

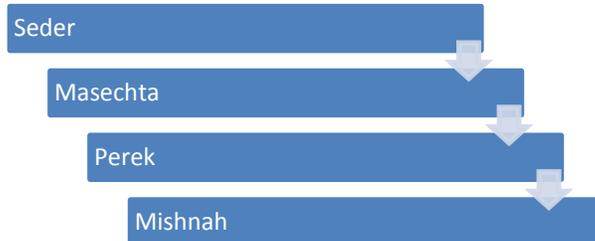
Class 5 – The Talmud Rabbi Moshe Davis

Class Outline

- Review
- Definition of Talmud
- Development of the Talmud
- Talmudic form and style

I. Review

- The Oral Tradition was organized/written down by Rabbi Yehudah HaNasi
- The Mishnah approach is fundamentally different than the Midrash approach
- Rabbi Yehudah HaNasi's collection of the Oral Tradition is called the Mishnah
- There are additional Oral Traditions that were not incorporated into the Mishnah, which fall into two categories: Beraita/Tosephta and Midrash.



Six Sedarim of the Mishnah

<u>Zeraim</u>	<u>Moed</u>	<u>Nashim</u>	<u>Nezikin</u>	<u>Kodashim</u>	<u>Tohorot</u>
Berakhot · Pe'ah · Demai · Kil'ayim · Shevi'it · Terumot · Ma'aserot · Ma'aser Sheni · Hallah · Orlah · Bikkurim	Shabbat · Eruvin · Pesachim · Shekalim · Yoma · Sukkah · Beitzah · Rosh Hashanah · Ta'anit · Megillah · Mo'ed Katan · Hagigah	Yevamot · Ketubot · Nedarim · Nazir · Sotah · Gittin · Kiddushin	Bava Kamma · Bava Metzia · Bava Batra · Sanhedrin · Makkot · Shevu'ot · Eduyot · Avodah Zarah · Avot · Horayot	Zevachim · Menahot · Hullin · Bekhorot · Arakhin · Temurah · Keritot · Me'ilah · Tamid · Middot · Kinnim	Keilim · Oholot · Nega'im · Parah · Tohorot · Mikva'ot · Niddah · Makhshirin · Zavim · Tevul Yom · Yadayim · Uktzim

II. Definition of Talmud

1. Understanding Torah

Babylonian Talmud, Avot 5:22

He [Ben Hei Hei] would also say: Five years is the age for the study of Scripture. Ten, for the study of Mishnah. Thirteen, for the obligation to observe the mitzvot. Fifteen, for the study of Talmud. Eighteen, for marriage. Twenty, to pursue [a livelihood]. Thirty, for strength, Forty, for understanding. Fifty, for counsel. Sixty, for sagacity. Seventy, for elderliness. Eighty, for power. Ninety, to stoop. A hundred-year-old is as one who has died and passed away and has been negated from the world.

Babylonian Talmud, Kidushin 30a

R. Safra said on the authority of R. Joshua b. Hanania: What is meant by, and thou shalt teach them diligently [we-shinnantem] unto thy children? Read not we-shinnantem, but we-shillashtem: [you shall divide into three]: one should always divide his years into three: [devoting] a third to Mikra, a third to Mishnah, and a third to Talmud.

Rambam, Mishnah Torah Laws of Torah Study 1:11

A person is obligated to divide his study time in three: one third should be devoted to the Written Law; one third to the Oral Law; and one third to understanding and conceptualizing the ultimate derivation of a concept from its roots, inferring one concept from another and comparing concepts, understanding [the Torah] based on the principles of Biblical exegesis, until one appreciates the essence of those principles and how the prohibitions and the other decisions which one received according to the oral tradition can be derived using them. The latter topic is called Talmud.

As written in the Talmud...	As explained by Rambam...
Mikra	Written Law
Mishnah	Oral Law
Talmud	Understanding, deducing, inducing, etc.

2. Commentary to the Mishnah

Mevoh HaTalmud, Shmuel HaNagid (Spain 993-1056)

The author stated: The Talmud divides into two parts, Mishnah and explanation of the Mishnah, which is the Gemara. The Mishnah is called the Oral Tradition and it is the essence of Torah that was written down by Moshe Rabbeinu of blessed memory until the time of the holy Rabbi, who was Rabbi Yehidah HaNasi. The explanation of the

Mishnah divides into two parts, the accepted law and the rejected law. The accepted law are those parts which were taught by Moshe Rabbeinu, who had learned them from the Almighty, whether these laws are recorded in the Mishnah as being attributed to one rabbi or multiple rabbis. The rejected law is that which is also said either by one rabbi or by multiple rabbis.

3. Discussions of the Amoraim

Babylonian Talmud, Sotah 2a

R. Samuel b. R. Isaac said: When Resh Lakish began to expound [the subject of] Sotah, he spoke thus: They only pair a woman with a man according to his deeds; as it is said: For the sceptre of wickedness shall not rest upon the lot of the righteous. Rabbah b. Bar Hanah said in the name of R. Johanan: It is as difficult to pair them as was the division of the Red Sea; as it is said: God setteth the solitary in families: He bringeth out the prisoners into prosperity! But it is not so; for Rab Judah has said in the name of Rab: Forty days before the creation of a child, a Bath Kol issues forth and proclaims, The daughter of A is for B; the house of C is for D; the field of E is for F! — There is no contradiction, the latter dictum referring to a first marriage and the former to a second marriage.

III. Development of the Talmud

A Historical Atlas of the Jewish People, Eli Barnavi pg.64

Long after the ancient city of Babylon and the kingdom of Babylonia had ceased to exist the Jews continued to use the name “bavel” to designate Mesopotamia, and “the land of the two rivers.” Indeed, the Babylonian Diaspora did not resemble any other. Its antiquity and the fact that it remained the only large Jewish community outside the Roman Empire made it a world apart. Since Mesopotamian Jewry was never embraced by the seductive and highly assimilative influence of the Greco-Roman civilization it could develop its own original forms of social life and autonomous institutions.

The roots of the Babylonian community were very ancient, dating as far back as the end of the biblical period and the deportations from the Land of Israel, which both preceded and followed the destruction of the First Temple (586 BCE)... It is only after the fall of the Second Temple (70 CE) and the Bar Kokhba revolt (132-135 CE) that one can truly follow the history of Babylonian Jewry... During the late second or the early third century, we hear about this community’s political leaders for the first time: *Rosh ha-golah* (the *exilarch*, “prince of the exile”)... It was during this period that Babylonia emerged as the great center of religious studies, which rivaled Palestine.

Differences between Babylonian Talmud and Jerusalem Talmud

Jerusalem Talmud	Babylonian Talmud
<ul style="list-style-type: none"> • Developed in the land of Israel • Slightly different Mishnah than the Jerusalem Talmud • Contains 39 tractates • Does not contain a Seder Kodshim • Was formed 'under duress' • Contains large volume of agriculture laws • Did not have period of redaction • Western Dialect of Aramaic 	<ul style="list-style-type: none"> • Developed in Babylonia • Slightly different Mishnah than the Babylonian Talmud • Contains 63 tractates • Lacking most of the agriculture laws • Had a period of redaction • More detailed debates • Easter dialect of Aramaic



**Basis for the continued
development of the Oral Tradition**

Although the Babylonian Talmud is primary, that does not mean that the Jerusalem Talmud is 'out' of the Tradition. Example:

Babylonian Talmud, Kiddushin 12b

Rav was against those who wed without *shiduchin*.

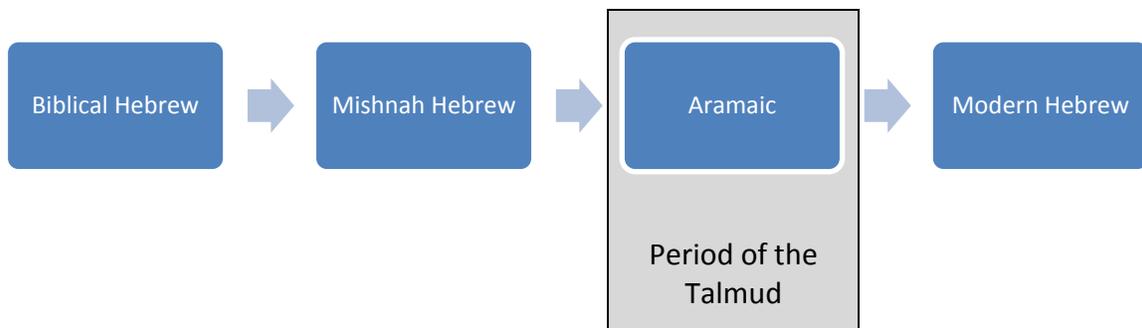
Jerusalem Talmud, Kiddushin 3:10

Shmuel would administer lashes to anyone who wed without *shiduchin*, but the marriage would still be valid.

Shulchan Aruch E.H. 26:4

Anyone who weds without *shiduchin* receives lashes, but the marriage would still be valid.

Development of Primary Rabbinic Language



V. Examples Talmudic Argument Structure

21 Parts to Talmud discourse

Mevoh HaTalmud, Shmuel HaNagid (Spain 993-1056)

1. Tosephta
2. Beraita
3. Explanation
4. Question
5. Answer
6. Difficulty
7. Contradiction
8. Refutation
9. Support
10. Challenge
11. Higher Challenge
12. Resolution
13. Incident
14. Stated law
15. Topic
16. Conclusive Law
17. Irresolvable question
18. Non Legal explanation
19. Rabbinic ruling
20. Non binding opinions
21. Opposing view