

Notes

Chapter 1 Introduction

1. Jacob Neusner, *Development of a Legend: Studies on the Traditions Concerning Yohanan ben Zakkai* (Leiden: Brill, 1970); idem, *The Rabbinic Traditions about the Pharisees before 70*, 3 vols (Leiden: Brill, 1971); idem, *Eliezer ben Hyrcanus: The Tradition and the Man* (Leiden: Brill, 1973). William Scott Green's "What's in a Name?—The Problematic of Rabbinic 'Biography,'" *Approaches to Ancient Judaism: Theory and Practice*, ed. William Scott Green (Missoula, Mont.: Scholars Press, 1978), 77–96, clearly articulates the methodological issues. Many scholars prior to Neusner rejected the historical accuracy of a given story and recognized fictional aspects of stories in general. However, Neusner was the first to reject the entire method. For summary and criticism of previous historians, see Neusner, "The Rabbinic Traditions about the Pharisees before 70" in *Modern Historiography*, in *Method and Meaning in Ancient Judaism, Third Series* (Chico, Calif.: Scholars Press, 1981), 185–213.

2. For illustration of Neusner's literary theory and method see "Story and Tradition in Judaism," in *Judaism: The Evidence of the Mishna* (Chicago: University of Chicago Press, 1981), 307–28. For later writings see *Judaism and Story: The Evidence of the Fathers according to Rabbi Nathan* (Chicago: University of Chicago Press, 1992). Neusner's inattention to detail calls into question his analysis since there is no guarantee that his structural judgments are persuasive. His tendency to summarize and abstract the message of the story became more pronounced in his later work which focused on the overall traits of rabbinic documents while insisting that sources be analyzed in light of documentary characteristics.

3. I refer primarily to the longer, more developed anecdotes and stories. Extremely brief one-line or two-line stories, mainly reporting legal precedents,

are common. These should be considered a separate genre and may be more reliable historically.

4. See Charles W. Fornara, *The Nature of History in Ancient Greece and Rome* (Berkeley: University of California Press, 1983), 91-141. T. P. Wiseman, *Clio's Cosmetics* (London: Leicester University Press, 1979), 23, observes, "The idea of creating history out of next to nothing was well known to the Greeks . . . and some of their techniques were borrowed by Roman historians." Concerning the Roman historian Antias, Wiseman notes, "When he wanted documentary evidence, he invented it" (ibid.). In "Lying Historians: Seven Types of Mendacity," *Lies and Fictions in the Ancient World*, ed. C. Gill and T. P. Wiseman (Exeter: University of Exeter Press, 1993), 122-46, Wiseman explores various types of lies, falsification, and fabrications that characterize ancient historiography. This characterization applies even to Thucydides. See J. L. Moles, "Truth and Untruth in Herodotus and Thucydides," in Gill and Wiseman, ibid., 88-121.

5. The Jewish historians of the nineteenth and early twentieth centuries were no more anachronistic than their colleagues. They simply applied the dominant modes and assumptions of Western historiography to Jewish sources.

6. Thus the oft-quoted statement of Plutarch (*Alexander* 1.2): "We are not writing history but lives." See Arnoldo Momigliano, *The Development of Greek Biography* (Cambridge: Harvard University Press, 1971), 1-7; Patricia Cox, *Biography in Late Antiquity* (Berkeley: University of California Press, 1983), 12-16; *Latin Biography*, ed. T. A. Dorey (London: Routledge & Kegan Paul, 1967), 5-6; 53-54. Roman imperial historians tended to include a great deal of biography in their histories, which only made their writings more fictional. See Fornara, *The Nature of History in Ancient Greece and Rome*, 180-93, who calls this process a "degeneration of history" and "intellectual debasement" (189).

7. See the articles collected in Henry Fischel, ed., *Essays in Greco-Roman and Related Talmudic Literature* (New York: Ktav, 1977), and especially the prolegomenon and the "Selected Annotated Bibliography: Monographs, Articles, and Chapters on Greco-Roman Philosophical and Rhetorical Literature and Talmudic-Midrashic Writings, 1850-1975," xiii-lxxii.

8. Henry Fischel, "Story and History: Observations on Greco-Roman Rhetoric and Pharisaism," in *Essays in Greco-Roman and Related Talmudic Literature* (New York: Ktav, 1977), 449.

9. Ibid., 449-51.

10. See the story of Elisha b. Abuya analyzed in Chap. 3, and the story of R. Eleazar b. R. Shimon, bBM 83b-85a. While neither of these resembles a classical *bios*, they do resemble some of the shorter lives of Diogenes Laertes.

See Fischel, "Story and History," 445-46; Moses Hadas, "Rabbinic Parallels to *Scriptores Historiae Augustae*," *Classical Philology* 24 (1929), 258-62.

11. Fischel, "Story and History," 451 and n. 42; idem, *Rabbinic Literature and Greco-Roman Philosophy* (Leiden: Brill, 1973), 12 and n. 101; Cox, *Biography in Late Antiquity*, 58-65; Elizabeth Haight, *The Roman Use of Anecdotes in Cicero, Livy and the Satirists* (New York: Longmans, Green, 1940), 33-78. A second important difference is that ancient biographies are the product of one author, while rabbinic stories, like the documents in which they are found, are the product of a group. However, biographers relentlessly copied, excerpted, and anthologized earlier works, and drew on anthologies and handbooks of unknown provenance. Thus ancient biographies, in many respects, are also communal efforts.

12. Cox, *Biography in Late Antiquity*, xi-xvi, 45-65. Sometimes the standards were less rigorous. See Wiseman, "Lying Historians," 137: "Cicero's Atticus used a similar phrase—'it's your choice' (*tuo arbitratu*). 'Write what you want,' said the City Prefect to the imperial biographer; 'you can safely say whatever you like'" (from Cicero, *Brutus*, 42).

13. Wiseman, "Lying Historians," 145. So Momigliano, *Development of Greek Biography*, 102: "Even historians like Xenophon with a philosophic education forgot about truth when they came to write encomia and idealized biographies." See also Wiseman, *Clio's Cosmetics*, 38: "In pursuit of the same educative ideal as Cicero, Livy and Tacitus, Valerius produced a collection of schematic caricatures in which historical accuracy is entirely subordinated to rhetorical 'point.'" On legendary elements in biographies of philosophers see Anton Priessnig, "Die literarische Form der spätantiken Philosophenromane," *Byzantinische Zeitschrift* 30 (1929), 23-30.

14. Fischel, "Story and History," 450-56; idem, *Rabbinic Literature and Greco-Roman Philosophy*; Dan Ben-Amos, "Narrative Forms in the Haggada: Structural Analysis" (Ph.D. diss., Indiana University, 1967), 160-79; Catherine Hezser, "Die Verwendung der hellenistischen Gattung Chrie im frühen Christentum und Judentum," *JSJ* 27 (1996), 371-439, with copious references. For rabbinic use of other Greco-Roman genres see A. Marmorstein, "The Background of the Haggadah," *HUCA* 6 (1929), 183-204 (on diatribe); E. Bi(c)kerman, "La Chaîne de la tradition pharisienne," *Revue Biblique* 59 (1952), 44-54; David Daube, "Alexandrian Methods of Interpretation and the Rabbis," in *Festschrift Hans Lewald* (Basel: Helbing & Lichtenhahn, 1953), 27-44; S. Stein, "The Influence of Symposia Literature on the Literary Form of the Pesah Haggadah," *JJS* 8 (1957), 13-44; Shaye Cohen, "Patriarchs and Scholarchs," *PAAJR* 48 (1981), 57-86; and see Fischel's bibliography, above, n. 7.

15. See Momigliano, *Development of Greek Biography*, 71-73. On the use of

chriac (and other anthologies) in classical education, see John Barns, "A New Gnomologium: With Some Remarks on Gnomonic Anthologies (I)-(II)," *Classical Quarterly* 44-45 (1950-51), 136-37, 11-19.

16. Fischel, "Story and History," 460-63. However, in *Rabbinic Literature*, 85, Fischel notes that "the use of a particularly literary form, even a stereotype [*sic*] such as a Sage anecdote, does not yet by itself indicate fiction. A true event can be described by means of a literary convention. On the other hand, it can be argued that no author would wish to invite disbelief in a true story by writing it in a literary genre that serves to transmit didactic-legendary material and is known as such." Fischel wavers on this point in his various writings.

17. Stanley F. Bonner, *Education in Ancient Rome* (Berkeley: University of California Press, 1977), 256-59. Similarly, students were called upon to invent stories, fables, speeches, and other rhetorical forms.

18. Fischel, "Studies in Cynicism and the Ancient Near East: The Transformation of a *Chria*," in *Religions in Antiquity, Essays in Memory of Erwin Ramsdell Goodenough*, ed. Jacob Neusner (Leiden: Brill, 1968), 374.

19. Fischel, "Story and History," 461-62, and "Studies in Cynicism and the Ancient Near East," 371-76. Classicists heatedly debated—and continued to debate—the historical worth of much of ancient biography and historiography despite the growing awareness of literary conventions. See Wiseman, *Clio's Cosmetics*, 52-53, on continuing mistakes and gullibility among classical historians. Neusner's criticism of earlier rabbinic historians as credulous and primitive is therefore exaggerated. They were not far behind classical scholars in coming to terms with the problems of historical reconstructions. See n. 5.

20. See the aforementioned studies of Fischel and the articles he collected in *Essays in Greco-Roman and Related Talmudic Literature*, and see the numerous works of A. A. Halevi, including *'Olama shel ha'aggada* (Tel Aviv: Devir, 1972) and *Ha'aggada bahistorit-biografit* (Tel Aviv: Niv, 1975).

21. See Fischel, *Rabbinic Literature*, 114; idem, "Story and History," 461; Hezser, "Die Verwendung der hellenistischen Gattung Chrie," 436-39.

22. See Ehsan Yarshater, "Iranian National History," *The Cambridge History of Iran*, vol. 3, *The Seleucid, Parthian, and Sasanian Periods*, ed. Ehsan Yarshater (Cambridge: Cambridge University Press, 1983), 366-69. "[N]o distinction was made between the factual, the legendary, and the mythical. All three are blended in a unified whole, presented as a continuous narrative of events. . . . Applying the principles of Western historical criticism, which are the product of a different environment and different intellectual concerns, will be little help in achieving an appreciation of the true purport of Iranian historiography. . . . History was not conceived as a 'discipline' to satisfy a thirst for fact, nor were its methods attuned to such a purpose. History had primarily

an edifying aim; in the hierarchical, conventional and conservative world of the Sasanian establishment, the purpose of history was to maintain and promote the national and moral ideals of the state. . . . Thus the historiographer, far from being an impartial investigator of facts, was an upholder and promoter of the social, political and moral values cherished by the Sasanian elite." Moreover, much of Persia was influenced by Roman-Hellenistic culture. See *ibid.*, 12-17, 821-34, 866-74, 1029-54.

23. I am trying to avoid crude distinctions such as "historiography" as opposed to "literature." All historiography is obviously not only literature but narrative, and it need not be devoid of literary features. Fiction generally displays a greater concentration of these techniques, and poetry still greater. I am using these categories in an imprecise manner to illustrate general differences. See Linda Orr, "The Revenge of Literature: A History of History," *New Literary History* 18 (1986), 1-22.

24. Jonah Fraenkel, *Darkhei ha'aggada vehamidrash* (Masada: Yad Letalmud, 1991). See the following note and the bibliography for references to his articles.

25. Jonah Fraenkel, "Paronomasia in Aggadic Narratives," *Scripta Hierosolymitana* 27 (1978) 27-51; "Bible Verses Quoted in Tales of the Sages," *Scripta Hierosolymitana* 22 (1971), 80-99; "The Structure of Talmudic Legends," *Folklore Research Center Studies* 7 (1983), 45-97 (Hebrew); *Darkhei ha'aggada vehamidrash*, 260-73.

26. His programmatic article, "Hermeneutic Problems in the Study of the Aggadic Narrative," *Tarbiz* 47 (1978), 139-72 (Hebrew), comprises a powerful assault on the historical analyses of rabbinic stories and a prolegomenon for his subsequent studies.

27. *Darkhei ha'aggada vehamidrash*, 240-43.

28. The classification of genres in terms of drama, lyric and epic derives from Aristotle. But Fraenkel uses the genres as theoretical constructs, not as types of ancient literature. On the misinterpretation of Aristotle's classification, see Gérard Genette, *The Architext*, trans. Jane E. Lewin (Berkeley: University of California Press, 1993).

29. Fraenkel, "The Structure of Talmudic Legends," 45-97; *Darkhei ha'aggada vehamidrash*, 261-68.

30. "Hermeneutic Problems," 157-63; *Darkhei ha'aggada vehamidrash*, 237, 260-63.

31. "Internal closure is a distinct literary-artistic phenomenon. Its meaning is that every detail of the story is connected to the next [detail], every part is planned in light of the entire story, the beginning reflects the end and the end is understood from the beginning" ("Hermeneutic Problems," 159).

32. Fraenkel identifies himself with the "hermeneutic approaches" to liter-

ary criticism that descended from phenomenology; in the notes to the introduction of "Hermeneutic Problems" (above, n. 26) he refers to the work of Wilhelm Dilthey, Emilio Betti, and E. D. Hirsch. While his assumptions perhaps derive from phenomenology or hermeneutics, his practice is essentially that of the New Criticism. Fraenkel takes from hermeneutic criticism the principle that the text is a stable artifact, that the interpreter, with appropriate caution, can avoid anachronism, weed out his biases, and arrive at an "objective" understanding. He then deploys techniques of the New Criticism to analyze the meaning of the story. Unlike some practitioners of hermeneutic criticism, Fraenkel does not discuss "prejudice" (in the Gadamerian sense), "forestructures," "horizon of expectations," "hermeneutics of suspicion," and other problematic aspects of the method. One could say that Fraenkel invokes one trend among hermeneutical methods to provide a type of philosophical underpinning for New Critical readings. On the similarity between phenomenology and New Criticism see Terry Eagleton, *Literary Theory: An Introduction*, 2d ed. (Minneapolis: University of Minnesota Press, 1996), 49–50.

33. It is interesting to note that both Fraenkel and the New Critics were reacting to historicizing heresies, albeit of different types. The New Critics reacted to the prior overemphasis among literary critics of the historical background as sufficient explanation of a literary artifact. Fraenkel's insistence on the "closure" of rabbinic stories was a reaction to the method of recovering history by reconciling and harmonizing contradictory sources. While the New Critics treated the historical background as basically irrelevant, Fraenkel found that it is nonexistent. But this aspect of closure should be applied to the historical period of the characters of the stories, not the historical context of the storytellers. The events referred to in stories may be fictions, but the historical context of the storytellers may be important for interpretation. Fraenkel, it seems to me, allowed his reaction against the former to spill over into his approach to the latter.

34. However, even Fraenkel, in one of his studies, argues that three stories about R. Yehoshua ben Levi must be understood in light of each other; see "The Image of Rabbi Joshua ben Levi in the Stories of the Babylonian Talmud," *Proceedings of the Sixth World Congress of Jewish Studies—1973* (Jerusalem, 1977), 3:403–17. So in rare cases, at least, there are strong intertextual markers. In "Outer Forms and Inner Values," in *Michtam Le-David: Rabbi David Ochs Memorial Volume*, ed. Y. Gilat and E. Stern (Ramat-Gan: Bar-Ilan University Press, 1978), 120–36 (Hebrew), Fraenkel recognizes the existence and importance of literary *topoi* and explores several in brilliant fashion.

35. Fraenkel's categorization of stories as "dramatic" is confusing, since drama, at least according to Aristotle (whom Fraenkel invokes), consists exclu-

sively of dialogue, whereas stories typically involve a narrator. Thus I prefer the term "dramatic narrative." It should also be noted that Fraenkel's distinction between "history"—a better term would be "historiography"—and "literature" or "literary creation" is overstated. See n. 23. And see Wiseman, *Clio's Cosmetics*, on the blurring of history, rhetoric, and poetry in practice, even if the genres were theoretically distinct.

36. See, e.g., Robert Hodge, *Literature as Discourse: Textual Strategies in English and History* (Baltimore: Johns Hopkins University Press, 1990), 23–37; Meir Sternberg, *The Poetics of Biblical Narrative* (Bloomington: Indiana University Press), 7–22.

37. See Stanley Fish, *Is There a Text in This Class? The Authority of Interpretive Communities* (Cambridge: Harvard University Press, 1980), 284.

38. In these cases Fraenkel considers the episode an independent source which later compilers used for their own purposes. However, in *Darkhei ha'aggada vehamidrash*, 455–56, Fraenkel does observe that the BT editors occasionally incorporated aggadic sources into a larger framework. In particular, they constructed introductions and conclusions to units of aggadic material. So while Fraenkel is not oblivious to the redactional process, his analysis generally removes the story from its framework. Fraenkel is also quick to treat part of a story as a later accretion or corruption, a result of the editing process, and not as a part of the "original" story. But these purported later accretions are sometimes problematic only in that they violate what Fraenkel has identified as the ideal structure of the story. See his "Remarkable Phenomena in the Text-History of the Aggadic Stories," *Proceedings of the Seventh World Congress of Jewish Studies—1977* (Jerusalem, 1981), 3:45–69 (Hebrew). For further discussion of Fraenkel's method see the reviews of Menahem Hirshman, "On Midrash as an Art Form: Its Creators and Its Forms," *Mad'ei hayahadut* 32 (1992), 83–91 (Hebrew), and Richard Kalmin, "The Modern Study of Ancient Rabbinic Literature: Yonah Fraenkel's *Darkhei ha'aggada vehamidrash*," *Prooftexts* 14:2 (1994), 189–204.

39. In cases where Fraenkel has no choice but to draw on outside sources he proceeds with great hesitation or buries the cross-references in his notes. Rarely does he take a broader view of how a story may relate to a general cultural tension. But unlike the isolation of the story from its literary context, Fraenkel's restricted attention to the wider cultural context is not a methodological principle but a tendency. In his popular book, *Iyyunim be'olamo haruhani shel sipur ha'aggada* (Tel Aviv: Hakibbutz Hameuhad, 1981), Fraenkel does his best work in describing the broader cultural tensions that frame the story.

40. See the studies listed in the following notes and in the bibliography. Unfortunately, Meir's writings to date have not made a significant impact on

the field of talmudic-midrashic studies. This neglect may be due to the unfortunate reluctance of many rabbinites to cross disciplinary boundaries. Meir came to rabbinics somewhat from the outside, training in the disciplines of folklore and Hebrew literature and publishing primarily in journals devoted to those fields. On the importance of the redactional context see too Jacob Neusner, *Judaism: The Classical Statement. The Evidence of the Bavli* (Chicago: University of Chicago Press, 1986), 124-29.

41. "The Acting Characters in the Stories of the Talmud and the Midrash" (Ph.D. diss., Hebrew University, 1977) (Hebrew). See also her "The 'Changing Character' and the 'Character Disclosed' in Rabbinic Stories," *JSHL* 6 (1984), 61-77 (Hebrew).

42. Ofra Meir, "The Narrator in the Stories of the Talmud and the Midrash," *Fabula* 22 (1981), 79-83; "Hasipur 'al nahshon — diuqan vesemel basipur hadarshani," *Sinai* 99 (1986), 22-37; "The Story as a Hermeneutic Device," *AJSR* 7-8 (1982-83), 231-62.

43. Ofra Meir, "The Literary Context of the Sages' Aggadic Stories as Analogous to Changing Storytelling Situations—The Story of the Hasid and the Spirits in the Cemetery," *Jerusalem Studies in Hebrew Folklore* 13-14 (1992), 81-98 (Hebrew).

44. *Ibid.*, 90, 92. She also suggests that the text of the story in the Talmud may not be the "original" formulation, although she concedes that there is no way to reconstruct that original version (90).

45. In this study and the studies cited below, Meir also offers an analysis of the story as an "isolated text." This aspect of her method resembles Fraenkel's decontextualized readings.

46. Ofra Meir, "Hashpa'at ma'ase ha'arikha 'al hashqafat ha'olam shel si-purei ha'aggada," *Tura* 3 (1994), 67-84; "The Story of Hezekiah's Ailment in the Legends of Hebrew Homiletical Literature," *Hasifrut* 30 (1981), 109-30 (Hebrew); "The Story of Rabbi's Death: A Study of Modes of Traditions' Redaction," *JSHL* 12 (1990), 147-77 (Hebrew).

47. Meir, "Hashpa'at ma'ase ha'arikha"; bKet 62b; *LevR* 21:8 (484-86). A third version of the story appears in *GenR* 95 (1232).

48. Meir, "Hashpa'at ma'ase ha'arikha," 81.

49. Berkeley: University of California Press, 1993.

50. Boyarin, *Carnal Israel*, 15-16; see his analysis of the story found in bBM 83b-85a. See also Eliezer Diamond, "Wrestling the Angel of Death," *JSJ* 26 (1995), 76-92.

51. See Christine Hayes, *Between the Babylonian and Palestinian Talmuds* (New York: Oxford University Press, 1997), 23-24, for a similar approach. Meir Sternberg, *Poetics of Biblical Narrative*, 16, makes a related observation of the

Bible: "When all is said and done, the independent knowledge we possess of the 'real world' behind the Bible remains absurdly meager, almost non-existent when compared with the plenty available to, say, Joyceans or even Shakespearians. For better or for worse, most of our information is culled from the Bible itself."

52. See the introductions to *Meqorot umesorot* (Tel Aviv: Devir and Jerusalem: Jewish Theological Seminary, 1968-94); vol. 3 (*Shabbat*) and vol. 5 (*Bava Qama*), and his English book, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge: Harvard University Press, 1986), 76-104. Halivni first articulated his theory in the second volume of *Meqorot umesorot* (on tractates Yoma-Hagiga), published in 1975 (1-12). He added refinements and details in the introduction to vol. 3, published in 1982. This is not meant to be a comprehensive history of scholarship on the composition and redaction of the BT or of the precursors of Halivni and Friedman. For a detailed treatment see David Goodblatt, "The Babylonian Talmud," in *The Study of Ancient Judaism*, ed. Jacob Neusner (New York: Ktav, 1981), 144-81.

53. While several scholars realized the distinct character of these strata, no one proposed a history of the talmudic text on that basis. See Goodblatt, "Babylonian Talmud," 177-81.

54. *Meqorot*, 3:9-10 (emphasis in the original). See too *Meqorot*, 5:1-21. In a survey of the entire Talmud, David Kraemer found "only thirty-three cases of explicit argumentation from the first four Amoraic generations"; "The Beginning of the Preservation of Argumentation in Amoraic Babylonia," in *New Perspectives on Ancient Judaism*, vol. 4, ed. Alan J. Avery-Peck (Lanham, Md.: University Press of America, 1989), 37-46.

55. Halivni claims that in some cases the Stammaim inherited proto-*sugyot* from the Amoraic period. Even in these cases the Stammaim had to reconstruct, complete, and integrate the material, and so must be considered the creators of the *sugya*; see *Midrash, Mishnah, and Gemara*, 79.

56. *Meqorot*, 3:11. In *Meqorot*, 5:13-19, Halivni defines three categories of Stammaim: repeaters, editors, and combiners. He also describes their types of activity in greater detail.

57. *Midrash, Mishnah, and Gemara*, 82.

58. *Ibid.*, 88. See also Yaakov Sussmann's description of the style of the BT over against the PT in "Veshuv l'irushalmi nezigin," *Mehqerei talmud I*, ed. Y. Sussmann and D. Rosenthal (Jerusalem: Magnes, 1990), 97-99.

59. Friedman details his methodology in an introduction entitled "Al derekh heqer hasugya" ("On the Method of Critical Research of the Sugya") in his "Pereq ha'isha rabba babavli," in *Mehqarim umeqorot*, ed. H. Dimitrovski (New York: Jewish Theological Seminary, 1977), 283-321.

60. Ibid., 301–6. Friedman built on the work of Hyman Klein, “Gemara and Sebara,” *JQR* 38 (1947), 67–91; “Gemara Quotations in the Sebara,” *JQR* 43 (1953), 341–62; “Some General Results of the Separation of Gemara from Sebara in the Babylonian Talmud,” *Journal of Semitic Studies* 3 (1958), 363–72.

61. Avraham Weiss first defined the *sugya* as a literary unit and began research into its structure and composition. See *Habavli beḥibhavut hasifrutit*, vol. 2 (Warsaw, 1939); *Hithavut batalmud bishleimuto* (New York: Alexander Kohut Memorial Foundation, 1943); *Al heyetsira hasifrutit shel ha’amoraim* (New York: Horeb, 1962); *Mehqarim batalmud* (Jerusalem: Mosad Harav Kook, 1975). On Weiss’s contribution see Shammai Kanter, “Abraham Weiss: The Search for Literary Forms,” in *The Formation of the Babylonian Talmud*, ed. J. Neusner (Leiden: Brill, 1970), 95–103.

62. “Pereq ha’isha rabba babavli,” 315–19; Shamma Friedman, “Some Structural Patterns of Talmudic *Sugiot*,” *Proceedings of the Sixth World Congress of Jewish Studies—1973* (Jerusalem, 1977), 3:391–96 (Hebrew).

63. “Pereq ha’isha rabba babavli,” 326–27.

64. The literal meaning of *savora’im* is “thinkers” or “reasoners.”

65. In his early work Halivni considered the Stammaim to be the main authors of talmudic *sugyot* and limited their activity to the years between 427 C.E. (the death of Rav Ashi, one of the last Amoraim) and 501 or 520 C.E.; *Megorot*, 3:16–27, especially n. 37, and *Midrash, Mishnah, and Gemara*, 76–77, 83–84, 99–100 and 140 n. 1. More recently, Halivni has given up the distinction between Stammaim and Saboraim and considers the two equivalent (Lecture delivered at Tel Aviv University, Dec. 22, 1997). Friedman does not use the terms “stam” or “Stammaim” to refer to the sages of a distinct age but to describe a type of literature. Nor does he date the compositional and redactional activity precisely. A rough *terminus ante quem* is the fixing of the base text of the Talmud in the mid to late seventh century C.E. (“Pereq ha’isha rabba babavli,” 283). On the question of Stammaim and Saboraim, see too Richard Kalmin, *The Redaction of the Babylonian Talmud: Amoraic or Saboraic?* (Cincinnati: HUCA Press, 1989), 1–11, 89–94, and Yaakov Sussmann, “Veshuv lirus-halmi neziqin,” 102–6 and n. 192. The current consensus essentially identifies the Stammaim with the Saboraim who flourished in the late fifth, sixth, and seventh centuries. This coheres with the early critical work of Hyman Klein, Avraham Weiss, and Julius Kaplan that gave the Saboraim a major role in redacting the Talmud. On the dating of the Saboraic age see Yaakov Ephrati, *The Saboraic Period and its Literature* (Jerusalem: Dror, 1973), 33–62, 74–81 (Hebrew). And see Hayes, *Between the Babylonian and Palestinian Talmuds*, 20–22.

66. This is essentially the position of Neusner, who gives the final redactors full responsibility for the talmudic text. See below, n. 91.

67. The following discussion builds directly on Friedman: see “Pereq ha’isha rabba babavli,” 309–13, and *Talmud ‘arukh: pereq hasokher ‘et ha’omanin* (Jerusalem: Jewish Theological Seminary, 1990–96), 2:8–23. See also Birger Gerhardsson, *Memory and Manuscript: Oral Tradition and Written Transmission in Rabbinic Judaism and Early Christianity*, trans. E. J. Sharpe (Lund: Gleerup, 1961), 136–48.

68. Shamma Friedman, “Habara’itot shebatalmud habavli veyihasan lato-sefta” (forthcoming). See too Yaakov Elman, *Authority and Tradition: Toseftan Baraitot in Talmudic Babylonia* (Hoboken, N.J.: Ktav, 1994), 44–46, 145–64.

69. Let me emphasize that this is only a presumption. In some cases it can be demonstrated that a *baraita* is a late, redactional creation, not an authentic Tannaitic source. See the discussion of “pseudo-*baraitot*” in Chap. 8.

70. On the reliability of Amoraic attributions, see David Kraemer, “On the Reliability of Attributions in the Babylonian Talmud,” *HUCA* 60 (1989), 175–90, and Richard Kalmin, *Sages, Stories, Authors and Editors in Rabbinic Babylonia* (Atlanta: Scholars Press, 1994). Jacob Neusner takes an extremely skeptical view of the reliability of attributions. See his *Judaism: The Evidence of the Mishna*, 14–22, and Green, “What’s in a Name?” 77–96.

71. Friedman, *Talmud ‘arukh*, 2:9–12; Halivni, *Megorot*, 5:14–21, and *Midrash, Mishnah, and Gemara*, 77. Halivni considers the Stammaitic intervention most pronounced in the fragmentary argumentative statements that survived from the Amoraic periods, as opposed to apodictic law, which survived more intact. The Hebrew of the BT Amoraim differs slightly from Tannaitic Hebrew: see Yohanan Breuer, “On the Hebrew Dialect of the Amoraim in the Babylonian Talmud,” *Mehqerei lashon* 2–3 (1987), 127–52 (Hebrew).

72. See Menahem Kahane, “Intimation of Intention and Compulsion of Divorce: Towards the Transmission of Contradictory Traditions in Late Talmudic Passages,” *Tarbiz* 62 (1993), 230–31, 248–50, 260–62 (Hebrew); Halivni, *Megorot*, 5:18–19; Hayes, *Between the Babylonian and Palestinian Talmuds*, 14–15.

73. *Talmud ‘arukh*, 2:16–17.

74. Louis Jacobs, “The Sugya on Sufferings in B. Berakhot 5a,b,” in *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann*, ed. J. J. Petuchowski and E. Fleischer (Jerusalem: Magnes, 1981), 32–44. See also his *Structure and Form in the Babylonian Talmud* (Cambridge: Cambridge University Press, 1991), especially 100–106. Jacobs observes that the “editors/authors” of the BT substantially reworked their sources for dramatic effect.

75. *PAAJR* 57 (1990–91), 35–67. See too Elman, “The Suffering of the Righteous in Palestinian and Babylonian Sources,” *JQR* 80 (1990), 315–40; Michael Satlow, “Wasted Seed: The History of a Rabbinic Idea,” *HUCA* 65 (1994), 137–76; David Kraemer, “Composition and Meaning in the Bavli,” *Prooftexts* 8

(1988), 271–91; idem, *Responses to Suffering in Classical Rabbinic Literature* (New York: Oxford University Press, 1995), 184–210; idem, *Reading the Rabbis: the Talmud as Literature* (New York: Oxford University Press, 1996); Eliezer Segal, *The Babylonian Esther Midrash: A Critical Commentary* (Atlanta: Scholars Press, 1994).

76. Shamma Friedman, “La’aggada hahistorit betalmud bavli,” in *Saul Lieberman Memorial Volume*, ed. Shamma Friedman (New York: Jewish Theological Seminary, 1993), 119–63. An abbreviated English translation appears as “Development and Historicity in the Aggadic Narrative of the Babylonian Talmud—A Study Based upon B.M. 83b–86a,” *Community and Culture: Essays in Jewish Studies in Honor of the Ninetieth Anniversary of the founding of Gratz College*, ed. N. M. Waldman (Philadelphia: Gratz College, 1987), 67–80.

77. “La’aggada hahistorit,” 127–31.

78. However, Friedman seems to be more sanguine about the historical reliability of the earliest versions of stories, which Neusner treated with skepticism. See “La’aggada hahistorit,” 162.

79. Friedman’s study also suggests that much of the reworking occurred specifically during Stammaitic times and not during the Amoraic period or in earlier stages of oral transmission, for the reworkings postdate the Palestinian version of the fifth century. See also Sussmann, “Veshuv l’irushalmi nezigin,” 100–101, n. 186, discussing the character of the aggada of the BT: “It seems to me that here too [scholars] have not taken into account sufficiently the long span of time; and it seems that one should not necessarily make a firm, fundamental or essential distinction between halakha and aggada in this respect. The original Amoraic material (Palestinian and Babylonian—in this literary frame or another) continued to live, to change and to develop throughout a very lengthy period in Babylonia.”

80. *Midrash, Mishnah, and Gemara*, 77. See also Louis Jacobs, *The Talmudic Argument: A Study in Talmudic Reasoning and Methodology* (London: Cambridge University Press, 1984), 21–22, 211–12: “Their main aim was purely academic: They evidently wished to provide argument and debate as an intellectual exercise, precisely because . . . the study of Torah was by this time the established and acknowledged supreme way of worship.” And see David Kraemer, *The Mind of the Talmud* (New York: Oxford University Press, 1990). This is not to deny that the Stammaim were also interested in exegesis and practical law. See Jay Rovner, “Rhetorical Strategy and Dialectical Necessity in the Babylonian Talmud: The Case of Kiddushin 34a–35a,” *HUCA* 65 (1994), 184–87, 220–22, and Menahem Kahane, “Intimation of Intention and Compulsion of Divorce.”

81. I am not claiming that these devices are unique to the BT or to the

Stammaim. They are found, to a certain extent, in folktales and stories throughout the world, and are especially prominent in oral literature. My point is that Stammaitic composition consciously and intentionally employs such methods, hence they contribute significantly to the overall meaning.

82. In this I agree with Fraenkel (see the section on Literary Analysis), although I hesitate to speak for all rabbinic stories and all rabbis. The Stammaitic Babylonian academy differed from earlier situations of Torah study (see below). On narrative situations and the role of the reader (sometimes called the “implied reader”) see Shlomith Rimmon-Kenan, *Narrative Fiction: Contemporary Poetics* (London: Routledge, 1983), 117–29. See also David Kraemer, “The Intended Reader as a Key to Interpreting the Bavli,” *Prooftexts* 13 (1993), 125–40.

83. David Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Leiden: Brill, 1975).

84. *Ibid.*, 7.

85. Isaiah Gafni, “Yeshiva and Metivta,” *Zion* 43 (1978), 12–37 (Hebrew).

86. For example, Gafni’s reference to the phrase “*metivta* in heaven” (bBM 86a) as solid evidence of an Amoraic academy is not probative, for the passage appears in a story of late provenance (25, 29; and see Friedman, “La’aggada hahistorit,” 139 n. 106).

87. Goodblatt published his *Rabbinic Instruction* in 1975, and Gafni’s article appeared in 1978. But the research and writing was obviously done earlier. Halivni first articulated his theory of the Stammaim in the introduction to the second volume of his *Meqorot umesorot* published in 1975. Friedman’s “Pereq ha’isha rabba babavli” appeared in 1977. Goodblatt refers once to Friedman’s study in his response to Gafni (“New Developments in the Study of the Babylonian *Yeshivot*,” *Zion* 46 [1981], 14–38 [Hebrew]). Goodblatt argues that some references to institutions derive from later copyists, and occasionally distinguishes between the Amoraic statement and a later gloss; see, e.g., 274. Gafni also recognizes that some references to *metivta* or *beit midrash* appear in Amoraic glosses to Amoraic statements. See, e.g., the discussion of bSot 7b, 29, and bShab 114a, 32. These are clearly Stammaitic additions that reflect a later historical period. And see the following note.

88. Goodblatt distinguishes “anonymous anecdotes” about biblical personages, Tannaim, Palestinian Amoraim and Babylonian Amoraim from “traditions attributed” to Palestinian and Babylonian Amoraim, but focuses more on the Palestinian/Babylonian distinction than the anonymous/attribution division. For example, in his analysis of instances of *be midrash* he concludes that the anonymous anecdotes mention Palestinians sixty times and Babylonians only eight, and therefore these terms do not characterize Babylonian institu-

tional life (97, 105). Perhaps more significant is that there are sixty *anonymous* anecdotes as opposed to just seventeen *attributed* traditions. I shall return to this issue in Chap. 8, “The Academy.”

89. See Jack N. Lightstone, *The Rhetoric of the Babylonian Talmud, Its Social Meaning and Context* (Waterloo, Ont.: Wilfred Laurier University Press, 1994), especially 264–81. Lightstone argues that the rhetorical traits of the BT shed light on the institutional and social setting of the editors, and also legitimate the newly emerged academies of the fifth and sixth centuries.

90. Because BT stories have been reworked by the Stammaim, there is no guarantee that their narrative art matches that of other rabbinic documents. Before we write a synthetic account of the poetics of the rabbinic story, the poetics of the stories in each rabbinic work must be studied independently.

91. Jacob Neusner has championed the method of redaction-criticism in his numerous studies of the Babylonian Talmud and other rabbinic works. See *The Bavli's One Voice: Types and Forms of Analytical Discourse and Their Fixed Order of Appearance* (Atlanta: Scholars Press, 1991), and *Sources and Traditions: Types of Compositions in the Talmud of Babylonia* (Atlanta: Scholars Press, 1992). However, Neusner argues that the sources have been reworked to such an extent that they can no longer be distinguished. For criticism of Neusner's position see Daniel Boyarin, “On the Status of the Tannaitic Midrashim,” *Journal of the American Oriental Society* 112 (1993), 455–64, and Eliezer Segal, “Anthological Dimensions of the Babylonian Talmud,” *Prooftexts* 17 (1997), 35–37.

92. For an interesting example, see Friedman, *Talmud 'arukh*, 1:152. In this case the story is short, and actually cited in a type of outline form. Lengthier stories generally have an intrinsic connection to their halakhic context.

93. Jacob Neusner argues that the redactors composed large-scale passages by applying logical rules, and therefore the Talmud is a work of purposive compilation. See *The Rules of Composition of the Talmud of Babylonia: The Cogency of the Bavli's Composite* (Atlanta: Scholars Press, 1991), and *The Bavli's Massive Miscellanies: The Problem of Agglutinative Discourse in the Talmud of Babylonia* (Atlanta: Scholars Press, 1992). Neusner claims that only a few talmudic passages are “miscellanies” devoid of systematic and principled organization.

94. On the viability of source-criticism—the lack of homogenization of sources—see Kalmin, *Sages, Stories, Authors*, and the references provided on 2–3, n. 5 and 10–11, nn. 30–31; Hayes, *Between the Babylonian and Palestinian Talmuds*, 9–17.

95. See Hayes, *Between the Babylonian and Palestinian Talmuds*, 11–14, for further discussion and documentation.

96. “La'aggada hahistorit.” He concludes the English version (“Literary Development and Historicity in the Aggadic Narrative”): “Much of the narra-

tive Aggadah in the BT is of Palestinian origin. The literary sources used by the BT have generally not survived, but many parallels exist in the PT and Midrashim . . . The resemblance of these extended passages in content and structure . . . enables us to gain insight on the sources used by the BT” (75). See also his formulation in *Talmud 'arukh*, 2:15: “The two extant Talmuds draw from the same earlier traditions, which the version of the PT resembles more closely in the majority of cases.”

97. A. Karlin, *Dirrei sefer* (Tel Aviv: Mahberot lesifrut, 1952); Neusner, *Development of a Legend and The Rabbinic Traditions about the Pharisees before 70*; Zipporah Kagan, “Divergent Tendencies and Their Literary Moulding in the Aggadah,” *Scripta Hierosolymitana* 22 (1971), 151–70; David Goodblatt, “The Beruriah Traditions,” *JJS* 26 (1975), 68–85, and “The Story of the Plot against R. Simeon B. Gamaliel II,” *Zion* 49 (1984), 349–74 (Hebrew); Joshua Efron, “Bar-Kochva in the Light of the Palestinian and Babylonian Talmudic Traditions,” in *The Bar-Kochva Revolt: A New Approach*, ed. A. Oppenheimer and U. Rappaport (Jerusalem: Yad Izhaq Ben Zvi, 1984), 47–105 (Hebrew); Louis Jacobs, “The Story of R. Phinehas ben Yair and his Donkey in b. hullin 7a–b,” in *A Tribute to Geza Vermes*, ed. P. Davies and R. White (Sheffield: Sheffield Academic Press, 1990), 193–206; Pinhas Mandel, “Hasipur bemidrash 'eikha: nusah vesignon” (master's thesis, Hebrew University, 1993), 1:192–93; Ofra Meir, “The Story of Rabbi's Death,” and “Hateruma hahistorit shel 'aggadot hazal,” *Mahanayim* 7 (1994), 8–25; Tal Ilan, “The Historical Beruriah, Rachel, and Imma Shalom,” *AJSR* 22 (1997), 1–17; Catherine Hezser, *Form, Function and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin* (Tübingen: J. C. B. Mohr, 1993), 349–50.

98. While it is generally agreed that the BT did not know the PT in its extant form, it is also clear that many PT traditions and even entire *suzyot* reached Babylonia in substantially the same state as they appear in the PT. Martin Jaffee, “The Babylonian Appropriation of the Talmud Yerushalmi: Redactional Studies in the Horayot Tractates,” in *New Perspectives on Ancient Judaism*, vol. 4, ed. Alan J. Avery-Peck (Lanham, Md.: University Press of America, 1989), 23–24, observes: “The correspondences between Bavli and Yerushalmi Horayot suggest that the post-Amoraic editors of the former had something much like the extant version of the latter before them and reflected upon the logic of its construction as they composed their own commentary.” Yaakov Sussmann, “Veshuv lirushalmi neziqin,” 98–99, observes that the BT and PT typically share the same Amoraic material. The unattributed stratum of the PT, however, is very thin, while that of the BT is highly developed. This again suggests that the Stammaim knew the PT in something close to its final state. See the careful formulation by Christine Hayes, *Between the Babylonian and*

Palestinian Talmuds, 22–23 and nn. 46–48, with which I am in complete agreement. Hayes applies the comparative method to halakhic material, comparing parallel PT and BT legal *sugyot* in order to determine the changes introduced by Babylonian sages to the core Palestinian tradition. See also the survey of scholarship in Hezser, *Rabbinic Story in Yerushalmi Neziqin*, 345–48.

99. See Robert Alter, *The Art of Biblical Narrative* (New York: Basic Books, 1981), 131–54; Meir Sternberg, *Poetics of Biblical Narrative*, 13–14.

100. For a clear example of an internal contradiction resulting from two disparate sources, see Friedman, “La’aggada hahistorit,” 136.

101. For an excellent discussion and evaluation of the constraints that limited the redactors, see Hayes, *Between the Babylonian and Palestinian Talmuds*, 15–17.

102. *Art of Biblical Narrative*, 12–13.

103. A literary device may occur in any genre of literature, including historiography, chronography, and legal drafting. Indeed, some would avoid the term “literary device” so as not to imply that other genres are not literature or be suspected of a false dichotomy between the writing of history (objective, accurate) and poetry or literature (fictional, artistic); see Sternberg, *Poetics of Biblical Narrative*, 39–40. Nevertheless, I think the term is useful at least for a study of this sort. What usually distinguishes poetry, drama, and some forms of narrative from historiography is the density of literary devices. The concentration of numerous literary devices in a small amount of text is part of the “literariness” of the rabbinic story, what makes it an artistic creation for didactic purposes, not an attempt mimetically to represent the past. See n. 23.

104. Gérard Genette, *Narrative Discourse: An Essay on Method*, trans. Jane E. Lewin (Ithaca: Cornell University Press, 1972); idem, *Narrative Discourse Revisited*, trans. Jane E. Lewin (Ithaca: Cornell University Press, 1988); Mieke Bal, *Narratology: Introduction to the Theory of Narrative*, trans. C. van Boheemen (Toronto: University of Toronto Press, 1985); idem, *On Storytelling: Essays in Narratology*, ed. D. Jobling (Sonoma, Calif.: Polebridge Press, 1991); Rimmon-Kenan, *Narrative Fiction*.

105. Although I contend that literary analysis must be combined with source- and redaction-criticism, it is difficult to present the methods together. I generally present the literary analysis first, on the grounds that it is more interesting and less taxing to the reader, and tackle source-critical evidence and redaction-critical questions thereafter. However, I introduce source-critical issues in the course of the literary analysis when necessary, and sometimes adumbrate issues addressed more fully in later sections. The approaches constantly informed one another throughout the interpretive process, hence the results are more interdependent than they might appear. The “hermeneutic circle” of

interpretation moves not only from the parts of the text to the whole in a dialectical process, but from the text to context and context to text.

106. See Robert Scholes and Robert Kellogg, *The Nature of Narrative* (New York: Oxford University Press, 1966), 27.

107. Ibid., 51. “In order to discover the formulaic character of a narrative’s diction or the conventional nature of its structure and theme, the critic must consult a body of narrative large enough to embody norms and to serve as at least a fragment of a ‘tradition.’”

108. There results a certain degree of circularity in that the intertexts, including other stories, also must be studied in terms of their general context. So other stories provide the general cultural context for a given story, while the given story is part of the general cultural context of the other stories. But since the text of the Talmud is the only entrance to its culture, there is no escape from this circle.

109. Certainly there is an element of subjectivity in the privileging of some stories over others. But the importance of these texts results not only from subjective considerations, but from the culture transmitted over the centuries, which derives, to a certain extent, from the texts themselves. On the matter of selecting texts and their representative value, see Stephen Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago: University of Chicago Press, 1980), 6–8.

110. Shamma Friedman has begun the task. See his “Le’ilan hayuhasin shel nushei bava metsia — pereq beheqer nusah habavli,” in *Mehqarim besifrut hatal-mudit* (Jerusalem: Israel Academy of Sciences, 1983), 93–147; “On the Origin of Textual Variants in the Babylonian Talmud,” *Sidra* 7 (1991), 67–102 (Hebrew); *Talmud ‘arukh*, 2:26–55. See also the references in the following notes.

111. Friedman, *Talmud ‘arukh*, 2:26–55.

112. This situation is similar, in some ways, to current thinking about text-types among literary critics of the Bible. Biblical literary critics consider the texts represented by the Masoretic text, the Septuagint, and the Samaritan Pentateuch to require independent analysis. They should not be harmonized to create a synthetic version because the literary peculiarities of each text-type produce different meanings. See, for example, Yair Zakovitch’s masterful analysis of the story of Ahab and of the significance of the divergences between the Masoretic text and the Septuagint (“The Tale of Naboth’s Vineyard,” in Meir Weiss, *The Bible from Within* [Jerusalem: Magnes, 1984], 379–405.) On the other hand, Meir Sternberg aptly warns against attempting to make sense of blatant errors (*Poetics of Biblical Narrative*, 14).

113. See Kalmin’s criticism of Fraenkel on this point, “The Modern Study of Ancient Rabbinic Literature,” 196–97.

114. See Genette, *Narrative Discourse*, 25–32.

115. See Sternberg, *Poetics of Biblical Narrative*, 187–90.

116. At least not in practice. On this point see Fish, *Is There a Text in This Class?* 13–15, 318–37. Hypothetically, perhaps, no objective standards exist. But in reality, as Fish argues, we all exist within “interpretive communities,” and therefore “the fear of solipsism, of the imposition by the unconstrained self of its own prejudices, is unfounded because the self does not exist apart from the communal or conventional categories of thought that enable its operations (of thinking, seeing, reading)” (335). Consequently “meanings will be neither subjective nor objective. . . they will not be objective because they will always have been the product of a point of view rather than having been simply ‘read off’; and they will not be subjective because that point of view will always be social or institutional. Or by the same reasoning one could say that they are both subjective and objective: they are subjective because they inhere in a particular point of view and therefore not universal; and they are objective because the point of view that delivers them is public and conventional rather than individual or unique” (336). Clearly my readings hold only for certain interpretive communities and not for others (e.g., medieval Jewish mystics) because of the difference in standards, assumptions, methods, etc.

117. See Mieke Bal, *Lethal Love: Feminist Literary Readings of Biblical Love Stories* (Bloomington: Indiana University Press, 1987), 12–15, and *On Storytelling: Essays in Narratology*. See also Fish, *Is There a Text in This Class?* 341–71.

118. See Fish on “Demonstration vs. Persuasion,” 356–71: “It has been my strategy in these lectures to demonstrate how little we lose by acknowledging that it is persuasion and not demonstration that we practice. We have everything that we always had — texts, standards, norms, criteria of judgment, critical histories, and so on. We can convince others that they are wrong, argue that one interpretation is better than another, cite evidence in support of the interpretations we prefer; it is just that we do all those things within a set of institutional assumptions that can themselves become the objects of dispute.” Thus I have disputed Fraenkel’s New Critical assumptions and argued in favor of my own.

Chapter 2: *Torah, Shame, and “The Oven of Akhnai” (Bava Metsia 59a–59b)*

1. To name a few (in alphabetical order): E. Berkowitz, *Not in Heaven: the Nature and Function of Halakha* (New York: Ktav, 1983), 47–50; Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington: Indiana University Press, 1990), 34–36; Menahem Elon, *Jewish Law: History, Sources, Principles*, trans. B. Auerbach and M. Sykes (Philadelphia: Jewish Publication

Society, 1994), 261–65; Judah Goldin, “On the Account of the Banning of R. Eliezer ben Hyrkanus,” *Journal of the Ancient Near Eastern Society* 16–17 (1984–85), 85–97; Daniel Gordis, *God Was Not in the Fire: The Search for a Spiritual Judaism* (New York: Scribner, 1995), 157–59, 198–202; Alexander Guttman, “The Significance of Miracles for Talmudic Judaism,” *HUCA* 20 (1947), 363; David Weiss Halivni, *Peshat and Derash* (New York: Oxford University Press, 1991), 107–8; Susan Handelman, *The Slayers of Moses: the Re-emergence of Rabbinic Interpretation in Modern Literary Theory* (Albany: SUNY Press, 1982), 40–41; David Hartman, *A Living Covenant* (New York: Free Press, 1985), 32–33, 46–48; Yizhaq Heinemann, *Darkhei ha’aggada* (Jerusalem: Magnes, 1970), 11; Abraham Joshua Heschel, *Torah min hashamayim be’aspaqlaria shel hadorot* (London: Shontsin, 1962–1990), 3:23; Bernard Jackson, “Religious Law in Judaism,” *ANRW* II.19.1 (Berlin: de Gruyter, 1979), 46–47; Louis Jacobs, *A Tree of Life* (Oxford: Oxford University Press, 1984), 27–28; Joel Roth, *The Halakhic Process: A Systemic Analysis* (New York: Jewish Theological Seminary, 1986), 123–27; Jonathan Sacks, “Creativity and Innovation in Halakhah,” in *Rabbinic Authority and Personal Autonomy*, ed. M. Sokol (Northvale, N.J.: Jason Aronson, 1992), 127–30; Moshe Silberg, *Talmudic Law and the Modern State*, ed. M. Wiener, trans. B. Z. Bokser (New York: Burning Press, 1961), 63–66. This list is by no means complete.

2. Erich Fromm, *Psychoanalysis and Religion* (New Haven: Yale University Press, 1950), 54–57; Walter Kaufmann, *Critique of Religion and Philosophy* (New York: Harper & Brothers, 1958), 238–40; Suzanne Last Stone, “In Pursuit of the Counter-Text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory,” *Harvard Law Review* 106 (1993), 813–94; Edmond Cahn, “Authority and Responsibility,” *Columbia University Law Review* 51 (1951), 838–39; Ronald Garer, “Natural Law and Creation Stories,” in *Nomos XXX: Religion, Morality and the Law*, ed. J. R. Pennock and J. W. Chapman (New York: New York University Press, 1988), 225–26.

3. Izhaq England, “Majority Decision vs. Individual Truth: The Interpretations of the ‘Oven of Akhnai’ Aggadah,” *Tradition* 15 (1975), 137–52 = “The ‘Oven of Akhnai’: Various Interpretations of an Aggadah,” *Annual of the Institute for Research in Jewish Law* 1 (1974), 45–57 (Hebrew); Stone, “In Pursuit of the Counter-Text,” 841–47, 854–65.

4. A few of the studies mentioned above (nn. 1–3) consider parts of the continuation of the story. Stone’s review article criticizes others for failing to appreciate the entire story and its context (855–57).

5. Ari Elon, “Hasimbolizatsia shel markivei ha’alila basipur hatalmudi” [= The Symbolization of the Components of the Plot in the Talmudic Story] (master’s thesis, Hebrew University, 1982).

6. Many of these sources use the abbreviated “wronging” (*’ona’a*) for the full “wronging in words” (*’ona’at devarim*).

7. So Elon, *Symbolization*, 15. This is noted by Stone, “In Pursuit of the Counter-Text,” 857: “In the Babylonian Talmud the story is situated within the larger theme of hurting another through words. The talmudic discussion emphasizes the wrong done to Rabbi Eliezer.”

8. On the superiority of the reading of ms Munich 95 see Elon, *Symbolization*, 3–35, and the variants to section I (the words “new month”) in Appendix 2.

9. While there are numerous repetitions of words, represented by the underlined portions in the translation, these do not create major structural divisions. Nor do the groupings of miracles and disasters structure the whole story, and both could be grouped with a fourth part (C1, H).

10. Eliezer acts in every scene but the third, but there Rabban Gamaliel mentions him as the cause of the wave (H).

11. These connections vary in the mss. Some mss do not read “after that event” in section I (see the variants in Appendix 2), thus losing this connection. Others begin the third scene with “on that day,” which also opens the second scene.

12. See yMQ 3:1, 81c–d, which cites mKel 5:10, and Mishna manuscripts of the Palestinian tradition such as Kaufmann and Cambridge. See also the notes to the translation in Appendix 2.

13. Cf. the story of the sages and R. Dosa b. Harkinas, bYev 16a, cited below. The sages began to “surround him with laws (*mesavevin ’oto bahalakhot*) until they reached [the question of] the daughter’s co-wife.” Here the sages cunningly attempt to ascertain Dosa’s ruling on this question without his realizing that this is the purpose of their interview.

14. The pronomial object can also be translated “surrounded it,” i.e., the oven, although I am not clear what it means to surround an oven with words. Even if the pronoun primarily refers to the oven, the ambiguity remains. In light of the burning of Eliezer’s purities in E we might also find a double meaning in the second phrase, “they ruled *him* impure,” referring to Eliezer as well as the oven.

15. Elon, *Symbolization*, 17.

16. Boyarin, *Intertextuality*, 30.

17. See Boyarin, *Intertextuality*, 35–36. Deut 30:11–12 reads in context, “Surely the instruction which I enjoin upon you this day is not too baffling for you, nor is it beyond reach. It is not in heaven, that you should say, ‘Who among us can go up to heaven and get it for us and impart it to us, that we may observe it?’” Exod 23:2 reads, “You shall neither side with the multitude to

do wrong—you shall not give perverse testimony in a dispute so as to pervert it in favor of the majority.”

18. That is, the narrator does not report the event in his own voice (“At that point the Holy One laughed”) nor attribute it to Elijah alone (“Elijah said that the Holy One laughed”), but reports what Elijah told R. Natan that God did.

19. bPes 119a. The prooftext is Ps 106:23, an allusion to Moses convincing God not to destroy the people.

20. Rashi, s.v. *kol toharot*, explains that the sages burned the foods that provoked the question about this particular oven: pure foods had been prepared upon this type of oven into which an unclean object had previously fallen. R. Eliezer declared those foods clean, and after the confrontation the sages burned them. I think this is reading too much into the text. The sages burned “all the purities” of R. Eliezer, i.e., all the objects he had declared pure, not specific foods that are never mentioned in the text.

21. There is no indication that the sages deem Eliezer a “rebellious elder,” a sage who rejects the authority of the court and is punished with a ban (mSanh 11:1–2). The debate takes place in the academy, not in court. Nor is there reason to burn the objects Eliezer declared pure. The sages could simply rule them impure. The ban and burning are retributive.

22. His innocent question, “Why is this day different from other days?” shows that he was not expecting a ban and presumably had done nothing extraordinary to provoke his colleagues.

23. This has been noted by Isaak Halevi, *Dorot harishonim*, ed. S. Bamberger (Frankfurt: Louis Golden, 1918), 3:374.

24. Dress: bShab 114a; yKet 12:3, 35a. Shoes: yMQ 3:5, 82d; bMQ 20b; bTa 13a.

25. Rabbinic sources associate wearing black with imminent judgment and impending doom. See bYom 39b; yRH 1:3, 57b.

26. I thank Dr. Joshua Levinson for this observation.

27. There is no explicit law in the BT to remain four cubits away from one who is banned. Some post-talmudic authorities deduce this prohibition from Akiba’s action here and from bSanh 68a, a related story of sages who visit Eliezer but remain at a distance of four cubits. See Beit Yosef to *Tur*, *Yore De’a* 334:2, and the authorities cited there.

28. bKet 26a (=bBQ 114b) relates that people separated from a priest eating tithes, forbidden to non-priests. The term is also used of sacrifices (bMe 3a), temple-property (bPes 6a), corpses (bHul 88a), and idolatry (bBes 39a).

29. The BT raises the question of whether one under a ban is prohibited from wearing shoes but offers no conclusion. See bMQ 15b, bMQ 21a, and bTa

13a. Some commentaries suggest that our story settles the issue. See Tosafot, bBM 59b s.v. *veqara* and bMQ 15b s.v. *lo*.

30. See e.g. bMQ 17a: "What is the ban (*shamta*)? There is death there (*sham mita*)." Akiba's mourning also anticipates Gamaliel's death.

31. See the discussion of the "Literary and Halakhic Context."

32. See the ms variants in Appendix 2. Some mss begin the scene with "At that moment" (Gr).

33. It becomes clear in G and H that God is responsible for the destruction, not Eliezer's mastery of nature or supernatural powers. For in G Gamaliel petitions God to stop the wave and in H Eliezer is not aware that his prayers caused Gamaliel's death. For a similar case where God both brings and stops the destruction, apparently due to an insult to a sage, see bBM 86a and Maharsha, ad loc., s.v., *habu*.

34. The swelling of dough means that "it did not rise in its normal manner but swelled as if it had been kneaded without leaven" (Rabenu Hananel in *Shita Mequbetset* ad loc.).

35. See the section on "The PT Story and BT Compositional Technique" for source-critical reasons why Gamaliel rather than Yehoshua is mentioned.

36. Rashi, ad loc., comments that Rabban Gamaliel authorized the ban. bMQ 16a rules that one who is banned by the Patriarch is banned to all Israel, but one who is banned to all Israel is not banned to the Patriarch. By this cultural logic Gamaliel must have banned Eliezer (if the wave justly attacks him). And bMQ 17a states that if one knows that he has been banned, but does not know who placed the ban, the Patriarch has the power to remove it.

37. Shmuel Safrai, "Tales of the Sages in the Palestinian Tradition and the Babylonian Talmud," *Scripta Hierosolymitana* 22 (1971), 209, has noted that kinship ties between sages is a BT theme. The BT considers sages to be related even when the PT makes no such claim. See also Ilan, "The Historical Beruriah, Rachel, and Imma Shalom," 9–10, 16–17.

38. See Elon, *Symbolization*, 108–9.

39. Elon, *Symbolization*, 32–39, demonstrates that "falling on the face" is a type of spontaneous, private prayer, not the *tahanun* prayer specifically. See, e.g., the story of R. Shimi bar Ashi, cited below.

40. Elon, *Symbolization*, 54–81, 115–16, refers to bQid 81a, bShab 156b, bKet 67b, bMQ 28a, and by implication bTa 23b. See too bNed 50a and ARNA §38 (57b).

41. Elon, *Symbolization*, 117, points out that mention of the new month functions to illustrate the dichotomy between the outside world and the inside of Eliezer's house. Outside times change and a new month begins. Inside all is static as Imma Shalom day in and day out prevents her husband from praying.

When the beggar stands at the door, the liminal space between inside and outside, it marks the intrusion of the outside world into the inside and the collapse of the delicate situation.

42. bMQ 28a and bQid 81a. However in bKet 67b the sages provide money and in bShab 156b Akiba's daughter gives a "portion" of the wedding meal.

43. I bracket this link because it is not explicitly mentioned.

44. Elon, *Symbolization*, 82–103.

45. See bKet 17a=bMeg 29a, bMQ 27b. See also Alexander Sheiber, "Has-hofar betekes haqevura," *Sinai* 29 (1951), 85.

46. bAZ 40a and 57b. See too bGit 60b and Neusner, *History*, 4:97–98 vs. Elon, *Symbolization*, 96–97.

47. That is the reading in ms Vatican III. Printings omit "he took out his shofar." See also bMQ 16a and 17b, bShev 36a, bHul 103b, bSanh 7b (in mss; the parallel at yHag 2:2, 77d does not mention the shofar). And see Sol Finesinger, "The Shofar," *HUCA* 8–9 (1931–32), 223–25.

48. bQid 70a, bMQ 16a, bMQ 17a–b.

49. See Louis Jacobs, "The Device of *addehakkhi*, 'just then,'" in *Structure and Form in the Babylonian Talmud*, 95–99.

50. See Genette, *Narrative Discourse*, 52, 195–97: "But there is another type of gap, of a less strictly temporal kind, created not by the elision of a diachronic section but by the omission of one of the constituent elements of a situation in a period that the narrative does generally cover. . . . the narrative does not skip over a moment of time, as in an ellipsis, but it *sidesteps* a given element. This kind of lateral ellipsis we will call, conforming to etymology and not excessively straining rhetorical usage, a *paralipsis*."

51. There are also several verbal links to the first scene. At the outset the sages do not accept or "receive" (*qiblu*) the arguments of Eliezer, and in the end Imma Shalom knows that her brother has died because of the tradition she "received" (*mequblanu*). The heavenly voice "went out" in defense of Eliezer; when Eliezer falls on his face the shofar blast "went out." Natan "found" Elijah who reported God's laughing. When Imma Shalom "found" Eliezer fallen in prayer, it signaled her brother's death.

52. See Elon, *Symbolization*, 106.

53. In other words, while the fabula of both versions were probably based on the Toseftan tradition, the discourse in the BT quotes it directly. There is also an abbreviated version of the story in bBer 19a, corresponding to sections A1, A2, and E. This seems to be an excerpt from the full story. The Stammaim in Berakhot adduce part of the story in the discussion of matters relating to the ban. (On the terms *fabula* and *discourse* see the end of Chap. 1.)

54. See Neusner, *Eliezer ben Hyrcanus*, 1:425–27.

55. Another possible order is c-d2-a-b-f-g-i-h. But I think it more likely that R. Yirmiah's reference to "that day" (fr) refers to the burning of the purities (d2), not the miracle with the carob (b). Eliezer's anger at the burning produced the destruction.

56. The only exceptions are that Az provides a proleptic summary of the sages' actions before the description in B2-C3, and D takes place in the time of Natan, who lived after Eliezer and Yehoshua. That encounter is really the last event in the fabula.

57. Several of these differences were noted by Alexander Guttman, "The Significance of Miracles for Talmudic Judaism," *HUCA* 20 (1947), 379–81. See also Neusner, *Eliezer ben Hyrcanus*, 1:426–27, for additional comparisons.

58. This was noted by Louis Ginzburg, *Perushim vehidushim birushalmi* (New York: Jewish Theological Seminary, 1941–48), 3:198.

59. See Chap. 6, n. 58.

60. See n. 7.

61. There are also a few changes in the nonnarrative comments. Compare the questions asked in C3 (BT) versus c and d1 (PT). (The question in C3 connects the statements of Yehoshua and R. Yirmiah which appear in different places in the PT.)

62. See the ms variants regarding "surrounded with laws/words" in Appendix 2. See too bQid 52b = bNaz 49b: "Let not R. Meir's disciples enter here because they are argumentative and they do not come to learn Torah but to overwhelm me (*legapheini*) with laws."

63. Text cited according to ms Munich 95. See Rashi, ad loc. s.v. *shehiqru*. They permitted water to be drawn from the cistern on a festival.

64. For a related example see the story about Bar Qasha, bShab 110a. He was bitten by a snake, and when all medicinal means to cure him fail, Abaye concludes that he was bitten by "the snake of the rabbis that has no cure, as it says, *He who breaches a fence will be bitten by a snake* (Qoh 10:8)." That is, he violated a rabbinic "fence" or prohibition and was punished. See also tHul 2:22–23 and the parallels. While the "snake" is not a proper name here, it is reminiscent of the snake-oven.

65. See the manuscript variants to the translation. Some manuscripts read *ma tirkhem* in Yehoshua's rebuke and *ma lakhem* in God's. Others read *ma lakhem* in both places. The force of the question is identical.

66. This passage is analyzed in Chap. 3.

67. That is, they do not occur in classical rabbinic works, although they appear in medieval midrashim that postdate the BT.

68. God also calls Eliezer "my son" in the PT here (g) and in ms V1 of the BT (Cr).

69. bBer 7a, bTa 16b, bSanh 7b, bMak 10a, bHul 133a. The phrase occurs infrequently in Palestinian sources.

70. *yahriv / mahriv 'et kol ha'olam*: bEruv 13a (=bSot 20a), bBB 16a, *SifDeut* §343 (398), *MidTan* 203.

71. Some mss read *nir'atef* and some *nirkasa*, which both mean "cover." This variant occurs regularly. Compare bMQ 17a and bQid 40a.

72. mMid 5:4; tHag 2:9 (=tSanh 7:1); yRH 1:3, 57b; bQid 40a (=bMQ 17a, bHag 16a).

73. *bedilin m-* (ms V1 reads *murdalim*): bKet 26a (=bBQ 114b); bPes 87b, bBer 5a; yShab 1:2, 3a. The phrase "it seems to me" is also quite common, and see below on section H.

74. *zalgu 'einav dema'ot*: mSot 7:8; tYad 2:16; tSanh 9:5; ySheq 5:2, 49a; yHor 3:7, 48b; bPes 118a; bMen 18a, etc.

75. *SifNum* §115 (129) = bMen 44a; bPes 51a (in mss); bMen 32b.

76. See too bYev 121a. This has been noted by Peter Schäfer, "Rabbi Aqiva and Bar Kochba," in *Approaches to Ancient Judaism II*, ed. William Scott Green (Ann Arbor, Mich.: McNaughton & Gunn, 1980), 115, and n. 7. Only occasionally do we find other rabbis on a ship without Gamaliel (bYev 115a, bYev 121a, bBB 74b). In one case where the PT tells of Akiba and Eleazar b. Azariah on a ship, the BT version tells of Akiba and Gamaliel (yEruv 1:7, 19b = ySuk 2:4, 52d versus bSuk 23a)!

77. Because the passage appears in Hebrew, it looks like a *baraita*. In this case the passage is not introduced by technical terminology such as "our sages said" that typically introduce *baraitot*. But one can readily see how a pseudo-*baraita* could be created by a scribe or memorizer inadvertently adding the terminology. This indeed has occurred in G1, G3 = fr, f2. In the PT the Amora R. Yirmiah mentions the destructive gaze and decimation of crops. In the BT the corresponding passages are introduced as *baraitot* with the introductory term *tanna*. This phenomenon is well attested in the BT. See Hanokh Albeck, *Mayo latalmudim* (Tel Aviv: Devir, 1969), 47–50, who understates the case. For further discussion, see Chap. 8, "Pseudo-*baraitot*."

78. Some of these parallels read "against them" and some omit "to drown him." See too yBer 9:1, 13b.

79. Texts vary both here and in the parallels between *kemedume 'ani* and *kemedume li*.

80. See ms variants.

81. For other mentions of "disagreements multiplied in Israel" in Tannaitic sources see tHag 2:9, tSot 14:9, tSanh 7:1.

82. A similar phrase appears in bBM 86a: "the storm (*za'afa*) subsided." The phrase ultimately derives from Jon 1:16.

83. So ms Vatican 108. ms M reads “the sister of Rabban Shimon b. Gamaliel.” A similar style appears in bAZ 13a: “Beruriah, the wife of R. Meir, was the daughter of R. Hanania b. Teradyon.”

84. In the *Sifra* Eliezer answers the sages, not his wife (and he says, “Thus I have received a tradition from my masters”). See also the minor variants in yGit 1:2, 43c (=yShev 6:1, 35c); *LevR* §20:6 (459); *PRK* 26:7 (393).

85. See also Ofra Meir, “The Story of Hezekiah’s Ailment,” 117 n. 23 (Hebrew).

86. See Chap. 1, “Composition and Redaction of the Babylonian Talmud.”

87. Nor was the shofar used in Palestine as a means of banning.

88. In the BT Elijah regularly speaks with or visits rabbis. See B. Kosovsky, *‘Otsar husheimot batalmud bavli* (Jerusalem, 1976), 1:167–68 (about forty instances.) In the PT there are only three such encounters: yBer 8:2, 13c; yKil 9:4, 32b = yKet 12:3, 35a; yTer 46b, 8:10.

89. See Safrai, “Tales of the Sages,” 229–32. See also Adiel Schremer, “Kinship Terminology and Endogamous Marriage in the Mishnaic and Talmudic Periods,” *Zion* 60 (1995), 5–35 (Hebrew).

90. Note that the two endings are consistent with the major difference in the order noted above. In the PT the sages contain the burning and destruction perpetrated by Eliezer by insisting “it is not in heaven” (f–g). In the BT the destruction follows this statement (C1) and the ban (F), which leads into the further calamities in H–I.

91. Cf. Friedman, *Talmud ‘arukh*, 2:14 and n. 49.

92. The term used is *higpid*, which involves anger, irritation, and annoyance. In the PT the destruction follows Eliezer’s anger. It seems to be caused either by his mastery of nature or by God because he supports Eliezer’s legal position. At any rate, it does not come as punishment for causing pain to R. Eliezer.

93. Cf. the brief reference to the story in bBer 19a. Here the context is the ban, as in the PT, so the BT only cites the relevant portions and omits the whole issue of verbal wronging.

94. bEruv 13b.

95. Lev 25:17, which refers to “verbal wrongs,” commands “do not wrong one another, but fear your God.” Lev 25:14, which refers to business wrongs, does not say “you shall fear God.”

96. Friedman, “Le‘ilan hayuhasin shel nushei bava metsia,” 93–147, and *Talmud ‘arukh*, 2:25–49.

Chapter 3 Elisha ben Abuya: Torah and the Sinful Sage (Hagiga 15a–15b)

1. Already B. Gurion, “Erekh ‘Aher,” *Hagoren* 7 (1912), 81, realized that the rabbinic traditions are “an attempt to create a figure of religious opposition” and a symbol of heresy, apostasy, and rejection. For the (re)constructions of scholars see H. Graetz, *Gnosticismus und Judenthum* (Krotoschin: B. L. Monasch, 1846), 62–71, and *Geschichte der Juden*, ed. F. Rosenthal (Leipzig: Oskar Leiner, 1893), 4:93–94, 158–61; L. Finkelstein, *Akiba: Scholar, Saint and Martyr* (Cleveland: Meridian, 1962), 163–64, 253–56; Aharon Hyman, *Toledot tannaim ve’amoraim* (Jerusalem, 1964 [London, 1910]), 155–57. For other references see Louis Ginzberg, “Elisha ben Abuyah,” *The Jewish Encyclopedia* (New York: Funk & Wagnalls, 1912), 3:138–39 and the bibliography there. For criticism of the distorted reconstructions of early scholars see P. Smolenskin, “‘Am ‘Olam,” *Hashahar* 3 (1876), 644–47, who recognized that later sages having no first-hand knowledge of Elisha attributed to him all sorts of sins.

2. Several scholars have recognized that the talmudic traditions have little historical basis. See Alon Goshen-Gottstein, “Four Entered Paradise Revisited,” *HTR* 88 (1995), 114–19, 126–29, and Fischel, *Rabbinic Literature*, 113–14. David J. Halperin rejects the historicity of the PT account and considers the BT a later reworking of the Palestinian material, a view with which I agree completely. See *The Faces of the Chariot: Early Jewish Responses to Ezekiel’s Vision* (Tübingen: J. C. B. Mohr, 1988), 35–36, and *The Merkavah in Rabbinic Literature* (New Haven: American Oriental Society, 1980), 168–71. Ginzberg, “Elisha ben Abuyah,” realized that the beginning of the BT tradition has no historical worth, but he insists that the traditions in the PT “are no doubt based on reliable tradition.” I. H. Weiss, *Dor dor vedorshav* (Vilna, 1911), 2:127–29, noted that rabbinic traditions embellish Elisha’s sins in unrealistic ways and present contradictory and irreconcilable images of the sage. (He nonetheless proceeds to discern the “true” sins of Elisha on the basis of those same traditions.) There is a great deal more literature on this point.

3. The only substantive prior discussion of the talmudic stories is that of Yehuda Liebes, *Her'o shel 'elisha*, 2d ed. (Jerusalem: Academion, 1990). While Liebes’s study is full of valuable insights, both his method and overall interpretation are flawed. For criticism of Liebes’s reading see my article, “Elisha ben Abuya: Torah and the Sinful Sage,” *Journal of Jewish Thought and Philosophy* 7 (1998), 211–22, which forms the basis for this chapter. After I submitted that article for publication, I learned that Alon Goshen-Gottstein was working on a book about the Elisha traditions. He shared a draft with me and we were both struck by the similarity in our methods, interpretations, and conclusions. Our common findings should inspire confidence in the literary analysis of rab-

binic stories: there is something “objective” or replicable about a close reading, at least by academic conventions. Goshen-Gottstein also provides comprehensive treatment of secondary literature and textual variants, which I have dealt with briefly. Interested readers will benefit from Goshen-Gottstein’s forthcoming book and by comparing our many points of agreement, as well as occasional disagreements.

4. Translation from Goshen-Gottstein, “Four Entered Paradise Revisited,” 76–77, although I have substituted the JPS translations of biblical verses. For textual variants and notes see Halperin, *Merkavah*, 66–67.

5. First trend: Gershom Scholem, *Jewish Gnosticism, Merkavah Mysticism, and Talmudic Tradition* (New York: Jewish Theological Seminary, 1965), 14–19. Second trend: Ephraim Urbach, “Hamesorot ‘al torat hasod biteqfat hatanna’im,” in *Studies in Mysticism and Religion Presented to Gershom G. Scholem*, ed. E. Urbach, R. J. Z. Werblowsky and C. Wirszubski (Jerusalem: Magnes, 1967), 1–28.

6. A play on the name *Aher*, which means “other, another.”

7. Literally, “judged.” However, the term “judged” also means punishment. See Saul Lieberman, “On Sins and their Punishment,” in *Texts and Studies* (New York: Ktav, 1974), 32–33 and n. 31. See also mSanh 10:3 and bSanh 108a.

8. The context concerns the fate of the wicked man.

9. Prov 22:17 and Ps 45:11 contradict Mal 2:7. The solution is that a minor should not learn from a sinner, but an adult is able to distinguish the Torah from the deeds.

10. *sarah*, literally, “rot, spoil, stink.”

11. Thus God cites a Mishna that contains a tradition of Meir.

12. For other examples of rabbinic stories with chiasmic structures, see Norman J. Cohen, “Structural Analysis of a Talmudic Story: Joseph-Who-Honors-The-Sabbaths,” *JQR* 72 (1982), 161–77; Jonah Fraenkel, “The Story of R. Sheila,” *Tarbiz* 40 (1970), 33–40 (Hebrew); idem, “Chiasmus in Talmudic Aggadic Narrative,” in *Chiasmus in Antiquity: Structures, Analyses, Exegesis*, ed. John W. Welch (Hildesheim: Gerstenberg, 1981), 183–97; idem, “The Structure of Talmudic Legends,” 45–97. See also Chap. 6.

13. It could be divided into a triplet, since the final section, “he brought him to thirteen synagogues,” strays in form.

14. The words “gazed and” do not occur in any of the BT manuscripts I have consulted. Both the PT and tHag 2:3 include them. This was clearly the reading of the BT redactors for the story begins, “What did he see? He saw Metatron.” (In current printings the reading has been changed to “What is this? He saw Metatron.” The manuscripts are consistent.)

15. bHag 14b mentions only that “Aher cut the shoots.” The *pisqa* (Mishnaic citation) on 15a adds the verse.

16. On the source of Elisha’s tradition, see the section on “The PT Story of Elisha and the Comparative Evidence.”

17. The confusion of the angel and God may devolve from the strange shift in the verse from “do not say before the *malakh*” to “else God may be angered.” One would expect the subject to remain the same: “do not say before the angel . . . else he (or ‘the angel’) be angered” or “do not say before God . . . else God be angered.” The Septuagint and Peshitta indeed read “God” here instead of *malakh*. The identity of the *malakh* as God or a God is therefore a plausible interpretation of the verse itself. This interpretive possibility perhaps provides additional background for the dualistic vision, which the BT then develops in more elaborate fashion.

18. See, e.g., Gen 37:15–18. The rabbis identify “the man” whom Joseph encounters as the angel Gavriel.

19. The punishment of Metatron by lashes may also derive from the clause “lead you into sin” (*lahati’et besarekha*), which can be translated “bring punishment upon your body” (so Robert Gordis, *Kobelet—The Man and His World*, 3d. ed. [New York: Schocken Books, 1978], 164.) Elisha’s mouth brought punishment upon Metatron’s body.

20. For “work of the hands” meaning commandments (or their merit), see *LevR* 16:5 (359); *QohR* 5:5; bKet 5a. For “work of the hands” meaning Torah see *LevR* 16:5 (358); *QohR* 5:5 and cf. bTa 5b.

21. See Goshen-Gottstein, “Four Entered Paradise Revisited,” 127. For another example of a complex story constructed completely through exegesis of a verse, see bSanh 95b–96a.

22. In some manuscripts Metatron “uproots” the merits of Aher, which creates a nice verbal resonance. The verb “proposition” (*tar’a*) is the standard Talmudic phrase for soliciting a prostitute (or a woman for illicit sex). See bBer 22a, bSot 10a, bSot 11b, and bQid 81b, which, interestingly enough, has the sage present the “prostitute” (who turns out to be his wife) with a fruit.

23. At least in the BT’s version, which is the reading of ms. Erfurt of the Tosefta. Ms. Vienna reads, “Elisha gazed and cut the shoots.”

24. For interpretations (and Geonic traditions) of the name “Aher” other than “Other” see H. Yalon, “Midrashot umiqra’ot,” *Leshonenu* 29 (1965), 215.

25. Cf. Alan Segal, *Two Powers in Heaven* (Leiden: Brill, 1977), 61: “Nor does Aher present his observation as a challenge to the rabbis. He is horrified by it. ‘Heaven Forbid that there are two powers,’ he exclaims.”

26. Printed texts read that Metatron “erases” the merits of Aher, the opposite of “writing” the merits of Israel.

27. The form of Metatron's revenge may be a function of his activity. He appears to be limited to writing down and removing merit, and thus takes his revenge in this way.

28. Ms Munich 95 lacks "on the Sabbath" (see the textual notes in the Appendix). But then it is difficult to make sense of the scene.

29. Cf. bBer 19a: "The School of R. Ishmael taught: 'If you witnessed a disciple of the sages sin at night, do not suspect him during the day, for perhaps he repented.' *How can you say 'perhaps'? Rather, he certainly repented.*" The italicized words are an Aramaic Stammaitic comment to the Hebrew source. The comment assumes that sages repent immediately.

30. Of course one must accept the plausibility of a sage seeing Metatron and the ensuing heavenly saga.

31. Moreover, Meir's interpretation violates the contextual meaning of the verse and dilutes its force. The full verse reads: "In a time of good fortune enjoy the good fortune; and in a time of misfortune, reflect: The one no less than the other was God's doing; consequently, man may find no fault with him." (The last clause is particularly obscure and there is no consensus as to its meaning.) Elisha's explanation accepts this theology and applies it to the next world. Meir avoids potentially problematic implications with his trivial interpretation.

32. Some mss make this more clear by adding "clay vessels that have no substance" (*ein bahem mamash*). See the Appendix.

33. This interchange is presented as a *baraita*. It is introduced by the term "our sages taught" and appears in Hebrew. (The previous two interchanges are in Aramaic.) However, it seems to be a pseudo-*baraita*. First, no parallels are known in any Tannaitic collection. Second, the PT story's parallel scene is in Aramaic. It is unlikely that the PT would rewrite and revise a Hebrew *baraita* into Aramaic. Rather, the BT probably constructed a pseudo-*baraita* on the basis of the PT Aramaic story. The BT commonly represents Palestinian narrative traditions as *baraitot* and translates the Aramaic into Hebrew. See Albeck, *Mavo latal-mudim*, 47–50. It is also possible that the Babylonian Amoraim or Stammaitim simply translated the Aramaic into Hebrew and later scribes erroneously added the terminology. I return to this issue in Chap. 8, "Pseudo-*baraitot*."

34. OG, *Hagiga*, *Perushim*, §74, 62; Rabenu Hananel to bHag 15a. While the BT acknowledges that undeserved suffering occurs (see Elman, "The Suffering of the Righteous," 315–40), the idea that the righteous enjoy the merits of the wicked is substantially different.

35. The verses fit better in *GenR* because Resh Laqish mentions a double share and the verses use the term "double." Elisha's point is only that the righteous and wicked take each others' portion, whatever size it is. The series of

mountains, hills, seas, and rivers appears in mHul 2:8 and in a BT *baraita*, bHul 40a = bAZ 42b (the corresponding *baraita* in tHul 2:18 lacks the series). So the redactors have borrowed this phrase from other ready-made sources. (See also bAZ 43b = bRH 24b.)

36. Fraenkel analyzes this scene in *Darkhei ha'aggada vehamidrash*, 263–66. In my opinion he misinterprets it because of his methodological principle of ignoring the literary context. Fraenkel considers this scene an independent and self-contained story with no connection to the preceding and following scenes. Accordingly he suggests that Aher's riding is a "desecration of the Sabbath in public which comes to provoke or insult, and therefore it is no wonder that there can be no atonement or even repentance for this violation." Fraenkel then suggests that Aher habitually rode on the Sabbath, and for this reason he knows that he cannot repent. However, as Fraenkel himself notes (629 n. 29), riding on the Sabbath from a "formal point of view" is not a serious violation. Nor does Fraenkel provide compelling evidence that riding on the Sabbath is associated with provocation or insult. Rather, as we know from the larger context, Aher rides for the same reason that he visits the prostitute: he has no reason to obey the law because of the heavenly voice, and it is less tiring to ride than walk. (Nor is there evidence that the scene takes place in public; the two may be walking in secluded areas.) In any case, the reason Aher knows he cannot repent is that he heard the heavenly voice after the Metatron business in section I. Riding on the Sabbath was not the *cause* of the voice, as Fraenkel would have it, but the consequence of it. Fraenkel also claims that the reason Aher counts the paces of the horse is to know precisely when he will violate the Sabbath boundary, because he is eager to do so, and because this was his true purpose in riding the horse: "Leaving the boundary is a complete abandonment, a distancing for which there is no return, and this is the intention of Aher." Yet the text explicitly states that Aher told Meir to return so that Meir not violate the Sabbath. No evidence substantiates this understanding of Aher's hidden purpose or reason for counting. I agree that leaving the boundary symbolizes abandonment at some level; yet it is not Aher that abandons God, but God who rejects Aher from the beginning. Despite these problems, Fraenkel astutely recognizes the love between Meir and Aher and the tragic element of their relationship.

37. See Saul Lieberman, *Hellenism in Jewish Palestine* (New York: Jewish Theological Seminary, 1950), 194–99; Halevi, *Ha'aggada habistorit-biografit*, 217–20 and nn. 19–21; and P. S. Alexander, "Bavli Berakhot 55a–57b: The Talmudic Dreambook in Context," *JJS* 46 (1995), 233 and nn. 6–7. These scholars cite numerous parallels from Greco-Roman literature.

38. "Thirteen" is a standard talmudic number. See Chap. 4, n. 27.

39. See the variants in the Appendix. It is possible that the shorter reading is original, and attempts were made later to tone down the brutal act. Then again, it is possible that the BT originally had Elisha threaten to kill the child, and a marginal gloss based on the PT later entered the text. See also bBB 21b, "Some say he [Yoav] killed him, and some say he did not kill him."

40. For another example of Palestinian material corrupting the BT text, see Jonah Fraenkel, "Remarkable Phenomena in the Text-History of the Aggadic Stories," 3:57–59 (Hebrew).

41. This stands in some tension with section I and the claim of the heavenly voice. The angels seem to assume that Elisha still has merit.

42. Cf. bHag 12b (from the preceding *sugya*): "Resh Laqish said, 'Whoever engages in Torah in this world, which is compared to night, the Holy One draws upon him a thread of mercy in the next world, which is compared to day.'"

43. That Elisha deserves sympathy was already recognized by Abraham Zacuto (b. 1504), *Sefer yuhasin hashalem*, ed. H. Filipowski (London, 1857), 22–23: "Although the master (Maimonides) said that he should not be numbered among the rest (of the sages) because of what happened . . . As for me, my hands are open to accept him . . . Most important, this man never caused his students to sin, but rather taught them Torah even after he went out to evil courses, and he wanted to earn merit for them, as he said to R. Meir, 'the Sabbath limit is up to this point.' But he did not repent fully because he was confused by the heavenly voice, 'Return rebellious children — except for Elisha, for he knew my power and rebelled against me.' Because he thought that they would not accept his repentance, he tried to earn merit for others." See also the tradition favorable to Elisha preserved in *RuthR* 6:3 (2:174) (at least in some textual traditions; see Lerner's note, 1:61).

44. This shift violates the temporal order. Yohanan, who appears in the previous scene, lived two generations after Rabbi Yehuda HaNasi. From a source-critical perspective the chronological anomaly devolves from the fact that the BT version adds Yohanan to the PT (or its source), in which Meir alone, not Yohanan, struggles for Aher's soul. See below, "The PT Story of Elisha and the Comparative Evidence" (5).

That Rabbi Yehuda HaNasi was Meir's student is not stated explicitly. According to bEruv 13b, Rabbi attributes his superiority to his colleagues to the fact that he "saw the back of R. Meir," which Rashi, s.v. *dehazitei*, takes to mean that Rabbi sat in a row of Meir's academy that had a rear view of Meir. (A similar tradition appears in yBes 5:2, 63a.) Traditions in both Talmuds claim that Rabbi formulated the Mishna based on the Mishna collection of Meir (bSanh 86a; yYev 4:11, 6b). So I think we can assume that the storytellers con-

sidered Rabbi to be Meir's disciple and prime transmitter of his traditions. See too H. L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash*, trans. M. Bockmuehl (Minneapolis: Fortress Press, 1992), 140–41, 147.

45. Again the larger biblical passage is pertinent. The preceding verses state, "All mention of him vanishes from the earth; he has no name abroad. He is thrust from light to darkness, driven from the world." The lack of "mention" and "name" suits the term Aher, "Other," and vanishing from the earth without a name is exactly what happened when he died.

46. See the manuscript variants in the Appendix.

47. This idea probably draws on the fact that the BT considers Tannaitic traditions attributed to "Others" as the opinion of Meir (bHor 13b; see Chap. 6). Thus Meir, like Aher, is called "Other," a sign that he too was rejected at one point by God. And see Tosafot, bSot 12a, s.v. *'aherim*.

48. See bYev 97a (= bBekh 31b): "The lips of every sage, in whose name a tradition is said in this world, move in the grave."

49. The term for "sins" here is *sarah*, literally, "rot, spoil," which fits the vegetable analogy.

50. Without the voice Torah and sin should not coexist because the sage should either repent or reject his Torah. In Elisha's case Torah and sin stably coexist because he cannot repent.

51. See Rubenstein, "Elisha ben Abuya: Torah and the Sinful Sage," 141–73.

52. Because Rabbah bar Rav Sheila, a fourth generation Amora, is a character in the final scene, the story must postdate this time. The attributions to relatively late Babylonian Amoraim in these sections (e.g., Rava, Rav Dimi) suggest that the core of the PT story was transmitted to Babylonia in the Amoraic period. For arguments that the BT reworked a version similar to the core of the PT, see Rubenstein, "Elisha ben Abuya: Torah and the Sinful Sage," 200–203.

53. For a detailed explanation, see Rubenstein, *ibid.*, 151–55.

54. Source-criticism of the PT story suggests that section C was independent originally. This section is introduced by an anonymous Aramaic question that interrupts the narrative flow, and Meir appears in B and D but not C. More important, the multiple explanations of Elisha's fall conflict with the account of B2 that blames his father. This point is not crucial to our interest, but it helps explain why the BT parallels to these sections appear elsewhere (bQid 39b and bHul 142a; see below). The section may have been a later addition to the PT story after it was transmitted to Babylonia. It is really B+D+E that forms the core of the BT story.

55. Halperin, *Merkavah*, 169–71 and n. 100. Halperin too concludes that the BT revised the Palestinian story by adding the Metatron incident (see n. 2

above). Reference to the “guard of the gate” of Gehenom is also a Babylonian motif. See Israel Ben-Shalom, “Torah Study for All or for the Elite Alone,” in *Synagogues in Antiquity*, ed. A. Kasher et al. (Jerusalem: Yad Izhak ben Zvi, 1987), 114–15 (Hebrew). Ben-Shalom notes that a “guard of the gate” is mentioned thrice in the BT, here and in two stories referring to the “guard of the gate” of the academy, bBer 28a and bYom 35b. The Palestinian parallel to bBer 28a at yBer 4:1, 7d lacks the motif.

56. Section III' seems to preserve authentic Amoraic traditions. Yet the role of the redactors is prominent. They transferred the dictum of Rabbah bar bar Hannah from bMQ 17a. There Rabba bar bar Hannah is a character in a story and he reports a tradition of R. Yohanan in response to a direct query. (“Thus said R. Yohanan . . .” The query is whether a sage whose behavior is suspect can be banned considering that the rabbis require his Torah. The connection to our story is patent.) The redactors have therefore attributed the dictum to “Rabbah bar bar Hannah in the name of R. Yohanan” here. The redactors then cite three Palestinian Amoraic statements to resolve the contradiction between this dictum and Meir’s actions. The three Amoraim, therefore, originally were not responding to the contradiction generated by Rabba bar bar Hannah / Yohanan’s statement, although they must have been responding to some such objection, for their remarks address the issue directly. These Palestinian statements are not found in the PT, but I can think of no reason that they would be fabricated. Still, the likelihood that the traditions are authentic does not help us date the extant story. All we can say is that the Amoraim knew a story in which Meir learned from a sinning sage.

57. As noted by the Tosafot, bHag 15a, s.v. *shuru* and Halperin, *Merkanah*, 169.

58. This issue can be seen in terms of some interpretations of Aristotle’s theory of tragedy. As is well known, some interpret Aristotle to have taught that the best tragedy requires a heroic protagonist who has a flaw. If the hero has no flaw, then we are outraged at his fate. If he has too many flaws, then he deserves his fate. The drama is tragic only when the flaw brings about his demise in such a way that we still feel pity. The sinning sage who cannot repent is heroic (a sage) but has a fatal flaw (sin). If the sin is too rebellious and offensive, we feel that he should be punished despite Torah, that he deserves damnation. If his sin is trivial, we are offended at his punishment. The PT negotiates this narrow strait by presenting serious sin but attributing it to various causes beyond his control (father and mother) or to loss of faith at theodicy, a perennially difficult issue. But this directs attention away from the main subject of the story. In the BT the Metatron encounter neatly solves the problem. The hero Elisha was justifiably rejected by the heavenly voice (measure-

for-measure), and then understandably went out to sin. So we are neither outraged at his fate nor do we feel he deserves it (although we understand why it happened).

59. See n. 54.

60. We noted in the literary analysis that the BT redactors probably drew on an earlier source to construct that exegesis. Another subtle difference: in the PT Elisha asks Meir what verse he was expounding in the Tiberian academy, for the story begins with Elisha passing by outside while Meir expounds within. The BT drops the mention of the Tiberian academy—a point of geographical interest mainly to Palestinians—and has Elisha quiz Meir about the verses directly.

61. This is the reading in most mss. There are numerous parallels including *SifDeut* §305 (325). The phrase “whose daughter are you” derives ultimately from Gen 24:23.

62. This flashforward is presented within the direct discourse—Meir tells his interlocutors what will happen (but the story does not narrate it actually happening). Some call this a flashforward “of the second degree.” See Bal, *Narratology*, 57.

63. Genette, *Narrative Discourse*, 48–66.

64. The point is that the BT fails to indicate that the Yohanan account is a flashforward (or that the episode with Rabbi and Elisha’s daughters is a flashback relative to that account). The audience realizes the anachrony based on its knowledge of Yohanan’s life. The PT, by contrast, signals that the flashbacks take place in the past and the flashforward to Meir and the world to come will take place in the future.

65. The final sections of the BT continue the primary narrative time by settling Meir’s ultimate fate several generations after his death in the time of Rabbah bar Rav Sheila. This scene too is in its proper temporal sequence following the time of Elisha’s daughter.

66. On the terms *fabula* and *discourse* see the end of Chap. 1.

67. See Chap. 8, “Order.”

68. The eulogizer’s reference to the “guard of the gate” contributes to this point: R. Yohanan apparently encountered some angel or demon appointed to guard the gate of Hell. The PT is more restrained by having Meir *speak* of what he will do in the world to come.

69. ms London. For variants see the Appendix.

70. *gal vahomer*, i.e., *a minore ad maius*.

71. *nimos hagardi*. This figure is usually identified with Oenomaus the Gadarite (ms Vatican 171 reads “Avinomos”). Some translate *gardi* as “weaver.” For full discussion see Menahem Luz, “Oenomaus and Talmudic Anecdote,”

JSJ 23 (1992), 75-80 and n. 63. The sense of "come up," according to Luz, is to emerge from the vat in a uniform color. He quotes examples from Hellenistic literature in which dyeing in a vat serves as an allegory for humans absorbing different moral traits.

72. See the mss variants. Most mss omit, "He said to him . . ." And no ms attributes the words "What about Aher?" to an Amora.

73. But what is the harm of Greek *song* (or poetry)? See the commentaries, who have difficulty with this question.

74. Indeed, these explanations conflict with the account of his sin in I-II. And the image of Aher as Hellenophile or heretic does not square well with his image as master of Torah and teacher of Meir in III-V. Of course we can harmonize the images by explaining that prior to his vision of Metatron Aher read too many heretical books and sang too many Greek songs, and this led him to make the fatal mistake. But this is clearly forced: in I he makes the error because his vision conflicts with a rabbinic tradition about the behavior of angels in heaven. He then sins because he has nothing to lose, not because he desires to imitate Hellenistic ways or to apostasize.

75. That the BT redactors possessed disparate traditions about Aher is clear from bQid 39b = bHul 142a, the traditions relating to theodicy. See the synoptic charts above. Yet another tradition about Aher is found in *RuthR* 6:3; see n. 43. Evidently a variety of traditions about him circulated among the sages.

76. The text is cited according to ms Florence 9. The manuscript variants are not significant for our purposes.

77. The interpretation plays on the alternate spelling of Doeg's name. "Doeg" means "worry" and the spelling "Doyeg" contains the word "alas" within it.

78. *la' savrei shma'ata*. The meaning of this expression is not completely clear.

79. It is interesting that here God presses for Doeg's reward and a human being advocates punishment. In the story humans struggle against God for Elisha's salvation and the rehabilitation of Meir's name.

80. bSanh 104b-105a. God even informs the angels that if David protests Doeg's reward, he will reconcile the two and make them friends.

81. For additional discussion of some of these issues, see Elman, "The Suffering of the Righteous," 315-40, and "Righteousness as Its Own Reward," 35-67, especially 63-64.

82. Cf. the commentary *Tyyn Ya'akov* in BT, ad loc., s.v. *'af torah*. He claims that the opinion "Torah protects forever" is imprecise since sometimes sages die young. That phenomenon is inexplicable according to these assertions of the protective power of Torah.

83. bBer 38a (ms M) tells a story of a *mina bar bei rav*, a "heretic from the house of the master," that is, from the disciple-circle of a sage. The heretic had been a sage or student.

84. On the significance of *mistakel* in the Mishna and its relationship to the Tosefta, see Goshen-Gottstein, "Four Entered Paradise Revisited," 80-81.

85. bBer 63b and parallels. The story of Rav Kahana, *mutatis mutandi*, who hid under his master's bed at night to observe him make love to his wife, also comes to mind (bBer 62a). He explained his motivation as, "It is Torah and I must learn it." Ben Azai followed his master Akiba into a bathroom for the same reason (*ibid.*).

86. See the section on "The PT Story of Elisha and the Comparative Evidence." On the lack of integration of the PT stories with the body of the *sugya*, see Karlin, *Divrei sefer*, 7-8, and discussions of the PT term *למא* in the standard dictionaries. For other examples of the BT redactors creating contextual links that are lacking in the PT version see Hezser, *Rabbinic Story in Yerushalmi Neziqin*, 350-52.

Chapter 4 Torah and the Mundane Life: The Education of R. Shimon bar Yohai (Shabbat 33b-34a)

1. *HUCA* 49 (1978), 143-85. Reprinted in Hebrew in *Cathedra* 22 (1982), 9-42. See also the fine analysis of Mordechai Piron, *The Legends of the Sages* (Tel Aviv: Dan, 1970), 109-10 (Hebrew).

2. Ofra Meir, "The Story of R. Shimon bar Yohai and His Son in the Cave—History or Literature?" in *The Poetics of Rabbinic Stories* (Tel Aviv: Sifriyat Po'alim, 1993), 11-35 (Hebrew). Originally published in *'Alei siah* 26 (1989), 145-60.

3. Reference to scholarship prior to Levine, which accepted the story as historically accurate to a great extent, can be found in Israel Ben-Shalom, "Rabbi Judah B. Ilai's Attitude toward Rome," *Zion* 49 (1984), 10 n. 3 (Hebrew), and in Levine's notes.

4. The first set of ten commandments reads "Remember (*zakhor*) the Sabbath" (Exod 20:8); the second reads "Observe" (*shamor*) the Sabbath (Deut 5:12).

5. Literally, "He encamped before the city." But this seems to contradict the first half of the verse, which says, "And Jacob came whole at the city of Shekhem in the land of Canaan, upon arriving from Padan Aram," implying that he had already entered the city. The midrashic exegesis solves this difficulty.

6. On the identification of the *turmas* as lupine, see Yehuda Feliks, *Talmud yerushalmi: masekhet shevi'it* (Jerusalem: Reuven Moss, 1979), 2:118-20.