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Manufacturing the Talmud

This chapter will apply the insights into imperial period and late antique data management and methods of compilation gained in the previous chapter to the Babylonian Talmud and ask if and how the text's texture reflects these methods. A special focus will be placed on the assignment of keywords and possible methods for arranging the excerpts. The purpose of this chapter is to describe and develop an account of text production that does justice to the microstructure of the text (its texture) and cultural ideals of text composition, as well as material and practical aspects in play.

The arguments put forward here elaborate on the premise laid out in the previous two chapters, namely, that the Babylonian Talmud is an erudite commentary with a discursive (symposiac) structure composed of excerpts taken from simple books made from wooden tablets, single quire papyrus books, rotuli and other small scrolls, as well as individual, piecemeal compositions and notes written on all kinds of small surfaces. From a comparative perspective it must be assumed that the person in charge of the project, was assisted by educated servants, family members, students, or copyists, as need be. Whenever I refer to "the composers" I have this heterogenous group in mind and not necessarily a whole generation of rabbinic sages.

The present chapter will discuss the structure of three commentaries to mishnaic lemmas. Based on their structure, it will be shown how the composers proceeded and how material auxiliaries can be gleaned from the text or, more specifically, the text's texture. In the last section, the chapter will, from the same comparative perspective, briefly address the Babylonian Talmud's relationship to the Palestinian Talmud.

ESSENTIAL BUILDING BLOCKS OF THE TALMUDIC COMMENTARY: LEMMAS, KEYWORDS, AND EXCERPTS

Like other erudite composers, the composers of the Babylonian Talmud must have spent some time collecting and toiling through the written output of men who had studied Palestinian rabbinic traditions and reflected on them in their own writings. They had collected, read, and sorted drafts, orations, eulogies, exegetical stories, medical recipes, and collections of sayings. They dissected the material into meaningful units of quite different sizes and shapes. Some tablets or other loose writing surfaces could certainly be sorted in their entirety as they represented a thematic unit or formed a distinct composition. The content of others was divided into distinct units and then copied onto another surface. Each of these units was given a main, most likely also a secondary and even tertiary, keyword and stored accordingly. These descriptors might have included references to a particular Mishnah, section from the Bible (parashah), a biblical character, a rabbinic sage, a difficult word, or a topic.

To someone with a certain degree of literary training – of which we suspect not only the composers of the Talmud but most, if not all, rabbinic sages – annotating a text was not something peculiar. Quintilian, for example, advised his students always to leave a margin for attaching keywords:

Space should also be left for noting points which (as often happens) occur to the writer out of order, that is to say belonging to contexts other than those which are being worked on. Sometimes excellent ideas force themselves upon us, which it is wrong to include at this point and yet unsafe to postpone, because they sometimes escape the memory, and sometimes distract us from other lines of thought because we are concentrating on remembering them. They are therefore best put in store. (Inst. 10.3.33 [Russel, LCL])

Martial annotated even the shortest of his epigrams with titles. These might not only have helped readers to choose what to read as Martial hoped (*Epig.* 14.2) but helped the systematic excerption by prospective authors as well. It is therefore quite possible that the talmudic composers sometimes found titles or notes next to the passages they wished to excerpt that were useful for determining keywords.

We do not know how composers determined that they had collected sufficient data to start their projects. Some may have had in mind a certain set of books and compositions ("woods") they wanted to read thoroughly before starting; for others, the determining factor may have been a certain time frame or money. Neither do we know if the composers of the Talmud were restricted by available sources, or if they restricted

themselves, whether they classified every single meaningful unit in a library or archive, or whether they made choices. Once the data was gathered, however, it may be assumed that, like Pliny, they attempted to make use of every excerpt in the database, even though it was sometimes difficult to adequately use them.

Once the material was annotated with keywords and stored accordingly, the composers could begin their project. The basic structure was clear: the work should follow the order and "text" of the Mishnah.[1] The identification of significant lemmas, on the other hand, was probably less obvious. It is possible that there existed lists of problematic words (*scholia*) for the Mishnah, maybe even a sort of doxography, that were used to choose lemmas. Then again, the lemmas in the Babylonian Talmud are often identical with those in the Palestinian Talmud. It would indeed have made sense to consult the Palestinian predecessor in terms of structure and selection of lemmas, since this would have considerably eased the burden of the intellectual work to be done. Indeed, as will be shown further below, without ever openly referring to the Palestinian Talmud, the composers of the Babylonian Talmud made significant use of it in exactly such subtle ways.

It should be noted that when I refer to lemmas, I do not refer to the mishnaic text as it appears in our printed editions, which usually render the whole Mishnah even where the Talmud comments only on a single word in it or a single sentence. The mishnaic text was absent from the original talmudic text; medieval manuscripts sometimes provide the portion of the Mishnah that will be discussed at the beginning of a chapter. In fact, the text from the Mishnah that is inserted in the printed editions is often disruptive to understanding the original arrangement of the talmudic text. Rather, the lemma relevant to the composers is the word or semisentence from the Mishnah that is taken up and cited in the talmudic text – sometimes abruptly, sometimes as a question.

Confusingly, the lemma is *not* identical with the keywords by which the excerpts were chosen for the commentary that follows it. Although a lemma often matches one of the descriptors, it may also just not do that. The reason for this is that the material collected by the composers did not necessarily match the chosen mishnaic lemmas, since lemmas and excerpts resulted from different selection processes. In other words, the collection of excerpts grew somewhat organically around meaningful descriptors

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[1] As pointed out above, it is not clear to what extent and in what form the text of the Mishnah was available.

and not around lemmas from the Mishnah. These two things – the excerpts and the lemmas – were only brought together once the composer started working on the actual book, the Talmud.

This is a difficulty that Pliny, for example, did not face, since he could adapt his lemmas according to the descriptors that he had only roughly determined prior to starting his collection of natural things. With the choice for the commentary structure, however, the composers of the Talmud were bound to choose lemmas from the mishnaic text while being tied to their set of excerpts with its own keywords. Therefore, they had to resort to additional descriptors apart from the obvious ones provided by the lemmas in order to make good use of the collected excerpts. Voluntarily or involuntarily, this resulted in a work of miscellaneous scope, rather than just a slightly more extensive scholion.[2]

A first and detailed example from tractate Gittin 67b will now serve to illustrate the strategies used to assign descriptors. This passage is the beginning of a commentary on the lemma *qordiaqos* already known to the reader from Chapter 1. The lemma *qordiaqos* appears in m. Gittin 7:1 and is a corruption of a Greek or Latin technical term.[3] The composers introduce the new lemma in the form of a question – quite an easy and fertile way to start a dialogue with and between excerpts. Upon the question "What is *qordiaqos*?" follow multiple answers, which are subsequently discarded or approved. As will be shown subsequently, the composers introduce the keywords that will dominate the rest of the commentary that runs through b. Gittin 70b by way of these answers. I will support my arguments for the text's makeup visually by rendering

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[2] See discussion in Chapter 1.

[3] קורדיקוס. Scholars have tried to reestablish the etymology of the term *qordiaqos* in different ways. Julius Preuss, *Biblisch-talmudische Medizin. Beiträge zur Geschichte der Heilkunde und der Kultur überhaupt* (Berlin: S. Krager, 1911), 368–369, suggested a transliteration from the ancient Latin indication *morbus cardiacus*, a disease that is described by Caelius Aurelianus as relating to the heart and stomach. Samuel Kottek, on the other hand, proposed a derivation from the Greek *kórdax*, *kórdākos*, describing a dance performed in drunkenness. "Selected Elements of Talmudic Medical Terminology, with Special Consideration to Greco-Latin Influences and Sources," *ANRW* 37.2:2924–2925. In the Latin lists of home remedies, an indication termed *ad cardiacos* appears either before (e.g., in Pseudo-Pliny) or after (e.g., in Pseudo-Apuleius) epilepsy (*ad comitialem morbum*). This stresses the notion of a sudden and upsetting condition. Kai Brodersen translates it in both instances as "for the diseased of the heart [*Herzkranke*]." Kai Broderson, ed. and trans., *Plinius' kleine Reiseapotheke* (Stuttgart: Franz Steiner, 2015), 123. On Pseudo-Apuleius, see Kai Broderson, ed. and trans., *Pseudo-Apuleius Heilkräuterbuch (Herbarius)* (Wiesbaden: Marixverlag, 2015), 31. However, *cardiacus*, as against *cordis, heart*, generally appears in Latin dictionaries as referring to a sick stomach; also consider the French metaphor "avoir mal au coeur," which refers to the same ailment. *Qordiaqos* could thus refer to both a heart attack and a sudden sickness.

the excerpts with which I believe the composers worked in italics, while rendering their own additions in Roman.

> What is *qordiaqos*?
> Samuel said*: "The one who is bitten by new wine from the wine press."*
> If so, then let [the Mishnah] teach "the one who is 'bitten' by new wine" [instead of using the term *qordiaqos*].
> [Rather] this is what [the Mishnah] teaches us: "*The name of the spirit is Qordiaqos.*"
> From this [statement] it can be inferred [that this knowledge serves to write] an amulet [against the spirit named Qordiaqos]. (b. Giṭ. 67b)

The most straightforward keyword to look for in the collection of excerpts is, in this case, obviously *qordiaqos*. Yet, it seems that the search for the descriptor *qordiaqos* yielded only two excerpts. One is the statement attributed to Samuel, the very first excerpt used in this passage. As it stands now, this excerpt feels truncated. This can be confirmed based on two other statements that follow much later in the commentary. These statements make use of the same stereotyped language and are likewise introduced with the formula "The one who …." Yet, while these two sayings about seizures have a message, the truncated one attributed to Samuel does not. The two sayings read:

> Mar Uqba said: "The one who drinks white tilia will be seized by *witeq*."[4]
> Rav Yehuda said: "The one who sits on Nissan mornings next to a fire, rubs oil [on his body], goes out, and sits in the sun will be seized by *witeq*." (b. Giṭ. 69b)

In all likelihood, then, the original saying by Samuel stated:

> Samuel said: "The one who is bitten by new wine from the wine press will be seized by *qordiaqos*."

Another proof that Samuel's answer is a truncated excerpt is that it talks past the question "What is *qordiaqos*?" The answer, "The one who is bitten by new wine," is describing the cause of *qordiaqos*, not what it actually *is*. The appropriate question to match this answer would have been "Who is seized by *qordiaqos*?" but the answer to this question would have brought about the logical end of this commentary. Rather, the composers were only able to move beyond the issue of who is seized by *qordiaqos* and use the rest of their selected excerpts by asking about the nature of *qordiaqos*. This is at the same time a clever and a stereotypical move. If the lemma is an unintelligible word, the composers usually introduce it with

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4 Alternatively, "… and *ytq*." Verb (יתק) and noun (ויתק) remain untranslated in *DJPA* and in *DJBA*. Jastrow, see "ויתק," translates the noun as "senility, debility," based on context.

the open question "What is XY?"[5] In addition, the first explanation of a lemma is often attributed to Samuel.[6]

The other excerpt containing the term *qordiaqos* that the composers found in their collection was the sentence "*The name of the spirit [ruha] is Qordiaqos.*" This sentence also seems to be an epitome from an excerpt that is used elsewhere in the Talmud. This excerpt discusses the features of three types of demons, the *ruha* (רוחא), the *shida* (שידא), and the *rishpa* (רישפא), and explains where the respective demons reside (b. Pesah. 111b). In tractate Pesahim as well as in Gittin, the composers infer that this kind of information is useful to write an amulet. In both cases, the composers use the very same terminology.[7]

It appears, therefore, that the composers found in their collection only two excerpts that referred directly to *qordiaqos*: the saying which they attributed to Samuel and the one that interprets *qordiaqos* as the name of a spirit. The composers could have stopped the commentary after adding these two excerpts to the lemma and moved to the next lemma, since they had used the total number of excerpts with corresponding descriptors. Yet, as we saw in the first chapter, composers of erudite commentaries considered each of their lemmas like a topic of inquiry (*thesis*).[8] From the next few lines of the commentary, the keywords that governed this inquiry and the choice of excerpts can be inferred:

What is his [i.e., the one suffering from *qordiaqos*] cure?
Red meat on coals and diluted wine. (b. Git. 67b)

This new take on *qordiaqos* seems to imply "that the term אסותא ('cure') refers here both to the healing of the malady, that is, the drunkenness brought on from the drinking of new wine, and the removal of the offending *kordiakos* spirit."[9] Yet the initial definition of *qordiaqos* as a form of

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[5] E.g., b. Avod. Zar. 8b ("What are *qartesim*?") or b. Avod. Zar. 10a ("What does *ginusiah* mean?").

[6] This feature led Baruch Bokser to propose that among the sources used by the composers was a scholion on the Mishnah written by or at least attributed to Samuel; see Baruch M. Bokser, *Samuel's Commentary on the Mishnah: Its Nature, Forms and Content, Part One; Mishnayot in the Order of Zera'im*, SJLA 15 (Leiden: Brill, 1975).

[7] נפקא מינה לקמיעא.

[8] *Locus* in Cicero's terms; Cicero, *Part. or.* 5.

[9] Dan Levene, "'A Happy Thought of the Magicians': The Magical Get," in *Shlomo: Studies in Epigraphy, History and Archaeology in Honor of Shlomo Moussaieff*, ed. Robert Deutsch (Tel Aviv: Archaeological Center Publication, 2003), 179. In my opinion, this friction arises from the composers' need to respond to every single one of their selected *descriptores*.

drunkenness had been discarded, while the demon named Qordiaqos was said to be warded off with an amulet. Instead, the composers introduce here a new definition of *qordiaqos* as an affliction that can be cured with red meat and diluted wine. The excerpt that follows *after* this statement seems to be the original source of this turnaround:

Abaye said: Mother told me: *For the sun[stroke] of one day: a pitcher of water; for that of two days: bloodletting; for the one that lasts three days: red meat on coals and diluted wine.* (b. Git. 67b)[10]

The composers connected *qordiaqos* to a sunstroke that lasts for three days. This is a distinctly different explanation, unrelated to the previous ones, and particularly striking since this recipe excerpt does not refer to *qordiaqos* at all. Moreover, as we shall see, the keywords that will govern the commentary from here onward are derived from this therapy for a sunstroke "that lasts three days" and its cure. They are "cure," "meat," and "wine."

Scholars have long noted that in otherwise inexplicable thematic leaps in the Babylonian Talmud, it is often useful to consult the Palestinian Talmud and its commentary on the same lemma, the same Mishnah, or related topics. Leib Moscovitz noted that without consideration of parallels in the Palestinian Talmud, the Babylonian Talmud's procedures for generating arguments often remain obscure.[11] Moulie Vidas observed that the "anonymous stratum" often draws from the Palestinian Talmud for objection and proof.[12] And Alyssa Gray has shown that the Babylonian Talmud appears to look to the Palestinian Talmud to arrange "a complex sugya using materials marked as relevant to the issue."[13] The following analysis will corroborate these observations: The turn against the other two opinions about the meaning of *qordiaqos* is fueled by an

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[10] The association with heat seems to suggest that the term שמשא (lit., sun) might refer to fever. Yet the term אישתא (fire) is used to indicate fever as well (e.g., in b. Shabb. 66–67a). The difference in terminology may refer to the cause of the fever: "sun" refers to a fever caused by sunstroke, and "fire" refers to a fever caused by inflammation.

[11] See Leib Moscovitz, "'Designation Is Significant': An Analysis of the Conceptual Sugya in bSan 47b–48b," *AJSR* 27, no. 2 (November 2003).

[12] See Moulie Vidas, *Tradition and the Formation of the Talmud* (Princeton: Princeton University Press, 2014), 52–53.

[13] Alyssa M. Gray, *A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli Avodah Zarah*, BJS 342 (Providence, RI: Brown University Press, 2005), 240. See also Martin S. Jaffee, "The Babylonian Appropriation of the Talmud Yerushalmi: Redactional Studies in the Horayot Tractates," in vol. 4 of *New Perspectives on Ancient Judaism*, ed. Alan J. Avery-Peck (Lanham, MD: University Press of America, 1989).

impulse from the Palestinian Talmud. I will further build on Gray's claim by showing how the composer uses the Palestinian Talmud to determine the keywords for his own inquiry.

THE INFLUENCE OF THE PALESTINIAN TALMUD ON THE KEYWORDS

There is no real parallel commentary on the lemma *qordiaqos* in the Palestinian Talmud. This renders the case even more interesting. Rather than just *qordiaqos*, the Palestinian commentary takes the whole Mishnah as its lemma (y. Git. 48c). The Babylonian Talmud, on the other hand, focuses first on *qordiaqos* alone and follows up on the rest of the Mishnah only in its next commentary (b. Git. 70b–71a).

For the commentary on m. Git. 7:1, the Palestinian Talmud falls back on the same commentary it uses for y. Ter. 40b, which follows upon the lemma "Five persons cannot make a heave offering, etc." Although the one seized by *qordiaqos* is not among these five people, he is mentioned later in the commentary when the discussion turns from heave offerings to divorce. This brief mention of *qordiaqos* was most likely the reason for the reuse (or initial use) of this commentary in y. Gittin. This may indicate that the author of the Palestinian Talmud also composed based on keywords.

The Palestinian commentary briefly discusses the signs denoting a *shoteh*, an "insane person" relevant to the y. Terumot lemma, before turning to the one seized by *qordiaqos*. The discussion concludes that none of the characteristics of a *shoteh* apply to the one seized by *qordiaqos*. Significantly, the Palestinian commentary then asks the question with which the Babylonian one started. The answer, however, is quite different:

What is *qordiaqos*?
Rabbi Yose said: "*hi[aʔ]mmim* [המים]." [14] (y. Git. 48c)

Unfortunately, the answer is unintelligible and either a corrupt term or a *hapax legomenon*. [15] Julius Preuss translated the word via a term from

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[14] Due to the absence of vocals in the Aramaic script, the term could read *himmim* or *hammim*.

[15] The manuscripts of y. Git. 48b–c and y. Ter. 40b read המים, except for Ms. Vatican on Terumot, which reads המיני. For המים, see Peter Schäfer and Hans-Jürgen Becker, eds., *Ordnung Zeraʿim: Terumot, Maʿaśerot, Maʿśer Sheni, Ḥalla, ʿOrla und Bikkurim*, vol. 1 of *Synopse zum Talmud Yerushalmi*, ed. Peter Schäfer and Hans-Jürgen Becker, *TSAJ* 35 (Tübingen: Mohr Siebeck, 1992). For המיני, see Peter Schäfer and Hans-Jürgen Becker, eds., *Ordnung Nashim*, vol. 3 of Schäfer and Becker, *Synopse zum Talmud Yerushalmi*.

biblical Hebrew as *hamim* [חמם], hot, like in "to be hot, febrile."[16] *Hamim* might then be translated as a plural, meaning "heats." The composers of the Babylonian Talmud must also have reached the same conclusion, since they turned to the medical recipes within their collection to find a cure for "heats."

But why did they decide that a recipe against a three-day-long heat-stroke would be the one that cured *qordiaqos*? Again, the answer seems to be given by the story that follows next in the Palestinian commentary. Most manuscripts read the account, which is again corrupt, as follows: "There was a Tarsian and they brought him red in *avus* [אבוס] and he was weary [or: he worked], *avus* in red and he was weary [or: he worked]" (y. Git. 48b–c).[17] The context implies that the Tarsian was seized by *qordiaqos* and that people tried to cure him.

Regrettably, the ingredients of the cure and its outcome are not obvious, and many questions remain. What is red in *avus*? Does "red" refer to wine or to a spice? And what is *avus*? Neither is it entirely clear whether the outcome was positive or negative.[18] What appears, however, is that in their version of the Palestinian commentary, the composers of the

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[16] Cited and contested in Fred Rosner, *Medicine in the Bible and the Talmud: Selections from Classical Jewish Sources, Augmented Edition*, Library of Jewish Law and Ethics 5 (New York: Ktav; New York: Yeshiva University Press, 1977), 62.

[17] Mss. Venice, Leiden, Moskva, London, Amsterdam, and Constantinople. For the arbitrary meanings of the verb לעי, see *DJBA*, see "לעי." The Vatican manuscript, on the other hand, has a slightly different version: "There was a Tarsian and they brought him red in a cup [גוא סמוק] and he was weary [or: he worked], *avus* in red [אבוס גו סמוק], and he … [unclear, maybe: prophesied?]."

[18] Some translators tried to solve the riddle by collating this story with the recipe of the Babzlonian Talmud. Jastrow, see "סימוקא, סימוק," for example, translated, "they gave him dark wine after red meat," reading סימוק גו אכים in his text. Gerd Wewers in *Terumot: Priesterhebe*, trans. Gerd A. Wewers, vol. 1 of *Übersetzung des Talmud Yerushalmi*, ed. Friedrich Avemarie, Hans-Jürgen Becker, Martin Hengel, Frowald Gil Hüttenmeister, and Peter Schäfer (Tübingen: Mohr Siebeck, 1985), 8, reads, "Einem Weber gab man rotes (= mageres) Fleisch und fettes Fleisch, und er wurde müde; (man gab ihm) fettes und rotes Fleisch, und er wurde müde." Similarly, also Bill Rebiger, trans., *Gittin: Scheidebrief*, vol. 3 of *Übersetzung des Talmud Yerushalmi*, ed. Friedrich Avemarie, Hans-Jürgen Becker, Martin Hengel, Frowald Gil Hüttenmeister, and Peter Schäfer (Tübingen: Mohr Siebeck, 2008), 158, translates: "A weaver was given red (=lean) meat and fatty meat and he became tired. Fatty meat and red meat and he became tired." *DJPA*, see "לעי," on the other hand, refers to the passage as too "uncertain" to be translated. Interestingly, a story in Aristotle, *On Marvellous Things Heard*, shares some of the features of the story about the Tarsian and is somewhat similarly confusing: "In Tarentum they say that a seller of wine went mad at night but sold wine by day. For he kept the key of his room at his girdle, and, though many tried to get it from him and take it, he never lost it" (Aristotle, *On Marvelous Things Heard*, 32) [Hett, LCL]). Although the story is originally in Greek, it is interesting to note that key in Latin is *clavis* and hence not too far from *avus* (possibly *avis*).

Babylonian Talmud understood "red" as referring to red meat, or wine, or to red meat and "diluted wine" (*avus*). In any event, "red" and "wine" appear only as cures for a sunstroke of three days, and so the composers settled on this affliction as being equal to *qordiaqos*.

The story about the Tarsian in the Palestinian Talmud further contains an inversion of the cure. The Tarsian was first treated with "red in *avus*" and then with "*avus* in red." In overt imitation of the Palestinian Talmud, the Babylonian composers similarly add a story to their commentary in which a reversed recipe plays a role. The effect of the inverted recipe, however, is here also inverted, a punch line that is (now?) missing in the story related in the Palestinian Talmud.

Rav Amram the Pious: When those from the house of the exilarch wanted to cause him physical pain, they made him sleep in the snow. The following day they asked him: "What would be satisfactory to the master that we could bring him?" He said [to himself]: "These [men]! Everything I tell them, they will reverse it to its contrary." [Therefore] he told them: "Red meat on coals and diluted wine." They brought him fatty meat on coals and undiluted wine. (b. Git. 67b)

Allusions to the Palestinian commentary continue to show up throughout the Babylonian commentary on *qordiaqos*. An inverted statement similar to "red in *avus* … *avus* in red" appears subsequently in the Babylonian commentary in a story about Rav Sheshet, who is eating different kinds of meat in the house of the exilarch ("black in white and white in black"). The otherwise completely unrelated *shoteh*, the "insane person" who dominates the commentary in y. Git. 48b–c, turns up in the Babylonian commentary as well (b. Git. 68b). In the story in which the *shoteh* is mentioned, he is characterized as a person who does not stick to his word and constantly changes his opinion. The *shoteh* is thereby placed in the same category as the one seized by *qordiaqos* as he is described in the Mishnah, a man unable to stick to his decision to get divorced. This opinion will explicitly be attributed to Rabbi Yohanan in the Babylonian Talmud's next commentary (b. Git. 70b) but is unknown to the Palestinian Talmud, which, in fact, states the opposite, namely, that the signs for the *shoteh* differ from those characterizing the one seized by *qordiaqos* (y. Git. 48b).

Throughout, it appears that the composers of the Babylonian Talmud both depend on the Palestinian Talmud and constantly demonstrate their independence from it, using the predecessor variably as a source of inspiration, a template, or even a foil.[19] As will be discussed later, this

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[19] See also the conclusion by Gray, *Talmud in Exile*, 241.

literary behavior points to a chronological proximity of the works rather than the opposite.

Two factors seem to have been decisive for the Babylonian composers' choice of keywords: the mishnaic lemma, and the content and focus of the Palestinian commentary on the same Mishnah. In the present example, the latter pointed to an identification of *qordiaqos* with a three-day sunstroke, curable by lean meat on coals and diluted wine. The composers' analysis of the Palestinian Talmud's knowledge of *qordiaqos* added the keywords "cure," "meat," and "wine" to the straightforward lemma "*qordiaqos*." There is not a single excerpt in this Babylonian commentary on *qordiaqos* that will not correspond to one or even two of these keywords.

THE RHETORICAL STRUCTURE OF THE TALMUDIC COMMENTARIES

Now that we have identified the keywords as "cure," "meat," and "wine," we can focus on the way in which the excerpts were arranged and ask if the composers followed a certain pattern. Such a pattern would ideally have met the needs of both composers and users. It would have assisted the composers in choosing how to arrange the excerpts in a meaningful order, at the same time facilitating the users' future recollection of the content. Ideally, and this is the purpose and advantage of pursuing a dialectic form as discussed in the Chapter 1, the arrangement would simultaneously teach the art of learned conversation and content.

Classical rhetoric with its five stages of composition, one of which is "arrangement," might be a profitable place to look for such a pattern. The five stages were (1) the search for arguments, (2) their arrangement, (3) refined work on their expression, (4) memorization, and (5) delivery.[20] Cicero explains the stages' meaning as follows:

Invention [*inventio*] is the discovery of valid or seemingly valid arguments to render one's cause plausible. Arrangement [*dispositio*] is the distribution of arguments thus discovered in the proper order. Expression [*elocutio*] is the fitting of the proper language to the invented matter. Memory [*memoria*] is the firm mental grasp of matter and words. Delivery [*preceptio*] is the control of voice and body in a manner suitable to the dignity of the subject matter and the style. (*De inventione* 1.7 [Hubbell, LCL])

[20] See Erik Gunderson, "Rhetorical Terms," in *The Cambridge Companion to Ancient Rhetoric*, ed. Erik Gunderson, Cambridge Companions to Literature (Cambridge: Cambridge University Press, 2009), 292–293.

These steps are meant to guide the orator in the creation of a plausible and persuasive speech conceived in writing but delivered from memory. The structure of the speech had to facilitate the orator's memorization and the audience's recollection. Most of these aims were shared by composers and authors alike. Whether the work was being studied in private or read to someone else, performativity, persuasion, and recollection were most welcome benefits. In fact, the Talmud's engaging dialectic structure seems to be at its best when read out loud.

At the stage of composing the commentary presently under discussion, the composers have identified the keywords for their commentary on *qordiaqos* and collected the relevant excerpts. They have thus completed the stage of "invention," the search for arguments, a stage that shares considerable overlap with "inquiry" (see Chapter 1). They are now ready to start working on the arrangement of "arguments" which are, in the case of a compilation, excerpts. Indeed, although rhetoric left the confinements of the courtroom in the imperial period and "argument" can reasonably be exchanged here for "excerpt," the juridical impetus remained in place.[21] Excerpts are often treated as witnesses and the audience took over the position of the judge.

The four basic elements of arrangement are the introduction (*prooimion/exordium*), the narration of the case (*diēgēsis/narratio*), the proofs (*probatio/pistis*), and the peroration (*epilogos/peroratio*). All of these elements have their designated function: The proem should secure the attention of the audience by pointing to the necessity of what is to follow. Asking and expounding on a pressing question, quoting a proverb, or telling a short story often achieves this purpose. After the introduction, the narration recounts the facts of the case selectively and tendentiously in order to influence the audience. The names of people involved, as well as times and places where the case happened, are explicitly mentioned. This narration of facts is followed by the proofs, "generally the most substantial portion of a speech."[22] The proofs are elaborately illustrated in order to persuade and teach the audience. Finally, to conclude the presentation, the peroration recapitulates the main points and often makes "vigorous efforts to move the passions of the audience by stirring up anger or pity."[23]

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[21] See Jaś Elsner, introduction to *Art and Rhetoric in Roman Culture*, ed. Jaś Elsner and Michel Meyer (Cambridge: Cambridge University Press, 2014), 3.
[22] Gunderson, "Rhetorical Terms," 292.
[23] Gunderson, "Rhetorical Terms," 292.

Although it had been developed for and in the courtroom, the art of rhetoric emancipated itself from any specific topic of speech.[24] Once trained in these four elements, students could use them to compose their own pieces on whatever subject piqued their interest. The orators of the Second Sophistic contributed significantly to the popularizing of rhetorical strategies for anybody who wanted to speak persuasively in public about anything.[25] As students grew acquainted with the standard model, they started taking the liberty of expanding, contracting, rearranging, or omitting elements (Quintilian, *Inst.* 4–6). At a minimum level, however, "the strongest arguments should come at the beginning and end of the proof, and weaker points should be placed in the middle."[26]

Coming back to the commentary on *qordiaqos*, it appears that the material can roughly be divided into four sections: an introduction (b. Git. 67b), a section with two lengthy stories (b. Git. 67b–68b), a section with medical recipes (b. Git. 69a–70a), and a section with sayings that caution against unhealthy – including immoral – behavior (b. Git. 70a–b). This structure could, of course, just be coincidental. Yet the carefully crafted introduction gives the plan of the commentary away – in artfully reversed order.

A proem, as we have seen, should draw the audience's attention to the topic and lay out the arguments in a preliminary, "humble," way, so as to pretend to be spontaneous and not prepared in advance (Cicero, *De*

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[24] See Catherine Steel, "Divisions of Speech," in Gunderson, *Cambridge Companion to Ancient Rhetoric*, 78.

[25] On the Second Sophistic, see Ryan C. Fowler, "The Second Sophistic," in *The Cambridge History of Philosophy in Late Antiquity*, ed. Lloyd P. Gerson (Cambridge: Cambridge University Press, 2000). See also Ryan C. Fowler and Alberto J. Quiroga Puertas, "A Prolegomena to the Third Sophistic," in *Plato in the Third Sophistic*, ed. Ryan C. Fowler, Millennium-Studien/Millennnium Studies 50 (Berlin: de Gruyter, 2014), on the subsequent Third Sophistic. They distinguish the Third from the Second Sophistic mainly on the basis of the content of the orations, which, after Constantine, turned into what are usually labeled "sermons." The critique – by Lieve Van Hoof, "Greek Rhetoric and the Late Roman Empire: The 'Bubble' of the 'Third Sophistic,'" *L'Antiquité Tardive* 18 (January 2010), and Averil Cameron, "Culture Wars: Late Antiquity and Literature," in *Libera Curiositas: Mélanges d'histoire romaine et d'Antiquité tardive offerts à Jean-Michel Carrié*, ed. Christel Freu, Sylvain Janniard, and Arthur Ripoli, Bibliothèque de l'Antiquité Tardive 31 (Turnhout: Brepols, 2016), 311–313 – concerns the danger that the concept of the Third Sophistic might pen late antique rhetoric into rather classicizing forms. Indeed, Henry Fischel referred simply to "popular rhetoric," which became "the usual medium of the Greco-Roman writer-scholar-administrator classes." "Story and History: Observations on Greco-Roman Rhetoric and Pharisaism," in *American Oriental Society, Middle West Branch, Semi-Centennial Volume: A Collection of Original Essays*, ed. Denis Sinor (Bloomington: Indiana University Press, 1969), 65n31.

[26] Steel, "Divisions of Speech," 83.

inv. 1.17). One way of opening an oration is to address the audience with a pressing question. This is precisely the case in the Gittin commentary under discussion, which opens with "What is *qordiaqos*?" Indeed, there is not just a hint of a proem discernible in this commentary: it is a masterpiece composed of one miniature excerpt from each one of the three sections that are to follow, that is, narration, proofs, and peroration. The excerpts chosen for the proem reference the keyword "cure" and, within this category, "bodily warmth," as the curative side of the destructive *hamim* of the Palestinian Talmud.

　　In the following review of the entire proem to the *qordiaqos* commentary, miniature excerpts of larger text chunks that will be used later in the commentary are rendered in italics and are marked by a bold letter to facilitate the discussion in the next section:

Proem

What is *qordiaqos*?
Samuel said: "The one who is bitten by new wine from the wine press." (**a**)
If so, then let [the Mishnah] teach "the one who is 'bitten' by new wine" [instead of using the term *qordiaqos*].

[Rather] this is what [the Mishnah] teaches us: "The name of the spirit is Qordiaqos."

From this [statement] it can be inferred [that this knowledge serves to write] an amulet [against the spirit named Qordiaqos].

What is his cure?

Abaye said: Mother told me: For the sunstroke of one day: a pitcher of water; for that of two days: bloodletting; for that of three days: red meat on coals and diluted wine; *for a longer sunstroke: Bring a black hen, tear it open crosswise. Shave the middle of [the patient's] head and place [the hen] on [the head] until it sticks. Then [the patient] should go down and stand neck-deep in water until [the patient] becomes tired from the world upon him. Then [the patient] should submerge himself, ascend, and sit down. And if not, he should eat leeks and go down and stand neck-deep in water until he becomes tired from the world upon him.* (**b**)

Against the "sun": red meat on coals and diluted wine; against the "snow": fatty meat on coals and undiluted wine.

Rav Amram the Pious: When those from the house of the exilarch wanted to cause him physical pain, they made him sleep in the snow. The following day they asked him: "What would be satisfactory to the master that we could bring him?" He said [to himself]: "These [men]! Everything I tell them, they will reverse it to its contrary." [Therefore] he told them: "Red meat on coals and diluted wine." They brought him fatty meat on coals and undiluted wine. (**c**)

Yalta heard [this]. She brought him into a bathhouse. She made him stand in the water of the bathhouse until the water of the bathhouse changed and became blood,[27] and it fell off from him "coin by coin."

Rav Yosef would busy himself with the grindstone; Rav Sheshet would busy himself with logs. He said: "Great is the work that warms its performers!"[28] (b. Git. 67b)

Excerpts (a), (b), and (c) can each be linked to one section: (a) to the peroration; (b) to the proofs; and (c) to the narration. The order of topics to be addressed is thereby nicely reversed in the proem, since it starts with an excerpt belonging to the final section.

The saying attributed to Samuel (a) was already discussed above and seems to be part of a tripartite sayings composition on things causing seizures. The other two sayings on seizures are used in the fourth part of the commentary, the peroration, which runs from b. Git. 70a until the next mishnaic lemma is raised in b. Git. 70b. Together with other sayings, which essentially relate to the encouragement of a healthy lifestyle by means of avoidance of certain foods or behaviors, the two statements are part of the concluding paragraph of the commentary. After an account of many unhealthy choices in the narration and a long series of medical recipes in place of the proofs, the composers apparently thought such preventive statements suitable for ending the commentary. The sayings thereby stand in place of the recapitulation and confirmation of arguments characteristic of the juridical peroration. The latter are often used to stir up anger, disgust, or pity in the audience.[29] In fact, this may well have been the reaction of the audience to this listing of health issues provoked by the combination of certain foodstuffs or by performing certain sexual acts.

Significantly, the commentary closes with a series of numerical sayings that follow the formula "Three things wither the strength of man, and they are these: fear, travelling [lit. road], and sin" (b. Git. 70a–b). These seem to pick up on the way memorable and memorizable endings had to be created in preliminary rhetorical exercises (*progymnasmata*) for fables. If there was a place according to rhetorical standards for this excerpt with numerical sayings referring to health issues, it was clearly the peroration. Yet even this excerpt is interrupted by other miniature

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[27] Mss. Munich 95 and Arras 889: "She made him stand in the water, and it was blood."
[28] A slight variant of this Hebrew saying is found in b. Ned. 49b: "Rabbi Yehudah and Rabbi Shimon, when carrying goods to the study house, used to say: 'Great is the labor that honors its performers!'"
[29] See Gunderson, "Rhetorical Terms," 292.

excerpts and comments, which not only relate to the same content but, most importantly, maintain the ongoing dialogue structure.

The second excerpt in the proem (b) is a medical recipe against extended sunstroke, which the composers added to another recipe against one-, two-, and three-day-old sunstroke. The distinctly different style of the recipe, in spite of it addressing the same condition, betrays it as yet another originally distinct excerpt. A lengthy list of recipes with this exact same structure is most likely the source of this recipe. A big chunck of this list, which is again occasionally interspersed with excerpts from other sources and miniature dialogues, stands in the *qordiaqos* commentary in the place of the proofs. In rhetorical speeches, the proofs aim to persuade the public of the speaker's opinion. Within this commentary, the list of recipes similarly takes the form of an accumulation of facts. Twenty-two recipes with, at times, multiple therapies make a case for the fact that there is a cure for every disease, every budget, and every season. They persuade the reader of the validity of the cure given for *qordiaqos* and teach the basics of self-medication to cure the most common diseases.[30]

The third miniature excerpt in the proem (c) was part of a long story that now forms the bulk of the narration. Aelius Theon introduces the basic components of the narration in his rhetorical exercises as follows:

Narrative is language descriptive of things that have happened or as though they had happened. Elements of narration [*diēgēsis*] are six: the person, whether that be one or many; and the action done by the person; and the place where the action was done; and the time at which it was done; and the manner of the action; and sixth, the cause of these things. (*Progym.* 78)[31]

The narration draws attention to people, location, cause, and manner. Indeed, as we have seen, both the Palestinian and the Babylonian Talmuds make their cases for *qordiaqos* based on stories – one about a Tarsian weaver and the other about Rav Amram and the exilarch's household staff. Significantly, the exact date and geographical location, crucial for the narration of facts before a judge, is usually omitted in literary contexts. Moreover, the narration did not necessarily have to be true; plausibility was sufficient. This is certainly problematic and was repeatedly criticized, causing orators to defend their use of rhetoric

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[30] The list and the type of medicine it embraces will be discussed in more detail in Chapter 5.
[31] George A. Kennedy, *Progymnasmata: Greek Textbooks of Prose Composition and Rhetoric*, WGRW 10 (Leiden: Brill, 2003), 28.

in public speeches.[32] This nonrestriction to true events, together with rhetoric's focus on persuasion, was productively exploited in literary compositions.[33]

The narration section of the *qordiaqos* commentary was clearly assembled according to the keywords "meat" and "wine." The first paragraph, which follows directly upon the proem, lists two case stories, both of which involve significant consumption of meat and wine. In one story, Rav Sheshet wittily avoids being tricked by the household staff of the exilarch into eating non-kosher as well as unhealthy pieces of meat. In the other story, Solomon's servant Benaiah only overcomes the demon Ashmedai because the latter became intoxicated with wine. Later in that same story, the biblical King Solomon drank and ate too much and is unable to meet the king of the demons.[34] The stories that constitute the section of the narration (b. Git. 67b–70b) thereby provide cases of wrong meat and wine consumption, all while naming people and vague locations.

The juxtaposition of the paragraphs with a discussion of the rhetorical division of speech points to the fact that the composers aimed at arranging the excerpts according to the pattern of proem, narration, proofs, and peroration. The analysis has further shown that for an investigation into the compositional procedures of compilers, it is the commentary running from one mishnaic lemma to the next that is decisive, rather than the individual arguments (*sugyot*). Since the composers worked with varying amounts of excerpts for each talmudic commentary, distinct rhetorical structures were not always possible. Two more analyses of talmudic commentaries will help to broaden the idea of how the composers dealt with the split between the available excerpts, the composition and maintenance of a dialectic structure, and the creation of an appealing rhetorical arrangement.

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[32] Quintilian, for example, conceded: "I admit that in rhetorical discourse sometimes false things are presented as true, but I do not concede that, for that reason, rhetoric itself is based on false opinions" (*Inst.* 2.17, quoted in Paula Olmos, "Two Literary Encyclopaedias from Late Antiquity," *Studies in the History and Philosophy of Science Part A* 43, no. 2 [June 2012]: 287).

[33] E.g., Fowler, "The Second Sophistic," 104: "What would have been a conflicting mixture of reason and persuasion for Plato was by the first century a common aspect of the literary landscape. This shift combined the two established correlates of the educational system during the Empire; after the second century BCE, any author would have had some training in both rhetoric and philosophy. The pedagogical interest in 'ancient' orators and philosophers, coupled with an emphasis on epideictic exercises (*progymnasmata*), developed into an influential and lucrative profession in the Second Sophistic."

[34] These two stories will be discussed in much detail in Chapter 4.

THE COMMENTARY IN B. SANHEDRIN 67B

In order to further support the present argument for the composers' use of keywords and subsequent rhetorical arrangement of excerpts, I will discuss two more talmudic commentaries. The example in this paragraph is a commentary in Sanh. 67b. I chose it at random because it is very short and therefore suitable to be reviewed within the scope of this chapter. A random choice has the benefit that it may raise questions and pose problems that a conscious choice does not. Indeed, a particular feature of this commentary is that it shares several excerpts with other commentaries in both the Palestinian and Babylonian Talmud. This feature demands explanation within the framework of the compositional procedures that I have proposed. Since I am using this commentary merely as an example for the outlined compositional features, I will discuss its content only if it is vital to the argument.[35]

The lemma of this commentary is longer than the one of the *qordiaqos* commentary and reads as follows: "The sorcerer [*mekhashef*] who does a deed is liable [to be stoned], but not the one who captures the eye" (m. Sanh. 7:19). The Mishnah distinguishes here between two different activities of a sorcerer: a real act of change and a trick performed before the amazed eyes of the audience. Although this distinction seems interesting and rewarding, the commentary opens with the same excerpt as the Palestinian Talmud and parallels the latter for quite a bit, yet the text was slightly modified. The Palestinian Talmud's use of the biblical terminology for sword, *ḥerev*, is replaced with the Late Hebrew term *sayyf*, and the attributions to the rabbinic sages are reversed.

The excerpt with which the commentary begins is marked as a baraita, a teaching in Hebrew that is not recorded in the Mishnah. This excerpt has the exact same dialectical form as the composers' Aramaic commentary. Objections are raised and then refuted, with and without recourse to sayings. This shows how indebted the style of the composers of the Babylonian Talmud was to that of their literary predecessors, who may have been their teachers. The excerpt does not relate to the content of the lemma other than through the keyword *mekhashef*, more specifically, the *mekhashefah*, the sorceress. In addition, the excerpt makes use of verses from Exodus and Deuteronomy.

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[35] For a discussion of this commentary, see, for example, Shamma Friedman, "Now You See It, Now You Don't: Can Source-Criticism Perform Magic on Talmudic Passages about Sorcery?," in *Rabbinic Traditions between Palestine and Babylonia*, ed. Ronit Nikolsky and Tal Ilan, *AJEC* 89 (Leiden: Brill, 2014).

As the accentuations will show, the dominant keyword for this commentary was *keshafim* or a derivative noun (*mekhashef, mekhashefah*), as determined by the Palestinian Talmud. In one excerpt, "capturing the eye" is mentioned; others refer to the section of the Bible (*parashah*) to which the mishnaic lemma refers (Exod. 22). Most interesting for an investigation into the reasoning of the composers are the excerpts that do not contain a cognate term to *keshafim* but were nevertheless associated with the practice.

The challenges the composers faced with this commentary were quite different from the ones observed in Gittin. First, they obviously had not found many excerpts referring to the respective keywords. Second, the overlap with the Palestinian Talmud seems to have dictated the placement of the shared excerpt in the same position. This resulted in what seem to be two proems that open the same case. In the following presentation of the commentary, what I see as individual segments are divided by line spacing, while excerpts are rendered in italics:

Proem I

The rabbis taught: "A sorceress [mekhashefah] you shall not let live" (Exod. 22:17)—[this refers to] either man or woman.

[In that case] why does it teach "sorceress"?
Because most of the women take the opportunity to perform sorcery [*keshafim*]. How are they killed?

Rabbi Yose the Galilean says: "It is said here: 'A sorceress you shall not let live' (Exod. 22:17). And it is said elsewhere: 'You shall not let live any soul' (Deut. 20:16). Just as there [in Deut. 20:16] the intention is by the sword, so here [in Exod. 22:17], too, by the sword."
Rabbi Akiva says: "Here it is said: 'A sorceress [mekhashefa] you shall not let live' (Exod. 22:17). And it is said elsewhere: 'Whether animal or human, they shall not live' (Exod. 19:13). Just as there [in Exod. 19:13] the intention is by stoning, so here [in Exod. 22:17], too, by stoning."
Rabbi Yose said to him: "I derived my argument from [a verse stating] 'You shall not let live' from [another verse stating] 'You shall not let live.' I derived [a law] for Israel from Israel, which included their death in this very Scripture. But you derived [a law] for Israel from [a law pertaining to] gentiles, for which Scripture includes only one form of execution." (b. Sanh. 67a // y. Sanh. 7:19, 25d)[36]

Here ends the (almost) parallel with the Palestinian Talmud. The latter's commentary proceeds now to the narration of two stories, which

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[36] Translation follows Ms. Munich 95. Major variant readings in other Mss. will be indicated if significant.

are introduced as examples. Unlike the composers of the Palestinian Talmud, however, the Babylonian composers are in possession of yet another excerpt that refers to Exod. 22:17. This excerpt is used in two other commentaries as well (b. Ber. 21b; b. Yevam. 4a). In these commentaries, the excerpt represents an example for the derivation of a lesson from the juxtaposition of Torah verses, a method called *semukhim*. The excerpt, that is, at least the part discussing the juxtaposition, was apparently stored under two different keywords, namely, *semukhim* and *parashat Mishpatim* (i.e., Exod. 21:1–24:18). Thus, before proceeding to the narration, the composers had to place the following excerpt:

Ben Azzai says: "'A sorceress [mekhashefah] you shall not let live' (Exod. 22:17). And it is said: 'Anyone who lies with an animal shall die' (Exod. 22:18). [The biblical text] brings [these two statements] under the same rule [by stating them next to each other]. Just as the one who lies with an animal [is put to death] by stoning, so, too, the sorceress is put to death by stoning."
Rabbi Yehuda said to him: "Just because they are placed next to each other you derive from it death by stoning?! Rather, Ov and Yidoni are included under the general rule for sorcerers (Lev. 20:27). And why are they singled out? To conclude from them and to tell you that just as Ov and Yidoni were liable to stoning, so, too, any sorcerer is liable to stoning."

Yet, likewise, there is a difficulty involved in the conclusion of Rabbi Yehuda. *Ov and Yidoni* should be considered as representing two different biblical statements that come as one. And any two statements that come as one cannot teach [with regard to a third case].

Rabbi Zekariah said: "This is to say that Rabbi Yehuda thinks that two statements that come as one do teach [with regard to a third]." (b. Sanh. 67a // b. Ber. 21b // b. Yevam. 4a)[37]

But there is also a difficulty with Rabbi Yehuda's explanation, since Ov and Yidoni should be considered as two statements from the Torah that come as one (Lev. 20:27). And two such statements that come as one cannot be used to teach [with regard to another statement].

Rabbi Zekariah said: "This is to say that Rabbi Yehuda is of the opinion that two statements that come as one do teach [with regard to another statement]." (b. Sanh. 67b)

Like in the commentary on *qordiaqos*, excerpts that refer most directly to the keywords derived from the mishnaic lemma (*keshafim* or Exod. 22:17–18) are added in direct response. Because the excerpts that refer directly to

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[37] Since the juxtaposition ends here, the passages in Berakhot and Yevamot do not render the whole excerpt.

the lemma are far more numerous and elaborate here than in the *qordiaqos* commentary, they basically stand in place of a proem. This leaves the composers to create the narration of the facts, the proofs for the argument, and an epilogue with the remaining excerpts they found based on the keywords.

It seems, however, that, as in the commentary on *qordiaqos*, the composers start anew once their obligations with regard to the lemma are fulfilled. Instead of concentrating on the narration of the facts, the composers create another proem. Although the excerpts still focus on the keyword *keshafim*, "capturing the eye" now plays a role in what follows; it apparently served as a second keyword. Moreover, the new opening paragraph introduces another perspective on the subject by addressing the relationship between God and *keshafim*. Like in the previous example from Gittin, the second (original) proem opens with a question. The second proem and the section of the narration with an exemplary case of the behavior of a sorceress are considerably short; apparently there was only one story that made the case for what a sorcerer or a sorceress actually did. All the more numerous are the proofs for sorcery or "capturing of the eye" from the Torah, attributed rulings, and eyewitness stories. The commentary is concluded with a memorable controversy fitting for an epilogue.

Proem II

*Rabbi Yohanan said: "Why are they called 'sorcery [**keshafim**]'? Because they contradict [**khsh**] the household [**familia**] above [**ma'alah**]."*

"There is none besides him"?! (Deut. 4:35)

Narration

*Rabbi Hanina said: "Even in regard to sorcery [**keshafim**]!"*
There was a certain woman who sought to take dust from beneath the feet of Rabbi Hanina. He said to her: "If you succeed, go and do your work. It is written: 'There is none besides him!'" (Deut. 4:35)

Is it so?! And what about Rabbi Yohanan, who said: "Why are they called 'sorcery [**keshafim**]'? Because they contradict the household above?"
The case of Rabbi Hanina was different, because of his great merit. (// b. Hul. 7b)[38]

Proofs

*Rabbi Ayyvu bar Nagri said in the name of Rabbi Hiyya bar Abba: "'Belateyhem' (**Exod. 7:22; 8:3, 14**): This refers to acts by demons.[39] 'Belahteyhem,' on*

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[38] Interestingly, here as well as in the parallel in b. Hul. 7b, the biblical verse cited in the reminiscence is attached to it like a title or lemma.
[39] בלטיהם.

the other hand, these are acts of sorcery [**keshafim**]. And so it says: 'The lahat of the revolving sword [of the cherubim].'"⁴⁰ (**Gen. 3:24**)

Abaye said: "If he is particular about a certain vessel, it is a demon. If he is not particular about a certain vessel, it is sorcery [**keshafim**]."

Abaye said: "The laws concerning sorcery [**keshafim**] parallel those of the Sabbath. Among these laws, some are punishable by stoning, some are considered not liable [patur], but forbidden [asur], and others are permitted." (structural parallel: Mo'ed Qat. 12a–b)

The one who does the deed: by stoning.
The one who captures the eye: "not liable" but forbidden.
Permitted *a priori*, like *Rav Hanina and Rav Osh'aya, who would busy themselves with the laws of formation every Friday and create for themselves the third of a calf and eat it.*

Rav Ashi said: "I saw the father of Qarna blow [his nose] and pull out bundles of silk from his nostrils."

And the hartumim said to the pharaoh [after they failed at creating lice]: "This is the Finger of God!" (Exod. 8:15)⁴¹
Rabbi Elazar said: "From here we can derive that demons are not able to create a creature smaller than a barleycorn."

Rav said to Rabbi Hiyya: "I myself saw a certain Arab [tayyʿa] who took a sword and hamstrung a camel.⁴² He knocked it with a t-instrument and it rose."⁴³
Rabbi Hiyya said to Rav: "Were there blood and excrement coming from it after this? Rather, it was '**capturing the eye.**'"

Zeiri happened to come to Alexandria in Egypt and bought a donkey. When he arrived at some water and wanted to give it to drink, the spell broke, and it turned into a plank of o-wood. [The sellers] said to him: "If you were not Ziʿyry, we would not return [the money] to you! For who buys anything here without testing it in water?!"

Yannai happened to come to a certain inn. He said to [the waiters]: "Give me water to drink!" They approached him with porridge. He saw her lips moving. He spit out a little bit [of the porridge], and it turned into scorpions. He said to them: "I drank from yours; now you drink from mine." He gave her to drink, and she turned into a donkey. He rode on it and descended on the marketplace. Her friend came and broke the spell. Thus, he was seen riding on a woman in the marketplace.

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⁴⁰ להט.

⁴¹ It is not entirely clear to what *hartumim*, a term otherwise unattested in the Torah, actually refers. The Septuagint translates the term as *epaoidoi*, and the Vulgate translates accordingly as *incantations*. See C. A. Hoffman, "Fiat Magia," in *Magic and Ritual in the Ancient World*, ed. Paul Mirecki and Marvin Meyer (Leiden: Brill, 2002), 187–188.

⁴² This translation follows *DJBA*. The word used for *sword*, ספסירא, is a Greek borrowing (σμψήρα); see *DJBA*, see "ספסירא."

⁴³ *Tabla* may be a sort of a drum. See *DJBA*, see "טבלא."

Epilogue

"The frog [sic!] ascended and covered the land of Egypt." (Exod. 8:2)
Rabbi Elazar said:" It was only one frog. It bred and filled the entire land of Egypt."

This is like in the dispute between two Tannaim: *Rabbi Akiva said: "There was one frog, and it filled the whole land of Egypt." Rabbi Elazar the son of Azaryah said to him: "Akiva, what do you have to do with Haggada? Cease to intrude in these things and go to [discuss] the tractates Negaim [Plagues] and Ohalot [Tents]! There was one frog, and it croaked to [call] the others and they came."* (b. Sanh. 67b)

The commentary concludes with the most controversial and therefore most fitting excerpt for the epilogue. Short as it is, the commentary can quite easily be divided up into excerpts that relate to the same descriptors, and an arrangement according to rhetorical units can be detected. Again, it looks as if the composers somewhat perfunctorily paid their duty to the lemmas derived from the Mishnah before moving on. The example further suggests that some of the excerpts employed by the composers utilized the discursive style that they themselves had adopted.[44] Especially excerpts in Aramaic may even have been earlier compositions by some of the composers themselves that were classified and used. In any case, the composers and authors of the sources had obviously been exposed to similar training.

THE COMMENTARY IN B. SHABBAT 30A–31B

I would like to further illustrate my point about the composers' use of keywords and rhetorical principles with an example previously analyzed by Richard Hidary. In his analysis of rhetorical structures found in rabbinic literature, Hidary focused especially on orations that expound a biblical verse, a Mishnah, or a maxim. In so doing, Hidary found the characteristic opening sentence of homiletic orations from a Palestinian collection called *Yalamdenu* or *Tanhuma* in tractate Shabbat 30a.[45] These orations typically begin with a question followed by "He opened" (*patah*) and are usually attributed to Rabbi Tanhum. Hidary analyzed the passage

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[44] On the existence of anonymous comments in older material (which, according to the thesis outlined here, were already present in excerpts and not added by the composers), see Robert Brody, "On Dating the Anonymous Portions of the Babylonian Talmud" [in Hebrew], *Sidra* 24–25 (2010).

[45] See Richard Hidary, *Rabbis and Classical Rhetoric: Sophistic Education and Oratory in the Talmud and Midrash* (Cambridge: Cambridge University Press, 2018), 60. On the Tanhuma collection, see also Günter Stemberger, *Midrasch: Vom Umgang der Rabbinen mit der Bibel; Einführung – Texte – Erläuterungen* (Munich: C. H. Beck, 1989), 47–48.

according to the classical rhetorical sections. He did so from beginning to end, that is, from the initial question and the characteristic opening formula until the answer to this very question is finally given. Despite the familiar opening, however, Hidary conceded that the supposed oration in the Talmud looked significantly different from other *Yalamdenu* orations: "Unlike the typical *yalamdenu* form in which the halakhic question is answered immediately and only then followed by further homiletic material, in this example, the aggadic material precedes the answer and builds up to it."[46]

The thesis put forward in Chapter 2 and the current chapter helps clarify the somewhat puzzling organization of this oration. According to this thesis, the composers, although using the *Yalamdenu* oration for their commentary, used other excerpts as well with which they interrupted and complemented the original flow of the oration. Indeed, the commentary to the mishnaic lemma in b. Shabb. 30a does not begin immediately with the oration's question and the signature beginning ("He opened"). Although using an oration, the composers restructured it to accomodate their other excerpts. Indeed, if the whole commentary running over four folia (b. Shabb. 30a–31b) is taken into consideration, then what Hidary found to be a somewhat atypical oration is, in fact, only the commentary's proem.

Again, I suggest starting the analysis of the composition of the commentary with the lemma from the Mishnah and an assessment of the assigned descriptors. This particular commentary starts rather abruptly, jumping directly into the matter without repeating much of the context of the lemma. The Mishnah from which the lemma is taken reads as follows: "One who extinguishes a light because he is afraid of Gentiles, of robbers, of evil spirits, or because of a sick person, to let him sleep, is not liable [*patur*]. If to save the light, to save the oil, to save the wick, he is liable [*hayav*]" (m. Shabb. 2:5).[47]

The composers open the commentary mostly in their own words, seemingly frustrated with the content of the lemma. It is in instances like these that it becomes obvious that the composers are perfectly capable of arguing in the exact same way as the people who authored the excerpts. These instances mirror the composers' mastery of rhetorical dispute and conversation, while at the same time exhibiting their ideals concerning these very debates. Similarly, the sophisticated dialogues between

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[46] Hidary, *Rabbis and Classical Rhetoric*, 60.

[47] Translation follows Heinrich W. Guggenheimer, ed. and trans., *The Jerusalem Talmud: Second Order; Mo'ed; Tractates Šabbat and 'Eruvin* (Berlin: de Gruyter, 2012), 88. I omit the last sentence of this Mishnah because it is not relevant to the lemma.

Athenaeus's guests are not "a neutral mirror of Graeco-Roman scholar-ship, but … a textual construction, where erudition is part of the aesthet-ics of the work and of the fun of dinners."[48] Consequently, whenever the composers cannot make their excerpts go in the direction they want, or if they see the dialectic aesthetic to which they aspire jeopardized, they intervene on their own terms, supplementing the excerpts with an autho-rial voice (the *stam*). The commentary opens as follows, with the lemma printed in bold:

Since it is taught in the latter clause that "**he is liable**," derive from it that it fol-lows the opinion of Rabbi Yehuda [expressed in an earlier Mishnah].
And with what are we dealing here? If it is with an imperiled ill person, then he should have said that it is "permitted [*mutar*, i.e., to extinguish a light]"; instead, he said "not liable [*patur*]." If, on the other hand, we are dealing here with an ill person whose life is not in danger, he should have said: "liable of a sin-offering [*hayav hatat*]." (b. Shabb. 30a)[49]

The composers of the Babylonian Talmud object to the legal terminology used in the Mishnah, which they find wanting in precision regarding to the severity of the disease. If the light of the lamp is a crucial factor in keeping the patient alive, the Mishnah should state "permitted" (*mutar*). If, on the other hand, the light is not vital but only a convenience, the person should be "liable for a sin-offering" (*hayav hatat*) for kindling a fire on the Sabbath. The focus on what is perceived as inaccurate legal language used in the Mishnah is shared by the comparatively short com-mentary in the Palestinian Talmud on the same lemma from the Mishnah. Yet, the Palestinian Talmud does not find fault with the wording regard-ing the ill person but the robber (y. Shabb. 2:3, 5a). Again, the compos-ers of the Babylonian Talmud imitate the Palestinian Talmud while also departing from the latter's model. We shall see in due course why the Babylonian composers chose the imperiled patient and the lamp instead of the robber.

The Babylonian Talmud's proem will continue to debate the word-ing of that Mishnah, ultimately suggesting a reason for the unjust rul-ing: "Of course, it would have been reasonable [according to more pertinent laws] that in the case of an imperiled ill person, it should have been stated 'permitted' [*mutar*]. But since it stated 'liable' [*hayav*]

in the latter clause, 'not liable' [*patur*] was used in the former." The composers thereby explain the text of the Mishnah with the fact that terms have their opposites: Since the second statement uses "liable" (*hayav*), the former had to use "not liable" (*patur*). The whole commentary will continue to focus on affiliated oppositions and opposed affiliations, as well as their resolutions. The expression "contradictory words" [*devarim sotrim*] appears six times in the first half of the commentary, that is, in the proem, the narration, and in the beginning of the proofs (b. Shabb. 30a–b).

The expression "contradictory words" was obviously selected as a keyword. Many excerpts do not refer explicitly to contradictory terms but, nonetheless, discuss conflicting or otherwise difficult verses from the Hebrew Bible. These verses happen to come predominantly from two books ascribed to Solomon, Ecclesiastes and Proverbs, which, according to two excerpts in this commentary, were at one point in danger of being excluded from the biblical canon by rabbinic sages (b. Shabb. 30b). As the commentary shows, however, a witty mind can resolve every contradiction and draw lessons even from those books.

Yet, before turning to the contradictions within Ecclesiastes and Proverbs, the proem contrasts Solomonic books with those attributed to his father David, thereby exposing a number of additional, content-related contradictions. Significantly, these excerpts concern contradiction *and* death, two topics that can be derived from the Mishnah (the patient endangered by death) and the Palestinian commentary (conflicting formulation of the Mishnah). In addition, the only excerpt in the hands of the composers that referred directly to the mishnaic lemma concerns the patient (below in bold). Thus, as in the commentary in Gittin and Sanhendrin, here too the composers use excerpts that refer directly to the lemma in the very beginning of the proem. And, once again, the Palestinian Talmud plays a crucial role in the choice and interpretation of the lemma and hence in the selection of descriptors.

The next section in the commentary, which Hidary classified as being an oration, begins and ends as follows:

This question was asked before Rabbi Tanhum of Newai: "May one extinguish a lit lamp for a sick person on the Sabbath?"
He expounded [*patah*] and said: "You, Solomon, where is your knowledge? Where is your wisdom? Is it not enough that your words contradict those of David your father, but your words even contradict themselves! David your father said: 'The dead cannot praise the Lord' (Ps. 115:17]). But you said: 'I praise the dead who have already died' (Eccl. 4:2]). Then you went back and said: 'Even a live dog is better than a dead lion'" (Eccl. 9:4).

[Follow one or more interpretations of each one of these verses.]

Solomon sent [a query] to the house of study: "My father died and is lying in the sun, and the dogs of my father's house are hungry. What should I do?" They sent to him: "Cut up a dead animal and leave [*hanah*] it for the dogs. As for your father, place [*hanah*] a loaf of bread or a baby on him and carry him."
Has Solomon not said correctly, "Even a live dog is better than a dead lion?" (Eccl. 9:4)
Regarding the question that I asked you: **"A lamp is called a lamp, and the soul of a person is called 'lamp'"** [in Prov. 20:27].
It is better that the lamp of flesh and blood should be extinguished before the lamp of the Holy One, blessed be He. (b. Shabb. 30a–b)[50]

Several aspects in the beginning and end of this passage are unpolished, too unpolished, in fact, for an oration. The unevenness of the text reveals the paper-cut approach that the composers took toward entire compositions, or even just excerpts, by dividing them up, sometimes into units of individual phrases. The frictions and inconsistencies include Rabbi Tanhum, who addresses his answer directly to Solomon, although the question had been asked anonymously, and Solomon had not been mentioned previously in the commentary. In lieu of an answer follows a series of clarifications of apparently contradictory verses attributed to Solomon and David. When the question is finally addressed and answered, the commentary takes it up with "Regarding the question that *I* asked you," as if Solomon would now answer the question he had previously asked Rabbi Tanhum. At the same time, Solomon is referenced as a person of the past: "Has Solomon not said correctly, 'Even a live dog is better than a dead lion?'" (Eccl. 9:4). Rather, the original "oration" was most likely only a very short excerpt in the collection of the composers:

This question was asked before Rabbi Tanhum of Newai: "May one extinguish a lit lamp for a sick person on the Sabbath?" (b. Shabb. 30a)

He expounded [*patah*] and said: "A lamp is called a lamp and the soul of a person is called a lamp. It is better that the lamp of flesh and blood should be extinguished before the lamp of the Holy One, blessed be He." (b. Shabb. 30b)

The reason for the segmentation of the oration may have been Eccl. 9:4, which concludes the last excerpt before Rabbi Tanhum's answer. Both Eccl.

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[50] Translated by Hidary, *Rabbis and Classical Rhetoric*, 61–64, based on Ms. Friedberg 9–002 (Geniza), with emendations from other mss.; see Hidary, *Rabbis and Classical Rhetoric*, 61n107.

9:4 and Rabbi Tanhum's answer use the comparative form "better than/ that" (*mutav/tov min*):

Even a live dog is **better than** …
It is **better that** the lamp …

Again, most interesting are the excerpts, which were classified under "contradictory words," but they do not actually use this terminology and thereby expose the composers' very own associations. The commentary concludes with a series of excerpts beginning with the question "What does the verse … mean," after which an interpretation is suggested. "Difficult verses" may therefore have been another descriptor associated with "contradictory words." The use of difficult verses in the peroration leaves the audience thinking and judging the given interpretations.

Hidary was certainly right to identify rhetorical features in this commentary and to consider the oration as distorted. The reason for this distortion is that the composers' rhetorical unit runs from one mishnaic lemma to the next. Although entire orations may have been among the excerpts in the composers' archive, these orations nevertheless became subject to the composers' own oration-like commentaries. To analyze the method of text composition, the commentary running from one mishnaic lemma to the next, and not the sugya (line of argument), is the decisive unit. Not only does the individual argument not mark the composers' point of departure, but its beginning and end are often difficult to grasp, since associated arguments interrupt the logical structure. The extent of the argument (sugya) is, as a result, often subject to the interpretation of modern scholars.[51] That the sugya does not align with the process of composition is not surprising given the fact that the sugya is a unit that emerged not from historical text analysis but from the practical use of the text and was established by convention.[52]

In summary, the three examples of commentaries discussed here have shown that the composers of the Talmud, like Pliny and others, worked with keywords and loose excerpts to compose commentaries

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[51] See also Alexander Samely, "Educational Features in Ancient Jewish Literature: An Overview of Unknowns," in *Jewish Education from Antiquity to the Middle Ages: Studies in Honor of Philip S. Alexander*, ed. George J. Brooke and Renate Smithuis (Leiden: Brill, 2017), 185n95. Cf. the vague description of the unit in Louis Jacobs, *Structure and Form in the Babylonian Talmud* (Cambridge: Cambridge University Press, 1991), 5: "The Word *sugya* (pl. *sugyot*) … is the technical term for a Talmudic unit complete in itself, though it might also form a part of a larger unit; that is to say, a Talmudic passage in which a particular topic is treated in full."

[52] See Jacobs, *Structure and Form in the Babylonian Talmud*, 5.

to mishnaic lemmas. They then tried to create an appealing and memorable text by way of arranging the excerpts according to the rhetorical structure proem, narration, proof, and peroration. This rhetorical sequence was both the text structure known to the composers and the structure expected by readers or listeners. Indeed, by way of implemented rhetorical strategies to engage with the public, the text somewhat automatically turns it being read publicly into a demonstration of model speech.

SOME REFLECTIONS ON THE DATE AND RELATIONSHIP OF THE TWO TALMUDS

The present chapter and Chapter 2 have suggested that the Talmud's commentaries conform to the techniques commonly used by late antique composers to craft erudite texts. The observation that the Babylonian Talmud would fit in nicely with texts that were produced from the first through the sixth centuries CE raises the question of the work's chronological integration. The Babylonian Talmud's distinct conceptual reliance on the Palestinian Talmud, which has been suggested by prior scholarship and was corroborated by the above analyses, additionally calls for a comparative investigation into the literary relationship between the two cognates. I will again use Greek and Latin texts to compare and complement the scarce talmudic evidence regarding these questions.

Medieval historiography lets the arrival of the Mishnah in Babylonia, and hence the beginning of related scholarly activity, coincide with the rise to power by the Sasanians in 224 CE.[53] This coincidence is conspicuous and probably the stuff of legends: rabbinic scholarship in Sasanid Mesopotamia may have started earlier or later. Similarly unclear is the date for the genesis of the Babylonian Talmud, which is, based on two primary reasons, usually given in the form of a time frame rather than a specific point in time: the Talmud's lack of a date or a datable author, and the previously discussed supposition of an oral and time-consuming transmission process. While earlier scholarship tended to place the date of a "final redaction" in the mid-sixth century based on medieval pedigrees of talmudic sages, some recent scholarship has assigned dates ranging from the mid-seventh

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[53] See Isaiah Gafni, "The Political, Social, and Economic History of Babylonian Jewry, 224–638 CE," in *The Cambridge History of Judaism*, ed. W. D. Davies and L. Finkelstein, vol. 4 of *The Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 792.

century to the second half of the eighth century.[54] The latter dates would imply that the Talmud was written down and redacted after the Arab conquest of Mesopotamia.

The assignment of a date after the Arab conquest is contradicted, however, by the fact that the Talmud does not contain Arabic loanwords or syntax.[55] Such loanwords should be expected to be found in a text that went through the last stages of oral transmission after the (final) Arabic conquest, or at least in the notes added by the final redactors. Arabic as the new lingua franca was widely embraced, and by the tenth century, even the non-Semitic Persian language used 30 percent Arabic words, while Aramaic had completely disappeared.[56] Texts authored by post-talmudic rabbinic sages (Geonim) were exclusively written in Arabic by the eighth century. This would point to a *terminus ad quem* for the composition of the Talmud in the early seventh century. Although it is not clear how and if unstable political circumstances affected literary productivity, it seems noteworthy that the Sasanid and Byzantine Empires had been on increasingly hostile terms since 520 CE, with back-and-forth conquests leading to a period of continuous wars in the first quarter of the seventh century.[57]

The traditional dating of the Talmud relies heavily on three texts: a post-talmudic school pedigree called *Seder Tannaim veAmoraim* (end of the ninth century); a letter by Sherira Gaon to the community in Qayrawan after they had asked about the formation of the Babylonian Talmud (end of the tenth century); and Avraham Ibn Daud's division of

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[54] On earlier scholarship (e.g., Isidore Epstein and Hanoch Albeck), see Günter Stemberger, *Einleitung in Talmud und Midrasch*, 9th ed. (Munich: C. H. Beck, 2011), 215. Charlotte E. Fonrobert and Martin S. Jaffee, introduction to *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee (Cambridge: Cambridge University Press, 2007), 9, give the seventh century as a closing date for the Talmud; Richard Kalmin, *Migrating Tales: The Talmud's Narratives and Their Historical Context* (Berkeley: University of California Press, 2014), ix, reaches the date 651 CE; David Weiss Halivni, *The Formation of the Babylonian Talmud*, trans. Jeffrey L. Rubenstein (Oxford: Oxford University Press, 2013), xxix, moves the date back to the second half of the eighth century. See also Halivni, *Formation of the Babylonian Talmud*, 9, for the length of the period during which Halivni conceives of the Stammaim as being active.

[55] The very rare cases that seem to render a word in Arabic are doubtful. They are either "Aramaic or altogether unknown." See A. Cohen, "Arabisms in Rabbinic Literature," *JQR* 3, no. 2 (October 1912): 222.

[56] See A. A. Ṣādeqī, "Arabic Language i. Arabic elements in Persian," *EIr* 2:229–231.

[57] See Geoffrey Greatrex, "Byzantium and the East in the Sixth Century," in *The Cambridge Companion to the Age of Justinian*, ed. Michael Maas (Cambridge: Cambridge University Press, 2005), for a detailed account of the relationships between the Byzantine and Persian emperors, especially in the sixth century, and Robert G. Hoyland, *In God's Path: The Arab Conquests and the Creation of an Islamic Empire*, Ancient Warfare and Civilization (Oxford: Oxford University Press, 2015), 10–12.

the sages mentioned in the Talmud into rabbinic generations with the assignment of respective time frames of activity (*Sefer ha-Qabbalah*, of the *Seder Tannaim veamoraim*, twelfth century).[58] Given the fact that these chronologies are post-talmudic reconstructions, other evidence for dating the Talmud might be worthy of consideration.

It is true, however, that such evidence is difficult to find, since contemporary references to the Talmud or its authors do not exist, nor are the people it mentions attested in a nonliterary document, such as a contract or an epitaph. The only extra-talmudic attestation of talmudic sages is found on amulet bowls. Since these bowls, by definition, mediate between different and historically inaccessible realms, their use for historical purposes is questionable, not least also because the bowls are difficult to date and often come from illicit and unsystematic excavations.[59]

David Weiss Halivni took a first step toward theorizing late antique rabbinic scholarship when he proposed to distinguish between an amoraic layer of the Talmud, marked by attributed Aramaic statements, and an anonymous Aramaic layer (lengthy stories, interjections, summaries, conclusions).[60] He attributed this layer to what he termed the Stammaim, a generation of scholars not mentioned by medieval sources.[61] The distinction between amoraic and stammaitic material allowed for a new comparative perspective. Stammaitic texts have been compared to one another as well as to their Palestinian parallels, and differences between amoraic and stammaitic learning culture have been highlighted.[62]

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[58] See Stemberger, *Einleitung*, 17.

[59] Thus, preference is given in the bowls to two enigmatic figures: Rabbi Hanina ben Dosa and Rabbi Joshua ben Perahia are mentioned on bowls. See Shaul Shaked, James N. Ford, and Siam Bhayro, eds., *Jewish Babylonian Aramaic Bowls*, vol. 1 of *Jewish Babylonian Aramaic Bowls*, Manuscripts in the Schøyen Collection 20 (Leiden: Brill, 2013), 52–96 and 101–154, respectively. Other names similar to those mentioned in the Talmud are discussed by Shaul Shaked, "Rabbis in Incantation Bowls," in *The Archaeology and Material Culture of the Babylonian Talmud*, ed. Markham J. Geller, IJS Studies in Judaica 16 (Leiden: Brill, 2015), yet without significant evidence for the dating of either the bowls or the Talmud.

[60] On this "two-source theory" (Tannaitic/Amoraic layer and Stammaitic, anonymous, layer) and the remaining open questions pertaining foremost to the dating of the anonymous layer, see David Goodblatt, "A Generation of Talmudic Studies," in *The Talmud in Its Iranian Context*, ed. Carol Bakhos and M. Rahim Shayegan, TSAJ 135 (Tübingen: Mohr Siebeck, 2010), 11–20.

[61] See Halivni, *Formation of the Babylonian Talmud*, 4–64, and esp. 54–57.

[62] See, for examples, the edited volume by Jeffrey Rubenstein, ed., *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*, TSAJ 114 (Tübingen: Mohr Siebeck, 2005), or Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003).

Yet this model still depends heavily on the medieval one, in that it assumes that whole generations of rabbinic sages were responsible for a distinct layer in the Talmud. To some extent, the model is simply reworking the traits of the generation of Saboraim, which early medieval sages had posited between the Amoraim and themselves (the Geonim).[63] Moreover, to some extent, the stammaitic thesis remains informed by the idea of an ur-layer in the Talmud in the attempt to distinguish between earlier amoraic and later stammaitic material.[64]

I would like to propose a different viewpoint, namely, that different styles are not necessarily markers of chronological separation but, rather, of different literary purposes.[65] Attribution and nonattribution of maxims, for example, were both writing techniques that had distinct functions in a text and could be deployed by any educated person at any given time. The same applies to the use of a more restrictive and summarizing style in one place and a verbose style in another; these differences reflect distinct authorial choices rather than the conventions of a school or epoch.[66]

Another important pedagogical principle of the time was mimesis, the imitation of someone else's style. From their first lessons in writing to their training with an orator, students around the Mediterranean area copied model texts by their teachers or by ancient and esteemed authors.[67] This process would eventually lead to mature works in which "imitation was a subtle affair and was not confined to one author: not only did linguistic and stylistic borrowings encompass a large horizon, but the process of complete digestion of the sources conferred a novel identity on the new product."[68] The more an author broadened his array of models for imitation, the richer he became in terms of stylistic techniques.

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[63] See Richard Kalmin, *The Redaction of the Babylonian Talmud: Amoraic or Saboraic?*, Monographs of the Hebrew Union College 12 (Cincinnati: Hebrew Union College Press, 1989).

[64] See the discussion in Adiel Schremer, "Stammaitic Historiography," in Rubenstein, *Creation and Composition*, 219–223.

[65] Similarly, and yet different, Vidas, *Tradition and the Formation of the Talmud*, suggested that the difference in style may foremost be a way of differentiating "between the Talmud's own voice and the voice of the sources it cites" rather than purely chronological (14).

[66] The progymnasmatic exercises of paraphrase and elaboration, for example, allow the writer to transform sayings and short stories (reminiscences) into more verbose literary formats. See Kennedy, *Progymnasmata*, 70–72, for Theon's description of these exercises.

[67] See Raffaella Cribiore, *Gymnastics of the Mind: Greek Education in Hellenistic and Roman Egypt* (Princeton: Princeton University Press, 2001), 132–136.

[68] Cribiore, *Gymnastics of the Mind*, 236.

Considering the importance attributed to imitation in late antique pedagogy, it may not have been very difficult for a student versed in the content and style of the Mishnah, the Tosefta, and even the Palestinian Talmud to imitate the style of earlier sages and to present arguments in the form of maxims. Reusing sentences and idiomatic expressions would have helped in the process of archaization. Such activities may seem like fraud from a contemporary perspective, but it was considered art and mastery of language in the imperial period and beyond. Many pseudepigraphic texts attest to this fact, such as the pseudo-Pauline letters and the pseudo-Aristotelian or the pseudo-Platonic writings: the atticism of the Second Sophistic represents one single effort to imitate Plato's style.[69] The *Life of Helia* and the *Acts of Thecla* were both written by male authors who wrote from a female perspective.[70]

It follows that an argument based on style cannot necessarily serve to distinguish chronologically between texts or to assign the sage to whom a text is attributed to a certain period.[71] Then again, it is quite obvious that the anonymous voice that mediates between the maxims must be the most recent addition to the text. But sometimes it has been added at an earlier stage and was already part of an excerpt used by the composers.

Another ubiquitous approach to dating talmudic texts or excerpts follows the previously mentioned medieval treatises in using rabbinic names and their reconstructed lifetimes. Yet, as pointed out, these dates have been assigned based entirely on the mishnaic and talmudic texts, and there is considerable scholarly dissent over the reliability and validity of

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[69] See Fowler, "The Second Sophistic," 103–106.

[70] See Virginia Burrus, "Socrates, the Rabbis and the Virgin: The Dialogic Imagination in Late Antiquity," in *Talmudic Transgressions: Engaging the Work of Daniel Boyarin*, ed. Charlotte E. Fonrobert, Ishay Rosen-Zvi, Aharon Shemesh, and Moulie Vidas, *JSJSup* 181 (Leiden: Brill, 2017), 201, on the *Life of Helia*. See Stephen J. Davis, *The Cult of St. Thecla: A Tradition of Women's Piety in Late Antiquity*, OECS (Oxford: Oxford University Press, 2001), 10–18, on the author and his thoroughly favorable assessment of everything female in the *Acts of Thecla*.

[71] Similar arguments have already been proposed by Vidas, *Tradition and the Formation of the Talmud*, 54–58, who cautioned against an a priori chronological distinction between the traditional layers (tannaitic, amoraic, stammaitic, or saboraic) on the grounds that the composers ("creators") may have consciously fashioned them and used them as a literary strategy. Robert Brody, "The Anonymous Talmud and the Words of the Amoraim" [in Hebrew], in *The Bible and Its World*, *Rabbinic Literature and Jewish Law, and Jewish Thought*, ed. Baruch J. Schwartz, Avraham Melamed, and Aaron Shemesh, vol. 1 of *Iggud: Selected Essays in Jewish Studies*, ed. Baruch J. Schwartz, Avraham Melamed, and Aaron Shemesh (Jerusalem: World Union of Jewish Studies, 2008), 223, assumed that the difference in style (attributed versus anonymous) might simply be the result of (rabbinic) convention.

attributions in the first place.[72] Are attributions fictitious, serving merely discursive purposes, or did the portrayed individuals really say or write these things? As we shall see in Chapters 4 and 5, there is ample evidence to reckon with many artificial but well-chosen attributions. Trained in mimesis and speech in character (*ethopoeia*), the composers of the Talmud, as well as the authors of the excerpts they used, knew what they were doing. The attributions, even if they are obviously secondary additions, always offer a "*possible* or even a *plausible* truth."[73] Overlaps in argumentation and attitudes may therefore be due to literary craftsmanship as much as to historical circumstances and are not suited to anchoring the Talmud chronologically.[74] Still, the model outlined here is also suggestive of at least some attributions referring to the original authors of the texts from which excerpts were taken.

With regard to dating, the Palestinian Talmud offers at least a historical *terminus post quem*, in that the work mentions the historically attested Roman general Ursicinus several times (y. Meg. 3:1, 74a; y. Betzah 1:6, 69c; y. Sanh. 3:3, 21b // y. Sheb. 4:2, 35a; y. Yevam. 16:3, 15d // y. Sotah 9:3, 23c).[75] Ursicinus served under the emperor Gallus and played a public role from 351 CE until approximately 359 CE. Since the mentions appear to be legendary rather than contemporary to Ursicinus, Hayim Lapin has suggested an end date for the Palestinian Talmud somewhere "at the turn of the fifth century."[76] Since the composers of the Babylonian Talmud

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[72] The discussion was essentially started by Jacob Neusner, *Development of a Legend: Studies on the Traditions concerning Yohanan ben Zakkai* (Leiden: Brill, 1970). On the issue of anachronism and arbitrariness in attribution, resulting in what may seem to be distorted biographies, see especially William S. Green, "What's in a Name? The Problematic of 'Rabbinic Biography,'" in *Approaches to Ancient Judaism*, ed. William S. Green, BJS 1, vol. 1 (Missoula: Scholars Press, 1978), and William S. Green, "Context and Meaning in Rabbinic 'Biography,'" in *Approaches to Ancient Judaism*, ed. William S. Green, BJS 9, vol. 2 (Chico, CA: Scholars Press, 1980).

[73] Sacha Stern, "Attribution and Authorship in the Babylonian Talmud," *JJS* 45, no. 1 (Spring 1994): 33 (emphasis in the original). See similarly Martin S. Jaffee, "Rabbinic Authorship as a Collective Enterprise," in Fonrobert and Jaffee, *Cambridge Companion to the Talmud and Rabbinic Literature*, 22.

[74] Such consistencies have been observed by Kalmin, *Redaction of the Babylonian Talmud*, and Richard Kalmin, "The Formation and Character of the Babylonian Talmud," in Katz, *The Late Roman-Rabbinic Period*.

[75] On these traditions and their purpose as well as their relationship to other reminiscences of Ursicinus, see Hayim Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine, 100–400 CE* (Oxford: Oxford University Press, 2012), 144–149, and Hayim Lapin, "Toward a History of Rabbinic Powerlessness," in *Strength to Strength: Essays in Honor of Shaye J. D. Cohen*, ed. Michael Satlow (Providence, RI: Brown Judaic Studies, 2018), esp. 331–333.

[76] Lapin, "Toward a History of Rabbinic Powerlessness," 332.

appeared to have profited from having the Palestinian Talmud as a model (see discussion above), it needs to be asked how much time may reasonably be posited between the two works.

The traditional explanation for a considerable temporal gap between the two Talmuds is based on the "Letter of Baboi" (mid-eighth century). In this letter, Baboi claimed that the Palestinian rabbis had been forced to write down their knowledge because of the political instability of Palestine, whereas the Babylonian rabbis continued to adhere to oral transmission. In Baboi's opinion, this rendered the Palestinian Talmud inferior to the Babylonian one. The letter is spurred by the ongoing theological discussions about the superiority of the unwritten in Baghdad at the time.[77] Still, Baboi's letter left posterity with the notion "that literary production is a rearguard action, a textual encapsulation – and in the case of the Palestinian Talmud, a hasty and haphazard one – of a once vibrant tradition put in jeopardy by outside forces or by unfulfilled messianic expectations."[78]

Rather contrary to this notion, however, the composition of the Palestinian Talmud appears to have boosted the production of other rabbinic texts, and members of the rabbinic sages became increasingly visible "in epigraphic, patristic, and legal texts."[79] The written Palestinian Talmud seems to have had a twofold effect: it secured and stabilized the text of the Mishnah; and it defined the contours of the associatively organized rabbinic teachers and experts of halakah vis-à-vis Roman authorities.[80]

Considering the ongoing textual production in Palestine and the general mobility of the educated in late antiquity, who traveled for business

[77] See Gregor Schoeler, *The Genesis of Literature in Islam: From the Oral to the Read*, New Edinburgh Islamic Surveys (Edinburgh: Edinburgh University Press, 2002), and Talya Fishman, "Claims about the Mishna in the *Epistle* of Sherira Gaon: Islamic Theology and Jewish History," in *Beyond Religious Borders: Interaction and Intellectual Exchange in the Medieval Islamic World*, ed. David M. Freidenreich and Miriam Goldstein (Philadelphia: University of Pennsylvania Press, 2012).

[78] Lapin, *Rabbis as Romans*, 153, and the discussion there (155–162). See on the same issue also Gafni, "The Political, Social, and Economic History of Babylonian Jewry, 224–638 CE," 801. For the superiority of oral transmission in early Islamic and rabbinic circles, see Schoeler, *Genesis of Literature in Islam*, and Fishman, "Claims about the Mishna."

[79] Hayim Lapin, "The Origins and Development of the Rabbinic Movement in the Land of Israel," in Katz, *The Late Roman-Rabbinic Period*, 225.

[80] On the Mishnah as a "basically stable work" after the Palestinian Talmud, see Christine E. Hayes, *Between the Babylonian and Palestinian Talmuds: Accounting for Halakhic Difference in Selected Sugyot from Tractate Avodah Zarah* (New York: Oxford University Press, 1997), 193. On the latter point, see Lapin, *Rabbis as Romans*, 168.

and education, it seems implausible that rabbinic sages from Babylonia would not know about the literary productions of their peers in Palestine and that they would not have felt the need or even the ambition to do the same. Texts – letters, private notes, copies of whole works or excerpts, and self-authored monographs – were widely shared among friends, associated communities, or schools.[81] The Babylonian Talmud itself refers to scholars' movement back and forth between Mesopotamia and Palestine, with some of them, the *nahote*, specializing in the exchange of knowledge.[82]

What might most reliably attest to a chronological proximity between the two works, however, is a fact that has long been interpreted as evidence for the contrary, namely, that the Babylonian Talmud never mentions the Palestinian Talmud. After all, the Babylonian Talmud obviously has an antiquarian inclination and generally does not refrain from distinctly framing its sources, be they the Mishnah or baraitot, or the – true and supposed – originators of the maxims that are quoted. An alternative explanation for this missing reference is that the Palestinian Talmud was too recent to be considered a work of antiquarian authority. The latter is an authority in the sense of an established seniority that can no longer be challenged but has also ceased to challenge and compete with other books. In other words, the author of such a work is no longer part of the competition over patronage, fame, and influence. Citing the work of a contemporary or admitting mimicry might have cast a favorable light on the work of said competitor and disqualified one's own work.

Pliny the Elder, for example, while making extensive use of older authors, is more reserved regarding the inclusion of excerpts from contemporary authors. Most strikingly, he makes practically no use of the contemporary work most similar to his, that is, L. Annaeus Seneca's *Naturales quaestiones*, which appeared in 63 CE, a decade or so before Pliny's *NH*.[83]

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[81] See Larry Hurtado and Chris Keith, "Writing and Book Production in the Hellenistic and Roman Periods," in *The New Cambridge History of the Bible*, ed. James Carleton Paget and Joachim Schaper (Cambridge: Cambridge University Press, 2013), 73–75.

[82] See Gray, *Talmud in Exile*, 5–7; Tziona Grossmark, "The *Nehutei* as Traveling Agents and Transmitters of Cultural Data between the Torah Study Centers in Babylonia and in the Land of Israel during the Third and Fourth Centuries CE," in "The Mediterranean Voyage," ed. Susan L. Rosenstreich, special issue, *Mediterranean Studies* 23, no. 2 (2015); and Catherine Hezser, "Mobility, Flexibility, and Diasporization of Palestinian Judaism after 70 CE," in *Let the Wise Listen and Add to their Learning (Prov 1:5): Festschrift for Günter Stemberger on the Occasion of his 75th Birthday*, ed. Constanza Cordoni and Gerhard Langer, Studia Judaica 90 (Berlin: de Gruyter, 2016).

[83] See Roderich König and Gerhard Winkler, eds. and trans., *C. Plinius Secundus d. Ä., Naturkunde, Lateinisch-Deutsch Buch I: Vorrede, Inhaltsverzeichnis des Gesamtwerkes, Fragmente, Zeugnisse*, 2nd rev. ed. (Berlin: de Gruyter, 1997), 355.

Athenaeus seats his contemporary, the physician Galen, among the soph-
ists at his symposium in *The Learned Banqueters*. Yet not once does this
fictional Galen cite his own works, either because Athenaeus had no access
to them or, more likely, because he did not want to promote Galen's work
in his own.[84] He also mentions "Oppian of Cilicia, who lived shortly
before our time," but discredits him and other writers of didactical poems
for not being as accurate as Homer.[85] Vitruvius's ten-book-long treatise
on architecture was one in which "references to competing texts on archi-
tecture, whether or not they appear in the bibliography, are quite rare."[86]
And, to give an example that is chronologically much closer to the
Babylonian Talmud, Macrobius, although following the thematic struc-
ture of Aulus Gellius and often borrowing directly from the latter's *Attic
Nights*, never mentions Gellius. In fact, Macrobius never mentions the
intermediary sources, that is, other miscellanies, from which he excerpts
original quotes either.[87] Patronage and agonistic learning culture did not
cease throughout late antiquity and provided the social background of
many talmudic stories, and it is reasonable to suspect that the composers
of the Babylonian Talmud did not mention the Palestinian Talmud for a
similar reason.[88]

Although the question needs further investigation, it seems that there
was a general reluctance to openly refer to the work of contemporaries,
especially in a favorable way. The Babylonian Talmud's obvious reliance
on the Palestinian Talmud, its silent mimesis and stubborn transformation
and even inversion of the latter's material, points to chronological proxim-
ity rather than distance. The composers were most likely part of the same
competitive network, and perhaps they were even making use of the same
private libraries and archives. Given that the Talmud could have been

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[84] On Athenaeus's Galen, see Rebecca Flemming, "The Physicians at the Feast: The Place
of Medical Knowledge at Athenaeus' Dinner-Table," in Braund and Wilkins, *Athenaeus
and His World*, 476 and 478.

[85] Athenaeus, *The Learned Banqueters*, 1.13c (Olson, LCL).

[86] Daniel Harris-McCoy, "Making and Defending Claims to Authority in Vitruvius' *De
architectura*," in *Authority and Expertise in Ancient Scientific Culture*, ed. Jason König
and Greg Woolf (Cambridge: Cambridge University Press, 2017), 115.

[87] See Katarina Petrovićová, "Intellectual and Social Background of Aulus Gellius's
and Flavius Macrobius Ambrosius Theodosius's General Educational Scientific
Writings," *Sborník prací Filozofické fakulty brněnské univerzity, řada klasická N,
Graeco-Latina Brunensia* 11 (2006): 50, and Alan Cameron, "The Date and Identity
of Macrobius," *Journal of Roman Studies* 56, parts 1 and 2 (1966): 25–38, esp.
28n33, 32, and 35.

[88] On the agonistic atmosphere in rabbinic learning culture, see Rubenstein, *Culture of the
Babylonian Talmud*, 64; and Hidary, *Rabbis and Classical Rhetoric*, 108.

composed within a single man's lifetime, as pointed out in the previous chapter, it follows that the Babylonian Talmud might have been completed before the middle of the fifth century.

CONCLUSION

The model proposed in this book for the composition of the Babylonian Talmud differs from prior ones in that it takes the Talmud to be a compilation that was consciously composed out of excerpts. The basic unit by which the composers proceeded was the commentary running from one mishnaic lemma to the next. Based on the content of the lemma itself, yet also on the Palestinian Talmud's parallel commentary on the same Mishnah, and/or scattered material on corresponding matters, keywords were assigned. The composers then searched the previously established collection of excerpts, which was similarly organized around keywords. This search yielded varying numbers of excerpts that responded to the assigned descriptors. With these excerpts in hand, the composers then aimed to create a persuasive and conveniently structured commentary according to the rhetorical divisions of speech: proem, narration, proofs, and peroration.

As the analysis of three talmudic commentaries in this chapter has shown, the proem usually introduces the lemma and comments on it by way of excerpts that relate directly to it, before excerpts are added that respond to more remote descriptors assigned to the matter. Narration and proof may follow in their original sequence or in reverse order. Proof may also be given in the form of stories. The most controversial excerpts are typically used for the peroration to leave the audience, the readers or listeners, puzzled, amazed, or challenged. The choice of the rhetorical structure for the commentaries was most likely not even a conscious one. Rather, this seems to reflect the composers' rhetorical training. Consequently, the rhetorical arrangement came somewhat naturally to them as the only thinkable option. As an additional benefit, this arrangement turns every commentary into a short oration appealing to both reader ("performer") and listener.

In this model, the composers worked their way through the material by crafting commentaries to lemmas from the Mishnah. For an analysis of the makeup of the talmudic text, these commentaries are decisive, not the sugya as a line of argument.

Originally, the talmudic text did not offer the entire Mishnah from which a certain lemma was taken. One might therefore rightly wonder

how this gap was addressed for the unknowing public. Yet, as it turns out, supplementation of the Mishnah was not even necessary, since the mishnaic lemma plays a role only in the very beginning of the commentaries, which remain interesting and instructive even without context.

The chapter further proposed to decrease the assumed chronological gap between the Palestinian and Babylonian Talmuds. Although imperial period and late antique authors vastly copied from and imitated their contemporaries or recent predecessors' works, they were most reluctant to cite those or even to acknowledge their existence. The Babylonian Talmud's non-reference of the Palestinian Talmud while obviously mining it for material, structure, and style, may therefore reflect chronological proximity.