Pezaro											
	Vilna											
	Haggadot											

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

Vatican 140	עביד	הכי	והא		קמסתמן	טענתי	מימר	׳אמ	רב	פפא	אותוביה
Vatican 156											
Munich 95	׳עבי	הכי	הא		׳קמסתתמ	׳טענתי	מימר	׳א	רב	׳פפ	
Florence	עביד	הכי	והא	קא	מיסתתמא	טענתיה	מימר	׳אמ	רב	פפא	אותוביה
Pezaro											
Vilna											
Haggadot											
Vatican 140	אותבן	׳שליח	דבי	דינא	הוא	דלא	איפייס	מינאי	׳ואמ	רבה	בר
Vatican 156											
Munich 95	אותבן	שליחא	דבי	׳דינ	׳הו	דלא	פייסי	מינאי	׳וא	רבה	בר
Florence	אותבן	ושליחא	דבי	דינא	הוא	דלא	איפייס	מינאי	׳ואמ	רבה	בר
Pezaro									ואמר	רבה	בר
Vilna									ואמר	רבה	בר
Haggadot											
Vatican 140	רב	הונא	האי	!צור	!כ	א	דידע	בסהדותא	וזילא	ביה	מילתא
Vatican 156											
Munich 95	רב	׳הונ	האי	׳צורב	מרבנן		דידע	׳בסהדות	׳וזיל	׳בי	׳מילת
Florence	רב	הונא	האי	צורבא	מרבנן		דידע	בסהדותא	וזיל	ביה	מילתא
Pezaro	רב	׳הונ	האי	צורבא	מרבנן		דידע	בסהדותא	וזילא	ביה	מילתא
Vilna	רב	הונא	האי	צורבא	מרבנן		דידע	בסהדותא	וזילא	ביה	מילתא
Haggadot											

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

36	Vatican 140	למיזל	לבי	דינא	דבציר	מיניה	לאסהודי	קמיה	לא	ליזיל+	′אמ	רב
	Vatican 156											
	Munich 95	למיזל	לגבי	′דיינ	דבציר	′מיני	לאסהודי	′קמי	לא	ליזיל	′א	רב
	Florence	למיזל	לגבי	דיינא	דבציר	מיניה	לאסהודי	קמיה	ו)לא(	ליזיל	′ואמ	רב
	Pezaro	למיזל	′לבי	דיינא	דזוטר	מיניה	לאסהודי	קמיה	לא	ליזיל	אמר	רב
	Vilna	למיזל	לבי	דיינא	דזוטר	מיניה	לאסהודי	קמיה	לא	ליזיל	אמר	רב
	Haggadot											
37	Vatican 140	ששא	בריה	דרב	אידי	אף	אנן	נמי	תניינא	מצא	שק	או
	Vatican 156											
	Munich 95	′שיש	′ברי	דרב	אידי	אף	אנן	נמי	′תנינ	′מצ	שק	או
	Florence	שישא	בריה	דרב	אידו	אף	אנן	נמי	תנינא	מצא	שק	או
	Pezaro	שישא	′ברי	דרב	אידי	אף	אנן	נמי	תנינא	′מצ	שק	או
	Vilna	שישא	בריה	דרב	אידי	אף	אנן	נמי	תנינא	מצא	שק	או
	Haggadot											
38	Vatican 140	קופה	אם	אין	דרכו	ליטול	הרי	זה	לא	יטול	משנה>	בבא
	Vatican 156											
	Munich 95	′קופ	אם	אין	דרכו	ליטול	הרי	זה	לא	יטול		
	Florence	קופא	אם	אין	דרכו	ליטול	הרי	זה	לא	יטול		
	Pezaro	קופה		′ואי	דרכו	ליטול	הרי	זה	לא	יטול		
	Vilna	קופה		ואין	דרכו	ליטול	הרי	זה	לא	יטול		
	Haggadot											

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

39	Vatican 140	מציעא	ב,	ח>	והני	מילי	ממונא	אבל	איסורא	אין	חכמה	ואין
	Vatican 156											
	Munich 95				והני	מילי	׳ממון	אבל	׳איסור	אין	׳חכמ	
	Florence				והני	מילי	ממונא	אבל	באיסורא	אין	חכמה	ואין
	Pezaro				הני	מילי	׳בממון	אבל	באיסורא	אין	חכמה	ואין
	Vilna				הני	מילי	בממונא	אבל	באיסורא	אין	חכמה	ואין
	Haggadot											
40	Vatican 140	עצה	ואין	תבונה	לנגד	י״י	כל	מקום	שיש		חילול	
	Vatican 156											
	Munich 95		ואין	׳עצ	לנגד	יי	כל	׳מקו	שיש		׳חילו	׳הש
	Florence	תבונה	ואין	עצה	לנגד	יי	כל	מקום	שיש		חילול	השם
	Pezaro	׳תבונ	ואין	עצמה	לנגד	׳ה	כל	מקום	שיש	בו	חלול	׳ה
	Vilna	תבונה	ואין	עצה	לנגד	׳ה	כל	מקום	שיש	בו	חלול	׳ה
	Haggadot											
41	Vatican 140	אין	חולקין	כבוד	לרב	רב	יימר	הוה	ידע	ליה	סהדותא	למר
	Vatican 156											
	Munich 95	אין	חולקין	׳כבו	לרב	רב	יימר	הוה	ידע	ליה	׳בסהדות	למר
	Florence	אין	חולקין	כבוד	לרב	רב	יימר	הוה	ידע	ליה	סהדותא	למר
	Pezaro	אין	חולקין	כבוד	לרב	רב	יימר	הוה	ידע	ליה	סהדותא	למר
	Vilna	אין	חולקין	כבוד	לרב	רב	יימר	הוה	ידע	ליה	סהדותא	למר
	Haggadot											

Appendix I: Synopsis of Shavuʿot 30b (Chapter Four)

Vatican 140	זוטרא	אתא	לקמיה	דאמימר	אותביה							42
Vatican 156												
Munich 95	׳זוטר	׳את	׳לקמי	׳דאמימ	׳אותבי							
Florence	זוטרא	אתא	לקמיה	דמרימר	אותביה							
Pezaro	זוטרא	אתא	לקמי	׳דאמימ	אותבינהו	לכולהו	׳אמ	׳לי	רב	אשי	׳לאמימ	
Vilna	זוטרא	אתא	לקמיה	דאמימר	אותבינהו	לכולהו	אמר	ליה	רב	אשי	לאמימר	
Haggadot												
Vatican 140	והא	׳אמ	עולא	מחלוקת	ב[ב]עלי	דינין	אבל	בעדים	דברי	הכל	בעמידה	43
Vatican 156												
Munich 95	׳והא		׳עול	׳מחלוק	בבעל	דין	אבל	׳בעדי	דברי	הכל	׳בעמיד	
Florence	׳והאמ		עולא	׳מחלוק	בבעלי	דינין	אבל	בעדים	דברי	הכל	בעמידה	
Pezaro	׳והאמ		עולא	׳מחלוק	בבעלי	דינין	אבל	׳בעדי	דברי	הכל	בעמידה	
Vilna	והאמר		עולא	מחלוקת	בבעלי	דינין	אבל	בעדים	דברי	הכל	בעמידה	
Haggadot												
Vatican 140	׳אמ	האי	עשה	והאי	עשה	ועשה	דכבוד	תורה	עדיף			44
Vatican 156												
Munich 95	׳אמ	האי	׳עש	והאי	׳עש	׳ועש	׳דכבו	׳תור	עדיף			
Florence	׳אמ	האי	עשה	והאי	עשה	ועשה	כבוד	תורה	עדיף			
Pezaro	א״ל	האי	עשה	והאי	׳עש	׳עש	׳דכבו	׳תור	עדיף			
Vilna	א״ל	האי	עשה	והאי	עשה	עשה	דכבוד	תורה	עדיף			
Haggadot												

Appendix J: Synopsis of Ketubot 105b (Chapter Four)

1	Vatican 113	רב	ענן	אייתי	ליה	ההוא	גברא	בנתא	(דגר)	דגילדנא	דבי	מקום
	Vatican 130	רב	ענן	אייתי	ל׳	ההוא	גברא	כנתא	(דפירי)	דגילדנא	דבי	
	Munich	רב	ענן	אייתי	ליה	ההוא	גברא	כנתא		דגילדני	דבי	
	Soncino	רב	ענן	אייתי	ליה	ההוא	גברא	כנתא		דגילדני	דבי	
	Vilna	רב	ענן	אייתי	ליה	ההוא	גברא	כנתא		דגילדני	דבי	
	Len/Firk[459]	ר?ב?	ענן	אייתי	ליה	ההוא	גברא	כנתא		דגלדני	דבי	
	Haggadot	רב	ענן	איתי	ליה	ההוא	גברא	כנתא		דגילדני	דבי	
2	Vatican 113	גילי	א״ל		מאי	׳עיבידת	א״ל		דינא	אית	׳לי	לא
	Vatican 130	גילי	א״ל		מאי	האי	א״ל		דינא	אית	לי	
	Munich	גילי	א״ל		מאי	עיבידתיך	א״ל		דינא	אית	לי	
	Soncino	גילי	׳אמ	ליה	מאי	עבידתיך	׳אמ	לי	׳דינ	אית	לי	לא
	Vilna	גילי	א״ל		מאי	עבידתיך	א״ל		דינא	אית	לי	לא
	Len/Firk	גילי	?׳?אמ	לי	מאי	עיבידתיך	׳אמ	ליה	דינא	אית	לי	לא
	Haggadot	גילי	א״ל		מאי	עיבידתיך	א״ל		דינא	אית	לי	לא

[459] Leningrad Firkovich 187.

Appendix J: Synopsis of Ketubot 105b (Chapter Four)

3	Vatican 113	קביל	מיניה								א״ל	
	Vatican 130			א״ל	בהדי	דאתינא	אייתי	׳ל	למר	א״ל	א״ל	מידן
	Munich									א״ל		
	Soncino	קביל	מיניה							׳אמ		
	Vilna	קביל	מיניה							א״ל		
	Len/Firk	קביל	מיניה							׳אמ		
	Haggadot	קביל	מיניה							א״ל		
4	Vatican 113			׳פסילנ	לך	לדינא	א״ל		דיניה	דמר	לא	
	Vatican 130	דנינא	ולא	מישקל	שקילנא	מינך	א״ל		דינא		לא	
	Munich			פסילנא	לך	לדינא	א״ל		דינא	דמר	לא	
	Soncino		׳לי	׳פסילנ	לך	׳לדינ	׳אמ	ליה	׳דיני	דמר	לא	
	Vilna			פסילנא	לך	לדינא	אמר	ליה	דינא	דמר	לא	
	Len/Firk		ליה	פסילנא	לך	לדינא	׳אמ	ליה	למידן		לא	ניחא
	Haggadot			פסילנא	לך	לדינא	א״ל		׳דינ	דמר	לא	
5	Vatican 113			בעינא	קבולי		לקביל		מר			
	Vatican 130		תדין	אמאי	מישקל	לא	תישקול					מאי
	Munich			בעינא	קבולי	לא	ליקביל		מר			
	Soncino			׳בעינ	קבולי		לקביל		מר			
	Vilna			בעינא	קבולי		לקביל		מר			
	Len/Firk	לי	דנידון	מר	קבולי		דניקבל		מר	מינאי		
	Haggadot			׳בעינ	קבולי		לקבול	מינן	מר		אלא	מ״ט

Appendix J: Synopsis of Ketubot 105b (Chapter Four)

6	Vatican 113		דלא	נימנעין	מר		מלאקרובי	בכורים			
	Vatican 130	׳טעמ	קא	מנע	ליה		מלהקריב	ביכורים			
	Munich		לא	לימנעא	מר	מלא	אקר[י]ביה	בכורים			
	Soncino		דלא	למנען	מר		מאקרובי	בכורי			
	Vilna		דלא	למנען	מר		מאקרובי	בכורים			
	Len/Firk		ולא	נמנען	מר		מאקרובי	ביכורים	׳אמ	ליה	[ה](א)מנ	לך
	Haggadot			לימנען	מר		מלאקרובי	׳בכורי				
7	Vatican 113				דתניא	ואיש	בא	מבעל	שלישה	ויבא	לאיש	האלהים
	Vatican 130				דתניא							
	Munich				דתניא	ואיש	בא	מבעל	שלישה	ויבא	לאיש	האלהים
	Soncino				׳דתני	איש	בא	מבעל	שלישה	ויבא	לאיש	האלהים
	Vilna				דתניא	ואיש	בא	מבעל	שלישה	ויבא	לאיש	האלהים
	Len/Firk	הא	׳אמ	ליה	דתניא	ואיש	בא	מבעל	שלישה	ויבא	לאיש	האלהים
	Haggadot				דכתיב	ואיש	בא	מבעל	שלישה	ויבא	לאיש	האלהים
8	Vatican 113	לחם	׳בכו	׳ועש	לחם	׳שעור						
	Vatican 130											
	Munich	לחם	בכורים	׳וגו								
	Soncino	לחם	בכורים	׳ועשרי	לחם	׳שעורי	וכרמל	בצקלונו				
	Vilna	לחם	בכורים	עשרים	לחם	שעורים	וכרמל	בצקלונו				
	Len/Firk	לחם	ביכורים	׳עשר	לחם	שעורים	וכרמל	בציקלונו	ויאמר	תן	לעם	ויאכלו
	Haggadot	לחם	׳בכורי									

Appendix J: Synopsis of Ketubot 105b (Chapter Four)

9	Vatican 113	וכי	אלישע	אוכל	בכורים	הוה	אלא	לומר	לך	כל	המביא	דורון
	Vatican 130									כל	המביא	דורון
	Munich	וכי	אלישע	אוכל	ביכורים	הוה	אלא	לומר	לך	כל	המכין	דורון
	Soncino	וכי	אלישע	אוכל	׳בכורי	הוה	אלא	לומר	לך	כל	המביא	דורון
	Vilna	וכי	אלישע	אוכל	בכורים	הוה	אלא	לומר	לך	כל	המביא	דורון
	Len/Firk	וכי	אלישע	אוכל	ביכורים	הוה	אלא	׳לומ	לך	כל	המביא	דורון
	Haggadot	וכי	אלישע	אוכל	בכורים	היה	אלא	׳לו	לך	כל	המביא	דורון
10	Vatican 113		לתלמיד	חכם	כאילו	הקריב	בכורים	א״ל				
	Vatican 130			לחכם	כאילו	מביא	ביכורים	א״ל		מנא	לך	הא
	Munich	(לחכם)	לתלמיד	חכם	כאילו	הקריב	בכורים	א״ל				
	Soncino		לתלמיד	חכם	כאילו	מקריב	ביכורים	׳אמ	ליה			
	Vilna		לתלמיד	חכם	כאילו	מקריב	בכורים	אמר	ליה			
	Len/Firk		׳לתלמ	׳חכמ	כאילו	?	ביכורים	׳אמ	ליה			
	Haggadot		לת״ח		כאלו	ה/מ ?קריב מקריב	בכורים	א״ל				
11	Vatican 113											
	Vatican 130	א״ל	דתנינא	ואיש	בא	מבעל	שלישה	ויבא	לאיש	האלהים	לחם	ביכורים
	Munich											
	Soncino											
	Vilna											
	Len/Firk											
	Haggadot											

Appendix J: Synopsis of Ketubot 105b (Chapter Four)

12	Vatican 113										
	Vatican 130	ועשרים	לחם	שעורים	וכרמל	בצקלונו	וכי	אלישע	אוכל	ביכורים	היה	אלא
	Munich											
	Soncino											
	Vilna											
	Len/Firk											
	Haggadot											
13	Vatican 113											
	Vatican 130	לומר	לך	כל	המביא	דורון	לתלמיד	חכם	כאילו	מביא	ביכורים	א״ל
	Munich											
	Soncino											
	Vilna											
	Len/Firk											
	Haggadot											
14	Vatican 113		קביל	לא			איבעי	לי		דאיקבול	השתא	הואיל
	Vatican 130		מישקל	לא	הוה	(שקילנא)	בעינא]	[למישקל	מינך		השתא	
	Munich		קבולי	לא			בעינא	דאיקבל			השתא	
	Soncino		קבולי	לא			׳בעינ	דאיקביל			השתא	
	Vilna		קבולי	לא			בעינן	דאיקביל			השתא	
	Len/Firk		קבולי	לא			בעאי	דאקבל			השתא	הואיל
	Haggadot		קבולי	לא			בעינא	דאקביל			כיון	

Appendix J: Synopsis of Ketubot 105b (Chapter Four)

15	Vatican 113	ואמרת			׳טע	מקבילנא		שדריה	לקמיה	דרב	נחמן
	Vatican 130	דאמרת	לי		׳טע	מישקל	שקילנא	מינך	שדריה	לקמיה	דרב	נחמן
	Munich	דאמרת	לי		׳טעמ	מקבילנא			שדריה	קמיה	דרב	נחמן
	Soncino	דאמרת	לי		׳טעמ	׳מקבילנ			שדריה	׳לקמי	דרב	׳נחמ
	Vilna	דאמרת	לי		טעמא	מקבילנא			שדריה	לקמיה	דרב	נחמן
	Len/Firk	ואמרת	לי		׳טעמ	מקבילנא			ושדריה	לקמיה	דרב	נחמן
	Haggadot	דאמרת	לי	האי	טעמא	מקבילנא		מינך	שדריה	לקמיה	דרב	נחמן
16	Vatican 113	שלח	ליה	נידייניה		מר		להההוא	גברא	דאנא	ענן	פסילנא
	Vatican 130	שלח	ליה	לידייניה		מר		להאי	גברא	האנא	ענן	פסילנא
	Munich	שלח	ליה	לידון	ליה	מר		להאי	גברא	דאנא		פסילנא
	Soncino	שלח	׳לי	נידייניה		מר		להאי	גברא	דאנא	ענן	׳פסילנ
	Vilna	שלח	ליה	נידייניה		מר		להאי	גברא	דאנא	ענן	פסילנא
	Len/Firk	ושלח	ליה	נדייניה		מר		להאי	גברא	דאנא	ענן	פסילנא
	Haggadot	א״ל		לידייניה		מר	לדיניה	דהאי	גברא	דאנא	ענן	פסילנא
17	Vatican 113	ליה	לדינא								׳א	
	Vatican 130	׳ל	לדינא	כי	אתא	לקמיה	הוה	קאים	בדינא	דיתמי	׳אמ	ש״מ
	Munich	ליה	לדינא								׳אמ	מר
	Soncino	ליה	׳לדינ								׳אמ	
	Vilna	ליה	לדינא								אמר	
	Len/Firk	ליה	לדינא								׳אמ	
	Haggadot	ליה	לדינא								אמר	

Appendix J: Synopsis of Ketubot 105b (Chapter Four)

18	Vatican 113	מדשלח	לי	מר	הכי	׳שמ	׳מינ	קריביה		הוא	הוה	קאי
	Vatican 130	מדשלח	׳ל		הכי			קריביה	דידיה	הוא		
	Munich	שלח			הכי	ש״מ		קריביה		הוא	הוה	קאי
	Soncino	מדשלח	לי		הכי	ש״מ		קריביה		הוא	הוה	קאים
	Vilna	מדשלח	לי		הכי	שמע	מינה	קריביה		הוא	הוה	קאים
	Len/Firk	מדשלח	לי		הכי	ש״מ		קריביה		הוא	הוה	פריס
	Haggadot	מדשלח	ליה		הכי	ש״מ		קריביה	הוא	הוה		
19	Vatican 113	קמיה	דינא	דיתמי			׳א					
	Vatican 130											
	Munich	קמיה	דינא	דיתמי			׳אמ					
	Soncino		דינא	דיתמי	קמיה		אמר					
	Vilna		דינא	דיתמי	קמיה		אמר					
	Len/Firk		דינא	דייתמי	קמיה		׳אמ					
	Haggadot	קמיה	׳דינ	דיתמי	סלקיה	ואחתיה	׳אמ					

Appendix K: Synopsis of Ketubot 106a (Chapter Four)

1	Vatican 113	האי	עשה	והאי	ʼעש	ʼועש	דכבוד	תורה	[עדיף]	סלקיה	
	Vatican 130	האי	עשה	והאי	עשה	עשה	דכבוד	התורה	עדיף	סלקיה	
	Munich	האי	עשה	והאי	עשה		דכבוד	תורה	עדיף	סלקיה	
	Soncino	האי	עשה	והאי	עשה	ʼעש	דכבוד	תורה	עדיף	ʼסלקיני	ʼלדינ	דיתמי
	Vilna	האי	עשה	והאי	עשה	עשה	דכבוד	תורה	עדיף	סלקיה	לדינא	דיתמי
	Len/Firk	האי	עשה	והאי	עשה	עשה	דכבוד	תורה	עדיף	סלקיה	לדינא	דייתמי
	Haggadot	האי	עשה	והאי	עשה	ʼעש	דכבוד	התורה	עדיף			
2	Vatican 113	ואחתיה	לדידיה	כיון	ʼדיחז	בעל	דינא	יקרא	דקא	עביד	ליה	איסתתם
	Vatican 130	ואחתיה	[לדינ(א)]יה	כיון	דחזא	בעל	דינא	הכי				איסתתם
	Munich	ואחתיה	לגביה	כיון	דחזא	בעל	דיניה	הכי				איסתתם
	Soncino	ʼואחתי	לדיניה	כיון	דחזא	בעל	דיניה	יקרא	דקא	עביד	ליה	איסתתם
	Vilna	ואחתיה	לדיניה	כיון	דחזא	בעל	דיניה	יקרא	דקא	עביד	ליה	איסתתם
	Len/Firk	ואחתיה	לדידיה	כיון	דחזא	בעל	דיניה	הכי				איסתתום
	Haggadot			כיון	דחזא	בעל	דיניה			דעבד	הכי	איסתתם

Appendix K: Synopsis of Ketubot 106a (Chapter Four)

3	Vatican 113	טענתיה	רב	ענן	הוה	רגיל	(דהו)	אליהו		דאתאי	לגביה	דהוי
	Vatican 130	טענתיה	רב	ענן	הוה	שכיח		אליהו		דאתי	לגביה	דהוה
	Munich	טענתיה	רב	ענן	הוה	רגיל		אליהו		דאתי	לגביה	דענן
	Soncino	טענתיה	רב	ענן	הוה	רגיל		אליהו		דאתי	גביה	דהוה
	Vilna	טענתיה	רב	ענן	הוה	רגיל		אליהו		דאתי	גביה	דהוה
	Len/Firk	טענתיה	רב	ענן	הוה	רגיל		אליהו	דהוה	קאתי	לגביה	דהוה
	Haggadot	טענתיה	רב	ענן	הוה	׳רגי		אליהו				דהוה
4	Vatican 113	מתני	ליה	סדר	אליהו	כיון	דעבד	הכי	איסתלק			
	Vatican 130	מתני	?[׳ל]?	סדר	אליהו	כיון	דעבד	הכי	איסתלק	ולא	אתא	עד
	Munich	ומתני	ליה	סדר								
	Soncino	מתני	ליה	סדר	דאליהו	כיון	דעבד	הכי	איסתלק			
	Vilna	מתני	ליה	סדר	דאליהו	כיון	דעבד	הכי	איסתלק			
	Len/Firk	מתני	ליה	סדר	אליהו	כיון	דעבד	הכי	איסתלק	ציער	נפשיה	
	Haggadot	מתני	ליה	סדר	אליהו	כיון	דעבד	הכי	איסתלק			
5	Vatican 113	איתיב	תעניתא		ובעא	רחמי		ואתא				
	Vatican 130	דיתיב	׳בתענית		ובעא	דחמי		ואתא	גביה			
	Munich											
	Soncino	אותיב	בתעניתא		ובעא	רחמי		ואתא		כי	אתא	
	Vilna	יתיב	בתעניתא		ובעא	רחמי		ואתא		כי	אתא	
	Len/Firk	איתיב	תעניתא	(הד)	ובעא	רחמי	הדר	אתא		כי	אתא	׳אמ
	Haggadot	יתיב	בתעניתא		ובעא	רחמי		ואתא		כי	אתא	

Appendix K: Synopsis of Ketubot 106a (Chapter Four)

6	Vatican 113										
	Vatican 130										
	Munich										
	Soncino										
	Vilna										
	Len/Firk	ליה	מאי	׳טעמ	לא	אתא	מר	׳אמ	ליה	משום	הכי	׳אמ
	Haggadot										
7	Vatican 113										
	Vatican 130										
	Munich										
	Soncino										
	Vilna										
	Len/Firk	ליה	סידרן	מה?א	דפ?תיח	לן	בגויה	נסיימיה	׳אמ	ליה	לחיי	עד
	Haggadot										
8	Vatican 113										
	Vatican 130										
	Munich										
	Soncino										
	Vilna										
	Len/Firk	ההוא	יומא	כל	אימת	דהוה	בעי	מילתא	מיניה	הוה	פשיט	ליה
	Haggadot										

Appendix K: Synopsis of Ketubot 106a (Chapter Four)

9	Vatican 113					ואפילו	הכי	הוה	יתיב	בתיבותא		
	Vatican 130					ואפילו	הכי	הוה	יתיב	בתיבותא		
	Munich											
	Soncino			הוה	מיבעית	ליה	בעותי	ועבד		תיבותא	ואנחיה	
	Vilna			הוה	מבעית	ליה	בעותי	ועבד		תיבותא		
	Len/Firk	מיכן	ואילך	הוה	מבעית	ליה	בעותי	עבד		ת]יבותא[()	ואתנחיה	
	Haggadot			הוה	מבעית	ליה	בעותיה	יתיב		′בתיבות		
10	Vatican 113				ומתני	ליה					והיינו	
	Vatican 130				′ומתני	ל					והיינו]	
	Munich										והיינו	
	Soncino	ויתיב	קמיה	עד	דאפיק	ליה	סידריה				והיינו	
	Vilna	ויתיב	קמיה	עד	דאפיק	ליה	סידריה				והיינו	
	Len/Firk	יתיב	מר	בתיבותא	ומר	אבראי	וסיימוה				והיינו	
	Haggadot							ומתני	ליה	סדר	דאליהו	והיינו
11	Vatican 113	′דאמרינ		סדר	אליהו	רבא			וסדר	אליהו	זוטא	
	Vatican 130	[′דאמ		סדר	אליהו	רבא			וסדר	אליהו	זוטא	
	Munich	דאמרינן		סדר	אליהו	רבא	סדר	רבא	סדר	אליהו	זוטא	
	Soncino	דאמרי		סדר	דאליהו	רבא			סדר	אליהו	זוטא	
	Vilna	דאמרי		סדר	דאליהו	רבה			סדר	אליהו	זוטא	
	Len/Firk	דקרו	ליה	סדר	אליהו	רבא			וסדר	אליהו	זוטא	
	Haggadot	דאמרי		סדר	אליהו	רבא			וסדר	אליהו	זוטא	

Appendix L—ʾ*Ashgera de-lishna:* A Case Study in List Transmission

The most famous example of the phenomenon known by the Aramaic term ʾ*Ashgera Delishna* occurs in tractate Megillah. The Mishnah states that all are permitted to read the Megillah except a חרש שוטה וקטן— a mute, a fool and a minor. Since a mute cannot speak, one need not reasonably be concerned with the possibility of a mute's reading the Megillah. Rav Ḥisda, cited in the Palestinian Talmud, says that the word חרש did not originally appear in the Mishnah.[460] Only the familiarity of a reciter with the formula of חרש שוטה וקטן (mute, fool and minor) caused the mute to appear in a case where it clearly does not belong.[461]

This classic example of ʾ*Ashgera Delishna* is used by medieval commentators as a model for the phenomenon. In places where one suspects that the familiarity of language caused an alteration in the text, the medievals often assert that the language is not original to the context in which it was found. While the classic example of חרש and the applications of the medievals usually center around formulae that are resoundingly familiar, we will see an example in which the phenomenon of familiarity affects the textual transmission of lists of a much smaller sample size.

This appendix focuses on one list that appears in three different contexts in the Babylonian Talmud. My entrée to this list came through a *Meimra* that appears at Bava

---

[460] Megillah 2:5; 73b.

[461] David Weiss Halivni, *Meqorot Umesorot: Nashim*, (Tel Aviv: Dvir, 1968), 677 distinguishes between גררה and שגרה. The first term describes situations in which a word did not appear originally, was added and belongs, while the second describes situations in which the additional term does not belong.

Meẓiʿa 97a. The context for this list is the Law of the Borrower. When one borrows an object or animal from another, one is absolutely liable for the object or animal. 'Absolute liability' means that the borrower is obligated to remunerate the owner in the event of loss regardless of the circumstances of the object or animal's loss. Exodus 22 contains one major exception to this law—the scenario in which the animal or object's owner is present.

In the talmudic context of owner presence we find the following *Meimra* of the fourth generation Babylonian Amora Rava:

> אמר רבא: מקרי דרדקי, שתלא, טבחא, ואומנא, ספר מתא - כולהון בעידן עבידתייהו כשאילה בבעלים דמו
>
> Rava says a teacher, a gardener, a butcher, a blood-letter and a town scribe: all of them during the time of their work are like a case of borrowing in the owner's presence.

Rava's statement is that this group of professionals is considered in the owner's presence at the time of work. The statement itself provides no conceptual explanation for Rava's statement; in fact, the terse nature of the statement makes even a simple interpretation difficult. But a list, unlike other apodictic texts, provides its reader with a means to extrapolating meaning without recourse to context. By determining the thread common to the members of this list, we can determine the rationale behind the law.

What makes these people special? Most medieval commentators treat the list as a list of public workers.[462] These employees are hired by the community and thus have a

[462] Chapter Three #28.

special status. The one glaring difficulty in interpreting this way is the existence of the gardener in this list—was there indeed a public שתלא, a public gardener?

With an eye toward removing the gardener from the *Meimra*'s list, we approach the textual witnesses to this talmudic passage. Curiously, all of the manuscripts of *Halakhot Gedolot* and *Halakhot Pesukot* are missing this term. These geonic sources, furthermore, draw our attention to the Talmud's own manuscripts. The Munich manuscript has the term שתלא in a different location. While all other textual witnesses position this term in the second spot, Munich places it in the third. This shift is consistent with an addition from the margins. While we may not have argued this point solely on the basis of Munich, the geonic evidence suggests to us that the shift in position reflects an addition from the margin. Because שתלא had appeared in the margins of an earlier text, a later scribe added it to the body of the text, but in a different location. Having eliminated the gardener as an element of this list, we are now free to follow the commentators in concluding that the historical explanation of Rava's statement lies in the fact that these workers are publicly employed. Without any other variants we might conclude quite convincingly that public workers have a different law with respect to owner presence because of the nature of their being public.

But halting at this point would be premature, for if שתלא is not part of this list where did it come from? Searching for parallel cases which might shed light on this one, we discover that there are two other *Sugyot* with identical lists. The two parallel lists to our initial one are actually the same *Meimra* in two different talmudic discussions. In other words, while all three share the same list of workers, two of them apply the same legal result to this list. While the law in the initial *Sugyah* concerns owner presence as an

exoneration from the absolute liability of a borrower, in the other two *Meimrot* Rava teaches that these individuals can be terminated without advance notice. A teacher, gardener, butcher, blood-letter and scribe can be fired without warning. The identity of this list with our earlier list at 97a raises the possibility that the two laws might be conceptually related, with one as the basis for the other.

Before we can deduce such conclusions from list identity, though, our experience with Bava Meẓiʿa 97a has reminded us of the need to examine all textual witnesses. We will first discuss the *Meimra* in Bava Meẓiʿa 109 and then the one in Bava Batra 21. The context of this *Meimra* in Bava Meẓiʿa is a discussion of gardening law and gardeners—individuals who work the land for its owner and receive a share in the crop for their efforts. Talmudic debate ensues over the owner's obligations to a gardener who has improved the owner's field at the conclusion of their working relationship. In the middle of this discussion, we find the story of poor Runya who is employed as a gardener by Ravina. Because Runya has a bad season and costs Ravina financially, Ravina fires him. After Runya challenges Ravina's right to fire him in Rava's courtroom, Rava defends Ravina's right to terminate. Shocked by the case's outcome, Runya reminds Rava that Ravina had never given him notice. Rava responds that Ravina is not obligated to do so. At this point the anonymous Talmud connects the narrative of Rava's ruling with a *Meimra* attributed to the same scholar.

> רבא לטעמיה דאמר רבא מקרי דרדקי שתלא טבחא ואומנא וספר מתא כולן כמותרין ועומדין דמי
> כללא דמילתא כל פסידא דלא הדר כמותרין ועומדין דמי
>
> Rava is consistent with his own position that a teacher, a gardener, a butcher, a blood-letter and a town scribe are all

as if placed on notice. The general rule is that all irrecoverable loss is comparable to being placed on notice.

Turning to the textual witnesses of this passage in Bava Meẓiʿa 109a, we find a similar difference to the one discovered in Bava Meẓiʿa 97a. Whereas our first passage was missing the gardener, the passage in 109a calls into question the final term of the list: ספר מתא meaning a scribe.

MS Hamburg's original text was missing this final term. A later, rather messy hand, added the term in the margin. Again we find confirmation for this missing term in geonic literature. *Sefer Metivot* quotes the passage without this term.[463] Within medieval literature, R' Yiẓḥaq of Vienna in the *Or Zarua*, well known as a precise transmitter of text, also quotes the passage without ספר מתא. *Raavad*, cited in *Shittah Mekubezet*, is also missing the term. If we would just have the two passages we have seen so far, the analysis would be simple. While 97a was originally missing שתלא and 109a was originally missing ספר מתא , the similarity in style caused a borrowing of terms from one location to the other—a minor ʾ*Ashgera Delishna*. In light of the fact that ספר מתא is the only term which directly connotes a public official, it seems logical that the list in 97a is a group of public employees while the list in 109a is a group of private contractors whose fields demand perfectionism.

The final *Meimra*, the one found at Baba Batra 21b clouds the issue considerably. Within a discussion of a neighbor's rights to object to noise within a courtyard, the

[463] B.M. Levin, *Sefer Metivot* (Jerusalem, 1933) *ad loc*.

Mishnah creates a seeming contradiction. In one passage, the Mishnah allows inhabitants of a courtyard to object to the traffic created by the presence of a school, yet in a subsequent passage it says that these inhabitants cannot object. While ʾAbaye solves the dilemma by claiming that the second case involves a different scenario, Rava suggests an historical solution. After the education reforms associated with Yehoshuʿa ben Gamla, the attitude towards schooling changed and schooling became a fundamental value that denies neighbors the right to object on the grounds of noise pollution.

The ensuing talmudic discussion has three parts. The third part is constructed around five *Meimrot* of Rava that share the theme of education. Our *Meimra*, the same one that appears on Bava Meẓiʿa 109a is the fifth and final *Meimra* of Rava in the third section of the *Sugyah*. The identity of this *Meimra* with the one on Bava Meẓiʿa 109a raises the possibility that one usage is a transference from another. Based on the way Bava Meẓiʿa 109a cites the *Meimra*—bringing it after the story of Runya with a preface דאמר, it is likely that Bava Meẓiʿa 109a is a transference from Bava Batra 21b.

The textual evidence of Bava Batra 21b is more complex than that of its copy, Bava Meẓiʿa 109 or of our initial *Sugyah* of Bava Meẓiʿa 97. While in both of the previous cases, there was only one term in question, the manuscript evidence in Bava Batra calls three such terms in question.

The term אומנא, a blood-letter, is missing from the original Florence manuscript and added in the margin. Corroboration of such a tradition is found in a poem written by R' Hai Gaon in which he uses this list poetically and leaves out אומנא. While this source could be discounted because of the demands of its poetic style, the same cannot be said

for the early editions of Rif which are also missing the term. As in the cases of שתלא in 97a and ספר מתא in 109a we seem to have a term that was originally absent, but is appended to the list because of the similarity in style. Again, a minor ʾ*Ashgera delishna*.

A more serious set of questions is raised by the strong evidence of the absence of ספר מתא in Baba Batra 21b. It is well known that *Sheiltot deRav Ahai Gaon* preserves passages that are parallel to the Babylonian Talmud. Though these are edited for their own purposes they often provide strong textual evidence for the early redaction of Bavli texts. Most of the Sheiltot manuscripts on this passage are missing the term ספר מתא. Among the medieval commentators, neither *Ri Migash* nor *Yad Ramah* includes the term in their quotations. While none of the extant Talmud manuscripts explicitly omit ספר מתא, the mnemonic device recorded in the Escorial manuscript consists of an acrostic of four letters. Though the final letter ן is a curious choice to represent אומנא, it cannot conceivably be taken to represent ספר מתא. This acrostic further demonstrates the absence of ספר מתא in this *Sugyah*.

While one could treat the ספר מתא term in Bava Batra as we did its parallel at Bava Meẓiʿa 109a and suggest that the two were affected by Bava Meẓiʿa 97a, further research suggests something more fundamental. The term ספר מתא appears a total of four times in the Babylonian Talmud. Three times are in these lists. The fourth time appears a few lines earlier at Bava Batra 21a. As mentioned previously, there exist three parts to the talmudic discussion of the Mishnah in Bava Batra. Our *Meimra* appears in part three on 21b. In part two on 21a, the Talmud poses three *beraitot* as questions to a view found at the end of the Mishnah. We will not digress into the content of this material, but note

how ספר מתא is used. In answering the first two *beraitot*, the Talmud relies on a solution that distinguishes between teachers of Jewish and non-Jewish children. The third *beraita* explicitly denies this strategy by naming in its list both a teacher of Jewish children and a teacher of non- Jewish children. Forced to contend with this explicit contradiction to its interpretation of mishnaic law, the anonymous Talmud answers that the teacher in the *beraita* is the ספר מתא, or communal teacher.

Rashi here translates ספר מתא as the communal teacher. On the very next amud, though, in his explanation of Rava's list Rashi translates ספר מתא as a scribe. This inconsistency is not surprising for Rashi who is known for explaining terms based on their local contexts. The Tosafists are bothered by the inconsistency of Rashi's commentary in such close proximity and opt to explain the Talmud's answer in the earlier passage as referring to a communal scribe. In the course of its attack on Rashi, Tosafot explains why it has chosen to read the reference on 21a based on the reading of 21b, and not vice versa. Since Rava's list includes מקרי דרדקי, a teacher, it would be redundant to include ספר מתא if it means the same thing.

Tosafot's observation about redundancy is correct. Unlike medieval exegetes, though, we need to consider the possibility that ספר מתא in Rava's list actually means the same thing it did a few sentences earlier. That being the case, why indeed are there two terms for teacher in this list?

The answer to this question lies in further archival research. The Sasson manuscript of *Sheiltot*, a manuscript that has been characterized by Robert Brody as unique among *Sheiltot* manuscripts in its fealty to the original *Sheiltot* text where other witnesses have been altered to match the Bavli, has neither the term מקרי דרדקי nor the

term ספר מתא.[464] In its version the statement includes a gardener, a butcher and a blood-letter, but not a teacher. Furthermore, in the השגות הראב"ד הלכות שכירות ב:ג the Ravad cites Bava Meẓiʿa 109a as reading שתלא טבחא אומנא.

The revelation that results from this variant is that the list in Bava Batra did not originally include a term for teacher. Because the topic of this *Sugyah* is teaching and teachers, later scholars introduced the term into the *Sugyah*. They did this utilizing two different terms: מקרי דרדקי, which is the more familiar term for teacher in the Talmud Bavli, and ספר מתא, the term utilized a few lines earlier. These two terms were later added by different individuals to accomplish the same goal—incorporating the teacher explicitly into a *Sugyah* about teachers. At a later point in time, when the definition of ספר מתא became less familiar, scholars or scribes merged both versions and created the unnecessary doubling.

Above we noted the witnesses in Bava Batra that do not have ספר מתא in their text. The theory of two separate branches requires that we find a witness that has ספר מתא but does not contain מקרי דרדקי. We are not disappointed; the ערוך in his dictionary entry אמן contains a text of Bava Batra 21b that reads שתלא טבחא אומנא וספר מתא.

Additional support for the insertion of the term for teacher where it did not belong can be marshalled just a few lines later in the *Sugyah* in Bava Batra. In the next few lines a *beraita* from Tosefta is brought as a question. Within its Vilna Shas text the *beraita* includes a tailor, a tanner, a teacher or any skilled worker. In the original text of Tosefta, as preserved by the Vienna manuscript, the term for teacher is absent. It is not surprising

[464] Robert Brody, *Letoldot Nusah Hasheiltot* (Jerusalem: Academy of Jewish Studies, 1991).

that this term would be added again since the entire talmudic passage centers upon teachers. Taking a look at the talmudic manuscripts we discover a curiously familiar pattern. While the Oxford, Escorial and Munich manuscripts, like the version of Tosefta, do not have any term for teacher in this list, Vatican 115 and the correction of the Tosafists which through *Maharshal* generated the text of the Vilna Shas has מלמד תינוקות, the Paris manuscript contains the term ספר, while the Hamburg and Florence manuscripts, and the Pesaro first edition (representing a time when ספר had an ambiguous meaning) manage to have both מלמד תינוקות and ספר. This subsequent passage supports the hypothesis by echoing the very same textual move for the identical reason.

Discovering that מקרי דרדקי and ספר מתא mean the same thing has implications for the two sources in Bava Meẓiʿa which also have both terms. While Bava Meẓiʿa 109 is a carbon copy of Bava Batra with the same law, the same is not true of Bava Meẓiʿa 97. Why do both terms appear? Assuming that the terms do not change their meaning in this new context, one must conclude that one or both terms were not originally in the text and have been incorporated based on Bava Batra. Since the term ספר מתא is generated from a problem in Bava Batra one would assume that its provenance would be in question. Curiously there is no textual evidence for this position. Rather, it is מקרי דרדקי that may not have existed. After quoting the text from Bava Batra without מקרי דרדקי Arukh cites an anonymous explication of the meaning of each term in Bava Meẓiʿa 97a. This explication, which is most likely a quotation from Rabbenu Ḥananel's commentary to Bava Meẓiʿa 97a, begins with שתלא and does not contain מקרי דרדקי. In his work on Rabbenu Ḥananel's commentary to Bava Meẓiʿa, Jay Rovner suggests that there are two

extant versions of that commentary with different rescensions.[465] While the ʾ*Arukh* is a major source for *Rah*, we often find different versions of that commentary in *Sefer Haner*. In this *Sugyah*, *Sefer Haner* cites a commentary in the *Rah*'s name that differs from that of the ʿ*Arukh* in the explication of terms. It is similar to ʿ*Arukh* in that the term מקרי דרדקי is missing in the manuscript and added, with explanation in the margins in the hand of the author, who annotated the text with a small arrow to alert the reader of the addition. Rovner notes that the marginalia noted by this small arrow were added by the scribe himself, not on the basis of another manuscript of ספר הנר, but on the basis of Rif and Talmud. These 2 sources suggest that Rabbenu Hananel did not have מקרי דרדקי in his text even in Bava Meẓiʿa 97a, though we should not discount the possibility that Rabbenu Hananel simply chose not to include the initial term. Thus, there is evidence to argue that even in Bava Meẓiʿa 97a the first term did not appear. It is also possible, based on our examination of the uniqueness of ספר מתא that either this term did not exist at all in Bava Meẓiʿa 97a and was inserted as an ʿ*Ashgera Delishna* or that an earlier term, like ספר was replaced by ספר מתא because of ʿ*Ashgera*. It is impossible to determine what the original in Bava Meẓiʿa 97a was because there was definitely some form of ʾ*Ashgera* that affects our textual witnesses.

After the debris has cleared we are left concluding that two terms definitely appeared in בבא בתרא and its parallel in Bava Meẓiʿa 109: שתלא וטבחא and two terms definitely appeared in Bava Meẓiʿa 97: טבחא ואומנא. The textual work we have done has

[465] Jay Rovner, "An Introduction to the Commentary of Rabbenu Hananel ben Hushiel of Kairawan on Bava Metzia." (Ph.D. Diss., The Jewish Theological Seminary, 1993).

made it nearly impossible to determine the conceptual rationale of these lists from the groupings. Though we can still attempt to understand the conceptual basis for the grouping in the list, with only two stable terms we will be less sure of our understanding than we might like. What we have seen clearly demonstrated by the textual transmission of these lists is that the phenomenon of familiarity—*ʾAshgera Delishna*—occurs not only with respect to common lists like חרש שוטה וקטן, but even when the familiarity is the product of one or two parallel sources.

A final chapter demonstrating the impact of the familiarity of this list on textual transmission might be found not in the three sugyot we have mentioned, but in a fourth—in Sanhedrin 17b. There we find the following beraita.

> ותניא: כל עיר שאין בה עשרה דברים הללו אין תלמיד חכם רשאי לדור בתוכה: 1)בית דין מכין ועונשין,2) וקופה של צדקה נגבית בשנים ומתחלקת בשלשה,3) ובית הכנסת,4) ובית המרחץ,5) ובית הכסא, 6) רופא, 7) ואומן,8) ולבלר, 9) (וטבח),10) ומלמד תינוקות
>
> Any city that does not have the following ten things, a Talmid Hakham is not permitted to live in it: A court that punishes, a collection plate collected by two and divided by three, a synagogue, a bathhouse, an outhouse, a doctor, and a blood-letter, and a scribe, (and a butcher), and a teacher.

The list of ten items essential to a city includes five institutions and five individuals. Or does it? Even in the Vilna Shas, parentheses around וטבח arouse us to the possibility that this term doesn't belong. That suspicion is confirmed by the Munich, Florence and Karlsruhe manuscripts that omit this term. Further confirmation comes from the fact that the Barko edition of Sanhedrin and the Yad Harav Herzog manuscript both have the term טבח, but in different locations. As we have mentioned, such differences are consistent with additions from the margin. In this case, the cause of the addition is fairly

straightforward. The beraita claims that there are ten essential items; without טבח we only have nine. The person who inserted טבח was faced with a beraita that needed a tenth term. Where did they take the term from? One may speculate that the model for this term was Rava's list which is nearly identical to the list of five individuals that conclude the beraita and which in both locations definitely included the term טבחא.