

History of Tanach and Talmud

Introduction

Judaism is unique in at least four respects:

- Emphasizes action (commandments), not belief
 - It is written, "They have forsaken Me and have not kept My law" (Jer. 16:11). This means: Would that they had forsaken Me but kept My law, since by occupying themselves with it, the light that it contains would have led them back to the right path. [Midrash Rabbah - Lamentations Prologue I]
- Teaches that there is nothing wrong with not being Jewish
 - The righteous of all nations have a share in the World to Come [Sanhedrin 105a]
- Did not co-opt previous religions, but resolutely broke from them
- Stems from a collective (not individual) experience
 - Exodus and giving of Torah witnessed by 600,000 men and their families.

Tanach

Acronym for

- Torah (5 books)
- Neviim (Prophets; 8 books -- *Kings, Samuel* and *12 Prophets* are one each)
- Ketuvim (Writings; 12 books -- *Chronicles* counts as one)

Authorship

-Tradition: God dictated Torah to Moses (Torah she'biketav) and gave him interpretations known as Oral Law (Torah she'baal peh). Rest written by inspired individuals.

-Talmud on Tanach authorship:

- Umi ch'tavan?* And who are the writers [of the Scriptures]?
- Moshe katav sifro*, Moses wrote his book [the Torah, dictated by God], *uparshat Bilaam*, and the parts dealing with Bilaam [Num. 23-24] *v'Iyyov*, and the Book of Job.
- Yehoshua katav sifro*, Joshua wrote his book, *ve-shmona f'sukim she-baTorah*, and [the last] eight verses of the Torah [dealing with the death of Moses].
- Samuel wrote his book and the Book of Judges and Ruth.

- [King] David wrote the Book of Psalms, including in it the work of the elders, namely, Adam, Melchizedek, Abraham, Moses, Heman, Yeduthun, Asaph, and the three sons of Korach.
- Jeremiah wrote his book, the Book of Kings, and Lamentations.
- [King] Hezekiah and his colleagues wrote Isaiah, Proverbs, Song of Songs and Ecclesiastes.
- The Men of the Great Assembly [*Anshei Knesset HaGedolah*] wrote Ezekiel, the Twelve Minor Prophets, Daniel and the Scroll of Esther. [These men were 120 sages between age of prophets and age of rabbis]
- Ezra wrote his book and the genealogies of the Book of Chronicles up to his own time. [That book was completed by the prophet] Nehemiah the son of Hachaliah.

[Talmud, Bava Batra 14b-15a]

-Tanach closed late first century CE. Controversial books that were eventually accepted:

- Song of Songs (erotic and no mention of God)
 - 4:5. Your two breasts are like two fawns, twins of a gazelle, that feed among the lilies.
 - 4:7. You are all beautiful, my love; there is no blemish in you.
 - [Understood to be a love poem between God and the Jews, not a man and a woman.]
- Ecclesiastes (pessimistic, self-contradictory, just one man's opinion)
 - 1:1. Vanity of vanities, said Kohelet, vanity of vanities; all is vanity.
 - 1: 3. What does a man gain from all his labor under the sun?
 - 1:9. Ve-en kol chadash tachat ha-shemesh – There is nothing new under the sun.
- Esther (no mention of God)
- Proverbs (self-contradictory)
 - It is written, "Do not answer a fool according to his folly" [Prov. 26: 4] yet it is also written, "Answer a fool according to his folly"? [Prov. 26: 5] There is no difficulty: One refers to matters of learning; [that is, Torah, -- then he may be answered] the other to general matters. [Talmud, Shabbat 30b]
- Job (fictional?)
- Ruth

-Deuteronomy is unlike other four books of Torah

- Mostly Moses' farewell addresses, blessings and death.
- Means "Second Law" (Mishne Torah). Recapitulates main religious principles and legislation, including ten commandments, but some new laws.
- Emphasis on single central sanctuary, uniqueness of God [Shema], choice of Israel, rejection of idolatry.

-Who wrote Deuteronomy?

Talmud (above) says:

Moses wrote his book and the parts dealing with Bilaam and the Book of Job.
Joshua wrote his book and [the last] eight verses of [Deuteronomy, dealing with the death of Moses].

Some Sages unhappy with suggestion Moses did not finish Torah:

...Can [we imagine the] scroll of the Law being short of one word, and is it not written, "[Moses said before he died], 'Take this book of the Torah?'" [Deut. 31:26] [Implying it was complete.]
No; what we must say is that up to this point the Holy One, blessed be He, dictated and Moses repeated and wrote, and from this point God dictated and Moses wrote with tears [about his own death]... [Baba Bathra 15a]

[Moses did not repeat to avoid telling a lie, and wrote with tears, not ink, so it would dry up later, to be rewritten in ink by Joshua.]

Resolution:

...[Mark difference by having the last eight verses of the Torah read [during the Torah service] by one person alone? [No requirement that a second person should stand by, as for the rest of the Torah.] [Baba Bathra 15a]

-Questions

-What was the book that "Moses wrote", if not Deuteronomy?

-Tradition says "The Torah". But 'the Torah' is not only ONE book, and he did not write "the Torah" in the sense that the others wrote "their books" – one was dictated, the others are original works.

-And if "The Torah", why add "and the parts dealing with Bilaam", which are included in Torah?

-Commentators: Because they deal with another prophet, Bilaam, and it must be made clear they are nevertheless included.

-What was King Josiah's Book?

2 Kings 22

3. And it came to pass in the eighteenth year of king Josiah, that the king sent... Hilkiah the high priest... to repair [the Temple]

8. And Hilkiah the high priest said...I have found [a] book of the Torah in the house of the Lord.

[Sefer haTorah matzati bevet HaShem]

2 Chronicles 34

14. And [in] the house of the Lord, Hilkiah the priest found a Book of the Torah of the Lord by the hand of Moses. **[Matza Chilkiyah ha-Kohen et sefer Torat HaShem beyad Moshe]**

-Some say it was the original Torah manuscript written by Moses himself that had been hidden away by the wicked kings and rediscovered

2 Kings 22

[He] read it before the king.

11. And it came to pass, when the king had heard the words of the book of the Torah, that he tore his clothes [and said]

13. Go, inquire of the Lord for me, and for the people, and for all Judah, concerning the words of this book that was found; for great is the anger of the Lord that is kindled against us, because our fathers have not listened to the words of this book, to do according to all that which is written concerning us.

2 Kings 23

1. And the king... gathered... all the elders of Judah and of Jerusalem.

2. And... went up to the house of the Lord... and he read in their hearing all the words of the book of the covenant which had been found in the house of the Lord.

3. And [they]... made a covenant...to keep [God's] commandments... with all their heart and all their soul...

4. And the king commanded Hilkiah the high priest, and the priests of the second order, and the gatekeepers, to bring out from the temple of the Lord all the utensils that were made for Baal, and for the Ashera, and for all the host of heaven; and he burned them outside Jerusalem in the fields of Kidron, and carried their ashes to Beth-El.

5. And he deposed the idolatrous priests, whom the kings of Judah had ordained to burn incense in the high places in the cities of Judah, and in the places around Jerusalem; also those who burned incense to Baal, to the sun, and to the moon, and to the constellations, and to all the host of heaven. [etc]

-Some non-traditional scholars say that Josiah's "Torah book" was Deuteronomy and was written at that time (~1000 years after Moses).

They say:

- Language shows strong linguistic and structural resemblance with vassal treaties of Neo-Assyrian kings in 7th century BCE.
 - Examples: "Love with all your heart" and "obey the voice of".
- Structure follows pattern of treaties in ancient Mideast:
 - 3 parts: Introduction (1-11), legal body (12-26), blessings and curses (27-30).
- Stylistic arguments unconvincing. (Who followed what?)*
- They do not explain:*
 - If Israel had Torah Books 1-4, why would "discovery" of 5 make such a huge difference, and affect King Josiah so much?*
 - And if they had all Books, 1-5, what was Josiah's "Torah book"?*

-Some say what upset Josiah was the line:

Deut. 28:36. The Lord shall bring you, and your king which you shall set over you, to a nation which neither you nor your fathers have known; and there shall you serve other gods, of wood and stone.

because he thought he might be that king.

-But would it not be more natural for him to assume his grandfather Menashe was that wicked king, as he knew he himself was good?

-Talmud: King Menashe destroyed all sifrei Torah. Later, during Josiah's reign, a full sefer Torah (that had been hidden) was found in the Temple, open to the verse:

Cursed be he who does not maintain all the words of this Torah to do them. (Deut. 27:26).

Josiah tore his garments and exclaimed, "'Alai lehakim" -- it is incumbent upon me to uphold -- and led teshuvah to delay Temple destruction. [Talmud Yerushalmi, Sotah 7:4]

-But would Torah have been so thoroughly forgotten that it would be such a great revelation? Surely many had memorized it.

-Did Josiah use this incident and build it up to bolster his religious reforms?

-Non-traditional Torah scholarship

-Dominated for a century by Documentary Hypothesis: Torah is mix of 4 books by 4 different authors, J, E, P, and D. No contradictions or duplications or style changes within each "book".

-Later: Sub-books: P1, P2, etc...

-Known as Graf and Wellhausen's "higher criticism", which Solomon Schechter dubbed "higher antisemitism".

-In 1987, this changed. Whybray noted: Why would the redactor who put it all together not eliminate the inconsistencies and the duplications, and unify the style?

-Now a healthy debate is on. Some scholars now accept "single authorship". As one scholar put it:

"While the terminology and insights of the documentary hypothesis... continue to inform scholarly debate...it no longer dominates that debate as it did for the first two-thirds of the 20th century. ..The [old truths] ...have disappeared, and in their place scholars are confronted by competing theories which are discouragingly numerous, exceedingly complex, and often couched in an expository style that is...not for the faint-hearted."

- Show page and describe it.
- Two parts:
 - Mishnah (Oral law given on Mt. Sinai, as recounted by Tannaim)
 - Gemarah (commentary on it, based on Tanach).
 - Two Gemaras: Babylonian (Bavli) and Jerusalem (Yerushalmi).
- Compiled 150 BCE - 500 CE. Mishnah closed 200 CE, Gemara 500 CE.
- Arguments between 1,000 rabbis spanning 17 generations.
- 6 sections, 63 tractates. 4 million words (0.5M + 3.5M), yet telegraphic style: Few words.
- If stories, cures, poetry, science, etc., frequently no conclusion (Aggadah).
- If practical law or ethics, frequently there is a conclusion (Halachah)
 - Decided by majority vote among the Sages of the Sanhedrin.
- Rabbis were unpaid, usually poor, and had everyday professions
 - Woodcutters, well-diggers, carpenters, shoemakers, blacksmiths, etc.
- The Talmud consecrates the very process of argument.

-Bavli has six sections, each divided into tractates [(G) indicates a Gemara follows the Mishnah]:

1. Zeraim (Plants): Berachot (G), Peah, Demai, Kilayim, Shevi'it, Terumot, Ma'aserot, Ma'aser Sheni, Challah, Orlah, Bikkurim
2. Moed (Festivals): Shabbat (G), Eruvin (G), Pesachim (G), Rosh Hashana (G), Yomah (G), Sukkah (G), Betzah (G), Ta'anit (G), Megillah (G), Chagigah (G), Moed Katan (G), Shekalim.
3. Nashim (Women): Yevamot (G), Ketubot (G), Nedarim (G), Nazir (G), Sotah (G), Gittin (G), Kiddushin (G)
4. Nezikin (Jurisprudence): Bava Kamma (G), Bava Metzia (G), Bava Bathra (G), Sanhedrin (G), Shevuot (G), Makkot (G), Avodah Zara' (G), Horayot (G), Eduyyot, Avot. Minor tractates (see below).
5. Kodoshim (Holiness): Zevachim (G), Menachot (G), Chullin (G), Bechorot (G), Arachin (G), T'mura (G), Kritot (G), Me'ilah (G), Tamid (G), Middot, Kinnim
6. Taharot (Purification): Kelim, Oholot, Nega'im, Parah, Taharot, Mikva'ot, Niddah (G), Makshirin, Zavim, Tevul Yom, Yadayim, Uktzin

After Nezikin in Bavli there are 14 "minor" (extra-canonical) tractates:

1. Avot d'Rabbi Nathan. This is found in two versions, one with 41 chapters, another has 48.
2. Soferim. There is a BT version of this, as well as a JT version.
3. Evel Rabbati. This tractate about laws and customs pertaining to dying and mourning is sometimes euphemistically called 'Semachot' (rejoicing) by Rashi and others.
4. Kalah. Discusses engagement, marriage and sex.
5. Derekh Eretz Rabbah. This phrase literally means 'The Ways of the World', but is taken to mean deportment, manners and behavior.
6. Derekh Eretz Zuta. Addresses to scholars, it is a collection of maxims urging self examination and modesty.
7. Pereq haShalom.
8. Sefer Torah. Regulations about writing Torah scrolls.
9. Mezuzah
10. Tefillin
11. Tzitzit
12. Avadim (slaves, or more accurately, indentured servants)
13. Gerim (converts to Judaism)
14. Kutim (Samaritans)

Representative passage: Talmud Bavli, Chullin 110a-b

Rami bar Tamri, also known as Rami bar Dikuli, of Pumbeditha visited Sura on the eve of Yom Kippur. Everyone took their udders and threw them away. He immediately went and collected them and ate them. He was then [apprehended and] brought before Rav Chisda who said to him: "Why did you do it?"

-He replied: "I come from the place of Rav Yehudah, who eats them."

-Rav Chisda said to him: "But do you not accept the rule: [When a person visits a place], we impose on him the restrictions of the place he has left and also the restrictions of the place he has entered?" [Pesachim 50a]

-He replied: "I ate them outside the city limits." [Mishna Berurah 468:18]

- "And with what did you roast them?"

-He replied: "With the kernels [of grapes]."

- "Perhaps they were [the kernels] of wine used for idolatrous purposes [from which one may not derive benefit]?" [Av. Z. 29b]

-He replied. "They had been lying there more than twelve months." [Av. Z. 34a]

- "Perhaps they were stolen goods?"

-He replied. "The owners must have certainly abandoned all rights to them for [they were so old that] moss was growing among them."

He [Rav Chisda] noticed that the other was not wearing tefillin.

-He said to him. "Why do you not wear tefillin?"

-He replied. "I suffer from the bowels, and Rav Yehudah has said: 'One who suffers from the bowels is exempt from wearing the Tefillin.'"

He further noticed that the other was not wearing tzitzit [fringes] [on his coat] and said to him. "Why are you not wearing tzitzit?"

-He replied. "The coat [I am wearing] is borrowed, and Rav Yehudah has said, "A borrowed coat is, for the first thirty days, exempt from tzitzit."

While this was going on, a certain man was brought in [to the court] for not honoring his father and mother [Ex. 20:12, Deut. 5:7, Kidd. 31b].

-They bound him [to have him flogged], whereupon [Rami] said to them: "Release him! For it has been taught: Every commandment which carries its reward by its side does not fall within the jurisdiction of the Court below."

-Said [Rav Chisda] to him. "I see that you are very sharp."

-He replied. "If only you would come to Rav Yehudah 's school I would show you how sharp I am!"

There are many halachot one can learn from this short text:

-There is disagreement as to whether udders can be eaten, since they would be a meat product and their function is to contain milk.

- You must follow local restrictions in interpretations of Torah, in addition to the restrictions in your own community.
- You must go outside the boundaries of the city if you do not want to follow local restrictions.
- Udders must be roasted if they are to be eaten.
- Wine made by a non-Jew must not be consumed, because it might have been used for idolatrous purposes (yayin nesech).
- The seeds of the grapes used to make Gentile wine must neither be eaten nor used in any manner whatsoever, unless they have completely dried out, which takes a year.
- One may not use property stolen or lost, unless still unclaimed after a certain period of time.
- One must not pass gas or relieve oneself while wearing tefillin (Tosafot to Ketubot 104a). If one's condition forces constant passing of gas, tefillin must not be worn.
- Tefillin were worn all day long in Talmudic days. (The rabbis have since ruled that the rules of tefillin are too intricate to be observed every waking moment, so they should be worn only during morning prayers [Shulchan Aruch, Orach Chayyim 37])
- A borrowed item of clothing need not have tzitzit, unless kept for more than 30 days. [Deut. 22:12 says YOUR garment must have tzitzit; but rabbis decreed that after 30 days everybody will assume the coat is yours, so you must add tzitzit.]
- Commandments listed in the Torah together with their rewards are not subject to punishment by the Court if infringed. Only two exist: Ex. 20:12 about honoring parents; and Deut. 22:7 about shooing the mother bird away. The only punishment is not getting the reward ("faring well and having a long life").

Now the human-interest story:

Rami finds himself in Surah, Babylonia, on the morning before Yom Kippur. He is poor, and has nothing to eat. Nobody invites him in because no one knows about him: He is too proud to let his condition be known. He must rummage trash cans to survive. He finds udders and uses them to fulfill the mitzvah of the pre-Yom-Kippur meal. Local custom does not allow the udders to be eaten, so they are plentiful in trash cans. His own tradition allows him to eat them, so he collects them from the trash cans. He then goes outside the city limits so he can eat them, knowing he is not allowed to break local custom within city limits.

Problem: How to roast this meat? He finds some grape seeds lying around, but who do they belong to? There is moss around them, so the owner must have forgotten them a long time ago. Thus, enough time has passed that he can use them even though they once belonged to someone else, even an idolatrous Gentile.

This trash-can diet takes its toll on Rami's health. His stomach balloons (just like for malnourished children in Africa), and he must constantly pass gas or relieve himself. Therefore he does not wear tefillin. Yet he owns them, or would have said so. Poor though he is, he did not sell his tefillin for clothing. He is so poor he is forced to borrow a coat. He has worn it less than 30 days (no tzitzit), so he may have to borrow a different one every few days.

He is brought to justice. Jews ruled themselves in Babylon and halacha is the law, not an option. He answers questions factually, in legal terms, without once mentioning his distress or the lack of hospitality. He knows one must not lightly accuse one's neighbor. He shows great pride and dignity, and retains a very sharp mind.

In spite of his distress, he is outraged that the court is about to punish someone illegally, and clearly states what the halacha is, and ORDERS the court to release the man! This in spite of the custom that one does not argue halacha with a Jewish court!

He quotes his own masters, from Pumbeditha (he is in Sura). Now, Sura and Pumbeditha were the Harvard and Yale of the ancient Jewish world: long-running rival academies of Jewish learning. There is this undercurrent of rival interpretations in the exchange, culminating in Rami's parting shot, when complimented on his 'clever' halachic argument, 'Come to Pumbeditha, and I'll *show* you what clever *is*!' A team player all the way, he declines the compliments offered him and credits what is in his view a superior source of learning!

Now, why does the text bother to mention that it was the eve of Yom Kippur? Yom Kippur atones for sins against God; but only after sins against individuals are atoned by the individuals in question. Did the people of Sura sin by not making an effort to reach out to the poor stranger and invite him in (even though he was too proud to make himself known), compounding their sin by dragging him before the courts for apparently breaking what they know is only a local custom? The Talmud doesn't say that directly, but should the reader infer it?

OBSERVATIONS:

(1) The Talmud, as much as possible, does not mention the name of people who are not meritorious. Rami's name is mentioned, together with his father's name, AND his city of origin, but not the name of the person who did not honor his father and mother, or his city of origin (to avoid casting aspersions on an entire community).

(2) Note also that the Talmud tells the minimum required: What mitzvah the anonymous man broke, not the details of how he broke it.