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Ari Bergmann

THE FORMATION OF THE TALMUD

SCHOLARSHIP AND POLITICS IN YITZHAK ISAAC HALEVY'S DOROT HARISHONIM

PERSPECTIVES ON JEWISH TEXTS AND CONTEXTS

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Perspectives on Jewish Texts and Contexts

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Oi, Oi, amar Rava, amar Abbaye
Thus Rava said, and thus Abbaye taught
(Backward and forward swaying he repeats
With ceaseless sing-song the undying words).
Is this the smithy, then; is the anvil
Where a people's soul is forged? Is this the source
From which the life-blood of a people flows,
To feed the generations yet unborn,
And knit the thews of heroes yet to come?
– Hayyim Nahman Bialik, "Hamatmid"
(translated by Maurice Samuel)

For Iona

Foreword

It is impossible to overstate the centrality of the Babylonian Talmud to the formation of Jewish religious thought and practice. While the classical Jewish library is massive, no text has shaped the tradition like the Babylonian Talmud. And yet, as has been noted by many scholars, the Babylonian Talmud – while attributing statements to hundreds of scholars (rabbis) who span at least the first six Christian centuries – has no discernible authorial voice, no obvious point of origin. It speaks from everywhere and anywhere, but nowhere in particular; to all time, but from no time. It is almost as if those responsible for its emergence anticipated the historicist impulse of the modern academic world and said "we shall thwart your every effort to understand the history of this collection of material."

For this reason, I long ago came to the conclusion that a definitive history of the emergence of the Babylonian Talmud cannot be written, at least not without time travel. But even for those who might agree with that, the form and structure of Talmudic discourse present so many tantalizing clues that desisting from the effort to unravel the mysteries of the Babylonian Talmud's emergence is impossible for the curious. Further, the many references to specific historical moments, whether to the lives of individual rabbinic figures, or to the political events of the surrounding environment, could not be ignored by those who wish to understand this most elusive of documents.

Thus, for the better part of the last two centuries, scholars have presented their thoughts on the emergence of the Babylonian Talmud. Of course, pre-modern scholars were interested in where this text (among others) came from and who the named rabbis in the text were. But this interest tended to produce "chain of tradition" chronicles that were designed to buttress claims of unbroken tradition going back to antiquity and/or authority claims for their contemporary institution(s). Yet other pre-modern scholars noticed the formal and structural elements that provide evidence of the history of the Babylonian Talmud; but such scholars tended to engage with them in response to a local interpretive need – that is, to the extent that engaging with historical questions might illuminate a specific passage of the Talmud. What neither type of scholar produced is a synthetic history that describes how the Babylonian Talmud in its entirety came to be. They had neither the historical consciousness nor religious interest to take on such a project.

This changes in the nineteenth century, for a range of reasons, many of which are discussed in the pages that await you. Scholars – those with university educations, and auto-didacts as well – began to knit together the scattered historical claims spread throughout the Babylonian Talmud. They take note of

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the fact that the Talmud consists of (usually short) statements attributed to specific individuals, generally in Hebrew, and extensive anonymous discussion of these statements, nearly always in Aramaic. How do these parts relate to one another? Is the anonymous layer contemporaneous (or nearly so) with the attributed statements it discusses, and often modifies? Is it much later? Recent scholarship, especially that of David Weiss Halivni and Shamma Friedman and their students, argues forcefully in favor of the latter. But there remain passages that seem to support the former. The latter position revolutionizes the way we understand how the Babylonian Talmud "speaks," and raises an urgent set of historical questions: If the anonymous layer is later, when and why does it emerge? When did it end? In short, when was there a Babylonian Talmud?

Such questions were rarely of concern to the most traditional of Jews, those who, since the middle of the nineteenth century, have come to be called Orthodox. This is especially true of those who came out of the Eastern European "yeshivah world." While methodologically innovative in their analytical approach to the text, they were untroubled by the historical questions that engaged the academics.

Perhaps the most important exception was Yitzchak Isaac Halevy (Rabinowitz; 1847–1914), a youthful prodigy who came to study at the famed Volozhin yeshiva at the age of 13, going on to become a member of the staff there. He eventually found his way to Germany and there took on a massive project to write the history of the rabbinic tradition, designed, among other things, to rebut theories of scholars like Nachman Krochmal, Heinrich Graetz, and Isaac Hirsch Weiss that were anathema to the Orthodox community. Because his work was generally treated as little more than Orthodox apologetics, Halevy's influence on academic scholarship has been minimal. To the extent that historians of modern European Jewish life attended to him at all, it was generally to focus on his role in establishing the important *Agudath Israel*, an international organization created to advance the cause of Orthodox Judaism.

It is the signal contribution of Ari Bergmann to demand that the academic community take another look. While one cannot deny the strong apologetic tendencies in Halevy's *opus* (and he doesn't), Bergmann shows that Halevy's narration of the emergence of the Babylonian Talmud – flawed though it is – must be taken seriously, not only as an important Orthodox stake in the ground, but also as "one of the most elaborate and detailed accounts ever written on this topic." Bergmann, a student of Halivni, painstakingly reconstructs Halevy's arguments, evaluates their strengths and weaknesses, situates them in their historical and political contexts, and provides his reader with a deeper understanding of the recondite nature of the whole question. The Babylonian Talmud stubbornly holds on to some of its mysteries, but the reader of Bergmann's work will come

away with a new understanding of the current state of the question, as well as the role that ideology and politics have played in the development of the discussion. For that Bergmann has earned our gratitude.

– Jay M. Harris, Harvard University

Acknowledgments

This book is the result of an exhilarating journey on which I encountered, and benefitted from the contributions of, many extraordinary people. It would not have reached its destination if not for the guidance, encouragement, feedback, and advice of so many outstanding mentors, colleagues, and friends.

First and foremost, I was very fortunate to have David Weiss Halivni as my guide and mentor. I still remember the first day I attended his class, Critical Formation of Talmudic Texts, at Columbia University; it was then that I realized I had found a new teacher and guide. Over the years, Professor Halivni has been a constant source of inspiration and guidance, as a scholar and teacher and also as a *mentsch*. His unparalleled breadth of knowledge and mastery of all of rabbinic literature, as well as his keen literary insights, are generously shared with any student or colleague who seeks his wisdom. He has been a great influence on my life and my thinking. This book is the direct outcome of his advice, teaching, and guidance.

This book also has greatly benefited from the wisdom and generosity of many colleagues and friends who were kind enough to lend me their vast knowledge and to illuminate many places where my own vision and understanding failed. Special among them is Aaron Amit, a friend and guide, whose insightful questions, comments, and edits throughout the entire process have vastly improved my work. His dedication and commitment knew no bounds. This book would not have been the same without his invaluable input. I also owe a debt of gratitude to Asaf Yedidya, who reviewed the areas of the manuscript dealing with scholarship on nineteenth- and twentieth-century eastern European Jewry and provided insightful comments and suggestions. Menachem Butler, a real friend and confidant, also has been an invaluable resource during this entire project. His vast knowledge and keen insights provided much-appreciated ideas and resources. He was always there for me.

In addition, I would like particularly to thank Elisheva Carlebach for her dedication and counsel throughout this endeavor and in my academic career. Her great insight, wisdom, and guidance have been truly invaluable to my academic journey. Her recommendations and suggestions have had a major impact on my work and on my teaching.

I would like to express my appreciation to Jay M. Harris, who graciously wrote the foreword to this book. His book *How Do We Know This?* was one of the earliest and most profound inspirations for my research into rabbinic literature. I remember the many times that Professor Halivni mentioned him as a great model to follow. I am forever grateful.

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Finally, I would like to recognize, and express my deepest thanks to, my true partner in this project, Adina Yoffie, my editor, without whom this dream would not have come to fruition. Her incisive questions, insightful advice, and invaluable edits really transformed my work. This book would not have become a reality, nor conveyed its message, without her input and partnership. I look forward to working with her on many future projects.

I have had the great pleasure of teaching academic Talmud to many smart and insightful students throughout the years, both in my earlier scholarly homes at Columbia University and the University of Pennsylvania and at my current academic base, Yeshiva University. My students' insightful questions, thirst for knowledge, and enthusiasm have inspired many of the ideas in this book. The words of the rabbinic sages, *umitalmidai yoter mikulam*, "And from my students [I have learned] more than from all [others]," especially resonate with me.

I am very pleased that this volume will be part of De Gruyter's Perspectives on Jewish Texts and Contexts series. I have received great encouragement and assistance from the entire team at de Gruyter throughout the entire process, and especially from Vivian Liska, the series editor. It has been a delightful experience working with them.

This book is dedicated to Iona, my wife and partner of the last 37 years. Her unwavering support, encouragement, and selfless patience have made this entire odyssey possible. Her care, love, and dedication have been the guiding light of my life. About her I can truly say what Rabbi Akiva said of his wife: "What is mine is really hers."

Contents

Introduction

"All around us everything was changing in the order of things we had fashioned for ourselves."[1] These are the words of the fictional Reuven Malter, written by Chaim Potok in 1969, but they could easily have been uttered by any eastern European traditional Jew in the mid-nineteenth century. Traditional society was undergoing a crisis: While the majority of eastern European Jews still observed *halakhah* (traditional Jewish law) and were committed to the traditional lifestyle, the newly formed field of *das Wissenschaft des Judentums* (literally, "the science of Judaism") – a largely secularized, academic approach to Jewish studies and Jewish history – had begun to penetrate talmudic academies [*yeshivot*; singular, *yeshiva*] and influence young traditional Jewish scholars.

The struggle between traditional Jewry and both the secular trend and the Reform movement had entered a new phase, and the traditional community was not ready to face the challenge. Until now, the community had defended its lifestyle by shutting out any dissent and keeping itself closed tight against outside influence – segregation as a means of survival. This time, however, the battle was pitched within the community, inside the walls of its own study house [*beit midrash*].

Various Wissenschaft works had a significant impact upon traditional Jewish youth, including many yeshiva students.[2] The first of these, Heinrich Graetz's *History of the Jews* (1853–1875), published in a Hebrew translation by Shaul Pinchas Rabinowitz, reached a wide audience and caused quite an uproar. Benzion Dinur's description of a speech given by Rabbi Eliezer Gordon, the dean of the Telz Yeshiva, captures the reaction: "I remember how once Rabbi [Gordon] blew up with anger at Graetz, who writes simply in his book *Divrei yemei Israel* [History of the Jews] on the crossing of the Jews through the Jordan River: 'Joshua led the people via the Jordan on a clear day in the spring.' 'First of all,' argued R. Eliezer, 'how does Graetz know that it was a clear day? [. . .] What he does know, however, he obscures: quite ordinarily, 'led the people via the Jordan' – and not across the Jordan! He obscures the miracle that is described in detail in Joshua.'"[3]

1 Chaim Potok, *The Promise* (New York: Anchor Books, 2005), 1.

2 For further details on the infiltration of Wissenschaft works into the yeshivot, see Asaf Yedidya, *Criticized Criticism: Orthodox Alternatives to Wissenschaft des Judentums 1873–1956* [in Hebrew] (Jerusalem: Mossad Bialik, 2013), 55–66.

3 Benzion Dinur, "Shenatayim beyeshivat Telz," in *Yeshivot Lita: Pirqei zikhronot*, ed. Imanuel Etkes and Shelomo Tikochinsky (Jerusalem: Shazar, 2004), 255. All translations from Hebrew are mine unless otherwise indicated.

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Isaac Hirsch Weiss's five-volume *Dor dor vedorshav* (Each Generation and Its Own Scholars, 1871–1891), a historiographic work in Hebrew dedicated to the history of the rabbis and their writings, also successfully infiltrated yeshivot. Abba Blosher's vivid description of his experience in the Volozhin yeshiva in 1891 is telling: "The books of [. . .] Weiss [. . .] might not have been included in the yeshiva's library catalogue, but they were nonetheless in the students' possession and passed around."[4] The phenomenon of students sharing these types of books was by no means new; in 1888, Micha Joseph Berdyczevski had described how the works of the Enlightenment made their way to the young scholars at Volozhin, saying that "the yeshiva was a boon to the *Haskalah* [Jewish Enlightenment . . .] as enlightenment and reflection develop from the reading of many works, and since each student possessed some books, they would exchange them among themselves [. . .] and as a result, each student would read many works."[5] *Dor dor vedorshav* was especially challenging to the establishment because Isaac Weiss was himself a product of the yeshivot.

These works brought home the *Kulturkampf* (cultural struggle) of the time. They exposed yeshiva students to theories about rabbinic works such as the Talmud that were in total conflict with the traditional approach and the learning methods of the yeshivot at the time. These works reframed the Talmud, the centerpiece of rabbinic Judaism, in a way that threatened to shatter the foundations of traditional Judaism. Rabbi Hayyim Ozer Grodzinski (1863–1940), the leading rabbinic judge of Vilnius (Vilna) and the leader of the Lithuanian traditional community, explained what he saw as the problem in an introduction to Nata Lifshitz's *Dor yesharim* (Upstanding Generations): "There are those who have a broad knowledge of the [Babylonian and Palestinian] Talmuds, but it is superficial [. . .] they have found reason to justify the views of Reform, and they have dedicated all of their thoughts to distorting the words of the Living God; with crooked words, they have perverted the straight [Torah]."[6] The impact of these Wissenschaft texts was immediate, and the old reclusive approach could not possibly prove effective against the new internal threat to traditional norms. A novel approach had to be developed at once.

4 Abba Blosher, "Bialik bevolozhin," in *Yeshivot Lita*, ed. Imanuel Etkes and Shelomo Tikochinsky, 172–173.

5 Micha Joseph Berdyczevski, "Olam ha'atsilut," in *Yeshivot Lita*, ed. Immanuel Etkes and Shelomo Tikochinski, 137.

6 Hayyim Ozer Grodzinski, *Iggerot R. Hayyim Ozer*, ed. Ya'akov Kosowsky-Shahor (Benei Berak: n.p., 2000), 1:315 (letter 293). The original approbation was an introduction to Nata Lifshitz, *Dor yesharim* (Piotorkow: M. Sederbaum, 1907), 8–9; it was later reprinted in *Iggerot R. Hayyim Ozer*, 315–317.

This book analyzes and evaluates of one of the most comprehensive and erudite responses to the existential conflict within mid-nineteenth-century traditional Judaism: Yitzhak Isaac Halevy's transformation of the Talmud into the Orthodox Talmud via his magnum opus, *Dorot harishonim* (The First Generations). Halevy's Orthodox Talmud was an early text, assembled and promulgated by an authoritative international rabbinic council during the sixth century CE and, thereafter, hermetically sealed from any further incremental innovation or creativity.

Halevy, a mostly self-taught scholar, led a colorful and diverse life with many political and scholarly achievements. Raised and educated in rabbinic circles in eastern Europe, especially at the yeshiva in Volozhin, where he briefly studied and was later appointed *gabbai*, he was a traditional Jewish scholar [*talmid haham*]; eventually, however, Halevy came to be one of the greatest exponents of the newly developed Orthodox Wissenschaft. Its scholars sought to respond to the secularly oriented Wissenschaft des Judentums by claiming a similar search for objectivity, but, in writing Jewish history, they preferred Jewish sources to the exclusion of most others, and they believed in the continuity of Jewish history and practice from the days of the Bible until their own time.[7] Halevy went on to establish himself as a representative of Orthodox Wissenschaft who produced the greatest Orthodox historiography of his time. He also applied his political acumen to first envision, and then bring to fruition, the greatest political achievement of Orthodoxy in his time: the founding of the Orthodox political body Agudath Israel. His theory about the formation of the Talmud, laid out in *Dorot harishonim*, masterfully combined his scholarship, political vision, and apologetic agenda in defense of Orthodox and traditional Judaism.

I personally underwent a similar experience to that of the fictional Malter and the historical nineteenth-century yeshiva students when I began taking classes at Columbia University in 2004. Attending Professor David Weiss Halivni's Critical Formation of Talmudic Texts seminar, I encountered the historical-critical method for the first time. I was completely bewildered. That approach seemed completely

7 Asaf Yedidya, "Enlisted History: Zeev Jawitz (1847–1924) and the Making of a National Orthodox *Wissenschaft des Judentums*" (*PaRDeS* 24 [2018]), describes the three components of Jawitz's "National Orthodox *Wissenschaft des Judentums*" as consisting of "an emphasis on internal religious Jewish sources, the unity and continuity of Jewish history, and respect of Orthodox principles" (79). Jawitz was slightly younger than Halevy and briefly studied with him, but these elements comprise Halevy's approach as well. It should be noted, however, that Halevy, like the secular *Wissenschaftlers*, extolled objectivity, while Jawitz expressed pride in the opposite, saying "a book without bias is like a body without a soul" (unpublished excerpt of Jawitz's papers, quoted in Yedidya, 100n83).

at odds with my previous yeshiva education and its way of understanding the Talmud, and I vividly remember arguing with Halivni and bringing him my questions and reservations. His response to my belligerence was remarkably similar to what it might have been in the traditional community in the early twentieth century: he advised me to study and analyze *Dorot harishonim* and its description of the formation of the Talmud. Although he did not totally agree with Halevy's theories, he felt they would provide an introduction to the critical work of an historian of the Talmud and establish a bridge between my traditional learning and the academic approach. This volume is a direct result of that advice.

This book is devoted to an analysis of Halevy's theory of the formation of the Talmud in the context of his historical scholarship and his political and apologetic agendas. The Talmud is the foundational legal and ethical document of rabbinic Judaism; thus, it is the rabbinic work that has come to stand as the ultimate symbol of Judaism. It was, therefore, quite natural that Halevy would choose the story of the formation of the Talmud as the medium through which to mount his defense of Orthodoxy and advance his political agenda. As a master talmudist, Halevy was eminently qualified to create a narrative that expertly balanced erudition, scholarship, and apologetics in the service of a political manifesto.

The book is divided into four chapters. Chapter 1 provides a framework for understanding and contextualizing Halevy and his *Dorot harishonim*. The chapter begins by examining the ideological and political turmoil that led to the establishment of Orthodox Wissenschaft des Judentums in the mid-nineteenth century. (A definition of "Orthodoxy" and its similarities and differences with "traditionalism" is also provided.) It then gives a short biography of Halevy and explores how Halevy became a principal exponent of the Orthodox response to Wissenschaft des Judentums and thus of Orthodox Wissenschaft, including how he came to write and publish *Dorot harishonim* and the reception of his work among various audiences. His many scholarly and social connections to major figures in the Jewish communities of eastern and central Europe and Palestine, from Rabbi Grodzinski to Rabbi Salomon Breuer to Rabbi Abraham Isaac Kook, help situate Halevy in the context of late nineteenth- and early twentieth-century Orthodoxy and traditionalism. The last third of the chapter explores how Halevy used those connections to help found Agudath Israel, particularly his role in identifying the need for the organization and then in pacifying the various, often fractious, elements of the eastern and central European traditionalist and Orthodox communities at the Kattowitz conference in 1912.

Chapter 2 reviews preexisting scholarship and historiography regarding the formation of the Talmud and demonstrates how the topic provided Halevy with fertile ground to demonstrate his scholarship and pursue his apologetic and

political agendas. Although the Talmud is the preeminent rabbinic work, the history of its formation had not been a widely examined subject prior to Halevy's time. The only geonic writings that explored the issue, *Seder Tannaim ve'amoraim* and the Epistle of Rav Sherira Gaon, provide few details and present theories that are vague in some places and incomplete in others. Halevy, by contrast, managed to provide a thorough model of the formation of the Talmud.

Chapter 3 begins to analyze and critique Halevy's historical framework for the process of the formation of the Talmud as presented in the first two published volumes of *Dorot harishonim*. This theory allowed him to creatively establish what I call the "Orthodox Talmud." This chapter and the next provide criteria for discerning which of the various ideas and components of his theory are sound and academically valuable, and which are merely an expression of his apologetic or political agenda. Chapter 3 focuses on the early part of Halevy's model, which covers approximately the first 150 years of the Talmud's formation, and concludes that this piece comprises a number of astute historical conclusions. The chapter concludes by explaining how this segment of the model could provide guidance to scholars working today on the history of the Talmud.

Chapter 4 discusses the later part of Halevy's model, from the death of Rav Ashi and his court to the beginning of the geonic period. The analysis finds that, once the historical record no longer matched Halevy's view of how the Talmud was formed, he abandoned many of the historical skills he had used to such good effect to construct the earlier part of his model. His conclusions and use of textual evidence to prove them became forced, and they reveal more about Halevy's political and apologetic goals than about the Talmud's formation.

The conclusion delineates the aftermath of *Dorot harishonim*, and especially how Agudath Israel has brought to fruition Halevy's political vision for the Jewish people. It also contextualizes Halevy's work in light of twentieth- and twenty-first-century research on the craft of history and the power of perception.

A great majority of traditional scholars today have uncritically accepted Halevy's theory regarding the formation of the Talmud, despite his obvious determination to reach certain conclusions. At the same time, and precisely because of that same determination, academics have largely ignored Halevy's scholarly contribution. The goal of this book is to provide a framework for serious evaluation of Halevy's theories, so that the reader will see his complex model, creative use of textual evidence, and attempts at impartiality, even as, in some cases, the tendentiousness of his claims and the agenda behind them become clear. My hope is that this book will allow Halevy's ideas to be understood in their context, and that it will build a basis for a true appreciation of his work.

Chapter 1
Y.I. Halevy: The Traditionalist in a Time of Change

1.1 Introduction

Yitzhak Isaac Halevy's life exemplifies the multifaceted experiences and challenges of eastern and central European Orthodoxy and traditionalism in the nineteenth century.[1] Born into a prominent traditional rabbinic family, Halevy took up the family's mantle to become a noted rabbinic scholar and author early in life. Not content to simply fulfill his role as "scion of the renowned Ivenec family in Russia," he went on to become a defender of traditional Judaism and one of the first and greatest expounders of an Orthodox Wissenschaft aimed primarily at an eastern European audience, authoring the greatest Orthodox historiography of the late nineteenth and early twentieth centuries, *Dorot harishonim*.[2] At the same time, Halevy evolved into a master politician, becoming the architect of the first international Orthodox political movement of the twentieth century, Agudath Israel (also known as "the Agudah"). In many ways, Halevy's experiences as a scholar and politician reflected the upheaval and transformation faced in the nineteenth and early twentieth centuries by the traditional Jewish community (especially in eastern Europe) that he dedicated his life to defending.

1.2 The ideological, political, and religious turmoil of the nineteenth century: Wissenschaft des Judentums and the Reform Movement

Even before Halevy was born in 1847, traditional Judaism in Europe had faced internal threats to its legitimacy for decades. Two related European Jewish movements, both originating in Germany, posed a particular danger to those wishing to preserve traditional Jewish religious practice: Wissenschaft des

1 His original name was Yitzhak Isaac Halevy Rabinowitz. The surname Rabinowitz was dropped upon his departure from Russia in 1895. See O. Asher Reichel, *Isaac Halevy: Spokesman and Historian of Jewish Tradition* (New York: Yeshiva University Press, 1969), 26. See below for a detailed discussion of the terms "Orthodoxy" and "traditionalism" in Halevy's time.

2 On Halevy as "scion," see Reichel, *Isaac Halevy: Spokesman and Historian*, 15.

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Judentums (lit., "Science of Judaism") and the Reform Movement. Wissenschaft des Judentums had emerged out of the German scholarly effort, called by the name Wissenschaft, to study and teach history in a new way in universities.

Although the Jewish people has been deeply concerned with the meaning of its history throughout the ages, the classic position of rabbinic Judaism towards the study of history can best be described as aversion.[3] This attitude changed drastically during the nineteenth century, when an ethos of historical consciousness emerged within the Jewish community in central Europe, particularly in Germany, the same country whose scholars pioneered the scientific study of history in western universities.[4] In 1825, Leopold von Ranke (1795–1886), widely considered the father of modern historical scholarship, was appointed Professor at the University of Berlin, where he instituted what he termed "Wissenschaft" (lit., "science"), best described in English as "the scientific study of history." What he meant by "scientific" history was historiography based on objective research, free from value judgments. The goal was to show the past *wie es eingentlich gewesen* – as it really was.[5] Beginning in the late-twentieth century, however, scholars questioned the feasibility of values- and bias-free scholarship. Georg G. Iggers was one historian who pointed out that Ranke's historiography displayed a specific political and ideological agenda. Although Ranke replaced Hegel's philosophical approach with an historical one, their worldviews were remarkably similar.[6] In Ranke's view, according to Iggers, the historian's role was to provide valuable insight into the meaning of the world, and history was the ideal science to replace philosophy: "While the philosopher, viewing history from his vantage point, seeks infinity merely in progression, development, and

3 For a list of medieval Jewish historical works, see Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory*, The Samuel and Althea Stroum Lectures in Jewish Studies (Seattle: University of Washington Press, 1996), 31–51. For more on Jews' aversive views of history, see David Ellenson, "*Wissenschaft des Judentums*, Historical Consciousness, and Jewish Faith: The Diverse Paths of Frankel, Auerbach and Halevy," The Leo Baeck Memorial Lecture 48 (2004): 2; and Jacob Neusner, "Paradigmatic versus Historical Thinking: The Case of Rabbinic Judaism," *History and Theory* 36, no. 3 (1997). Maimonides's attitude that the study of history was a waste of time, especially in his commentary to Mishnah Sanhedrin 10:1, had a big impact upon the Jewish community. For more on Maimonides's attitude towards historiography, see Yerushalmi, 33n5.

4 Georg G. Iggers, *Historiography in the Twentieth Century: From Scientific Objectivity to the Postmodern Challenge* (Hanover, NH: Wesleyan University Press, 1997), 23.

5 See Iggers, *Historiography in the Twentieth Century*, 25; and Peter Novick, *That Noble Dream: The "Objectivity Question" and the American Historical Profession*, Ideas in Context (Cambridge: Cambridge University Press, 1988), 27–29.

6 For further details, see Iggers, *Historiography*, 26.

totality, history recognizes something infinite in every existence: in every condition, in every being, something eternal, coming from God; and this is its vital principle."[7] For Ranke, history had the power to give meaning and value to human existence, and the role of the historian was to establish that meaning as an extension of historical research. In his view, history was, in many respects, superior to philosophy in its ability to confer meaning. But historical research itself, rather than providing meaning, had to be the primary goal.

Ranke's authority was often invoked by scholars throughout Europe and beyond to legitimize the consensus practice.[8] This same ethos penetrated the Jewish community, beginning in Germany, stimulating the development of a modern critical-historical consciousness and the establishment of the scientific-historical study of Judaism known as "Wissenschaft des Judentums."[9] Beginning around 1820 as a movement of Jewish academics, Wissenschaft des Judentums was a direct byproduct of the process of secularization that ultimately came to dominate the modern West.[10] Wissenschaft secularized Jewish history by focusing on Judaism as a culture and thus created the possibility that sacred texts could be studied as historical documents.[11] Its founders, like Ranke, spoke of the ideal of objectivity in their scholarship, and, like Ranke, few (if any) practitioners of Wissenschaft des Judentums during the nineteenth and early twentieth centuries accomplished this goal. Isaak Markus Jost (1793–1860), the early nineteenth-century German Jewish historian, described the lofty goal of objectivity in Wissenschaft des Judentums thus: "No prejudice should blind the historian, no universally held dogma should darken his views; no apprehension should intimidate him from revealing the truth as he sees it."[12] From its

7 Leopold von Ranke, "The Idealistic Theory of Historiography," in *The Theory and Practice of History*, ed. Konrad von Moltke and Georg G. Iggers and trans. Wilma A. Iggers and Konrad von Moltke (Indianapolis, IN: Bobbs-Merrill, 1973), 38.

8 See Novick, *That Noble Dream*, 28–29, for further details. Novick argues that Ranke was influential in American universities as well (26).

9 See Ismar Schorsch, *From Text to Context: The Turn to History in Modern Judaism*, Tauber Institute for the Study of European Jewry Series 19 (Hanover, NH: Brandeis University Press, 1994), 161: "As the sonorous name *Wissenschaft des Judentums* implies, the emergence of historical thinking in modern Judaism is unimaginable outside the German context."

10 See Ellenson, "*Wissenschaft des Judentums*," 2.

11 See Schorsch, "Ideology and History," 1–19; and Mordechai Breuer, *Modernity within Tradition: The Social History of Orthodox Jewry in Imperial Germany*, trans. Elizabeth Petuchowski (New York: Columbia University Press, 1992), 175–177.

12 Isaak M. Jost, introduction to vol. 4 of *Geschichte der Israeliten* (Berlin, 1820–1828), iii, quoted in Ismar Schorsch, "Ideology and History in the Age of Emancipation," in *The Structure*

inception, however, *Wissenschaft des Judentums* was imbued with ideological and political agendas.[13] As Ismar Schorsch has noted, "Recourse to the study of the past was taken to serve the overwhelming needs of the present, with the inevitable result that ideology dominated the writing of scientific history."[14]

Wissenschaft des Judentums did not have one single agenda but, rather, many overlapping goals. One of the prominent objectives was external: to improve the standing of Jews and Judaism among non-Jews. Leopold Zunz (1794–1886) was a leader and founder of the field who has been described as relatively non-ideological, in part because he did not act as the rabbi of a large community or as the leader of any particular ideological movement.[15] Zunz believed that Jewish "scientific" scholarship could be used to obtain full civil and religious rights for the Jewish community.[16] Another set of early objectives concerned the scholars' desires to change attitudes and practices within Judaism. First and foremost, Wissenschaft des Judentums was a form of rebellion against the rabbinic establishment; Zunz wrote, "Our science should first of all emancipate itself from the theologians."[17] Zunz listed the rejection of rabbinism (the hegemony of the rabbis common in his day) as one of the main tenets of Wissenschaft. He directed his antagonism toward what he saw as the widespread practice of intolerant and capricious study of the Talmud, which, he believed, led to the banalization of Judaism. He thought that the rabbis of the Jewish community should be well-versed in biblical and rabbinic texts but also sensitive to the changes occurring in society.[18]

Since the founders and early practitioners of Wissenshchaft des Judentums also aimed at concrete religious reform, it was no coincidence that the Reform Movement in Germany, centered initially around Rabbi Abraham Geiger (1810–1874) and his associates, arose in the 1830s and 1840s, just a few decades after the emergence of Wissenschaft des Judentums. Geiger, born in Frankfurt,

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of Jewish History and Other Essays, by Heinrich Graetz, trans. and ed. Ismar Schorsch, Moreshet Series: Studies in Jewish History, Literature, and Thought 3 (New York: Jewish Theological Seminary of America, 1975), 4.

13 For more details, see David Ellenson and Richard Jacobs, "Scholarship and Faith: David Hoffman and His Relationship to '*Wissenschaft des Judentums*,'" *Modern Judaism* 8, no. 1 (1988): 27–28.

14 Schorsch, "Ideology and History," 9.

15 Michael A. Meyer, "Jewish Religious Reform and *Wissenschaft des Judentums*: The Positions of Zunz, Geiger and Frankel," *Leo Baeck Institute Year Book* 16, no. 1 (1971): 22.

16 Meyer, "Jewish Religious Reform," 24.

17 Leopold Zunz, *Zur Geschichte und Literatur* (Berlin: Veit, 1845), 20, quoted in Meyer, "Jewish Religious Reform," 26.

18 Schorsch, *From Text to Context*, 243.

grew up in a religious household and spent his early years receiving a traditional Jewish education, anchored by the study of the Talmud. He first attended the University of Heidelberg, where he concentrated on Classical and Oriental languages, but, soon after, he went to study at the University of Bonn, where he began to pursue philosophy and history. He eventually came to use his scholarship to promote the reform of modern Jewish life by arguing that Judaism had always been a religion open to adopting modifications to its inherited traditions.[19]

Geiger's claims about Judaism's relative flexibility emerged amidst rapidly changing political circumstances in German politics and society, which presented the Jewish community with a unique set of challenges and opportunities. As legal restrictions on Jews in the German states were gradually lifted, allowing for the community's deeper assimilation into the larger society, it became imperative to determine which parts of Jewish tradition were essential and which parts, seemingly antiquated and irrelevant to some, could potentially be discarded. These circumstances prompted various individuals to think about how to adapt Judaism to the new emancipated environment. Several thinkers, including Geiger, who were eager to reform traditions, realized that it was important to demonstrate that Jewish law had always evolved over time to adapt to shifting environments. Geiger cleverly employed Wissenschaft des Judentums, and particularly history, to demonstrate this evolution and thus to advance his reform agenda. Geiger also aimed to demonstrate how Jews could faithfully preserve their religious traditions while simultaneously adapting to modern German society. Banned from seeking a university professorship because he was Jewish, he worked both as a rabbi – in Wiesbaden, Breslau, Frankfurt, and Berlin – while also writing prodigiously and speaking to spread his ideas. As Michael Meyer has noted, "Few of his writings can be termed pure *Wissenschaft*, in the sense of bearing no relationship to the present. Though he felt bound as a scholar not to distort the past, he studied mainly in order to hold it up to the present. Historical knowledge, Geiger's work tried to show, was the essential prerequisite for reform."[20] In his early years, his writings primarily denigrated existing rabbinic

19 Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Detroit, MI: Wayne State University Press, 1988), 89; Schorsch, *From Text to Context*, 312 and 319. For more on Geiger, see Meyer, *Response to Modernity*, 90–99; Schorsch, *From Text to Context*, 313–318; Harvey Hill, "The Science of Reform: Abraham Geiger and the *Wissenschaft des Judentum*," *Modern Judaism* 27, no. 3 (2007); and Max Wiener, *Abraham Geiger and Liberal Judaism: The Challenge of the Nineteenth Century* (Philadelphia, PA: Hebrew Union College Press, 1997), 3–80.

20 Meyer, *Response to Modernity*, 92.

Judaism. He wrote that the rabbis of the Talmud had been influenced by the times in which they lived but could not reveal this fact, so they claimed – often torturously – that all their halakhic rulings had support in the Bible.[21] Later rabbis failed to realize that the Bible and rabbinic literature bore the marks of their own history, thus exacerbating the problem. However, as Geiger matured, his focus shifted to praising the rabbis and identifying his own reform agenda with the rabbinic attitude of the past. He constructed a development model of rabbinic law that allowed his own reform agenda to be part of mainstream Jewish history. Precisely this later approach led to Geiger's role as the spokesman and ideologue for German Reform.[22]

Geiger's series of 24 lectures, entitled *Das Judentum und seine Geschichte* (Judaism and Its History, published 1864–1865) are a clear demonstration of his approach. He attempted to show that his movement for reform was not a break from the past, but, rather, part of a long tradition of reformation and adaptation of Judaism throughout the ages. Hillel the Elder, the great sage of the end of the first century BCE, considered to be the one who laid the foundations for the spiritual and intellectual movement of the early rabbinic period, came to represent the genuine reformer and a model for Geiger's own approach. As he said, "Hillel conveys to us the image of – and this term will not degrade but ennoble his memory – a true reformer."[23] Geiger was of the view that the Sadducees were the elite priests who controlled Judean politics from the time of the return of the exiles from Babylon until the destruction of the Temple by Rome in the first century. By contrast, the Pharisees ("the opposition," in Geiger's words) were a religious group representing the masses. They were interested in establishing equal rights and sought to rebel against the priesthood and any other structures of hierarchy.[24] The Pharisees were divided in two groups, led by Shammai and Hillel. Shammai's followers, the traditionalists, followed the old rules of religious practice, while Hillel led a revolution in the tradition: "He [Hillel] encountered all those difficulties that have been encountered at all times by efforts at revitalization and rejuvenation."[25] Geiger clearly identified with Hillel, which placed his own agenda within the larger context of Jewish history. He further explained that "Hillel was a man who dared openly to oppose those who sought to make the Law more

21 Meyer, *Response to Modernity*, 93; Schorsch, *From Text to Context*, 187.

22 Schorsch, *From Text to Context*, 187.

23 Abraham Geiger, *Das Judentum und seine Geschichte* (Breslau: Schlettersche Buchhandlung, 1865), 1:104, quoted in Wiener, *Abraham Geiger,* 186. Wiener translated this and other quotations from *Das Judentum und seine Geschichte* in his *Abraham Geiger*.

24 Hill, "The Science of Reform," 337–338.

25 Geiger, *Das Judentum und seine Geschichte*, 1:106, quoted in Wiener, *Abraham Geiger*, 186.

burdensome, and who was not at all afraid to be known as an advocate of leniency who sought to render the Law less difficult."[26] Geiger explained that these two visions among the Pharisees extended to the Jewish diaspora through Shammai and Hillel's disciples. He associated the Pharisees of the old school with "the adherents of time-honored, strict observance," who "sought to sanctify their people by imposing upon them innumerable hardships and restrictions regarding religious observance."[27] The spirit of reform, however, remained among "the spiritual heirs of Hillel, who had more regard for inner conviction than for outworn, burdensome restrictions, and who considered the demands of the times rather than ancient statutes."[28] Geiger believed that the disciples of Hillel enabled Judaism to survive and thrive. Geiger's historical model of the rabbinic tradition placed him squarely within the mainstream of the rabbinic establishment as the heir to the tradition of Hillel. The leaders of the Jewish community, he argued, ought thus to follow their predecessors and consider modifications to their inherited traditions.

Scholars such as Harvey Hill have pointed out that, while the reforms that Geiger instituted in his synagogues, including two editions of a reformed prayer book, "were relatively modest," he aimed at a much bigger goal: change in the "general attitude towards the idea of reform [. . .] he sought to nurture the historical consciousness of modern Jews, the awareness of past changes that would foster an openness to present ones."[29] Geiger cleverly employed Wissenschaft des Judentums to advance his ideology and to place it within historical context. By presenting Judaism as an historical phenomenon open to scholarly analysis, he appointed the historian, rather than the talmudic scholar, as the ultimate arbiter of tradition.

Like Geiger, other *Wissenschaftlers* both before and after him worked to demonstrate the evolution of Jewish law and to find a precedent in the past for reform and change, as well as to search for an essence of Judaism compatible with emancipation and integration into European society.[30] These diverse agendas created inconsistencies within Wissenschaft des Judentums, which some of

26 Geiger, *Das Judentum und seine Geschichte*, 1:105, quoted in Wiener, *Abraham Geiger*, 187.
27 Geiger, *Das Judentum und seine Geschichte*, 1:105, quoted in Wiener, *Abraham Geiger*, 189.
28 Geiger, *Das Judentum und seine Geschichte*, 1:105, quoted in Wiener, *Abraham Geiger*, 190.
29 Hill, "The Science of Reform," 346–347.
30 For a general overview of Wissenschaft des Judentums in historical context, see Breuer, *Modernity within Tradition*, 173–177; Schorsch, "Ideology and History," 1–31; and Schorsch, *From Text to Context*, 183–204.

its eminent practitioners later recognized.[31] From early in the movement's history, critics pointed cynically at these inconsistencies in light of Wissenschaft's claim of objectivity.[32]

The liberal and emancipated segments of the Jewish community came to enthusiastically adopt this historical awakening. Meanwhile, the interconnection between Wissenschaft and religious reform continued. The same people were usually both Jewish religious reformers and Wissenschaftlers.[33] For instance, Geiger was also the editor of a journal, the *Wissenschaftliche Zeitschrift für jüdische Theologie* (Scientific Journal of Jewish Theology), whose goal was to offer historical and theological defenses of Reform.[34] As Michael Meyer has said, "The cumulative effect of Geiger's critical work was . . . to historicize and therefore to relativize every sacred text of Judaism, biblical no less than rabbinic."[35] His research, therefore, created a framework in which the Jewish people's present (and potential future) conditions could change or even abolish any tradition.[36]

The Jewish religious establishment, both in Germany and in eastern Europe, thoroughly rejected the new scholarly method but struggled to contain its spread even among the faithful. Their chief spokesman in Germany at the time was Rabbi Samson Raphael Hirsch (1808–1888) of Frankfurt am Main, the founder of what has been called "Neo-Orthodoxy," which Glenn Dynner has described as "a moderate German synthesis between tradition and modernity."[37]

While there is no one generally accepted definition of "Orthodox" or "Orthodoxy" in this period, there is consensus that central and eastern

31 See Gershom Scholem, "Mitokh hirhurim al Hokhmat Yisrael," in *Devarim bego: Explications and Implications. Writings on Jewish Heritage and Renaissance* [in Hebrew] (Tel Aviv: Am Oved, 1975).

32 See Breuer, *Modernity within Tradition*, 179–180. Breuer notes that Rabbi Sampson Raphael Hirsch used Heinrich Graetz's criticism of Geiger against Graetz's own scholarly work. Graetz and Hirsch's complicated relationship will be discussed below.

33 Meyer, "Jewish Religious Reform,"19.

34 Michael A. Meyer, "From Combat to Convergence: The Relationship Between Heinrich Graetz and Abraham Geiger," in *Reappraisals and New Studies of the Modern Jewish Experience: Essays in Honor of Robert M. Seltzer*, ed. Brian Smollet and Christian Wiese, The Brill Reference Library of Judaism 44 (Leiden: Brill, 2014), 146.

35 Meyer, *Response to Modernity*, 93.

36 For several such instances, see Meyer, *Response to Modernity*, 93n123.

37 For a detailed biography of Hirsch, see Noah H. Rosenbloom, *Tradition in an Age of Reform: The Religious Philosophy of Samson Raphael Hirsch* (Philadelphia, PA: Jewish Publication Society, 1976). For Dynner's definition, see Glenn Dynner, "Jewish Traditionalism in Eastern Europe: The Historiographical Gadfly," *Polin: Studies in Polish Jewry* 29 (2017): 288.

Europe did not have the same "Orthodoxy."[38] (While Jews in Halevy's time often referred to themselves as living in "the East" or "the West" – see below regarding contemporary praise of Halevy for having bridged eastern and western Orthodoxy – current scholars of Jewish history tend to refer to Germany as "central Europe.") These scholars have identified a number of, in the words of Moshe Samet, "characteristic features" of Orthodoxy that will be helpful here. Glenn Dynner mentions "a well-developed ideology" and an "institutionalized framework," providing a general description that has the advantage of potentially encompassing a wide variety of orthodoxies, from Neo-Orthodoxy in Germany to ultra-Orthodoxy in Hungary to yeshiva-oriented traditionalism in eastern Europe.[39] Samet's definition is more applicable to the latter two cases. It includes: separatism (also from fellow Jews inclined toward reform or secularization); suspicion of modern culture, including most modern education; stringent observance of halakhah, along with the belief in the rabbi's authority as deriving from his special relationship with God; and establishment of "community-wide yeshivot" and the ideal of young men's studying in them for many years as a "sign of piety" rather than as a means to a practical end.[40] Samet identifies all of these features collectively as "an historic innovation, more a mutation than a direct continuation of the traditional Judaism from which it emerged."[41] The development of Orthodoxy in the ideological and institutional sense, however, took place over time and, in the eastern European context, arguably hit its peak in the interwar years.[42] When talking about a region or community in which Orthodoxy had not yet "crystallize[d]," in Dynner's words, it is perhaps more appropriate to refer to "traditionalism."[43] This chapter's use of the

38 See Yosef Salmon, "Jacob Katz's Approach to Orthodoxy: The East European Case," *Modern Judaism* 32, no. 2 (2012); and Moshe Samet, "The Beginnings of Orthodoxy," *Modern Judaism* 8, no. 3 (1988). A fairly recent Israeli volume on Orthodoxy entitled *Orthodox Judaism: New Perspectives* [in Hebrew], ed. Yosef Salmon, Aviezer Ravitzky, and Adam S. Ferziger (Jerusalem: Magnes Press, 2006), is a good resource for scholarship on the term "Orthodoxy" and the issues surrounding it. See especially the essays by Aviezer Ravitzky, Avi Sagi, Shalom Rosenberg, and Mordechai Breuer.

39 Dynner, "Jewish Traditionalism," 288. He characterizes "Hungarian 'ultra-Orthodoxy'" as "rejectionist" and "secessionist" and "advocat[ing] resistance to all innovation and compromise" (288). This book, however, does not focus on Hungarian ultra-Orthodoxy.

40 Samet, "The Beginnings of Orthodoxy," 249–251.

41 Samet, "The Beginnings of Orthodoxy," 249.

42 Dynner, "Jewish Traditionalism," 297.

43 Dynner, "Jewish Traditionalism," 288. Dynner, drawing on Jacob Katz, has an even more expansive definition, saying that "Katz's cultural/religious application [of the term 'traditionalism'] helpfully distinguishes the phenomenon from older, more passive adherence to tradition, while, at the same time, incorporating later permutations like Orthodoxy" (288).

words "Orthodoxy" and "traditionalism" will depend on the level of the organization of the Orthodox movement in the community discussed.

Hirsch's Neo-Orthodoxy, the earliest type of Orthodoxy according to these definitions, adopted some of the religious trappings and non-religious customs of the surrounding German society but prioritized adherence to Jewish tradition. Hirsch grew up in a home influenced by the *Haskalah* (Jewish Enlightenment) and received a full secular education in German institutions in addition to undertaking religious study. (Ironically, while a student of philosophy at the University of Bonn, he befriended Geiger, whose efforts at reform he would later sharply criticize.) He called his approach to Judaism "*Torah im derekh erets*" (lit., "Torah with the way of the world"). He explained,

> The term *Derech Eretz* [sic] includes all the situations arising from and dependent on the circumstance that the earth is the place where the individual must live, fulfill his destiny and dwell together with others, and that he must utilize resources and conditions provided on earth in order to live and to accomplish his purpose. Accordingly, the term *Derech Eretz* is used primarily to refer to ways of earning a living, to the social order that prevails on earth, as well as to the mores and considerations of courtesy and propriety arising from social living and also to good breeding and general education.[44]

Hirsch embraced certain aspects of German culture: wearing clerical robes, eschewing a beard, and promoting certain professions and educational subjects, while insisting that all these be conducted alongside Jewish culture, religion, and law – and never in conflict with them. In his view, Wissenschaft des Judentums was problematic because it challenged the underpinnings of Jewish law and tradition. More specifically, any type of Jewish scholarship that did not *a priori* acknowledge both the uniqueness of the Jewish nation and the divine origin of its laws was prohibited and false.[45] He believed that both the Jewish people and Jewish law were eternal and immune to the influence of history. Noah H. Rosenbloom has described Hirsch's attitude as follows: "[W]hat Hirsch calls history is more accurately metahistory, since history also has its laws of natural development and all the nations of the world are subject to these laws. Israel, however, was not governed by these laws and frequently defies them."[46] According to Hirsch, a secular historicism divorced from "cultural memory"

44 Samson Raphael Hirsch, *Chapters of the Fathers*, trans. Gertrude Hirschler (Jerusalem: Feldheim, 1967), 2:2 (22).

45 For more details, see Breuer, *Modernity within Tradition*, 179–181.

46 Rosenbloom, *Tradition in an Age of Reform,* 272.

had no value. "You are learning," he wrote, "[in order] to know the light, the truth, the warmth and the sublimity of life, and when you have attained to this you will comprehend Israel's history and Israel's Law, and that life, in its true sense, is the reflection of that Law, permeated with that spirit."[47] Hirsch strongly opposed modern "scientific" study that eschewed value judgments and sought only historical truth, likening it to the dissection of a dead body.[48]

Hirsch reserved much of his ire for the Jewish historian and Wissenschaftler Heinrich Graetz (1817–1891), although, in his youth, Graetz had been a disciple of Hirsch's. Upon reading Hirsch's *Neunzehn Briefe,* an epistolary defense of tradition, Graetz came to Oldenburg in 1837 to study with him.[49] Although Graetz soon became disenchanted with Hirsch intellectually, and the two men parted ways in 1840, he remained loyal to Hirsch even after his departure, dedicating his dissertation to Hirsch.[50] As the years went by, Graetz developed a more liberal approach and became associated with Zacharias Frankel (1801–1875), joining his positive-historical school, the *Jüdisch-theologisches Seminar*, in Breslau in 1854. Frankel's seminary aimed for an approach between that of the traditionalists and that of the reformers; he is considered the father of American Conservative Judaism. Based in the study of Jewish history, the Jüdisch-theologisches Seminar presented halakhah as dynamic and evolving. Unlike Hirsch and most other Orthodox rabbis, Frankel held that Judaism had indeed evolved over time.[51]

As the years passed, Graetz's ideologies converged in many ways with those of Geiger, though Graetz had never gotten along with Geiger personally and often had opposed him, criticizing Geiger's scholarly work in order to cast aspersions on the Reform movement.[52] Their later writings show that both believed in: a God connected to history, both human history in general and Jewish history in particular; Jewish history as an expression of Divine Providence; and a Bible

47 Samson Raphael Hirsch, *The Nineteen Letters of Ben Uzziel*, trans. Bernard Drachman (New York: Funk and Wagnalls, 1899), 198–199. See also Yerushalmi, *Zakhor*, 101. Note the striking similarity between Hirsch's comment and Yerushalmi's remarks in *Zakhor*, especially those on page 94.

48 See Breuer, *Modernity within Tradition*, 180–181, for more details.

49 See Rosenbloom, *Tradition in an Age of Reform,* 70–75.

50 Rosenbloom, *Tradition in an Age of Reform*, 106–108.

51 For further details about Graetz and his ideology, see Schorsch, *From Text to Context*, 278–302; and Shemuel Ettinger, "Introduction to Heinrich Graetz: The Paths of Jewish History" [in Hebrew], in *Heinrich Graetz: Essays, Memoirs, Letters* [in Hebrew], ed. Shemuel Ettinger (Jerusalem: Mossad Bialik, 1969). On Frankel and his ideology in contrast to Geiger's, see Meyer, "Jewish Religious Reform," 26–41.

52 Meyer, "From Combat to Convergence," 151.

composed through Divine inspiration, rather than verbatim revelation.[53] (Graetz and Geiger fought as late as 1869, and Graetz only admitted some appreciation of Geiger after the latter's death in 1874.)[54] The Orthodox rabbinate, meanwhile, viewed Graetz's work as heretical and dangerous. In his journal *Jeschurun*, Hirsch penned a withering review in which he criticized the fourth volume of Graetz's *History of the Jews* as "superficial and filled with fantasy."[55]

Though most Orthodox Jews in Germany opposed Wissenschaft des Judentums, others did not share Hirsch's low opinion of it. Some Orthodox Jews believed, as their liberal counterparts did, that the scientific-historical study of the Jewish past could be used to further their current goals.[56] Rabbi Esriel Hildesheimer (1820–1899) advocated for Wissenschaft as an ideal tool to strengthen religion and maintain its observance.[57] In his view, Torah study and scientific research shared a common goal: the pursuit of truth. In 1873, Hildesheimer founded the *Rabbiner-Seminar für das Orthodoxe Judentum*, which in 1883 became known as *Das Rabbiner-Seminar zu Berlin*. He wrote that it would aim "to make science, hitherto unable to make peace with traditional belief, serviceable and fruitful for the knowledge of Torah, and through its methods, enrich and advance true Jewish knowledge."[58] In many ways, Hildesheimer shared other, more liberal, scholars' aims of increasing the dignity of Jewish practice and encouraging the Jews of his time collectively to comprehend their history and literature. Unlike his liberal contemporaries, however, he believed that Wissenschaft des Judentums could be reconciled with traditional belief and used to resist religious reform.[59]

The new rabbinical seminary in Berlin utilized Wissenschaft des Judentums no less persistently than did Frankel's seminary in Breslau and Geiger's *Hochschule*

53 Meyer, "From Combat to Convergence," 159.

54 Meyer, "From Combat to Convergence," 150.

55 Rosenbloom, *Tradition in an Age of Reform,* 107. The review, entitled "*Geschichte der Juden* von Dr. H. Graetz," was published in several installments in *Jeschurun: Eine Monatsschrift zur Förderung jüdischen Geistes und jüdischen Lebens im Haus, Gemeinde und Schule*, 1855–1856 (Rosenbloom, 107 and 107n91–94).

56 Schorsch, "Ideology and History," 11.

57 See David Harry Ellenson, *Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy*, Judaic Studies Series (Tuscaloosa: University of Alabama Press, 1990), for his biography and for further details of his thought.

58 Esriel Hildesheimer, "Prof. Dr. D. Hoffmann זצ"ל [May the Memory of a Righteous Person Be a Blessing]," *Jüdische Presse* 53 (1922): 267, quoted in Breuer, *Modernity within Tradition*, 183.

59 Ellenson and Jacobs, "Scholarship and Faith," 28; Breuer, *Modernity within Tradition*, 183.

für die Wissenschaft des Judentums.[60] Hildesheimer's teaching staff, which included David Zvi Hoffmann (1843–1921), Abraham (Adolph) Berliner (1833–1915), and Jakob Barth (1851–1914), combined deep knowledge of Torah with exceptional academic rigor. These scholars, along with many others who worked with Hildesheimer, produced a large body of literature, thus making a vital contribution to Wissenschaft des Judentums.[61]

Their unwavering commitment to scholarship caused them to adopt ideas that their contemporaries considered controversial. In his book on Isaiah, Barth accepted the theory of a Deutero-Isaiah (lit., "second Isaiah"), meaning that chapters 40 to 55 of Isaiah are of later origin than the preceding chapters, for which he was severely criticized by several Orthodox rabbis.[62] Hoffmann, on the other hand, accepted the traditional Jewish view that Scripture was of divine origin and thus could not be studied using unrestrained scientific scholarship.[63] He argued, however, that the Oral Law was a human creation, which allowed for full scientific inquiry in the search of truth – while still binding Jews to observance of halakhah. Hoffmann described his approach in the introduction to his work on the Mishnah, *Die erste Mischna und die Controversen der Tannaim* (The First Mishnah and the Controversies of the Tannaim, later translated into Hebrew as *Hamishnah harishonah ufelugta detana'ei*):

> Both Scripture and Mishnah, the Written Law and those laws transmitted to our sages orally, are the two sources from which every Jew draws the Torah received by Moses from God at Mount Sinai. [. . .] When we speak about the Written and the Oral Law, we understand them to be a single, unified Divine Law which was partially learned from Scripture, and partially from the received laws transmitted to us by our sages. These two wellsprings, however, differ in their form, and accordingly differ in our research of them. Scripture, both in content as well as in form, constitutes the words of the Living God. Its date of composition in most instances is clear and defined, and immediately or shortly thereafter, it attained its final, immutable form that has been preserved until today. The Mishnah, on the other hand, also has content deriving from a Divine source

60 Schorsch, "Ideology and History," 11. See Ellenson and Jacobs, "Scholarship and Faith," 27–29, for further details. See also Marc B. Shapiro, *Between the Yeshiva World and Modern Orthodoxy: The Life and Works of Rabbi Jehiel Jacob Weinberg* (London: Littman Library of Jewish Civilization, 1999), 77.

61 See Breuer, *Modernity within Tradition*, 183–184, for more details.

62 See, for instance, Jacob Rosenheim's criticism of Barth in Jacob Rosenheim, *Erinnerungen: 1870–1920*, ed. Heinrich Eiseman and Herbert N. Kruska (Frankfurt am Main: Waldemar Kramer, 1979), 54. See Shapiro, *Between the Yeshiva World and Modern Orthodoxy*, 79–80, for a detailed analysis of the ensuing criticism of his approach.

63 See the introduction to his commentary on Leviticus in David Zvi Hoffmann, *Sefer Vayiqra* (Jerusalem: Mossad Harav Kook, 1972), 3–8. See also Ellenson and Jacobs, "Scholarship and Faith," 31–37, for further details on Hoffman's approach to biblical and rabbinic scholarship.

> (to the extent that it contains laws transmitted from Sinai), but its form was only fixed at a later time. [. . .] Consequently, when analyzing Scripture, we take its authenticity and perfection as axiomatic and only accept conclusions that do not contradict this principle. As for Mishnah criticism (to the extent that it does not contradict the halakhah established by the sages of the Talmud), historical research concerning the date of its composition, which is based on the period in which its extant form was fixed, is not only permissible – research into the sources of the transmitted Torah is, in fact, obligatory.[64]

Hoffmann, in other words, strongly believed in historical investigation into the development of rabbinic law, especially the Talmud. His doctoral research, later included in the book *Mar Samuel: The Life of a Talmudic Sage* (Leipzig, 1873), caused a great uproar in Frankfurt Neo-Orthodox circles due to its scholarly style and scientific-historical approach. In Hoffmann's opinion, halakhah had been influenced by historical and sociological factors, as well as by the personalities of the rabbis involved in its development. Hirsch declared *Mar Samuel* heretical and, along with his Frankfurt followers, refused to support or endorse the rabbinical seminary in Berlin.[65] Hirsch's allies published several articles, some anonymously, criticizing the school and its pursuit of Wissenschaft des Judentums. The members of the Frankfurt Orthodox school believed that Hildesheimer's Berlin seminary did not differ from the various liberal seminaries of the time.[66] Moreover, in their view, any scientific pursuit of the Jewish past that did not proceed primarily from apologetics served only to confuse students and shake their faith.[67]

Their contradictory views concerning Wissenschaft des Judentums repeatedly led to disagreements and strife between the schools of Berlin and Frankfurt, but the argument between the two was later resolved. In 1891, the influential Orthodox weekly *Der Israelit*, which was far closer ideologically to the Frankfurt school than to the seminary in Berlin, published a call for the formation of an Orthodox Wissenschaft des Judentums, which would pursue the scientific study

64 David Zvi Hoffmann, *Hamishnah harishonah ufelugta detana'ei*, trans. Shemuel Grinberg (Berlin: Nord-Ost, 1914), 3.

65 See Breuer, *Modernity within Tradition*, 185–186, for further details about the controversy. See also Ellenson and Jacobs, "Scholarship and Faith," 30; and Mordechai Breuer, "Hokhmat Yisrael: Three Orthodox Approaches to Wissenschaft" [in Hebrew], in *Jubilee Volume in Honor of Moreinu Hagaon Rabbi Joseph B. Soloveitchik* [in Hebrew], edited by Shaul Israeli, Norman Lamm, and Yitzhak Raphael (Jerusalem: Mossad Harav Kook, 1984), 2:860.

66 Ellenson and Jacobs, "Scholarship and Faith," 29–30. In support of their argument, Ellenson and Jacobs discuss issues 16–18 and 22 of the Orthodox journal *Der Israelit* (1872). On Orthodox objections to Hildesheimer's seminary, see also Shapiro, *Between the Yeshiva World and Modern Orthodoxy*, 79–82.

67 See Rosenheim, *Erinnerungen*, 54–55.

of Judaism in an objective manner while remaining compatible with Orthodox values.[68] In 1892, the newspaper began the publication of a scientific supplement, which in 1899 became the *Blätter für jüdische Geschichte und Literatur* (Journal for Jewish History and Literature). The editor, Rabbi L. Lowenstein of Mosbach, also a researcher who had published a work on Jewish history, gave the publication credibility. Its scholarship was not much different from that of the scientific publications of Berlin's Orthodox community at that time.[69] But the fact that it was published by *Der Israelit*, which was identified with the Frankfurt school, served to grant the publication the implicit imprimatur of the more traditional Orthodox community.

Jewish leaders in eastern Europe during this same period almost universally rejected Wissenschaft des Judentums as well, though the eastern and central European traditionalist Jewish communities were quite different, as was discussed above. While Hirsch, who believed in the eternal and unchanging nature of Jewish law and sacred texts, still had to contend with his community's attraction to the culture of a society that began emancipating Jews in the 1820s and 1830s, eastern European rabbis served a flock that was more insular and had fewer political rights than did German (and other central European) Jews. The late nineteenth and early twentieth centuries also represented the height of the eastern European yeshivot, in which the community's young men and luminaries undertook intense, multi-year study of traditional Jewish texts, especially the Talmud and its commentaries. Even the comparatively insular yeshivot, however, could not keep out various products of Wissenschaft des Judentums. First, Graetz's *History of the Jews* was translated into Hebrew by Shaul Pinchas Rabinowitz and published in installments from 1888 to 1898, reaching a wide audience.[70] Graetz's claim of a middle-of-the-road ideology, coupled with the fact that he was a former disciple of Hirsch's, made him especially threatening, and the dissemination of his work among eastern European Jewish youth in general and yeshiva students in particular presented a great challenge to the Jewish religious leadership there.[71]

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68 Breuer, *Modernity within Tradition,* 192. Breuer cites M. Jung, "Was uns noth thut?" *Der Israelit*, no. 32 (31 December 1891): 1907–1908.

69 Breuer, *Modernity within Tradition,* 191–193.

70 See B. Dinur's reminiscence of his two years at the Telz yeshiva in Immanuel Etkes, introduction [in Hebrew] to *Yeshivot Lita*, ed. Imanuel Etkes and Shelomo Tikochinky, 35–36. See also Yedidya, "Orthodox Reactions to 'Wissenschaft des Judentums,'" *Modern Judaism* 30, no. 1 (February 2010): 78.

71 On Hirsch's opposition to Graetz and Frankel, see Rosenbloom, *Tradition in an Age of Reform*, 105–108.

Another threat to eastern European traditional Judaism was the five-volume *Dor dor vedorshav* (Each Generation and Its Own Interpreters) by Isaac Hirsch Weiss (1815–1905). This historiographic work in Hebrew, dedicated to the history of the rabbis and their writings, was first published between 1871 and 1891 and achieved wide distribution. Four editions were printed before 1907, and an additional two editions appeared by 1911.[72] Weiss's large audience included laymen and a great number of yeshiva students.[73] *Dor dor vedorshav*'s critical approach posed a particularly serious threat to traditional Judaism in eastern Europe because Weiss was a noted Talmudist. He had studied in the yeshivot of Trebitsch and Eisenstadt and had been offered positions in several yeshivot near his hometown. Great rabbinical authorities of the time endorsed and praised his publications: two *midrashei-halakhah* (early rabbinic compilations of biblical exegesis deriving halakhah from biblical sources); the Sifra (a *midrash*, or rabbinic commentary, on Leviticus) with his introduction and notes, published in 1862; and the Mekhilta (a midrash on Exodus) with his introduction and notes, published in 1865. These works found willing readers among talmudic scholars. Once his critical approach was noticed, however, Weiss had to abandon his career as an Orthodox rabbi.[74] Rabbi Eleazar Horowitz's earlier approbation of his work, published in the first edition in 1862, was edited in the 1947 edition, and Weiss's name was removed.[75]

Weiss's engaging style made his books uniquely powerful. He employed a critical approach to rabbinic sources, discussing the development of halakhah and placing it in historical context. *Dor dor vedorshav* described the history of talmudic and other rabbinic literature and explored the characters of the primary sages. Although Weiss agreed with the Orthodox claim of the sinaitic origin of the Oral Law, his critical portrayal of the characters of various sages and his claim that the Oral Law had developed and changed through the ages challenged the reigning traditionalist view and raised doubt about the value of the

72 For further details, see Asaf Yedidya, "Benjamin Menashe Lewin and Orthodox *Wissenschaft des Judentums*" [in Hebrew], C*athedra: Letoledot Erets Yisrael veyeshuvehah* 130 (2008), 133–134.

73 See Stampfer, *Hayeshiva halita'it behithavutah* (Shazar, 1995), 354n138, for detailed examples of the infiltration of Weiss and Graetz's work into yeshivot. See also Etkes, introduction [in Hebrew] to *Yeshivot Lita*, ed. Immanuel Etkes and Shelomo Tikochinski, 40; and Yedidya, "Benjamin Menashe Lewin" [in Hebrew], 133–134, for further details.

74 Chanan Gafni, "Orthodoxy and Talmudic Criticism? On Misleading Attributions in the Talmud," *Zutot: Perspectives on Jewish Culture* 13 (2016): 75.

75 The two editions were: Isaac Hirsch Weiss, ed., *Sifra* (Vienna: J. Schlossberg, 1862); and Isaac Hirsch Weiss, ed., *Sifra* (New York: Om, 1947).

Oral Law in traditionalist circles.[76] Rabbi Grodzinski severely criticized *Dor dor vedorshav*, writing in his approbation of Lifshitz's *Dor yesharim*: "[those who have only "superficial" knowledge of Torah] approached [the Oral Law] with a libertine criticism focused on weakening the basic foundations of the Oral Law [. . .] This poison has also developed outside their camp, in places where Torah thrives and is dear to her students. There, too, it has taken root and borne fruit [. . .] and its ideology has been absorbed, bringing in its wake the forgetting of Torah and the abandonment of Judaism."[77]

With the publication of these popular works, Wissenschaft des Judentums made significant inroads into the traditional community and began to affect yeshiva students in eastern Europe, making it quite difficult for leading eastern European rabbis to follow Hirsch's path of condemning the growing field without offering an alternative. The time was ripe for the development of an orthodox Wissenschaft that could be used to advance and validate Orthodox and traditionalist ideology.[78]

1.3 Yitzhak Isaac Halevy and Orthodox Wissenschaft: *Dorot harishonim*

1.3.1 Halevy's early life, education, and career

Y.I. Halevy found himself in the right place at the right time to pioneer this Orthodox Wissenschaft and apply it to the Talmud. He arrived in Germany and decided to pursue a scholarly career just as the Orthodox need to address Wissenschaft was growing urgent. Halevy's arrival in Germany inaugurated a new era in the Orthodox community and paved the way for a novel reconciliation between the values of the Torah and Wissenschaft des Judentums. Halevy's Orthodox approach to Wissenschaft combined some of the scholarly sensibilities of the central European form while retaining the perspective of his

76 See Isaac Hirsch Weiss, *Dor dor vedorshav: Hu sefer divrei hayamim letorah sheba'al peh im qor'ot soferehah vesiferehah* (Berlin: Platt and Minkus, 1923; repr., Jerusalem: Hotsa'at Ziv, 1963), 1:45. See also Yedidya, *Criticized Criticism* [in Hebrew], 45–47.

77 Hayyim Ozer Grodzinski, introduction to Lifshitz, *Dor yesharim*, 8–9 (later reprinted in *Iggerot R. Hayyim Ozer*, 315–317). As quoted in the introduction to this book, the attribution refers to "those who have a broad knowledge of the [Babylonian and Palestinian] Talmuds, but it is superficial [. . .] they have found reason to justify the views of Reform, and they have dedicated all of their thoughts to distorting the words of the Living God [. . .]."

78 Ellenson, "*Wissenschaft des Judentums*," 3–4.

eastern European background and, with its largely apologetic tone, aiming primarily at an eastern European audience. As discussed in the introduction, Halevy's writings extolled objectivity in the finest Wissenschaft tradition, but he much preferred consulting Jewish sources to any alternatives, and he repeatedly argued that Jewish practice had not changed much between the biblical period and his time.

Halevy's success was due in part to his background: His yeshiva education in eastern Europe and subsequent travels around central Europe and decision to settle down to write in Germany, combined with his keen political instincts, made it possible for him to bridge the two different Orthodox/traditionalist communities and advance the interests of both. Halevy was born in Ivianiec, near Vilna, in 1847. One of his ancestors, Rabbi Isaac Ivenecer, had been instrumental in the founding of the famous yeshiva of Volozhin.[79] Halevy's father, Rabbi Eliyahu Halevy Rabinowitz, died tragically at a young age, so Halevy was raised and educated by his paternal grandfather, Rabbi Nahum Hayyim, whom he admired greatly.[80] Rabbi Nahum Hayyim remained his mentor and teacher even after Halevy moved to Vilna to live with his maternal grandfather, Rabbi Mordekhai Eliezer Kovner, after a great fire destroyed Ivianiec in 1858.[81]

Growing up in this rich Jewish educational environment, Halevy acquired a comprehensive knowledge of the Talmud at a very young age. At the age of thirteen, he joined the yeshiva of Volozhin, where he developed a reputation as a prodigy in Talmud and became a favorite student of Rabbi Joseph Dov Ber Soloveitchik (1820–1892), the author of *Beit halevy* (House of Levy), a collection of works including commentaries on the Talmud, halakhic insights, responsa,

79 For further details on the Volozhin yeshiva, see Shaul Stampfer, *Hayeshiva Halita'it*, 59–218; and Zalman Epstein, "Yeshivat Volozhin," in *Yeshivot Lita*, ed. Immanuel Etkes and Shelomo Tikochinski, 70–80. For Rabbi Isaac's role in particular, see Stampfer, 45n69.

80 According to Y. I. Halevy's son (the source for most of the information we have about Halevy's early life), Rabbi Eliyahu Halevy was killed when he was in his twenties. The family was late in fulfilling the town edict of leaving the windows facing the street unobstructed during a national parade, and a police officer shouted at Rabbi Eliyahu, pushing him to the floor, causing him to fall and die. See Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], in *Yitzhak Isaac Halevy Memorial Volume: Including a New Volume of Dorot Harishonim about the Last Era of Second-Temple Times* [in Hebrew], ed. Moshe Auerbach (Benei Berak: Netsah Yisrael, 1964), 14.

81 Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 14–15. See also the first part of the two-part biography of Halevy published in honor of the fifteenth anniversary of his death: "Rabbi Yizchok Halevy: Eine kurze Biographie. Zu seinem 15. Jahrzeitstage am 20. Ijar 5689" [Part 1], *Der Israelit* 21 (23 May 1929): 1. For details about the fire, see S. J. Fuenn, *Qiryah ne'emanah* (Vilnius: Y. Funk, 1915), 306.

and sermons. Although the head of the yeshiva of Volozhin at the time was Rabbi Naftali Zvi Yehudah Berlin (NeTZIV, 1816–1893), Halevy developed a stronger and deeper relationship with Rabbi Soloveitchik, whose analytical thinking he preferred. Rabbi Soloveitchik – who addressed Halevy as "beloved by God, me, and, indeed, everyone" – was the only scholar to whom Halevy referred as his mentor.[82] Halevy did not remain long in the Volozhin yeshiva, studying there for only one year before returning to Vilna to continue his talmudic studies.[83] Because his time at the yeshiva was so brief, Halevy was mostly self-taught and thus considered written works to be his ultimate instructors. Chief among these were the work of Rabbi Yehudah Rosanes (1657–1727) called *Mishneh lemelekh* (novella, or *hiddushim*, on Maimonides's *Mishneh Torah*) and *Noda biyehudah*, a collection of responsa by Rabbi Yehezkel Landau (1713–1793). Halevy maintained this independent approach throughout his life, and, because he never pursued formal academic training in a university, he conducted his historical research in a similar manner. In fact, despite the important role that Wissenschaft des Judentums played in his life, Halevy may be more accurately described as a practitioner of *Hokhmat Yisrael* (lit., "wisdom of Israel"); recently, historians have used the latter term to refer to Jewish scholarship written in Hebrew, mostly outside of Germany, by Jews without university educations.[84] As will be shown below, Halevy sometimes referred to Hokhmat Yisrael in discussing his own work.

The first book Halevy wrote was a collection of novellae in the traditional rabbinical analytical style entitled *Battim levvadim* ("Holders for the Poles," a reference to the carrying of the Tabernacle's table in the desert).[85] The book engaged with complex issues of *hazakah*, a halakhic concept entailing a factual-legal presumption [*praesumptio juris*] based on previous behavior. Although this work attested to his erudition in rabbinic texts, it never made it past the manuscript stage in Halevy's lifetime and was not published until 2001. His unique approach to the analysis of talmudic *sugyot* (literary units; sing., *sugya*)

82 Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 19.

83 Upon his departure, Halevy presented a lengthy talmudic discussion in the presence of the students and faculty of the yeshiva that deeply impressed the attendees. For further details, see Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 16; Stampfer, *Hayeshiva halita'it*, 117; and "Eine kurze Biographie," 1.

84 Michael A. Meyer, "Two Persistent Tensions within Wissenschaft des Judentums," *Modern Judaism* 24, no. 2 (May 2004):114. Shemuel David Luzzatto (ShaDaL) is one example of a scholar often associated with Hokhmat Yisrael. See Amos Bitzan, "Wissenschaft des Judentums," in *Oxford Bibliographies*, Oxford University Press, 2020, last modified 27 June 2017, https://www.oxfordbibliographies.com/view/document/obo-9780199840731/obo-9780199840731-0157.xml.

85 See Exodus 25:27.

is reflected in his avoidance of the forced solutions and abstruse analogies typical of the latter (ca. mid-sixteenth century and beyond) talmudic commentators [*Aharonim*]. Instead, Halevy returns to the source of the difficulty and offers an interpretation of the subject that attempts to eliminate the problem at its root. Once, upon reviewing a new book written by a prominent scholar, Halevy claimed, "The difference between me and this author is not that great; while he has found eighty solutions to a single problem, I search for a single solution to resolve eighty problems."[86] Halevy often quoted the words of *Pri megadim*, the supercommentary of Rabbi Joseph ben Meir Teomim (1727–1792), specifically its introduction to the laws of *shehita* (ritual slaughter). Rabbi Teomim said: "We have seen from various authors [. . .] the application of very subtle *sevarot* [logical deductions] employed in order to differentiate among contradictory [passages] without [providing] any support [for their assertions]. They have addressed problems differently in every instance, without providing a consistent framework for the understanding of what is being presented."[87] Halevy argued that his method was more systematic than those of the "various authors."

In fact, Halevy's analytical approach to the Talmud, in contrast to the traditional *pilpul* (dialectical discussion) method, was in many ways similar to the analytical one developed by Rabbi Hayyim Soloveitchik (1853–1918), the son of Rabbi Joseph Dov Ber Soloveitchik, Halevy's contemporary, and the leading lecturer [*maggid shi'ur*] of the Volozhin yeshiva.[88] Rabbi Soloveitchik was also known as "Rabbi Hayyim Brisker," after the Yiddish name of Brest-Litovsk (present-day Belarus), the city in which he perfected his method after the closing of the yeshiva of Volozhin. The pilpul method was very common in eastern Europe until the nineteenth century. It involved the investigation of a chain of talmudic sources, and then the connection of how the understanding of one of these sources affected the understanding of another source, and then how the added connection affected the understanding of the increased number of sources, and the same with the next source, and so on. The chain of sources was usually quite long and complex, and the "chain logic" was often muddled. The analytical method, pioneered and disseminated by Rabbi Hayyim Soloveitchik, deemphasized citing various texts in order to compare and contrast them and,

86 Isaac Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, ed. O. Asher Reichel (Jerusalem: Mossad Harav Kook, 1972), 17.

87 Joseph ben Meir Teomim, *Pri megadim*, quoted in "Rabbi Yizchok Halevy: Eine kurze Biographie. Zu seinem 15. Jahrzeitstage am 20. Ijar 5689" [part 2], *Der Israelit* 22 (30 May 1929): 2. All translations from German are mine unless otherwise indicated.

88 For details, see Stampfer, *Hayeshiva halita'it*, 118–125.

instead, engaged in analytical description and identification of the texts' underlying halakhic principles. By so doing, it aimed to develop a general conceptual framework that could be applied repeatedly to various sources, instead of, as was common in pilpul, devising case-by-case answers in order to distinguish between sources that appeared contradictory.[89] One good example of the distinction between these two methods can be seen in the laws relating to the special uniform the priests [*kohanim*; sing., *kohen*] wore while serving in the Holy Temple in Jerusalem. The Torah (in Leviticus 19:19 and Deuteronomy 22:11) prohibits wearing an article of clothing [*sha'atnez*] that contains wool and linen fibers woven together. This prohibition of certain kinds of mixing [*kil'ayim*] is suspended for the priest's uniform, which was required to be made of both wool and linen.[90] Rabbi Abraham ben David of Posquières (RAVaD, 1125–1198) disputed Maimonides' interpretation of the extent of the exception. Maimonides (Rabbi Moses ben Maimon, also known as RaMBaM, 1138–1204) had argued in the *Mishneh Torah*, his comprehensive code of Jewish law, that the exception only applied when the kohen was actively performing his official duties in the Temple.[91] In his glosses on the *Mishneh Torah*, Ravad raised an issue with Maimonides's opinion based on b. Yoma 69a, which quotes a *baraita* (source contemporaneous with the Mishnah) that clearly allows the priest to wear his uniform even when not performing his Temple service. It says: "[Regarding] priestly garments, it is prohibited to go out to the country [i.e., outside the Temple, while] wearing them, but in the Temple it is permitted [for the priests to wear them], whether during the [Temple] service or not during the service, due to [the fact] that it is permitted to derive benefit from priestly garments." Ravad thus argued that the exception applied whenever the priest wore his uniform in the Temple compound, regardless of whether he was carrying out his official duties at any particular moment. The simple understanding of the argument was that Maimonides believed that the purpose of the exception to the prohibition was to allow the priest to perform those duties that required him to wear his uniform. Thus, whenever he was not performing his duties, the prohibition remained in place. Ravad, by contrast, claimed that the prohibition was suspended

89 For more information on these methods, see Daniel Mann, *A Glimpse of Greatness: A Study in the Works of Giants of Lomdus (Halachik Analysis)* (Jerusalem: Eretz Hemdah Institute of Advanced Jewish Studies, 2013), 2–6. For an incisive analysis of the Brisker method, see Chaim N. Saiman, *Halakhah: The Rabbinic Idea of Law*, Library of Jewish Ideas (Princeton, NJ: Princeton University Press, 2018), 197–212.

90 For this example of the Brisker method, see Saiman, *Halakhah*, 199–201.

91 See Saiman, *Halakhah*, 200n9, who cites Moses Maimonides, *Mishneh Torah*, Laws of Impermissible Mixtures [*Kil'ayim*], 10:32, and the glosses of Ravad ad loc.

at all times when the priest would be wearing the priestly garments, irrespective of his performance of the Temple service. In his commentary *Kesef mishneh*, Rabbi Joseph Caro (1488–1575) explained that Maimonides could interpret the sugya in b. Yoma as relating to only those garments which were not *kil'ayim*, but not to the parts of the uniform, such as the belt, which were made of wool and linen.[92] His answer was a localized interpretation aimed at explaining this sugya, which appears to contradict Maimonides's ruling, it a way that avoids that contradiction. As is true with most one-time solutions, other questions and contradictions quickly surfaced. In his responsa collection *Sha'agat Aryeh,* Rabbi Aryeh Leib Gunzberg (1695–1785) raised various other contradictions to Maimonides's ruling; in response, other scholars offered resolutions, usually one at a time, to these apparent contradictions.[93] This is precisely the pilpul method: citing many sources and their similarities and differences, then endeavoring to differentiate the cases.[94] It could resemble, in Daniel Mann's words, "fixing a leak by plugging holes."[95]

Rabbi Soloveitchik's method was totally different. Instead of gathering contradictory sources and providing solutions to them one by one, it used a smaller number of sources to devise a precise and comprehensive halakhic description, which could offer a solution to all potential issues. In this case, his approach was that the dispute relates to what it means for a priest to wear his garments.[96] As explained by Chaim Saiman, "The first approach [put forth by Ravad] tends toward a colloquial definition; hence, so long as the uniform is being worn, the mixing prohibition is suspended. The second maintains that simply wearing the vestments is not enough; rather, the kohen must have, in Brisker parlance, the 'legal status of wearing' them. And that 'status of wearing' is determined not by whether the garment is physically covering the kohen's body, but by whether the kohen is engaged in a halakhically significant 'act of wearing.'"[97] Thus, in Soloveitchik's view, Maimonides thought that the exception to the kil'ayim prohibition was not a function of the service performed by the priest,

92 See Caro's *Kesef mishneh* commentary on Moses Maimonides, *Mishneh Torah* (Benei Berak: Shabtai Frankel, 1999), Laws of Impermissible Mixtures [*Kil'ayim*], 10:32. Several other commentators offered a similar solution. See Aryeh Leib Gunzberg, *She'elot uteshuvot Sha'agat Aryeh*, ed. David Metzger (Jerusalem: Makhon Sha'ar Hamishpat, 2002), 178 (29).

93 Gunzberg, *Sha'agat Aryeh,* 178–186. For solutions offered by later scholars, see Gunzberg, 179n4, 181n7, 185n9, and 186n10-n11.

94 Mann, *A Glimpse of Greatness,* 5.

95 Mann, *A Glimpse of Greatness,* 5.

96 Hayyim Soloveitchik, *Hiddushei hagrah al hashas*, ed. Yom Tov Forges (Benei Berak: Mishor, 2008), 108.

97 Saiman, *Halakhah*, 200.

but, rather, by his "halakhic status of wearing" his uniform. As a result, as long as the priest wore his clothing in anticipation of, or in preparation for, fulfilling a halakhic requirement to wear his uniform, the kil'ayim prohibition was set aside. Soloveitchik's general conceptual framework resolved all the issues and contradictions raised by earlier scholars. What the Talmud generally meant was that it was not required for the priest actually to be performing the service in order for the prohibition to be suspended. As long as the priest was engaged in a halakhically significant "act of wearing," in which he assumed that he would perform his service on that day and in that place, he could wear his wool-and-linen uniform.

Soloveitchik's approach, which came to be known as the "Brisker method [*derekh*]," later spread to many yeshivot in eastern Europe. His sophisticated, logical technique was so influential that it eventually replaced pilpul. His approach thus shared the same objectives and methodology as Halevy's, since Halevy preferred – and sought – one answer that could solve a variety of problems over the usual answers that attempted to address one narrow problem at a time. In fact, it generally could be said about Halevy's work that he adopted a similar method, returning to the source of the problem and searching for an interpretation of the subject that attempted to eliminate the problem at its root. (This resulted in a history of the Talmud's formation that was astonishingly comprehensive but also led Halevy to stretch the historical record in order to fit all events into his model, as will be discussed in chapter 4.) Halevy and the younger Soloveitchik naturally developed a lifelong friendship. Halevy wrote, "it is known in Russia that we were as close as two biological brothers, and that I was instrumental in his appointment as head of the yeshiva in Volozhin in its prime. Every year he lived in my home for several months."[98]

At the age of eighteen, Halevy married and immediately assumed a prominent role in rabbinical circles as a rabbi of the community of Berezin. In 1867, after serving for two years, Halevy was appointed *gabbai* (administrator) of the yeshiva in Volozhin – a title awarded to a select few. Only 20 years old, Halevy was assigned this unique role in the administration of the yeshiva despite having previously studied there for only one year. The position gave him responsibility for the internal affairs of the yeshiva, allowing the *rosh yeshiva* (head of the academy) to focus his efforts on teaching and external affairs. Halevy's involvement with the yeshiva lasted until the Russian authorities closed it in 1892.[99] He worked tirelessly for over two decades to delay the closing of the

98 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 165–166 (letter 96).

99 For details on this event, see Stampfer, *Hayeshiva halita'it*, 208–250.

yeshiva, thwarting a concerted effort on the part of the *Maskilim* (followers of the Jewish Enlightenment) to convince the Russian authorities to close it in 1879.[100] At the same time, he published an article in the traditionalist newspaper *Halevanon* in which he attacked the initiative to establish a modern Russian rabbinical seminary.[101] Halevy's failure to prevent the closing of the yeshiva, as well as the controversies with the Russian Maskilim, who wanted to make changes to the educational and social structures of the community, likely played a role in forming his antagonism toward them and influenced the combative style later displayed in his magnum opus *Dorot harishonim*.

Halevy's leadership role at the yeshiva catapulted him to prominence in the community and afforded him a great deal of influence in communal affairs. His son Shemuel proudly claimed that "from the time that he was appointed as the gabbai of Volozhin, no decisions were made by the God-fearing [traditional] community [היראים] in Russia without his participation and approval."[102] Regardless of whether this hyperbolic-sounding claim by his son was literally true, it is clear that, throughout his life, Halevy reveled in his participation in communal decisions and controversies, excelling particularly in polemic activity in defense of the Jewish religious establishment.[103]

As a result of his engagement with the community, Halevy developed strong ties with the most prominent rabbinic figures then active in Russia. These included two leading figures of the Volozhin yeshiva – the Netziv and Rabbi Hayyim Soloveitchik – and Rabbi Grodzinski.[104] Halevy's lifelong relationship with Rabbi Grodzinski (often called "Rav Hayyim Ozer"), which began when the latter was a young man and deepened over the years, later proved pivotal to Halevy's role and mission in creating Agudath Israel. Rav Hayyim Ozer's prominent role in Agudath Israel, which Halevy founded, was a result of

100 "Eine kurze Biographie" [Part 1], 1–2. For further details on this episode, see Stampfer, *Hayeshiva halita'it*, 215–216; and Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 24–28.

101 Yedidya, *Criticized Criticism* [in Hebrew], 149.

102 Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 18. See also Reichel, *Isaac Halevy: Spokesman and Historian*, 18–26; Isaac Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 4–11; and "Eine kurze Biographie" [Part 1], 1–2.

103 See notable examples in Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 28–35; and Reichel, *Isaac Halevy: Spokesman and Historian,* 23–26. See also Mordechai Breuer, *Modernity within Tradition*, 193, for further details.

104 See Reichel, *Isaac Halevy: Spokesman and Historian*, 21–22. See also Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 39–41 and 43–44, for some notable examples of their close relationship.

their close relationship.[105] Furthermore, as will be discussed below, Rav Hayyim Ozer was influential in Halevy's decision to write *Dorot harishonim*.

Halevy's home during this period was a hotbed of activity. He hosted many rabbinic figures from abroad on their visits to Vilna, and this hospitality enabled him to forge relationships with a wide cross-section of rabbinic authorities from Europe and Palestine, which vastly extended his network of contacts. He ultimately built a nearly unmatched network of traditionalist rabbinic authorities from diverse locales and affiliations, *Hasidim* and *Mitnagdim*, and also Zionists and anti-Zionists.[106] Among those with whom Halevy developed strong relationships in this way were the Zionist Rabbi Abraham Isaac Kook (1865–1935, the first Chief Rabbi of British Mandate Palestine, known as "Rav Kook") and the anti-Zionist Rabbi Yosef Hayyim Sonnenfeld (1848–1932, rabbi and co-founder of Edah Hahareidis, the ultra-Orthodox communal organization in Jerusalem in Mandate Palestine).[107] Halevy's close relationship with Rav Kook is documented in their extensive correspondence on a wide variety of topics, from educational issues to political matters. Their association lasted throughout Halevy's life, and they discussed many of Halevy's activities and enterprises.[108]

Halevy supported himself as a tea wholesaler during his time, but his life drastically changed in 1895 when his business failed. Halevy was forced to flee Russia in order to avoid his creditors.[109] He wandered for several years until he

105 Reichel, *Isaac Halevy: Spokesman and Historian*, 21. For a fascinating example of their mutual admiration in Halevy's correspondence, see Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 167–168 (letter 98).

106 See Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 18.

107 See Reichel, *Isaac Halevy: Spokesman and Historian*, 10–11 and 98–99. For notable examples of the mutual admiration between Rav Kook and Halevy, see their correspondence in Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, and in Abraham Isaac Hakohen Kook, *Iggerot hare'iyah* (Jerusalem: Mossad Harav Kook, 1961).

108 On educational issues, see Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 152–153 (letter 80a); and Kook, *Iggerot hare'iyah*, 1:184–190 (letter 146). One example of a political matter regarded the extent of German influence over institutions in Palestine. See Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 1:145–146 (letter 73a) and Rav Kook's response in Kook, *Iggerot hare'iyah*, 184–190 (letter 146). While Halevy was worried about the possible influence of the comparatively open-minded Germans on the traditional community in Palestine, Rav Kook assured him of the strong stance of the community and its distance from German customs.

109 His monetary obligations, however, were still on his mind even after he left Russia. For more details, see Reichel, *Isaac Halevy: Spokesman and Historian*, 27–28; and Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 39.

finally settled in Hamburg in 1902.[110] Those years of wandering led him to many European cities, including London and Paris, and allowed him to further expand his contacts with a global network of rabbinic and community leaders of western and central Europe. Halevy's sudden financial exile, in fact, played a major role in the rest of his career, as both his initial travels and his settling in central Europe prompted him to embark on the two defining projects of his life: *Dorot harishonim* and Agudath Israel.

1.3.2 *Dorot harishonim*: Halevy's approach to historical scholarship

Upon his initial arrival in Pressburg (Bratislava) in 1895, following difficult stays in several different communities, Halevy decided to dedicate his efforts to writing and publishing. We can surmise that this decision stemmed in part from his inability to be directly involved in the public affairs of a community where he was unknown.[111] Initially, Halevy focused on preparing *Battim levvadim* for publication. He soon realized that he lacked sufficient funds to publish it. As a result, he decided to complete the initial volume of what would become his magnum opus: *Dorot harishonim*.[112] Halevy's choice to focus on the new project was also a strategic decision motivated by a sense that *Dorot harishonim* would allow him to garner sponsors interested in his approach to Wissenschaft, which, as discussed above, he often referred to as "Hokhmat Yisrael." In 1900, upon sending sections of volume 2 to Rabbi Salomon Breuer (1850–1926), Hirsch's son-in-law and successor in Frankfurt, Halevy included a note saying, "Knowing your purest desire for all holy things in Israel [. . .] I am confident that you will rejoice to see how, through my hand, God has fulfilled the desire of all God-fearing Jews [יראי ד׳] to establish Hokhmat Yisrael and Jewish history properly, and to restore them to their rightful place."[113]

110 For details, see Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 35–45; and Reichel, *Isaac Halevy: Spokesman and Historian*, 27–31.

111 Reichel, *Isaac Halevy: Spokesman and Historian*, 29.

112 All citations of *Dorot harishonim*, vols. 1c, 1e, 2, and 3, with volume and page numbers refer to this edition: Isaak Halevy, *Dorot harischonim*: *Sefer divrei hayamim libenei Israel*, 4 vols. (Berlin & Vienna: Benjamin Harz, 1923).

113 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 81 (letter 5). In his writings, Halevy often used the words יראים or יראי ד׳ to refer to pious, traditional, and Orthodox Jews. These words have been translated fairly literally here and throughout the chapter as "God-fearing [people, Jews, etc.]."

Halevy's approach to "establish[ing] Hokhmat Yisrael and Jewish history properly" depended heavily on apologetics. Halevy's historiography was largely programmatic, designed with the express intention of defending tradition. He stated his apologetic objectives clearly in a 1907 letter to Rabbi Judah Kantor:

> I am not involved with the [Wissenschaft] literature in order to write articles that will aggrandize myself in the eyes of the ignoramus, but only because I have witnessed the [spiritual] poverty of my people. The Maskilim have taken over our people's literature and have set about ruining, destroying, and confounding – the German scholars with their methodical approaches and comprehensive system, and their adjutants, the Russian Maskilim, whose writings are disjointed and discombobulated but brimming with disdain – such that the youth and most undiscerning readers are entrapped by their degeneracy. And so I said, "It is time to act for the Lord" (Psalms 119:126) and began organizing my thoughts on these subjects [. . .] It is incumbent upon all who are pure of heart to expose them for what they are and point out their mendacity.[114]

Halevy's words show that his Wissenschaft enterprise was guided by apologetics. Only scholarship that fit the Orthodox *Weltanschauung* was allowed. Halevy thus rejected the documentary hypothesis of biblical criticism, concentrating on rabbinic texts instead. In his view, rabbinic literature provided the ideal material for demonstrating the antiquity of the Oral Law and the unbroken chain of the transmission of traditions [*shalshelet haqabbalah*]. With great pride, Halevy wrote that "our association is not like the Berliners" – the scholarly Orthodox community affiliated with Hildesheimer's Rabbiner-Seminar – who "are indifferent if one writes for or against the Torah."[115] Halevy's disdain for the "Berliners" had not escaped them; although the membership of the *Jüdisch-Litterarische Gesellschaft* (Jewish Literary Society) that Halevy helped found in 1902 included much of the German Orthodox intelligentsia, few in Berlin chose to join. Halevy's religious and political approaches were far closer to those of Hirsch's Frankfurt community than to those of Hildesheimer's Berlin school.[116] He also had his eye on an audience in eastern Europe, for whom even Hirsch would not have been traditional enough.

Halevy's antagonistic and disrespectful writing about non-Orthodox views reveals his combative style and clearly illustrates the ideological bent of his scholarship. Critics of his approach used his antagonism towards opponents as evidence of the apologetic rather than scholarly nature of his work. Abraham

114 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 79 (letter 1). It should be noted that the second half of the verse in Psalms reads, "they have violated your teaching [*Torah*]."

115 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 132 (letter 59).

116 Breuer, *Modernity within Tradition*, 199; Yedidya, *Criticized Criticism* [in Hebrew], 192–194.

Epstein, a contemporary scholar, wrote, "I find Halevy's works upsetting because he labors not out of love for the truth but out of hatred for free inquiry. This hate compromises his work, so that the truth is absent. Every chapter of his books opens with insults and derogatory comments against R. Solomon Judah Rappaport, R. Zacharias Frankel, etc."[117]

Halevy's work cannot, however, be characterized only as apologetics. Eliezer Sariel has pointed out that Halevy "saw himself as a leader of a movement towards the development of Orthodox Jewish studies," who made "a comprehensive effort to apply modern historiographic principles from an Orthodox worldview."[118] Like the Wissenschaftlers, Halevy repeatedly emphasized his objectivity in his work, claiming it as the centerpiece of his achievement. In the introduction to volume 3 of *Dorot harishonim*, he wrote: "Every reader of this work will recognize that I have written only those conclusions I arrived at after much analysis [. . .] I have not twisted the sources to coincide with my views; quite the contrary, I have limited myself to what emerges from the sources and to the evidence I found compelling. Thus, I see myself merely as partnering with the reader so that together we can grasp the nature of the matter [. . .]."[119]

In addition to defining his own work as merely delivering the fruits of his "analysis," Halevy often sharply distinguished between his research methods and those of rival scholars: "If other researchers had not acted with total disregard for it [Hokhmat Yisrael]; if they had not eschewed honest research; if they had not been captious and imperious; if they had not been preoccupied with finding faults in everything – they certainly would have arrived at different conclusions."[120] Halevy seemed to believe he was the only scholar equipped to engage in unbiased research, which incidentally happened to confirm the Orthodox view of tradition. In this view, historians such as Graetz and Weiss, whose research was at odds with tradition, were biased in their writing, and their conclusions were therefore flawed. Putting it even more strongly, Halevy said, "The time has come to join forces for the benefit of Hokhmat Yisrael, in all its subjects, and rescue it from the hands of heretic researchers – for in reality that is the sole reason for [its causing] great damage among the Jews – and to

117 Abraham Epstein, "Iggerot biqoret," review of *Dorot harishonim*, by Yitzhak Isaac Halevy, *Ha'eshkol: Ma'asaf sifruti umada'i* 5 (1905): 256–257.

118 Eliezer Sariel, "A Historian from the World of Torah: The Historiographical Approach of Rabbi Yitzhak Isaac Halevy Rabinowitz (1847–1914)," *PaRDES: Zeitschrift der Vereinigung für Jüdische Studien* 24 (2018): 48.

119 Yitzhak Isaac Halevy, introduction to *Dorot harishonim*, vol. 3.

120 Yitzhak Isaac Halevy, *Dorot harishonim,* vol. 6, *Tequfat hamiqra*, ed. Binyamin M. Lewin (Jerusalem: Mossad Harav Kook, 1939), 3.

reestablish it with holy purity."[121] Halevy also expressed great distaste for apologetics, saying, in a letter to a fellow rabbi, "We do not wish to write apologetics on behalf of the Torah, since our holy Torah does not need it; we only wish to do honest work and thorough research, which will reveal [the Torah] in all her glory."[122]

Yet Halevy had quite traditionalist views about many aspects of Jewish history and Jewish law, most prominently on the subject of the Oral Law. In contrast to most practitioners of Wissenschaft des Judentums, who endeavored to show that both ancient rabbinic law and more modern halakhah were the products of historical development, Halevy wrote: "The Jews, however, have no new Torah and no new Judaism. What was from the earliest times is what we see in the latest times, and what is found in Scripture is what is found in later homiletics, and the behavior of Elkana, Samuel and David was no different from the behavior of all Israel, until the end of the Second Temple Period and is identical with what we have inherited in the tradition and what was recorded in the Mishnah."[123] In Halevy's view, the antiquity and the integrity of tradition were of paramount importance because they could validate the Orthodox claim against reform in the broad sense – not only the Reform Movement but also the positive-historical school of Frankel, the forerunner to American Conservative Judaism. To support this framework, he argued that the Oral Law was transmitted without any creative development or human input.

In fact, Halevy argued that even rabbinic practices like prayer and the study of text were the same in First Temple times as they were in rabbinic times.[124] He went so far as to claim that synagogue practices such as the repetition of the *amidah* prayer were performed in the First Temple period – and the repetition of prayers by the cantor [*hazzan*] dated from the earliest biblical times. Although the Talmud (b. Yoma 28b) quotes as *aggadah* (narrative) a similar concept regarding Abraham's observance of later rabbinic edicts, Halevy

121 See Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 118 (letter 44). In an unpublished letter to Rav Kook in the summer of 1908, Halevy attributed the errors of the later scholars (Graetz, Frankel, etc.) to their ignorance of the Talmud in addition to their heretical biases. See Yedidya, *Criticized Criticism* [in Hebrew], 162.

122 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 118 (letter 44). On Halevy's claims that the Torah "does not need [apologetics]," see also Yedidya, *Criticized Criticism* [in Hebrew], 162.

123 Halevy, *Dorot harishonim*, vol. 6, *Tequfat hamiqra*, 168, quoted in Sariel, "A Historian from the World of Torah," 52.

124 See Halevy, *Dorot harishonim*, 1c:332–333, cited in Sariel, "A Historian from the World of Torah," 53n16. On Halevy's views regarding prayer in First Temple times, see Sariel, 53.

was unique in taking this idea as historical truth. He also saw continuity between this First Temple period observance and the halakhah of his own time.[125]

Even with such a rigid model of the transmission of halakhah, Halevy had to formulate a more nuanced explanation regarding the development of rabbinic midrash halakhah, which derived halakhah from biblical sources. Halevy conceded that the midrashic exegesis was a later development that came to provide scriptural proof for laws received at Sinai, but not to derive new laws. This more nuanced view was still at odds with those of medieval rabbinic authorities, such as Maimonides, who clearly believed in the existence of a creative midrashic process. According to Maimonides, the rabbis derived a substantial portion – perhaps the majority – of the law through the creative application of exegetical devices such as the 13 *middot* (here, exegetical rules) of Rabbi Ishmael.[126] In claiming that the law should thus be defined as rabbinic, not sinaitic, Maimonides departed from the earlier rabbinic conception of a static halakhah (termed the "retrieval model" by Moshe Halbertal), which depicts the entire body of Law as having been received by Moses and transmitted through a continuous chain of scholars. Maimonides was the first Jewish sage to argue that the rabbis throughout the generations had offered novel readings of the Torah and, thus, had made creatively derived contributions to the halakhic process. As Halbertal explains, "he views the *halakhic* process as cumulative, each generation adding substantive norms derived by their own reasoning to the given, revealed body of knowledge."[127] Halevy, in his relentless attempt to create the illusion of a rabbinic consensus that aligned with his view of an immutable tradition, forcibly reinterpreted Maimonides's view as agreeing with the statement of Nahmanides (Rabbi Moses ben Nahman [RaMBaN], 1194–1270) that all Jewish law is biblical and transmitted from Sinai.[128] In Halevy's Weltanschauung, there was no room for innovation.

125 Sariel, "A Historian from the World of Torah," 53. See 53n16 and 53n17 for relevant citations from *Dorot harishonim*.

126 Maimonides, *Mishneh Torah*, Rebels 2:1; Moses Maimonides, *Sefer hamitsvot: Maqor vetargum*, trans. Josef Kapah (Jerusalem: Mossad Harav Kook, 1971), Principle 2, 12–15; Josef David Kapah, ed. and trans., *Mishnah: Im pirush Moshe ben Maimon* (Jerusalem: Mossad Harav Kook, 1963–1964), 11.

127 Moshe Halbertal, *People of the Book: Canon, Meaning, and Authority* (Cambridge, MA: Harvard University Press, 1997), 59. For a comprehensive and insightful analysis of the various models, see Halbertal, 54–72.

128 See Nahmanides's critical rejection of Maimonides's view in Moses Maimonides, *Sefer hamitsvot leharambam*, trans. Charles Ber Chavel (Jerusalem: Mossad Harav Kook, 1981), 31–43. On Halevy's view of this subject, see *Dorot harishonim*, 1e: 503–514.

Given Halevy's insistence on the antiquity and immutability of the Oral Law, it is striking that, in *Dorot harishonim*, Halevy sometimes criticized traditional rabbinic sources when he thought they had reached erroneous conclusions. He justified this criticism by explaining that since the sages' priority was searching for halakhic truth, they may have occasionally erred in the matter of historical accuracy.[129] While Halevy often tempered his criticism with wording such as "his meaning is obscure" or "with all due respect," he did not always proceed so gently. Regarding the high-medieval Tosafists [*Tosafot*], who often used creative, dialectical arguments to explain apparently contradictory early rabbinic opinions, Halevy said they "explained nothing" and "made up new homilies which have no basis."[130]

In addition, in *Dorot harishonim*, Halevy relied on a wide variety of historical sources, not just traditional Jewish ones. He used the *Me'or einayim* commentary, by the Italian Jewish physician and scholar Azariah de Rossi (1511–1578), which cited Christian and Roman sources, though many prominent sixteenth-century rabbis had banned it.[131] Halevy even went so far as to cite a series of New Testament verses and the writings of the Church Father Eusebius to dispute later Christian theologians' claims that Jesus was tried by the Sanhedrin.[132]

The contradictions in Halevy's work – and our resulting inability to characterize it merely as apologetics – demonstrate the difficulties Halevy faced as an historian in the nineteenth and early twentieth centuries who also considered himself a strong advocate for Orthodoxy.[133] He could not abide the idea of innovation in halakhah (though at times his writing seemed at least to imply that it had happened), but he also lionized objectivity and analysis of (mostly Jewish) primary sources, which sometimes led him to criticize accepted rabbinic authorities for arriving at conclusions he deemed incorrect.[134] He thought that the

129 Sariel, "A Historian from the World of Torah," 65. See 65n72 and 65n73 for relevant citations from *Dorot harishonim*.

130 Sariel, "A Historian from the World of Torah," 66. See 66n74 for more details on the nature of Halevy's disagreement with Tosafot, and for the relevant citations from *Dorot harishonim*.

131 Sariel, "A Historian from the World of Torah," 69. See 69n85 for the relevant citations from *Dorot harishonim*.

132 Sariel, "A Historian from the World of Torah," 68–69. See 68n83 and 69n84 for the relevant citations from *Dorot harishonim*.

133 Sariel, "A Historian from the World of Torah," 75–76.

134 On contradictions in Halevy's work regarding the development (or lack thereof) of halakhah, see Sariel, "A Historian from the World of Torah," 75. On Halevy's valuing of primary sources, see Sariel, 71–72. Note, however, Yedidyah's observation, in *Criticized Criticism* [in

elite Torah scholars of his day – especially those in eastern Europe – would benefit from studying history, yet he considered the leading historians of his day heretical.[135] More specifically, Halevy believed that the only way to defend religion from the challenges raised by calls for reform was to adopt Wissenschaft as his own. He thus considered it imperative to disseminate Jewish scholarship among yeshiva students and teachers. As he noted in an unpublished letter to Rav Kook, yeshiva students had to be taught how to contend with the reformist challenges intellectually: "We must therefore teach our youngsters to speak out against them."[136] He explained, in another letter, "I consider this a great endeavor as well, since by reading these books their ideologies will be corrected."[137]

Yet one could go further and argue that Halevy's paradoxical relationship with scholarship and ideology was in many ways typical, not only of Orthodox Hokhmat Yisrael, but also of nineteenth-century Jewish Wissenschaft in general, since all these scholarly efforts aimed at objectivity, but none achieved it. While Halevy noted the contradiction between objectivity and agenda in the work of others, he was completely oblivious to this tension in his own scholarly enterprise. He said to Isaac Unna: "God-fearing individuals, despite having unimpeachable evidence, remain fearful of engaging in [Wissenschaft] for various reasons. I assure you that the new [approach] will not raise contradictions [against tradition] whatsoever. [. . .] Why should we be the last ones to adopt Hokhmat Yisrael? Why should those [heretics] laying waste to the [Orthodox] world take our place?"[138] These contradictions in Halevy's work and ideas seem at least partially to explain the largely negative reactions to *Dorot harishonim* by the Orthodox and traditionalist rabbis of his own time and for many decades afterwards.

1.3.3 *Dorot harishonim*: Publication and reception

Halevy initially succeeded in finding sponsors for *Dorot harishonim*. During a stay in Frankfurt, he befriended Rabbi Mordechai Horovitz (1844–1910), who

Hebrew] (164), that Halevy rejected the utility of considering variations in talmudic manuscripts. Chapter 2 of this book contains a longer discussion of this point.

135 On Halevy's enthusiasm for integrating history into the yeshiva curriculum, see Sariel, "A Historian from the World of Torah," 76–77.

136 Unpublished letter mentioned in Yedidya, "Orthodox Reactions to 'Wissenschaft des Judentums,'" 86.

137 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 134 (letter 62).

138 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 83 (letter 7a).

had numerous connections with the wider community, and Horovitz introduced him to Rabbi Zadoc Kahn, the chief rabbi of Paris. Kahn arranged for the journal *Revue des Études Juives* to publish a French-language draft version of part of his manuscript of *Dorot harishonim*, which included his theories on the redaction of the Talmud and the saboraic era.[139] The publication of Halevy's articles brought his theories to the attention of scholarly circles in western and central Europe. Kahn also played a vital role in convincing the *Alliance Israelite Universelle*, a Paris-based group that promoted the rights of Jews, to sponsor the publication of the initial volume of *Dorot harishonim* in 1897 and even to commit to additional funding for the publication of the second volume. (The funding for the second volume never materialized, however, most likely as a result of the polemical tensions created by the publication of the first volume.)[140] The first volume focuses on the history of the last *Amoraim* (rabbis who commented on the Mishnah, starting in the third century CE and ending around 500 CE) and the activities of their successors, the *Saboraim*; it encompasses the period from the completion of the Talmud to the end of the geonic period.[141] The title page of the book identified the volume as *helek shelishi* (volume 3), hinting at Halevy's intention to encompass the entire expanse of Jewish history in his works. Halevy addressed the out-of-order publication, writing in the introduction to volume 3 that he had intended to publish volume 2 earlier, due to the importance of his readers' developing a proper understanding of the process of the formation of the Talmud; however, because of his travels and inability to access the necessary books, he was forced to delay volume 2's publication. This delay meant that Baron Wilhelm Carl de Rothschild, the philanthropist who paid volume 2's printing costs and to whom it was dedicated, died a month before the volume's publication.[142] Rothschild's agreement to aid in the publication of volume 2 emerged from Halevy's relationship with the rabbinic circle of Frankfurt, where the volume was ultimately published. Rabbis Mordechai Horovitz and Salomon Breuer recommended that Rothschild support

139 His article was published in two parts: Isaac Lévi, "La cloture du Talmud et les Saboraim" [Part 1], *Revue des Études Juives* 33 (1896), and Isaac Lévi, "La cloture du Talmud et les Saboraim" [Part 2], *Revue des Études Juives* 34 (1897). Abraham Epstein later reviewed and severely criticized it; see Abraham Epstein, "Les Saboraim," *Revue des Études Juives* 36 (1898). The final version, published in the *editio princeps* of *Dorot harishonim* in 1897, was rewritten and corrected in order to address Epstein's comments.

140 Reichel, *Isaac Halevy: Spokesman and Historian*, 29–30.

141 Yitzhak Isaac Halevy, *Dorot harishonim*, vol. 3: *Min hatimat hatalmud ad sof yemei hageonim* (Pressburg: Adolf Alkalay, 1897). Chapters 3 and 4 of this book will elaborate in detail on Halevy's arguments about the formation of the Talmud in *Dorot harishonim*.

142 Reichel, *Isaac Halevy: Spokesman and Historian*, 30–31.

the publication. In fact, despite Hirsch's criticism of Wissenschaft des Judentums, Hirsch had praised Halevy, in an unpublished letter dated 1887, for his polemical writings and encouraged him to continue his works and his controversies with the Maskilim.[143]

In 1901, Halevy managed to publish the second volume in Frankfurt.[144] It discussed the era from the end of the Mishnah until the completion of the Talmud. This volume is dedicated to the role of Abbaye and Rava, the most commonly mentioned Amoraim, in the formation of the Talmud; the activities of the earlier Amoraim; and the editorial activity of Rav Ashi and his *beit ha-va'ad* (rabbinical assembly). Halevy claimed that Abbaye and Rava were the most important editors of the Talmud. This argument diverged from the traditional view, which attributed the redaction of the Talmud to Rav Ashi.[145]

After his second stay in Pressburg in 1897, Halevy moved temporarily to the town of Bad Homburg, near Frankfurt, where he was warmly received in the home of the local rabbi, (Shelomo) Heymann Kottek (1860–1913), who gradually became Halevy's most loyal supporter and confidant, and closest friend.[146] In 1902, Halevy finally settled in Hamburg, where he assumed the post of Rabbi of the Leib Shaul *Klaus*, one of the foundations established by wealthy patrons to subsidize rabbinical scholars. It had been established in 1810 with the stipulation that its rabbis be nonresidents of Hamburg who devoted their time primarily to the study of Torah. Halevy, having made use of his extensive social contacts in order to secure the post, spent the rest of his life occupying it.[147] The position, whose only requirement was that he teach a weekly Talmud class to elite local scholars, provided him with ample time to continue writing *Dorot harishonim*.

Halevy succeeded in publishing volume 1c in 1906, also in Frankfurt.[148] In this volume, continuing the pattern of conducting his historical research in an unsystematic fashion, Halevy covered the period from the last days of the Hasmoneans until the time of the Roman procurators. The remaining volumes

143 Yedidya, *Criticized Criticism* [in Hebrew], 155.

144 Yitzhak Isaac Halevy, *Dorot harishonim 2a-2b: Min sof yemei hamishnah ad ahar hatimat hatalmud* (Frankfurt am Main: M. Slobotzky, 1901).

145 Chapters 3–4 of this book will elaborate in detail on these arguments about Abbaye, Rava, and Rav Ashi.

146 Breuer, *Modernity within Tradition*, 193. See also Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, for examples of the vast correspondence between them.

147 See Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 81 (letter 4).

148 Yitzhak Isaac Halevy, *Dorot harishonim*, vol. 1c, *Misof yemei hahashmonaim ad yemei netsivei Roma* (Frankfurt am Main: Louis Golde, 1906).

were published posthumously. Volume 1e, covering the period from the destruction of the Temple until the redaction of the Mishnah, was published in Frankfurt in 1918, four years after Halevy's death, by Salomon Bamberger (1869–1920).[149] Halevy was only directly involved up to page 208; Bamberger completed the rest. Volume 1d, which addresses the end of the Second Temple Period, was published in 1964 as a section of Halevy's *Memorial Volume* by Moshe Auerbach.[150] Auerbach was entrusted with the unedited manuscript by Shemuel Halevy's widow and children. As noted in his preface, he thoroughly edited it, omitting certain parts and reorganizing others. In addition, he reworked Halevy's translation of Josephus's works. Auerbach's volume, probably due to his thorough rewriting, never became part of the series. Its style and structure are clearly not Halevy's. Dr. Benjamin M. Lewin (1879–1944) worked from Halevy's manuscript on biblical times, edited it, and published it as volume 6 of *Dorot Harishonim* in Jerusalem in 1939. Though its Hebrew title is *Tequfat hamiqra* (The Bible Period), this volume does not deal with the history of that period, which Halevy planned to write and publish at a later time but did not manage before he died. It is, instead, an apologetic attack on the biblical criticism of Julius Wellhausen (1844–1918), who is considered by many to be the founder of modern biblical criticism. Halevy wrote the text as a compendium of his account of the era of the Second Temple, which he contrasted with the First Temple. Lewin, a student of Halevy's, therefore published it as Volume 6 and not as an integral volume of the series.

Some of Halevy's contemporaries reacted quite positively to *Dorot harishonim*. Halevy's historiography represented Orthodoxy's first step in employing history to defend traditional Jewish piety, and Halevy's contemporaries knew it.[151] In his approbation to *Dorot harishonim*, Rabbi Hayyim Ozer Grodzinski, who had been instrumental in persuading Halevy to employ his talmudic erudition in the service of Orthodoxy by writing a historiographical work validating tradition, wrote: "Those who tremble at God's word should rejoice at the fact that this literature has also found its faithful redeemer [. . .] for so long have I hoped and yearned for such a keeper of the vineyard to come remove its thorns,

149 Yitzhak Isaac Halevy, *Dorot harishonim*, vol. 1e, *Me'ahar hahurban ad hatimat hamishnah,* ed. from the author's manuscript by Salomon Bamberger (Frankfurt am Main: Louis Golde, 1918).

150 Yitzhak Isaac Halevy, *Dorot harishonim,* vol. 1d: *The Final Era of the Second Temple* [in Hebrew], ed. Moshe Auerbach, in *Yitzhak Isaac Halevi Memorial Volume* [in Hebrew], ed. Moshe Auerbach.

151 Hildesheimer also viewed Wissenschaft as an ideal tool to strengthen religion and conserve its observance; however, his approach was primarily a scholarly pursuit, whereas Halevy's apologetic agenda often dominated. See Yedidya, *Criticized Criticism* [in Hebrew], 192–194, and the discussion above.

and we even discussed it more than once."[152] Rabbi Grodzinski was not alone in this view. David Zvi Hoffmann, the Talmud scholar turned critical reviewer of rabbinic texts, praised *Dorot harishonim* in a review published in 1901: "The author was careful and responsible in his conclusions. We fully believe his statement that he did not intend to write apologetics but rather to pursue the truth through thorough in-depth studies."[153] Hoffmann, despite his affiliation with the Berlin Rabbiner-Seminar and subsequent rejection by some elements of the Orthodox community, was widely respected in many circles as a rabbinic scholar. He was the author of a noted collection of responsa, *Melamed leho'il*, and the primary authority in Germany on halakhic questions.[154]

Yet others were far less laudatory. Criticisms tended to fall into two general categories: first, and more common, the apologetic tone of the work detracted from its quality; second, historiography was not the correct approach to promoting the Orthodox agenda. As an example of the first, the Orthodox scholar Yehiel Michel Pines (1843–1914) noted in a letter to Halevy that criticism of his opponents features so extensively throughout the book that it detracts from a coherent historical writing style: "I cannot refrain from telling you that your work is not well ordered. Your book is more a series of glosses than a book of history."[155] Y. N. Simhuny made a similar point in a critical review of *Dorot harishonim* published in 1921: "Three basic flaws plague his work. The first is his temperament, so prominent in his books, which can be so agitating as to infuriate readers. [. . .] All earlier scholars were insignificant in his eyes. [. . .] The second flaw is the absence of a scholarly foundation. [. . .] The third flaw is the author's unique writing style."[156] According to these and other detractors, Halevy's work could not be both a solid work of scholarship and a polemic.

Even one of Halevy's most fervent admirers noted and criticized his pursuit of scientific-historical validation to support his uncompromising and rigid view of tradition. Rav Kook, who was generally extremely complimentary of *Dorot harishonim* and wrote to Halevy upon receipt of the earlier volumes that "you

152 Grodzinski, *Iggerot R. Hayyim Ozer*, 1:314 (letter 292).

153 David Zvi Hoffmann, "J. Halevy: *Dorot harishonim*," review of *Dorot harishonim*, by Yitzhak Isaac Halevy, *Zeitschrift für Hebräische Bibliographie* 5, no. 1 (1901): 100. Yedidya quotes portions of the review in *Criticized Criticism* [in Hebrew], 176–178, although some of his page citations are not accurate.

154 Breuer, *Modernity within Tradition*, 251–252.

155 Unpublished letter quoted in Yedidya, *Criticized Criticism* [in Hebrew], 152–153.

156 Y. N. Simhuny, "Dorot harishonim," review of *Dorot harishonim*, by Yitzhak Isaac Halevy, *Hatequfah* 11 (1921): 427–428.

have given me the gift of fine pearls of inestimable value," nonetheless criticized Halevy's combative style.[157] Rav Kook remarked in a letter to Avigdor Rivlin, who had sent Rav Kook Halevy's books: "From our running correspondence, I can tell that his personality is very different from mine, and the same is evident from the tone of his work. He is always dressed for battle – truth be told, he is battling God's war – while I am a man of peace who pursues peace [. . .] It therefore seems to me that I am not able to come to terms with the connection you made [from Halevy's work] to my thought and mindset, which desire expression through activity in the Holy Land. Nonetheless, I value both the work and the man; if only more would follow in his footsteps."[158] Rav Kook was troubled not only by Halevy's combative tone but also – and this is the primary example of the second type of criticism – his historical apologetics regarding tradition. Halevy feared that any legitimization of creativity would lead to anarchy and reform and would threaten the basic foundations of Orthodoxy; given that Halevy's historiographical method itself constituted a great innovation, this fear seems somewhat paradoxical. As Halevy himself noted numerous times, earlier rabbinical authorities did not have an historical consciousness.[159] Thus they often presented anachronistic accounts.[160] Rav Kook insightfully noted, "You remark that 'we need to be extremely careful about [applying] new approaches,' but I can say confidently that you yourself would agree that you have done more for the state of Judaism with your historical writings, which adopt new approaches in comparison to those of all other Torah scholars, than a number of other writers who have given us yet more hiddushim and *pilpulim* using old approaches."[161] In his response to Rav Kook, Halevy argued that his approach did not offer a radical change but was merely a reinterpretation of existing sources: "I have not taken new approaches in my works, but, rather, God has helped me find the keys to understanding the Mishnah and the Gemara. I am confident that were the Tosafot Yom Tov [Rabbi Yom-Tov Lipmann Heller, 1578–1654] of blessed memory alive today, he would

157 Kook, *Iggerot hare'iyah*, 1:122–123 (letter 103).

158 Kook, *Iggerot hare'iyah*, 1:168 (letter 136).

159 For examples of Halevy's argument, see Halevy, *Dorot harishonim*, 1e:144–145, 2:117, 2:228, and 2:241.

See Yerushalmi, *Zakhor*, 31–52, for a similar observation.

160 For some illustrative examples, see Halevy, *Dorot harishonim*, 2:228–231 and 2:240–241.

161 Kook, *Iggerot hare'iyah*, 1:188 (letter 146). See also David Ellenson, "*Wissenschaft des Judentums*," 14. However, it is clear from this letter that Rav Kook was not warning Halevy "to be guarded against new ways," which is how Ellenson understands him. Rav Kook was simply quoting Halevy and pointing out the inherent inconsistency in his approach.

quote me frequently in his work. Furthermore, were Rashi [Rabbi Shelomo ben Yitshak, 1040–1105] and Rambam to see [my work], they would be very pleased with all of it."[162] As Rav Kook incisively pointed out, Halevy understood the power of his historical method, yet when describing the process of the formation of the Talmud and the development of halakhah, Halevy presented rabbinic tradition as static and unchanging and did not grant any latitude for the creative power of interpretation.

Rav Kook also differed greatly from Halevy in his approach to the validation of tradition, believing that historiography alone was not an effective safeguard. In Rav Kook's view, tradition could be far more effectively validated via a sound philosophical and theological interpretative framework. He believed that historical and scientific research could be conducted on its own terms, without any preconceived notions:

> The reason motivating the world-destroyers to cut down the saplings and turn everything upside down by rejecting tradition, in a deeper sense, is the simple fact that the world has grown progressively dark with the absence of any inner light [. . .] For instance, in the same way that it does not matter for our observance whether the Torah's *shi'urim* [halakhic measurements] are Mosaic traditions from Sinai, as concluded in the Babylonian Talmud (Yoma 80), or actually decrees of the rabbinical court in Jabez [see 1 Chronicles 4:9], according to the simple reading of the Yerushalmi at the beginning of tractate Pe'ah, [. . .] because the determining factor is acceptance by the nation [. . .], so, too, it does not matter for our sacred belief in the Oral Torah whether the Mishnah was sealed in earlier or later generations, and similarly for the Talmud."[163]

To Rav Kook, the authority and validity of rabbinic law did not depend on whether it had been directly transmitted from Sinai or had been creatively established by the rabbis at a later date. The law's authority had, rather, been established by communal acceptance. The community also had the power to canonize and fix the law.[164] Therefore, nothing was at stake if halakhah had evolved over time. In other words, Rav Kook argued that once the community had decided to crystallize a body of laws like the Talmud, those laws became canonical and immutable.[165] This idea was not new; Maimonides had made the

162 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 152 (letter 80).

163 See Rav Kook's letter to Halevy in Kook, *Iggerot hare'iyah*, 1:193–194 (letter 149). According to the rabbinic opinion quoted here by Rav Kook, *shi'urim* were not a tradition from Sinai but, rather, were established by the rabbinical court of Jabez. See b. Temurah 16a.

164 Maimonides, *Mishneh Torah*, Rebels 2:2–3.

165 Zalman Menahem Koren, "Tannaim, Amoraim, Geonim, verishonim: Samkhut harishonim kelapei ha'aharonim," in *Berurim behilkhot hare'iyah*, ed. Moshe Zevi Neriah, Aryeh Shtern, and Neriyah Gotel (Jerusalem: Beit Harav, 1991), 423–450; Abraham I. Kook, "Rihata

same point in the introduction to his *Mishneh Torah*: "Whatever is already mentioned in the Babylonian Talmud is binding on all Israel. And every city and country is bound to observe all the customs observed by the sages of the Gemara, promulgate their decrees, and uphold their institutions, on the ground that all the customs, decrees, and institutions mentioned in the Talmud received assent of all Israel, and those sages who instituted the ordinances, issued the decrees, introduced the customs, gave the decisions, and taught that a certain rule was correct, constituted the total body or the majority of Israel's wise men."[166] In Halevy's time, however, a great number of Orthodox and traditionalist rabbis believed that the written Torah and Oral Law were of sinaitic origin [*Torah misinai*] and were thus immutable. They also saw a need to counter those who pushed for reform on the grounds that laws changed over time. In Rav Kook's worldview, this was not necessary, so he thought that historiography did not have to be apologetic and was, in any case, an ineffective apologetical tool. From Kook's perspective, if a Jewish person chose to reject tradition, he or she could easily reinterpret history to justify that choice, and no proof otherwise would resolve the issue.

Although his method was different from Halevy's, Rav Kook enthusiastically endorsed Halevy's approach and even agreed to co-direct *Tahkemoni* (The Wise One), a student organization in Bern, Switzerland, that worked to disseminate Halevy's methods.[167] Despite his endorsement, Rav Kook was well aware of the limitations of Halevy's work. He criticized Halevy's followers for being resistant to any criticism of Halevy's methods, writing to Meir Bar Ilan (1880–1949), the Berlin-based founder and editor of the Zionist weekly *Ha'ivri* (The Hebrew): "Although we have no other good and appropriate histories aside from theirs [Halevy's *Dorot harishonim* and Ze'ev Jawitz's *Toledot Israel*], we still cannot deny the existence of much good content in works with many faults.[168] Moreover, [Halevy and Jawitz] were also not always correct in their tendentious criticism. The truth is the most beloved of all, and it is specifically through it that the Almighty can be praised, and true faith can be elevated."[169] Halevy's apologetic method of applying scholarship in defense of Orthodoxy had problematic results, detracting from the credibility of his scholarship and

dehaqlei," in *Rabbinical Encyclopedia Sede Chemed* [in Hebrew], ed. Hayyim H. Medini (Brooklyn, NY: Kehot, 1949), 3920.

166 Moses Maimonides, *A Maimonides Reader*, trans. and ed. Isadore Twersky, Library of Jewish Studies (New York: Behrman, 1972), 38.

167 See Yedidya, "Benjamin Menashe Lewin" [in Hebrew], 136–139.

168 On Jawitz's biography and scholarship, see Yedidya, "Enlisted History," 79–101.

169 Kook, *Iggerot hare'iyah*, 2:20 (letter 355).

preventing the wide dissemination of his works among both scholars and his intended audience of yeshiva students and Orthodox and traditionalist Jewry in general. Even the credibility of Halevy's own disciples' work was affected by his uncritical apologetics. In his introduction to the second edition of *Toledot Tannaim ve'amoraim*, Aaron Hyman's son explains that one of the main criticisms of his father's work was its reliance upon the uncritical research of *Dorot harishonim*.[170]

Once apologetics were no longer necessary, Halevy's works were seen as dangerous. Rabbi Avraham Yeshaya Karelitz (1878–1953; popularly known by the name of his magnum opus *Hazon ish*) argued that *Dorot harishonim* should not be republished when the current editions sold out. His animosity towards the work was a reaction to its apologetic stance. In his view, Halevy's work was mainly a response against heretics and would unduly expose Orthodox youth to issues and heresies from earlier generations. In his eyes, these issues had already been resolved and had lost currency among the Orthodox community.[171]

Although Halevy's work was widely respected in the Orthodox community for its scholarship, his apologetics led many to shun *Dorot harishonim*.[172] Halevy was caught in the middle – reformers dismissed him as an Orthodox apologist, and the Orthodox rejected him for his focus on old, irrelevant controversies. Having alienated both sides of the ideological battle, Halevy's work fell by the wayside and remains largely ignored.[173] But in addition to its

170 Dov Hyman, introduction to *Toledot Tannaim ve'amoraim*, by Aaron Hyman, facsimile of 1910 ed. (Jerusalem: Boys Town Jerusalem, 1964), 1:4.

171 Abraham Horowitz, in *Orkhot Rabbeinu* (self-pub., 1998), 3:119, notes in the name of Rabbi Hayyim Kanievsky (1928-), the most prominent non-Hasidic Haredi rabbi in Israel, that the Hazon Ish also took issue with Halevy's attitude towards his rabbinic predecessors. Rabbi Shemuel Halevy, Halevy's great-grandson, who currently serves in the administration of the elementary school named for the Hazon Ish and established in his former house, told me in a 2007 interview that he had a different recollection of that meeting. He recalled that the Hazon Ish cited Halevy's recurring controversies with the heretics of previous generations as a reason to avoid republishing the book. He maintains that there was no mention of Halevy's arguments with earlier rabbinic authorities.

172 Several noted Orthodox figures did hold his work in great esteem. In addition to the positive reviews by Grodzinksi and Hoffmann, several noted contemporary rabbinical authorities also respected Halevy's scholarship. This author has heard from Rabbi Moshe Shapiro (1944–2013), one of the leading rabbinic personalities in Israel, that the work of two authorities in the past century (despite being apologetic) added a unique dimension to Torah scholarship. They were *Dorot harishonim* and the works of Rabbi Meir Leibush ben Yehiel Michel Wisser (MaLBIM, 1809–1879).

173 The extent of the ignorance of Halevy's work is also evident in the description of the meaning of the street in Jerusalem named after *Dorot harishonim*. In his descriptions of

demonstration of Halevy's Orthodox approach to Wissenschaft des Judentums and his several notable conclusions about the formation of the Babylonian Talmud, *Dorot harishonim* retains its significance today despite the criticism because of the work's connection to Halevy's groundbreaking political activities in support of Orthodoxy.

1.4 Political activities and Agudath Israel

During the time that he was writing, finding sponsors to support, and publishing *Dorot harishonim*, Halevy also engaged in political activities throughout continental Europe and Palestine. In both his historical writing and his politics, Halevy believed that he was engaging in the same project: building up Orthodoxy and defending it from its enemies.

Halevy exerted political influence over a wide range of issues, from the appointments of chief rabbis in Jerusalem and Constantinople to the Orthodox and traditionalist leadership's navigation of its relationship with government authorities and its clashes with the Maskilim.[174] In 1902, the same year as the founding of the liberal *Gesellschaft zur Förderung der Wissenschaft des Judentums* (Society for the Advancement of Wissenschaft des Judentums) in Berlin, Halevy and other prominent Orthodox scholars – Rabbis Salomon Bamberger, Jonas Bondi (1804–1874), Heymann Kottek, and Moses Marx, together with the educator Gerson Lange (1868–1923) – formed the *Jüdisch-Litterarische Gesellschaft* in Frankfurt.[175] Halevy became deeply involved in nearly every aspect of the society's activities.[176] The society's stated objective was to "advance rigorous scientific efforts which are suitable for deepening the knowledge of the verity of traditional [*überlieferten*] Judaism."[177] Only scholarship fitting the Orthodox worldview received funding, making apologetics the society's chief concern. As a result, the society rejected some forms of scholarship, such as the documentary hypothesis of biblical criticism, and encouraged

Jerusalem's streets, Ronald Eisenberg describes it as the "street named in memory of the early pioneers [*halutsim*] who built up the Land of Israel and Jerusalem." See Ronald L. Eisenberg, *The Streets of Jerusalem: Who, What, Why* (Jerusalem: Devora, 2006), 84.

174 Reichel, *Isaac Halevy: Spokesman and Historian*, 37–38; Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 201 (letter 52a).

175 Yedidya, *Criticized Criticism* [in Hebrew], 182–184.

176 For notable examples, see Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 89 (letter 17), 91 (letter 18a), and 106 (letter 37).

177 *Der Israelit* 43, no. 17 (1902): 383, quoted in Breuer, *Modernity within Tradition*, 203.

others, such as traditional studies of rabbinic texts. In pursuit of its scholarly aims, the society published an annual yearbook and sponsored such scientific-apologetic works as *Dorot harishonim* and Kottek's *Geschichte der Juden*. The society became a valuable tool for achieving the aims of the Orthodox Wissenschaft enterprise, extending Halevy's influence by gathering like-minded scholars who followed his approach.[178] The society was also responsible for the publishing of the third installment of *Dorot Harishonim* in 1906 (volume 1c) and the next installment (volume 1e) in 1918.[179]

Halevy joined another political movement, the *Freie Vereinigung für die Interessen der Orthodoxen Judentums* (Free Association for the Interests of Orthodox Judaism), which Rabbi Samson Raphael Hirsch had formed in Frankfurt in 1886 to assist and strengthen struggling Orthodox communities.[180] The association, which was reorganized in 1907 to represent the interests of Orthodox communities throughout Germany, attracted several prominent leaders.[181] Halevy enthusiastically approved of this development and was particularly happy that the new association brought together the previously feuding Orthodox leadership of Frankfurt and Berlin.[182] Halevy decided to take an active role in the Freie Vereinigung's operations and particularly in expanding its activities in Palestine. On the invitation of Rabbi Jacob Rosenheim (1870–1965), Halevy became a member of the organization's Palestine Commission and its Commission on Literature and Publicity. Halevy's main interest was in a subcommittee of the Palestine Commission dedicated to educational activities in Palestine; his involvement in this committee enabled him to influence the traditional educational system there.[183] He perceptively suggested naming this subcommittee the "Spiritual Commission" or "Cultural Commission of Erets Israel" instead of the "Torah Commission," so that it would have equal standing with other European organizations, such as the Alliance Israelite Universelle (mentioned above) and the *Hilfsverein der Deutschen Juden* (Relief Organization of German Jews), that had been founded to improve the social and political conditions of the Jews in Europe.[184] Halevy, a skilled strategist for whom politics and

178 See Reichel, *Isaac Halevy: Spokesman and Historian*, 45–46; and Yedidya, *Criticized Criticism* [in Hebrew], 182–187.

179 Reichel, *Spokesman and Historian*, 39 (re: volume 1c) and 42 (re: volume 1e).

180 Rosenbloom, *Tradition in an Age of Reform*, 119–120.

181 For details, see Reichel, *Isaac Halevy: Spokesman and Historian*, 93.

182 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 126 (letter 49).

183 Reichel, *Isaac Halevy: Spokesman and Historian*, 96–97.

184 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 131 (letter 59). On Halevy's impact on the involvement of the Freie Vereinigung in Palestine, see Alan L. Mittleman, *The Politics of Torah:*

cultural endeavors went hand in hand, understood that giving the subcommittee a title that evoked the general concept of "culture" would enhance the status of the subcommittee and would place it within the purview of these organizations, thus obligating them to deal with Halevy in an official capacity. In his position as a member of this subcommittee, Halevy worked extensively on the development of the Orthodox/traditionalist educational system in Palestine.[185] He also developed his close relationship with Rav Kook through his work on the committee.[186] Halevy even had Rav Kook's letters translated into German and distributed among the members of the commission, with the intention of publishing them for the general public in Germany.[187] Notably, among his many activities in Palestine, he encouraged the community to establish a Chief Rabbinate; Rav Kook came to assume the position of Chief Rabbi of Palestine and head of the High Rabbinical Court in 1921.[188] Halevy believed that Orthodox institutions such as the Freie Vereinigung needed to broaden their scope beyond national boundaries and local political rivalries. He also thought that Orthodox institutions should be competing with transnational organizations such as the World Zionist Organization.[189] Despite Halevy's traditionalism, he never made separatism – the Orthodox position (originating in Frankfurt and then spreading elsewhere) that Orthodox communities should not associate with non-Orthodox Jews – a pillar of his philosophy.[190] As a non-separatist and an outsider in Germany, he was the ideal internationalist who expanded local German institutions beyond parochial considerations.[191] Rosenheim remarked in his autobiography, *Erinnerungen, 1870–1920* (first published in 1955, in Hebrew, as *Zikhronot*), that Halevy was the one who broadened the Freie Vereinigung

The Jewish Political Tradition and the Founding of Agudat Israel (Albany: State University of New York Press, 1996), 115–116.

185 For examples of his activities, see Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 136–137 (letter 64) and 155 (letter 82).

186 During this period, Halevy and Rav Kook corresponded frequently. For some of their correspondence, see *Iggerot Rabbi Yitzhak Isaac Halevy*, 145–146 (letter 73a) and 150–153 (letters 80, 80a); and Rav Kook's letters in Kook, *Iggerot hare'iyah*, 1:122–128 (letter 103), 1:136–141 (letter 111), and 1:169–170 (letter 137).

187 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 145 (letter 73a).

188 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 162–163 (letter 93). For further details, see Reichel, *Isaac Halevy: Spokesman and Historian*, 99–100.

189 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 131–132 (letter 59).

190 See below for a more detailed discussion of separatism and, specifically, how disputes regarding it affected the Kattowitz conference.

191 Mittleman, *The Politics of Torah*, 115–116.

from a Jewish-German or even an eastern European organization into an international enterprise responsible for Jewish religious life all over the world.[192]

Halevy soon realized that the Freie Vereinigung was, at best, a stopgap measure for preventing the decline of Orthodoxy in Germany. He quickly understood that in order to strengthen the community and to face the enormous challenges presented by new denominations of Judaism, it was necessary to unite and form a truly global Orthodox political body. In a letter to Rosenheim, who later became the first head of the organization, Halevy wrote: "The Freie Vereinigung itself will only achieve great success after the creation of a great organization that will unite all God-fearing Jews."[193] Consequently, Halevy embarked on what would become the crowning political achievement of his career: the establishment of a worldwide Orthodox Jewish body, Agudath Israel.

Halevy understood that Orthodox and traditionalist Jewish communities in the early twentieth century were fragmented and heterogeneous, though they shared a commitment to studying Torah and following halakhah. Yet levels of observance varied widely, and there were immense differences in lifestyle, language, cultural values, and relationship to non-Jewish culture among the various communities in eastern and central Europe.[194] Moreover, while, in Germany and Hungary, there were separate and distinct Orthodox communities, the communities in Russia included a variety of ideological groups and were less organized. Halevy undertook a revolutionary political endeavor: to establish Agudath Israel, an international Orthodox Jewish body to centralize the leadership of the various Orthodox and traditionalist communities worldwide. This was a dream that Halevy had nurtured for many years, beginning long before he became involved with the Freie Vereinigung. His correspondence with Rabbi Grodzinski in 1901 clearly indicates that this idea had already been in Halevy's mind for a long time and, by 1901, was fully formed and developed.[195]

Halevy's correspondence makes it evident that he was the true architect of the project, and that he was the one to propose the name "Agudath Israel." The realization of Halevy's dream of an international organization that would unite rabbinic authorities from the east and west was a monumental task requiring the credibility and acumen of a skilled politician. Halevy's innate political skill,

192 Yaakov Rosenheim, *Zikhronot*, trans. Chaim Weisman (Tel Aviv: She'arim, 1955), 107.

193 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 158 (letter 86). Here the term translated as "God-fearing" is החרדים לתורת ד׳.

194 For further details, see Menachem Friedman, *Society and Religion: The Non-Zionist Orthodox in Eretz-Israel 1918–1936* [in Hebrew] (Jerusalem: Yad Ben-Zvi, 1977), 219.

195 Shemuel Halevy, "My Father of Blessed Memory" [in Hebrew], 43.

paired with his experience of having lived in both the east and the west, positioned him as an ideal executor of such an endeavor.[196] Halevy worked diligently to convince both Rosenheim and Salomon Breuer to promote the expansion of the *Freie Vereinigung* beyond German borders and to reach out to the various Orthodox communities worldwide.[197]

His efforts to persuade Rosenheim bore fruit; Rosenheim announced in late 1908, in an address to the annual meeting of the Freie Vereinigung, that the time had come to unite the Orthodox minority in Germany with the Orthodox masses worldwide. He said, "We are indeed a minority, if we enclose ourselves in our own four cubits, if we ignore the hundreds of thousands and even millions of our brethren living in eastern Europe, and even in the west, in lands beyond the [Atlantic] ocean, who are still rooted in traditional Judaism."[198] The various communities needed each other, and thus it was decided to create a new organization embracing Jews from both east and west. It was then resolved that the first step would be to convene a meeting of leading rabbinical authorities in Bad Homburg in August 1909.[199] Bad Homburg, a resort next to Frankfurt, was where Halevy had spent many summers and where Kottek was the local rabbi. Halevy was instrumental in bringing together rabbinical luminaries from diverse backgrounds, ranging from Rabbi Hayyim Soloveitchik to the Hasidic Grand Rabbi of Gur, Rabbi Avraham Mordechai Alter (1866–1948, also known as the *Imrei Emes*). The Lubavitcher Rebbe, Rabbi Sholom Dov Ber Schneersohn (1860–1920), did not participate in the meeting personally, though he sent a representative.[200]

196 For more details, see Rosenheim, *Erinnerungen*, 110. On Halevy's originating the idea, see Mittleman, *The Politics of Torah*, 116–117; Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 157–158 (letters 85–86). On whether Halevy perhaps took too much credit for the Agudath Israel idea, and whether Rosenheim also wanted to develop such an international organization, see Mittleman, 116n53. In a letter to Halevy in the summer of 1909, Yaakov Lipshitz of Kovno complained that, although he was the first to initiate the unification of all Orthodox Judaism, he was excluded from the original advanced collaborations to implement this initiative. See Asaf Yedidya, *A Brief History: The First Hebrew Historiographical Essay on the Jews of Russia in the Nineteenth Century* (Jerusalem: Mossad Bialik, 2019), 41–45.

197 For further details on Halevy's work persuading Rosenheim and Breuer, see Rosenheim, *Zikhronot*, 107–108; Mittleman, *The Politics of Torah*, 116–117; and Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 157–158 (letters 85–86).

198 Rosenheim, *Zikhronot*, 108.

199 For further details, see Rosenheim, *Zikhronot*, 107–108; and Mittleman, *The Politics of Torah*, 116–117.

200 On Rabbi Hayyim Soloveitchik, see Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 165–166 and 204 (letters 96 and 157). On the rabbi of Gur, see Halevy, 167–168 (letter 98). See also Rosenheim, *Erinnerungen*, 112, for a detailed list of the attendees. See Mittleman, *The Politics of Torah,* 117, for more details.

Halevy's close relationship with Rabbi Soloveitchik was the motivation for the latter's attendance at the meeting, and Rabbi Soloveitchik intervened to help secure the participation of the rebbe of Gur, with whom Halevy had not been previously acquainted. In his autobiography, Rosenheim wrote of the conference: "Thus in August 1909 the Homburg conference took place, where during a period of two to three weeks, gathered [. . .] the greatest rabbis and lay leaders [. . .] from Eastern and Western Europe."[201] This historic meeting was described at the time as a "conference of Orthodox rabbis [אספת רבנים אורתודקסים]."[202] It represented a milestone in Jewish politics. As a result, the meeting was not without its share of controversies. Ironically, amidst their initial attempts to invite rabbis from all over the world, the organizers felt they had to exclude some Orthodox rabbis from Frankfurt. This was because German Orthodoxy had fragmented. Most German Orthodox rabbis worked with non-Orthodox Jews in united communities [*Einheitsgemeinde*], in which the majority of communal tasks were carried out jointly, but the Orthodox, who were in the minority, had their own religious services. By contrast, the rabbis of Frankfurt, beginning with Rabbi Hirsch in 1876, had received permission to split off from the main Jewish community [called *Gemeinenorthodox*] and form their own, separatist communities [*Austrittsgemeinden*]. By the time of the Bad Homburg conference, six more Austrittsgemeinden on the Frankfurt model had been formed. These separatists argued that they could not, in good conscience, participate in communal organizations with heretics, by which they meant non-Orthodox, and especially Reform (or Liberal), Jews.[203] Although a separatist community existed in Berlin, its leadership was more amenable than was typical to working with the general community. The graduates of the Berlin rabbinical seminary often worked as rabbis of non-secessionist communities. One notable graduate, Rabbi Dr. Marcus Horowitz (1844–1910), served as the rabbi of the Frankfurt *Gemeinenorthodox* community on the Börneplatz. This caused great controversy among the Orthodox, as Frankfurt was the birthplace of the separatist movement, and no other German community was as devoted to the principle of Austritt.[204] This intractable conflict had the effect of excluding Horowitz from

201 Rosenheim, *Erinnerungen*, 111–112.

202 *Otsar Yisrael: An Encyclopedia of All Matters concerning Jews and Judaism* [in Hebrew], comp. Judah David Eisenstein (self-pub., 1910), 4:118 (cited in Reichel, *Isaac Halevy: Spokesman and Historian*, 109n24).

203 Mittleman, *The Politics of Torah*, 10.

204 Mittleman, *The Politics of Torah,* 108. For a detailed analysis of the secession issues, see Breuer, *Modernity within Tradition*, 294–303.

the conference.[205] Rosenheim was convinced that a union between the various factions of German Orthodox Jewry was imperative. In his view, what Orthodox Jews had in common, namely fear of Heaven and devotion to a divine Torah, was much more significant than what separated them. Nonetheless, to Rosenheim's chagrin and disappointment, the issue of secession was so important to the Austrittsgemeinde that Rabbi Salomon Breuer (Hirsch's son-in-law and President of the Freie Vereinigung) insisted that Rabbi Horowitz not attend the conference. Rosenheim had to agree and instead secretly kept Horowitz abreast of the proceedings. The bitter animosity between Breuer and Horowitz became a sore subject throughout the establishment of the Agudah; this created many issues for Rosenheim.[206] Both Breuer and the Hungarian rabbis pressured the group to make it the fledgling Agudah's policy to exclude all non-seceding communities.[207] Halevy, always the consummate politician, made efforts behind the scenes to appease Horowitz, with whom he had previously formed a relationship.[208] In his correspondence with Rosenheim, he noted that he planned to pay a visit to Horowitz immediately after the conference and bring along other rabbinic authorities, such as Rabbi Soloveitchik. He added that Rabbi Grodzinski and the Lubavitcher Rebbe, both well acquainted with Horowitz, were also planning to visit him individually and try to diffuse the situation.[209]

Though Halevy was determined that the separatist movement not derail the establishment of the organization that became Agudath Israel, he did not totally agree with Rosenheim's attitude toward Horowitz and the *Gemeinenorthodox* communities. In his view, the latter were too conciliatory toward the Reformers. They saw the Orthodox community as just a faction within the larger Jewish community, and not as the sole representatives of *Kelal Yisrael*, the entire nation of Israel. Halevy, on the other hand, was of the opinion that it was imperative for Agudath Israel to see itself as containing the only true representatives of the Jewish community, thought they constituted a demographic minority, and to view Orthodoxy as the sole expression of Judaism.[210] Halevy expressed this idea in a letter to Rosenheim: "Our principle is the diametric opposite [of Horowitz's view].

205 Mittleman, *The Politics of Torah*, 117.

206 Rosenheim, *Zikhronot*, 18–19. On Rosenheim's belief in the importance of a divine Torah as the foundation of Judaism (which he shared with Breuer, though with very different results), see Mittleman, *The Politics of Torah*, 109–111.

207 Rosenheim, *Zikhronot*, 111; Mittleman, *The Politics of Torah*, 118.

208 On the relationship between Halevy and Horowitz, see Mittleman, *The Politics of Torah*, 115–117.

209 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 172–173 (letter 105).

210 Mittleman, *The Politics of Torah*, 118.

Only God-fearing Jews [*yir'ei Hashem*] are [considered] Kelal Yisrael, only them and nobody else, since God, the Torah, and Israel are one."[211] But while Rosenheim agreed in principle with Halevy, the former was nonetheless willing to bend his views in order not to exclude from the Agudah an important part of the German Orthodox community.

Other issues that would play a major role in the formation of the Agudah became quite contentious during the meeting. The first was the Hungarian rabbis' insistence that Agudath Israel should not meddle in their handling of local communal issues. Hungarian rabbis were very suspicious of the German rabbis, whom they saw as too acculturated and assimilated into mainstream German society. They joined Rabbi Breuer in demanding that only secessionist communities be allowed to join the Agudah. The second issue was the reluctance of the eastern European rabbis, who tended to be anti-Zionist, to have the Agudah focus too much on the concerns of Palestine.[212] Halevy, in a manner similar to his approach to the activities of the Freie Vereinigung, was much more transnational and focused on Palestine. One of his goals, in fact, was to create an Orthodox response to the World Zionist Organization that would buttress Orthodoxy in Palestine.[213] Rosenheim and the Frankfurt rabbis worried that this focus would deter eastern European rabbis from joining the incipient organization.[214] As Rosenheim noted, out of hundreds of rabbis in Russia, only three belonged to Mizrahi, the religious-Zionist organization.[215] These issues threatened to scuttle the entire project until 1911, when an incident at the Tenth World Zionist Congress in Basel (discussed below) aroused the rabbis and laymen involved to attempt to resolve these concerns and get the international Orthodox political body off the ground.[216]

At the Bad Homburg meeting, the conclave decided that a world organization was required, outlined the guidelines for the formation of the body, and left the details of how such an organization would be founded to German Orthodox leaders.[217] According to Rosenheim, the excitement of the meeting quickly dissipated. He wrote in his memoirs that the implementation of the decisions nearly ceased at the end of 1910 due to significant political problems in

211 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 173 (letter 105).
212 Mittleman, *The Politics of Torah*, 118.
213 Mittleman, *The Politics of Torah,* 116 and 122.
214 Mittleman, *The Politics of Torah*, 116–117.
215 Rosenheim, *Zikhronot*, 111.
216 For further details, see Rosenheim, *Zikhronot*, 113–115.
217 Joseph Friedenson, "A Concise History of Agudath Israel," in *Yaakov Rosenheim Memorial Anthology*, ed. Joseph Friedenson (New York: Orthodox Library, 1968), 121–123.

Russia.[218] Halevy, however, appears to have continued at full force, drafting a constitution similar to that eventually adopted by Agudath Israel.[219] In his view, the organization would "strive to unite, through its activities, all of observant Jewry, both throughout the Diaspora and in Erets Yisrael [. . .] to function as a mouthpiece for the entire nation."[220] Halevy designed the constitution and mission with the goal of making the Agudah the representative of the "true" nation of Israel, representing Jewry as a whole (Kelal Yisrael), although his plan was for it to include only Orthodox Jews. Article I names the organization "Agudath Israel," which was the original name he had proposed to Rosenheim in 1909.[221] It is clear that Halevy was the force that kept Agudath Israel alive, and its mission was the implementation of his vision.

The Tenth World Zionist Congress (1911) prompted the movement that became Agudath Israel to take its next important step. Against the wishes of Mizrahi, the Congress endorsed a platform of cultural activities in Palestine (e.g., developing the modern Hebrew language and giving educational and other institutions a secular nationalist emphasis) that challenged traditional Judaism. The organizers of the Agudah saw this development as a unique opportunity to attract those traditional communities that were then associated with Zionism by providing an alternative political movement to Mizrahi. Consequently, in 1911, forty-seven lay leaders of the Orthodox community assembled in Frankfurt to establish a provisional committee with the goal of organizing an Orthodox World Congress, in some ways modeled after the World Zionist Congress.[222] They decided on a meeting in Kattowitz (present-day Katowice, Poland) at the end of May 1912. The location of Kattowitz, a German town near the Russian and Austro-Hungarian Empires, may have been symbolic, as those interested in founding a global Orthodox organization knew the importance of joining east and west. Despite the fact that invitations were only sent in early May, which precluded many rabbinic authorities, including Rav Kook, from attending, over 200 attendees responded positively.[223] It was then that Agudath Israel was officially established. A rabbinic council, later known as *Mo'etses Gedolei Hatorah* (the

218 Rosenheim, *Zikhronot*, 114; Mittleman, *The Politics of Torah*, 119.

219 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 174–175 (letter 110). For a draft of the constitution, see Halevy, 175 (letter 110). On Halevy's work on the Agudah after Bad Homburg, see Mittleman, *The Politics of Torah*, 119.

220 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 175 (letter 110a).

221 See his letter to Kottek in Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 157 (letter 85). Mittleman also mentions it in *The Politics of Torah*, 116.

222 Rosenheim, *Zikhronot*, 115; Mittleman, *The Politics of* Torah, 119–120.

223 Mittleman, *The Politics of Torah*, 123–124.

Council of Torah Sages), served as the supreme governing body of the organization. Agudath Israel thus was able to present the conference as an event of truly historical proportions: the true Kelal Yisrael, led by the greatest sages of Israel. Rosenheim said in his keynote address at the Kattowitz conference that Agudath Israel:

> must be founded upon three principles: a) The organization [. . .] has to represent the general public [. . .]. b) If "Agudath Yisrael" aims to always be the organized representative of Kelal Yisrael, it has to be led by *Da'as Torah*. [. . .] The supreme religious counsel of Agudath Israel has to be a *Mo'etses Gedolei Hatorah*, a council of the greatest Torah scholars, the luminaries of all lands. Their decision must be the final word whenever practical activity needs to be measured according to the guidelines of the holy Torah and a course of action established. c) Finally, a third organizational principle: maintaining the independence of the local organizations.[224]

Rosenheim called attention to the fact that he and his Orthodox colleagues had arrived in Kattowitz to form a global organization representing Kelal Yisrael, led by the most respected Torah scholars of the era, while allowing for, as many participants demanded, the freedom of the local communities.

In a century in which "organizations were the flavor of the day," as Isaac Breuer (1883–1946), Rabbi Salomon Breuer's son, said several years later, it was important to distinguish Agudath Israel from all other Jewish communal organizations.[225] *Mo'etses Gedolei Hatorah* did precisely that. As Gershon C. Bacon has explained, "There the rabbis and rebbes associated with the party lent legitimacy as a collective to the politicization of orthodoxy, even though the body rarely functioned on an ongoing basis in this period."[226] The establishment of this council, however, did not go smoothly, as it encountered great opposition from none other than Halevy's beloved Rabbi Soloveitchik. The Soloveitchik family eventually disassociated itself from Agudath Israel over contentions that arose during the conclave, as will be discussed further below.

The many contentious issues that arose in Kattowitz provoked tension among the numerous rabbinical authorities involved and threatened the viability of this international enterprise. One major issue, which had already presented itself at the initial stages of the organization, during the preparation for the Bad Homburg meeting, was the separatist demands of Rabbi Salomon Breuer and others. Rabbi Breuer, representing the Frankfurt separatist congregations, as well as the Hungarian delegation (he had been raised and educated

224 Rosenheim, *Zikhronot*, 151.

225 Isaac Breuer, *Darki* (Jerusalem: Mossad Yitshak Breuer, 1988), 23.

226 Gershon C. Bacon, "Rabbis and Politics, Rabbis in Politics: Different Models within Interwar Polish Jewry," *YIVO Annual* 20 (1991): 43.

in Hungary), demanded that only Jews belonging to separatist congregations could join.[227] Frankfurt's obsession with Austritt had its roots in Rabbi Hirsch's time. The Hungarian separatist position also stemmed from bitter intra-Jewish feuding in nineteenth-century Hungary. As in the German case, the long campaign for Jewish emancipation in Hungary was dominated by an "enlightened" non-Orthodox group that emphasized its allegiance to the state. After emancipating the Jews in 1867, the government had convened a General Jewish Congress to create one Jewish communal body for the country. The congress, however, soon fractured, as its members could not come to an agreement about the definition of the community.[228] The reformers, called "Neologues" (from the Greek meaning "new word"), tried to define the community as a society providing for religious needs, while the Orthodox insisted that community members be defined as followers of the Mosaic-rabbinic faith and the commandments as they were codified in the *Shulhan arukh*. The Neologues were the majority in the Congress, so the Orthodox minority walked out, which nearly resulted in a state-enforced communal [*Gemeinde*] system. Though this was averted, the post-Congress Jewish community in Hungary was split into three distinct camps: the Neologues (also called the Congress Communities), the Orthodox communities, and the status quo communities, which did not recognize either denomination. Unlike in Germany, however, Jews in Hungary could not belong to more than one Gemeinde simultaneously, which resulted in even greater enmity between the various groups than existed in Germany. The Hungarians therefore demanded that only those belonging to a strict Orthodox separatist/secessionist community be allowed to join the Agudah.[229] Rosenheim and others, by contrast, saw Agudath Israel as a representative of Kelal Yisrael and therefore believed that it should be open to all Orthodox Jews who aimed to work for the benefit of global Orthodoxy, irrespective of type of community membership. (A small number of other participants even thought of Agudath Israel as a representative of all Jewry.)[230]

Rosenheim, in particular, was concerned that the Hungarian demands would frustrate the goal of building a global organization that would be larger than the sum of local arguments.[231] As he wrote in his memoir, "The intrigues and controversy surrounding these questions, particularly the problem of

227 Mittleman, *The Politics of Torah*, 126–127.

228 Mittleman, *The Politics of Torah*, 127.

229 For details about the split of the communities in Hungary, see Mittleman, *The Politics of Torah*, 127–129.

230 Mittleman, *The Politics of Torah,* 128.

231 Mittleman, *The Politics of Torah,* 128.

rabbinic authority and relations with the various factions, with their manifold ramifications and often personal tone and character, greatly preoccupied my mind and heart all the years from 5670 [1910] until the First World War and caused me great suffering."[232] One incident demonstrates the nature of the "intrigues and controversy." Once during the Kattowitz conference, Halevy notified Rosenheim that Rabbi Soloveitchik, who was highly respected by all the attendees of the conference, had signed, at Rabbi Breuer's request, a document saying that halakhah mandated that Jews join separatist communities if they lived in cities where they existed. Only after the intervention of one of the emissaries of the Grand Rabbi of Gur, who argued that this was an intra-German issue, did Rabbi Soloveitchik withdraw his demand.[233]

Another issue of note, also involving Rabbi Soloveitchik, and in which Halevy had a vital role, caused great consternation at Kattowitz. Rabbi Soloveitchik's presentation of "eighteen provisos" – eighteen conditions for his joining the organization – generated a major controversy.[234] The conference organizers kept his demands secret from most participants, yet the 18 provisos still put the entire project in jeopardy.[235] Rosenheim wrote that Rabbi Soloveitchik attended the conference with his personal secretary, Yaakov Zalman Lifschitz of Brisk, who was very skeptical about the religious observance of the German delegates.[236] Within the first hours of the conference, Lifschitz presented Rosenheim with a letter from Rabbi Soloveitchik detailing these 18 provisos, which were purportedly aimed at preventing the organization from meddling in local religious issues in Russia and Poland. Rosenheim said in his memoir that the letter was lost, and its content was never included in the formal annals of the proceedings.[237] Since Halevy and Rabbi Soloveitchik had an established friendship, Halevy discussed the 18 provisos with Rabbi Soloveitchik. In a letter to Rosenheim dated 11 Adar 5673 [18 February 1913], Halevy expressed regret that

232 Rosenheim, *Zikhronot*, 125.

233 Mittleman, *The Politics of Torah*, 129–130.

234 Both Halevy and Rosenheim stressed that Rabbi Soloveitchik demanded eighteen items, and the same number appears in their vast correspondence about the issue. His son, Rabbi Moshe Soloveichik, however, mentioned only thirteen demands, perhaps as the result of a mistake or misprint in his letter. See Moshe Ariel Fus, "Harav Moshe Halevy Soloveichik uma'avaqav bemo'etset gedolei hatorah ve'agudat harabbanim bepolin," *Hakirah* 25 (2018):19n29. Note that Rav Moshe Soloveichik spelled his last name without a "t," unlike both his father, Rav Hayyim Soloveitchik, and his son, Rav Yosef Dov Ber Soloveitchik.

235 Rosenheim, *Zikhronot*, 169. See also Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 200 (letter 150) and 204 (letter 157).

236 See Fus, "Harav Moshe Halevy Soloveichik," 16 and, especially, 16n22.

237 Rosenheim, *Zikhronot*, 169.

the rebbe of Tcharkow had been made aware of his continuing negotiations with Rabbi Soloveitchik, asking Rosenheim to relay to him "that I have taken on personally the [issue of the] 18 provisos, and I am in written communications with the rabbi of Brisk to redraft them."[238]

Though the points were initially secret, Rabbi Soloveitchik's son, Rabbi Moshe Soloveichik (1879–1941), brought some of them to light while defending his own opposition to the *Mo'etses Gedolei Hatorah* in a series of articles published in 1923.[239] He claimed that his own opposition to the body was furthering those of his father, Rav Hayyim, as raised in his 18 provisos. As Rav Moshe Soloveichik described it, one of the central points that his father had raised was his reservation about the Agudah's central body, the *Mo'etses Gedolei Hatorah*. Rabbi Moshe Soloveichik's primary opposition regarded the nature of the council. He argued that since it was primarily a political body rather than a halakhic-decision-making one, it should be nominated by the entire community rather than appointed by a few select individuals. "Gedolei hatorah are neither appointed nor commissioned," he said.[240] In addition, no central rabbinic authority had ever existed in the Jewish community, with the sole exception of the Great Sanhedrin in the Temple in Jerusalem. From the time of the Temple's destruction in 70 CE, no central rabbinic body had had authority over the community; the Torah was in the hands of the people, not those of a few rabbis. Soloveichik's controversial opinion caused a great stir among the Orthodox and traditionalist rabbinic communities and prompted many articles and letters condemning his position. In a rebuttal letter published in the Jewish newspapers of the time, Rabbi Moshe Soloveichik explained that he was not alone in his opinion, since his father had already taken issue with the establishment of the *Mo'etses Gedolei Hatorah* in his 18 provisos.[241] In his father's view, and in his, communal decisions had to remain in the hands of local rabbinic authorities.[242]

Behind the concerns regarding the identification of great sages [*Gedolim*] and the extent of their authority was some eastern European rabbis' fear that their more religiously liberal colleagues (all the founders were from central

238 Unpublished letter, dated 1912, which is in the possession of the author.

239 For an insightful analysis of the entire episode, see (in addition to Fus, "Harav Moshe Halevy Soloveichik") Moshe Sasson, "Hashlamot lema'amar: Harav Moshe Halevy Soloveichik uma'avaqav bemo'etset gedolei hatorah ve'agudat harabbanim bepolin," *Hakirah* 26 (2018).

240 Fus, "Harav Moshe Halevy Soloveichik," 8.

241 As mentioned above, Rabbi Moshe Soloveichik mistakenly mentioned thirteen provisos instead of eighteen. See Fus, "Harav Moshe Halevy Soloveichik," 19n29.

242 See Fus, "Harav Moshe Halevy Soloveichik," 24–26.

Europe) would interfere in the decisions they were accustomed to make for their own communities.[243] Rabbi Hayyim Soloveitchik, for example, was not willing to accept any meddling in his leadership of Brisk. As Rosenheim mentioned in his memoirs, "the issue of rabbinic authority" was very much part of "[t]he intrigues and controversy" that shadowed the Agudah from its beginning.[244]

When Rabbi Moshe Soloveichik published his explosive claim about his father's opposition to the establishment of *Mo'etses Gedolei Hatorah*, it created a great storm and prompted the Agudists to strongly refute the claim. In their view, quite the opposite was true, and the claim was self-serving, since Rav Moshe Soloveichik was connected politically to Mizrahi.[245] A heated exchange of articles ensued. In an article published in *Der Jude*, the Agudah's newspaper, Rabbi Grodzinski penned a sharp rebuttal, claiming, among other things, that

> The Rabbi of Brisk of blessed memory demanded [at Bad Homburg] that a *Mo'etses Gedolei Hatorah* be established immediately that would supervise and oversee the activities of the organization. This would prevent, he explained, the German educational system from infiltrating our Talmud Torahs and yeshivot and mixing Torah with Haskalah, the sacred with the profane. [. . .] Indeed, the Gaon Rav Hayyim of blessed memory was the foremost head of [the *Mo'etses Gedolei Hatorah*'s] activities and one of its members. In the month of Sivan 5672 [May-June 1912], the council was founded and constituted according to the operational guidelines required by Rav Hayyim.[246]

Rabbi Grodzinski attributed Rav Hayyim's concerns at Agudath Israel's beginnings to "the fact that the aforementioned bylaws of the *Mo'etses Gedolei Hatorah* had not been published. He was therefore worried that the council would not be properly and firmly established, which would allow the German curriculum to penetrate our institutions and secular studies and thereby weaken Torah study."[247]

As argued by Moshe Ariel Fus in a comprehensive article on this controversy, both Halevy and Rosenheim knew that Rabbi Hayyim Soloveitchik's 18 provisos would not be implemented.[248] The mere fact that the points were kept secret for so long, despite having been discussed by so many of the

243 Mittleman, *The Politics of Torah*, 126–127.

244 Rosenheim, *Zikhronot*, 125.

245 For Rav Moshe's Soloveitchik's affiliation with Mizrahi, see Fus, "Harav Moshe Halevy Soloveichik," 5–7, and the literature cited there.

246 Hayyim Ozer Grodzinski, announcement, *Der Jude* 160 (30 July 1923), quoted and translated from Yiddish into Hebrew in Grodzinski, *Iggerot R. Hayyim Ozer*, 2:141–142 (letter 615).

247 Grodzinski, *Iggerot R. Hayyim Ozer*, 2:141–142 (letter 615).

248 For details, see Fus, "Harav Moshe Halevy Soloveichik," 19–24.

rabbinical authorities of the time, including rabbis Grodzinski and Breuer; that Rosenheim "misplaced" such an important document; and that Halevy was irritated that these discussions had been leaked to the rebbe of Tcharkow, all indicate that Rav Moshe Soloveichik's version of his father's objection was accurate.[249] It is rather evident that these 18 provisos were kept secret for so long precisely because such reservations by the most eminent attendee about the centerpiece of the organization could have derailed the entire enterprise before it began.

As the main architect of the project, Halevy was responsible for pacifying the participants. He had been involved with the concerns of Rabbi Hayyim Soloveitchik (and others) prior the Kattowitz conference and was personally tasked by Rosenheim with dealing with his personal friend Rabbi Soloveitchik to try to negotiate a compromise. Halevy's highly contentious negotiations with Rabbi Soloveitchik concerning those provisos were never entirely concluded, and, after Halevy's death in 1914, Rabbi Soloveitchik withdrew from the movement.[250] Halevy, who had to deal personally with the especially difficult demands of Rabbis Soloveitchik and Breuer during the conference, remarked in a 1912 letter to Rabbi Kottek: "The conference was marvelous, but in private I had to work ceaselessly to soften the demands of the Rav of Brisk on one side, and the demands of Breuer from the other."[251]

The difficulties with Rabbi Breuer were not limited to his proposed limits on the participation of non-secessionist communities. Another thorny issue was the name Rabbi Breuer originally proposed for the council: *Va'ad Gedolei Harabbanim* (Council of the Great Rabbis). Halevy vehemently opposed this name and remarked that it would undermine the entire Agudah project. The dispute over names is another piece of evidence that the nature of the council created a great stir among the various factions. The German rabbis saw it as a council of professional rabbis, like German rabbis were. By contrast, the Lithuanian and Hasidic masters, who had negative opinions of the German rabbis' professional training and distrusted their skill in the study of sacred texts, saw it very differently. They believed that the council should consist of only the

249 See similar comments in Fus, "Harav Moshe Halevy Soloveichik," 24–26.

250 Extensive correspondence among various people attests to the complex nature of the negotiations. See Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 204 (letters 156 and 157) and 206 (letter 160). On Rabbi Hayyim Soloveitchik's withdrawal from the movement, see Reichel, *Isaac Halevy: Spokesman and Historian*, 119–120.

251 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 200 (letter 150).

greatest Torah scholars and sages – as they defined them.[252] The attempt to form a global organization encompassing such divergent personalities and worldviews presented many challenges to the founders of Agudath Israel. As Rosenheim exclaimed with great frustration: "How much longer will we allow national borders to separate us, how much longer will we hear among us expressions of reservations and distrust? Why can't religious Jews from east and west extend a hand that transcends borders to form a fraternity? Are we not all children of the same Father? We are all brothers [. . .] in the [fulfillment of the] commandments [. . .] We should strive for the commandments to band us together in a single society [*agudah*]!"[253] Rosenheim, therefore, needed much assistance in harmonizing these disparate personalities and views, and Halevy, the consummate politician, was the ideal person to bridge these gaps and try to forge a semblance of unity.

Halevy's involvement with Agudath Israel continued until his death in 1914. As a leading member of the temporary council, he participated in all aspects of the organization, from the planning of a future World Congress to the placating and coordinating of the competing rabbinic factions that emerged in Bad Homburg and Kattowitz.[254] After his death, the movement Halevy had envisioned continued to develop, becoming a steadfast defender of Orthodoxy. Although Agudath Israel's activities were suspended during World War I, the organization resumed them with great vigor after the war. The First World Congress of Orthodox Jewry, originally planned for 1914, actually took place in Vienna in 1923 due to the outbreak of the war. To this day, the Agudah operates in both Israel and the Diaspora.

1.5 Death and legacy

Halevy suffered from heart ailments from 1905 onward, and his condition worsened with age.[255] His busy schedule did not allow for the rest recommended by

252 See Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 204 (letter 156). For further details, see Friedenson, "A Concise History of Agudath Israel," 6–8. See also Gershon C. Bacon, *The Politics of Tradition: Agudat Yisrael in Poland, 1916–39* (Jerusalem: Magnes Press, 1996), 24.

253 Rosenheim, *Zikhronot*, 136.

254 On Halevy's attempts to pacify the factions at Kattowitz, see also Reichel, *Isaac Halevy: Spokesman and Historian*, 119–120.

255 On the origin of Halevy's heart ailments, see Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 85.

On the worsening of his condition, see Halevy, 199 (letter 148) and 207–208 (letter 161).

his doctors, and eventually Halevy suffered a heart attack.[256] He died three weeks later on a Friday night, 15 May 1914 [20 Iyar 5764], in a Hamburg hospital. The following Sunday, in a rare honor, a large funeral procession accompanied him by foot all the way from the hospital to the Langenfelde Cemetery. Although Halevy had requested in his will that no eulogies be delivered at his funeral, Rosenheim delivered a short eulogy at the hospital. Perhaps the greatest eulogy Halevy received, however, did not take the form of a speech: his study table was used to make his coffin.[257]

While Halevy's belligerent style, bitter attacks against his opponents, and combative tone had drawn strong criticism and many enemies, his political acumen and communal activities, as well as his unyielding dedication to the cause, also had earned him numerous admirers and disciples, and his death was deeply felt.[258] The sudden loss of Halevy had wide repercussions for the Orthodox establishment in Germany and especially for the rabbis involved with Agudath Israel. Rosenheim, describing the loss, wrote: "In the midst of the arrangements for the *Knessio Gedaulo* [sic; World Congress . . .] the nascent *Agudas Jisroel* [sic] was met with a difficult hit: the sudden passing of its real spiritual father, Rabbi Jizchok Eisik [sic; Yitzhak Isaac] Halevy in Ijar [May] 1914. One can say about him: *Chochom odif minowi* (a sage is preferable to a prophet)."[259]

Y.I. Halevy's life had been colorful, varied, and filled with political and scholarly achievements. Raised in the east and educated in the renowned yeshiva of Volozhin, he became a talented Talmudist and a traditional talmid haham, writing his first book of commentaries at an early age. After his tea business failed, Halevy found new opportunities in the "west," establishing himself in central Europe as a representative of the new Orthodox Wissenschaft and eventually producing *Dorot harishonim*. Rosenheim summed it up well when he called Halevy "the bridge between German and eastern orthodoxies."[260]

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256 On Halevy's difficulty with rest, given his schedule, see Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 199 (letter 148).

257 Reichel, *Isaac Halevy: Spokesman and Historian*, 128. Regarding Halevy's coffin, Reichel cites (128n29) an obituary: "Isaac Halevy," *Der Israelit*, 21 May 1914, 3.

258 For a prime example of a sharp criticism of Halevy's combative style, see Bezalel Rosenberg, *Mahshevet Bezalel* (Leeds, UK: Goldberg & Epstein, 1926), 28. Yet Halevy denied that he pursued this work for the sake of fame or glory. He said in a letter to H. Lewin, "everyone knows that I always recuse myself in order to avoid the limelight." Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 207 (letter 181).

259 Rosenheim, *Erinnerungen*, 138.

260 Rosenheim, *Erinnerungen*, 110.

Halevy's relationships with German Orthodox and eastern European traditionalist leaders, moreover, enabled the realization of the second part of his life's project: the building of a *Metivta Kolelet* (General Academy) in his own time: Agudath Israel. As Wolf Jacobsohn wrote in the *Jüdische Presse*: "Rabbi Yitzchak Halevy, our great deceased, lives eternally through the memorial that he himself established through his *Dorot harishonim* and his Agudath Israel."[261] A similar message, composed by none other than Rav Kook, is inscribed on Halevy's tombstone: "He shined a new light onto Israel and its Torah with his book *Dorot harishonim*, which initiated the writing of Jewish history and the growth of Hokhmat Yisrael [. . .] He was also the architect of the noble idea of Agudath Israel, and until his last day he remained a faithful steward as one of its ranking leaders."[262] These two projects for which Halevy is remembered seem at first glance to be completely different: one a global political movement, the other a seminal work of rabbinic scholarship. Halevy conceived of them, however, as one united project stemming from the same Weltanschauung – a project to which he dedicated a lifetime.

261 Wolf L. Jacobsohn, "Rabbiner Isaak Halevy זצ"ל [May the Memory of a Righteous Person Be a Blessing]," supplement to the *Jüdische Presse* 23, no. 5 (5 June 1914), 237. See also Kook, *Iggerot hare'iyah*, 2:302–303 (letter 432).

262 Rav Kook discussed details of the text of the tombstone and his task of composing it in a letter to Halevy's son, Shemuel, dated 19 Elul 5674 [10 September 1914]. See Kook, *Iggerot hare'iyah*, 2:303 (letter 702). For the full Hebrew text of the tombstone, see Reichel, *Isaac Halevy: Spokesman and Historian*, 159.

Chapter 2
Halevy and the Historiography of the Talmud

2.1 Introduction

The desire to write the history of the formation of the Babylonian Talmud (often referred to as the Bavli) gained impetus in the nineteenth century with the foundation of the modern discipline of historical scholarship, both in the German universities and in the Jewish scholarship of Wissenschaft des Judentums and Hokhmat Yisrael. Several Jewish historians published important works addressing the question of the formation of the Talmud, including Heinrich Graetz (*Geschichte der Juden,* 1853–1875) and Isaac Hirsch Weiss (*Dor dor vedorshav*, 1871–1891).[1] These works provided a general account of the process of the Talmud's formation.[2] As historians, Graetz and Weiss relied on the scant "historical" evidence available: a few germane sources scattered in the Talmud; two early Jewish attempts to reconstruct the rabbinic period, *Seder Tannaim ve'amoraim* (STVA, ninth century) and the Epistle of Rav Sherira Gaon (tenth century); and a somewhat later one, Abraham ibn Daud's *Sefer haqabbalah* (twelfth century).[3] Where possible, Graetz and Weiss also looked to independent corroboration of major events from outside sources. Graetz, for instance, in his analysis of the development of the Talmud in the fourth and fifth centuries (at the time of Abbaye, Rava, and Rav Ashi), drew upon external events in his search for catalysts of the process. As he explained in his *History of the Jews*, "The period during which the Roman empire was approaching a state of dissolution marks an epoch of decay and regeneration, destruction and rejuvenescence, ruin and reconstruction, in the history of the world."[4] Graetz saw the world's dominant

1 On Graetz, see Heinrich Graetz, *Geschichte der Juden von den ältesten Zeiten bis auf die Gegenwart* (Leipzig: O. Leiner, 1853–1876), 4:350–352, 4:370–374, and 4:377–378. See also Herman J. Blumberg, "Heinrich Graetz and Ze'ev Jawitz," in *The Formation of the Babylonian Talmud: Studies in the Achievements of Late Nineteenth and Twentieth Century Historical and Literary-Critical Research*, Studia Post-Biblica 17, ed. Jacob Neusner (Leiden: Brill, 1970). On Weiss, see Weiss, *Dor dor vedorshav*, 3:183–190; and Shamai Kanter, "I. H. Weiss and J. S. Zuri," in *The Formation of the Babylonian Talmud*, ed. Jacob Neusner, 11–19.

2 For a summary of their theories, see Julius Kaplan, *The Redaction of the Babylonian Talmud* (New York: Bloch, 1933), 3–5, 13–19; and Blumberg, "Heinrich Graetz and Ze'ev Jawitz."

3 These sources, particularly STVA and the Epistle, will be discussed and analyzed further below.

4 Heinrich Graetz, *History of the Jews from the Earliest Times to the Present Day*, trans. Bella Loewy, abr. ed. (Philadelphia, PA: Jewish Publication Society, 1891–1898), 2:604.

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civilization in flux in the fourth century, and these events, in which "barbarian" tribes brought about the fall of the Roman Empire, were catalysts for self-reflection by the Jewish community – and, ultimately, the redaction of the Talmud. In his words, "In this iron time, when no man could be certain of the next day, the leaders of Judaism in Palestine and Babylonia felt deeply the necessity of placing the treasure which had been confided to their hands in safety, so that it might not be imperiled by the accidents of the day. An epoch of collection commenced."[5] The main problem with these histories was that their nineteenth-century authors were not Talmudists and thus were unable to glean much material from a literary analysis of the talmudic text or from internal evidence. Due to the scarcity of material, their theories lacked sufficient textual evidence and did not withstand critical analysis.[6] There was no direct evidence for Graetz's imaginative theory of why the rabbis compiled the Talmud, nor, more generally, for the "deep" emotion of which he speaks. It is unclear to what extent the Jewish community in Babylonia was affected by the catastrophes besetting the Roman empire in the fourth century.

Despite the fact that Weiss, unlike Graetz, was a noted talmudic scholar, his internal textual evidence was sparse and weak. For instance, in his analysis of Abbaye, he wrote, based on one story in the Talmud: "This practice [of hairsplitting, interrogating, and retorting] was second nature to him, and he took it to the extreme in debating his colleague Rava. [. . .] In his enthusiasm for pilpul, he rushed to give answers when silence would have been better."[7] As discussed in chapter 1, Weiss was an accomplished Talmudist who had studied in prestigious yeshivot and authored important works on two midrashei-halakhah, but his historical work displays similar weakness to Graetz's. Many of his historical assumptions amount to little more than conjecture. About Rava, he remarked, "Indeed, we do not have any clear knowledge about the oppression of Babylonian Jewry at that time, but we do know that Shapur II, who ruled at that time, was not kind to the Jews. Rava was extorted and oppressed by him (Hagigah 5b), so who can say how bitter and terrible was the fate of the Jews in that period [. . .] Furthermore, who knows if after Rava's death their situation worsened?"[8] Weiss based this conclusion on one story in b. Hagigah 5b, in which messengers from

5 Graetz, *History of the Jews*, 2:605.

6 For an analysis of their weaknesses, see Kaplan, *The Redaction of the Babylonian Talmud*, 5, 17–19; Blumberg, "Heinrich Graetz and Ze'ev Jawitz," 3–6; and Kanter, "I. H. Weiss and J. S. Zuri," 11–19. Halevy criticizes their findings throughout his work. For examples, see Halevy, *Dorot harishonim*, 2:198–203, 2:205–210, 3:1–3, and 3:17–19.

7 Weiss, *Dor dor vedorshav*, 3:176.

8 Weiss, *Dor dor vedorshav*, 3:179.

the house of Shapur II sent for Rava and imprisoned him in order to extort money from him. Weiss drew additional conclusions about the Jews' general situation at the time of Rava based on his limited knowledge of the history of that era. Shapur II did engage in religious persecution, mostly of Christians, but also of Jews and Manicheans.[9] Christian martyrologies portray the Jews as informers against Christians but also martyrs under Shapur II.[10] The Jews' situation, however, was far better than the Christians' during his rule, since Jews paid their taxes at a time when Christians did not and further supported the government's wars against Rome.[11] In addition, there is nothing about persecutions in Jewish records until the fifth century.[12] In *The Formation of the Babylonian Talmud,* Jacob Neusner describes the shortcomings of the historians of the period, saying that "the evidence they thought relevant was inadequate to answer the question they posed, and reliance on it led them inevitably to inadequate results."[13] On the other hand, although scholars of talmudic literature, who concentrated on precise study of the texts using modern critical methods, had made impressive progress in the analysis of the Bavli, their work also left many unanswered questions. Halevy discusses and criticizes one such scholar in particular: the prominent Wissenschaftler Zacharias Frankel, who was discussed in chapter 1.[14] Frankel's writings focused mainly on the Mishnah and the Palestinian Talmud.[15] But in one of his

9 For details on Shapur II's persecution of Christians, see Jacob Neusner, "Babylonian Jewry and Shapur II's Persecution of Christianity from 339 to 379 A.D.," *Hebrew Union College Annual* 43 (1972); and Lee E. Patterson, "Minority Religions in the Sasanian Empire: Suppression, Integration and Relations with Rome," in *Sasanian Persia: Between Rome and the Steppes of Eurasia*, ed. Eberhard W. Sauer, Edinburgh Studies in Ancient Persia (Edinburgh: Edinburgh University Press, 2017), 187–193.

10 For further details, see Richard N. Frye, "The Political History of Iran under the Sasanians," in *The Cambridge History of Iran*, vol. 3(1), *The Seleucid, Parthian, and Sasanid Periods, Part 1*, ed. Ehsan Yarshater (Cambridge: Cambridge University Press, 1983), 139–141. For a detailed analysis of the persecutions, see Josef Wiesehöfer, *Ancient Persia: From 550 BC to 650 AD* (London: I. B. Tauris, 2001), 204–206.

11 Jacob Neusner, "Jews in Iran," in *The Cambridge History of Iran*, vol. 3(2), *The Seleucid, Parthian, and Sasanid Periods, Part 2*, ed. Ehsan Yarshater (Cambridge: Cambridge University Press, 1983), 915.

12 Wiesehöfer, *Ancient Persia*, 215.

13 Neusner, introduction to *The Formation of the Babylonian Talmud*, x.

14 Halevy, *Dorot harishonim*, 2:300.

15 His main works are *Darkhei hamishnah* (Leipzig: H. Hunger, 1859) and *Mevo hayerushalmi: Introductio in Talmud Hierosolymitanum* (Breslau: Schletter, 1870). For further discussion of these works, see David Ellenson, "*Wissenschaft des Judentums*," 4–9; Ismar Schorsch, "Zacharias Frankel and the European Origins of Conservative Judaism," *Judaism* 30, no. 119 (1981): 345 and 351–355; and Schorsch, *From Text to Context*, 255–265.

few articles on the Babylonian Talmud, he admitted that he did not reconcile the differing accounts found in STVA and the Epistle before proposing a correction to Graetz's periodization of the saboraic era.[16] As an historical work, Halevy's *Dorot harishonim* accomplished what Frankel, Graetz, and Weiss could not, combining its author's deep knowledge of the talmudic text with his historical skills.

Though the gaps and shortcomings of the early sources on the history of the Talmud had begun to attract scholarly interest as Wissenschaft des Judentums emerged near the end of the first quarter of the nineteenth century, scholarship on the subject remained incomplete at the end of the century. Scholars at that time lacked a comprehensive theory that would bring together the various sources in a coherent narrative. Central Europe thus provided fertile ground for Halevy simultaneously to demonstrate his scholarly prowess and advance his agenda; he did so by inaugurating his Orthodox Wissenschaft enterprise with *Dorot harishonim*, a new history of the formation of the Bavli.

2.2 Background: The structure of the Talmud

The Babylonian Talmud documents the statements, arguments, and tales of a vast number of sages and serves as the foundational legal and ethical document of rabbinic Judaism. As was mentioned in chapter 1, Maimonides wrote in his introduction to the *Mishneh Torah* that the greatest sages of Israel were mentioned in the Talmud, and that the Talmud's laws were obligatory for Jews to follow.[17] The Bavli is commonly described as a commentary on the Mishnah, but its nature is more complex than the term "commentary" would imply. Although it takes the Mishnah as a starting point, the text evolves into an exploration of myriad

16 Zacharias Frankel, "Beiträge zu einer Einleitung in den Talmud," *Monatsschrift für Geschichte und Wissenschaft des Judentums* 10, no. 7 (1861): 258–267. On Frankel and the Mishnah, see Shamma Friedman, "Zacharias Frankel and the Study of the Mishnah" [in Hebrew], in *From Breslau to Jerusalem: Rabbinical Seminaries. Past, Present, and Future* [in Hebrew] (Jerusalem: Leo Baeck Institute, 2009). See below and chapters 3 and 4 for more details on the questions surrounding the periodization of this and other rabbinic eras.

17 On Maimonides's view of the Bavli, see Shamma Friedman, "The Rambam and the Talmud" [in Hebrew], *Dinei Israel* 26–27 (2009–2010); Gerald J. Blidstein, "Where Do We Stand in the Study of Maimonidean Halakhah?" in *Studies in Maimonides*, ed. Isadore Twersky, Harvard Judaic Texts and Studies 7 (Cambridge, MA: Harvard University Center for Jewish Studies, 1990); Jacob S. Levinger, *Darkhei hamahashavah hahilkhatit shel harambam: Mehqar al hametodah shel Mishneh Torah* (Jerusalem: Magnes Press, 1965), 155–189; and Hanina Ben-Menahem, "The Second Canonization of the Talmud," *Cardozo Law Review* 28, no. 1 (2006): 46–51.

subjects, incorporating discussions on a vast array of topics. It not only contains legal discussions and rulings of the Amoraim (the rabbis of Babylonia beginning in the third century) but also presents their worldview. It draws upon the totality of earlier rabbinic teachings and traditions, starting from the late-Second-Temple period in the second century BCE and extending to the teachings of the *Tannaim* (the rabbinic sages active from the first century CE until the completion of the Mishnah in the early third century CE). It further incorporates the contemporaneous teachings of the Amoraim of Palestine. The Bavli thus represents the culmination of the rabbinic enterprise of the talmudic period, which began in the early third century after the compilation of the Mishnah (compiled, according to the Talmud, by Rabbi Yehudah Hanasi).[18] As a result, it has been assiduously studied, interpreted, and debated by the Jewish community up to the present day. In the words of Ephraim Urbach: "The process which fused the decisions, *halakhot* [legal rulings], and *sevarot* [logical deductions] of sages and scholars from generation to generation created a collective authority which can be seen as the sum total of the recognition enjoyed by those sages and scholars."[19] The collective nature of the Talmud and its gradual development over centuries gives the Talmud its supreme authority, as it represents the combined wisdom of all the rabbinic authorities cited therein.

The Bavli underwent a gradual process of formation across generations of sages. There is much debate regarding the periodization of this process, as will be discussed in more detail in chapters 3 and 4. It is generally agreed, however, that the tannaitic period (whose scholars are called "Tannaim," from the Aramaic word "tanna," meaning "scholar" or "teacher") spanned the approximately 200 years before the codification of the Mishnah in Palestine in the early third century CE.[20] The Tannaim were followed by the Amoraim (Hebrew and Aram., "interpreters" or "reciters"). Until about 500 CE, the Amoraim commented on the Mishnah and the contemporaneous but less canonical Tosefta (Aram., "addition"). They worked in Palestine, especially in Tiberias, Sepphoris, and Caesaria, and in Babylonia, especially in Nehardea, Sura, and Pumbedita.[21] The Saboraim (Aram., "reasoners," or "those who reflect") were the Babylonian scholars who

18 For more details, see Barry Scott Wimpfheimer, *The Talmud: A Biography*, Lives of Great Religious Books (Princeton, NJ: Princeton University Press, 2018), 9–39.

19 Ephraim Elimelech Urbach, *The Halakhah: Its Sources and Development* (Masada: Yad LaTalmud, 1986), 347.

20 *Encyclopaedia Britannica Online*, academic ed., s.v. "Tanna," accessed 19 March 2020, https://www.britannica.com/topic/tanna-Judaic-scholar.

21 *Encyclopaedia Britannica Online*, academic ed., s.v. "Amora," accessed 20 March 2020, https://www.britannica.com/topic/amora.

operated between the Amoraim and the *Geonim*.[22] Very little is known about the saboraic period, which is one reason why Halevy devoted a significant part of his history to identifying the Saboraim and their contributions to the Talmud. From the seventh to the thirteenth centuries CE, with many disruptions due to the political situation in the Near East, the Geonim (sing., *Gaon*; Hebr., "excellencies") headed the talmudic academies and developed talmudic law by interpreting the Talmud and settling disputes regarding its interpretation and application.[23]

As a result of the gradual nature of its formation, the Bavli consists of multiple literary strata. Its most characteristic literary form is the *sugya* (plural, *sugyot*). The sugya is a dynamic, free-flowing literary unit that usually contains material representing three layers. The discussion often begins with material from a tannaitic layer consisting of *baraitot* (sing., *baraita*, from the Aramaic *bar*, outside; tannaitic teachings not included in the Mishnah) or quotes from the Mishnah; an amoraic layer, consisting of *meimrot* (statements) and other amoraic traditions, which often comments and expands upon the tannaitic material; and, finally, a later, editorial layer of anonymous dialectical material known as *setam hatalmud* (henceforth, "the *setam*"), which frames and organizes the dialectical argument.[24]

The sugya in b. Yevamot 62a is a good example of this literary unit in the Talmud:

[A] It is taught in a baraita: Rabbi Nathan says [that] Beit Shammai say: "[The mitzvah to be fruitful and multiply in Genesis 1:28 is fulfilled with] two males and two females," and Beit Hillel say: "A male and a female."

[B] Rav Huna said: "What is the reason of Rabbi Nathan, in accordance [with the opinion] of Beit Shammai? As it is written: 'She then bore his brother [*et ahiv*]

22 Daniel Sperber, "Savora, Savoraim," in *Encyclopaedia Judaica*, 2nd ed., ed. Michael Berenbaum and Fred Skolnik (Farmingdale, MI: Macmillan Reference, 2007), accessed 29 June 2020, https://yulib002.mc.yu.edu:2821/apps/doc/CX2587517589/GVRL?u=nysl_me_yeshival&sid=GVRL&xid=77eea0d8.

23 *Encyclopaedia Britannica Online*, academic ed., s.v. "Gaon," accessed 20 March 2020, https://www.britannica.com/topic/gaon.

24 On the amoraic layer and the *setam*, see Shamma Friedman, "A Critical Study of Yevamot X with a Methodological Introduction" [in Hebrew], in *Texts and Studies: Analecta Judaica I* (New York: Jewish Theological Seminary, 1977), 283–308. On the tannaitic layer, see Judith Hauptman, "The Three Basic Components of the Sugya: The Tannaitic Passages, the Amoraic Statements, and the Anonymous Commentary" [in Hebrew], in *Melekhet Mahshevet: Studies in the Redaction and Development of Talmudic Literature* [in Hebrew], ed. Aharon Shemesh and Aaron Amit (Ramat Gan: Bar-Ilan University Press, 2011), 39–45.

> Abel [*et Hevel*]' (Gen. 4:2).[25] [The apparently superfluous *et* indicates that she gave birth to] Abel and his sister [in addition to] Cain and his sister. And it states, 'God has provided me with another offspring in place of Abel'" (Gen. 4:25).
>
> [C] And the rabbis [Beit Hillel] – [how do they understand this verse? In their opinion, Eve] was [just] thanking God [for granting her another child, but not implying an obligation to have two additional children].[26]

Section [A], the tannaitic layer, starts with, "It is taught" and quotes a baraita (in this case, regarding the biblical verse, "Be fruitful and multiply"). Section [B] quotes a *meimra*, a statement of the Amora Rav Huna explaining the baraita and its reasoning (in this case, the reasoning of Beit Shammai). Section [C] is the *setam*, the editorial layer of anonymous material, which completes the dialectical argument by explaining the opposing view (in this case, Beit Hillel's, regarding the meaning of the verse, "Be fruitful and multiply"). The anonymous stratum constitutes most of the talmudic material and also creates the framework of the sugya into which the attributed amoraic statements are inserted.

The basic structure of the Talmud is, therefore, essentially anonymous, which is rather ironic, since the Talmud usually extols attribution. The statement in b. Megillah 15a – "whoever reports [a ruling] in the name of its originator brings deliverance into the world, as it says 'and Esther told the king in the name of Mordechai'" [Esther 2:22] – is indicative of this tradition.[27] In addition, according to the eminent Talmudist and scholar David Weiss Halivni, the authority of any given statement is connected to "the individual Amora" who said it; the Talmud's teaching "bears no collective authority."[28]

The amoraic layer and the *setam* are the main components of most talmudic sugyot, and they thus have been the subject of much study since Halevy's time. The critical study of the Bavli has greatly developed in the last century. Talmudic scholars such as Halivni and Shamma Friedman have developed theories about the nature and the unique genre of the *setam*, and the distinction between these two primary literary strata has become the cornerstone of the

25 All translations of the Tanakh follow the 1985 New Jewish Publication Society (NJPS) translation.

26 My translation, based on Ms. Vatican 110.

27 The Talmud's praise of attribution is reflected in other passages in the Bavli as well. See examples in m. Avot 6:1, b. Hullin 104b, and b. Niddah 19b. See also David Weiss Halivni, *Meqorot umesorot leseder Mo'ed from Yoma until Hagiga* (Jerusalem: Jewish Theological Seminary, 1975), 5.

28 David Weiss Halivni, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge, MA: Harvard University Press, 1986), 67.

academic study of the Talmud. The primary challenge for the reader is to differentiate between the attributed statements of the Amoraim and the anonymous *setam* discussion surrounding the amoraic dicta.[29] As Halivni notes, this distinction is of utmost significance, since in many instances the two strata have different degrees of authority or veracity. The attributed statements of the Amoraim have perhaps more authority and are more reliable than the *setam*. Halivni's view, therefore, is that in any instance in which the *setam*'s explanation is clearly incorrect or forced, an alternative interpretation can be found; the attributed amoraic statements, on the other hand, are not subject to debate.[30] Although Halivni's view about the lower authority and veracity of the *setam* differs from those of Halevy and others, as will be discussed in chapter 4, the distinction between these two layers is significant, as the *setam* clearly represents a diverse genre and has a different level of authority than the attributed amoraic statements. In his introduction to Halivni's *The Formation of the Babylonian Talmud*, Jeffrey L. Rubenstein provides some guidance in differentiating the two layers: "These strata differ in form and style: Amoraic dicta (*meimrot*) are brief and 'apodictic' – a term Halivni borrows from biblical studies, and by which he means both terse and categorical. These typically consist of pronouncements of legal rulings or succinct explanations of an earlier source. The anonymous Talmud, by contrast, is verbose, expansive, and contains the Talmud's intricate and complex dialectical argumentation. It may include [sic] series of objections, solutions, rhetorical questions, and contrived and spurious propositions, sometimes extending over a full folio or more."[31] Rubenstein goes on to explain that although these two strata differ in form and style, it is still not always easy for the reader to differentiate between material from the Amoraim and material that we would attribute to the *setam*. Although it is useful to notice that the apodictic material of the Amoraim is often written in Hebrew, while the anonymous stratum is primarily in Aramaic, these distinctions are not absolute. Scholars have, in fact, come to different conclusions on

29 Halivni notes that these terms (*setamma degemara* and *setamma detalmuda*) are not found in the writings of the Geonim but are commonly used by the twelfth-century Ashkenazic (western European) commentators, such as Tosafot and Rabbi Asher ben Jehiel (ca. 1250–1327). See David Weiss Halivni, *Mevo'ot lemeqorot umesorot: Iyyunim behithavut hatalmud* (Jerusalem: Magnes Press, 2012), 42.

30 David Weiss Halivni, *The Formation of the Babylonian Talmud*, trans. and ed. Jeffrey L. Rubenstein (Oxford: Oxford University Press, 2013), 202.

31 Jeffrey L. Rubenstein, translator's introduction to Halivni, *The Formation of the Babylonian Talmud*, xxi–xxii.

this point.[32] At times the *setam* is short (as in the above sugya), just expanding and concluding amoraic statements to include opposing views. At other times, the *setam* is long, extending over at least one folio, posing challenges and proposing solutions, setting up the Talmud's dialectical argumentation by bringing the various decisions into conversation and debate. The differing histories of these two strata, in addition to their distinct natures, have provided a key element in the understanding of the structure of the Talmud, but the correct interpretation of these differences is far from a settled matter and has been the subject of fierce debate over the past two centuries. Halevy was literarily perceptive and sensitive to the nuances of the talmudic text, and thus his historiography aimed to address precisely how these diverse components developed.

2.3 The sources available to Halevy

Despite the Bavli's central role in rabbinic Judaism, the history of its formation is elusive and remains subject to scholarly debate. Very little direct evidence can be found to answer the major questions concerning the Talmud's textual development and redaction, and even indirect evidence is scarce. Although the Mishnah does not discuss its editing process, either, it is clear that Rabbi Yehudah Hanasi (the Prince) played a leading role; several talmudic passages refer to him as the editor of the Mishnah.[33] No such information is available for the Babylonian Talmud's redaction and editing, with the exception of a brief statement found in b. Bava Metzi'a 86a: "Rav Ashi and Ravina – the end of *hora'ah*." This ambiguous dictum – and the meaning of the term "hora'ah," which comes from a root meaning "teach/instruct" – does not describe or explain a redaction or editing process, as will be discussed in more detail in chapters 3 and 4.

In writing his history of the formation of the Babylonian Talmud in *Dorot harishonim*, therefore, Halevy had few previous historical works on which to rely. The primary genre of scholarship produced by Jewish writers from the geonic

32 Hyman Klein argued that the anonymous dialectical material is exclusively written in Aramaic, with the exception of technical Hebrew expressions. See Hyman Klein, "Gemara and Sebara," *Jewish Quarterly Review* 38, no. 1 (July 1947): 75–76 and 91. Initially, Shamma Friedman's position on the subject was similar to Klein's, but it has evolved over time. See Shamma Friedman, "'Wonder Not at a Gloss in Which the Name of an Amora is Mentioned': The Amoraic Statements and the Anonymous Material in the Sugyot of the Bavli Revisited" [in Hebrew], in *Melekhet Mahshevet*, ed. Aharon Shemesh and Aaron Amit. See also Friedman, "A Critical Study of Yevamot X" [in Hebrew], 301–302 and 301n60.

33 See Halivni, *The Formation of the Babylonian Talmud*, 103, 103n88, and the literature cited there.

period to the sixteenth century is called *shalshelet haqabbalah* ("the chain of tradition" of the Oral Law). Works in this genre detail the chronology of the sages who transmitted the Oral Law [*Torah sheba'al peh*]. As Yosef Hayim Yerushalmi notes in *Zakhor*, his influential work on Jews' relationship to the practice of history in the Middle Ages, shalshelet haqabbalah literature's "purpose was to establish and demonstrate an unbroken succession of teaching and authority from the Bible, through the Talmud, and often up to the time of the author himself."[34] Its writers' interest was focused almost entirely on the relationship of talmudic literature to earlier rabbinic law. They were not historians because Rabbinic Judaism throughout the ages generally had very little interest in historiography: "the many compositions of this type [shalshelet haqabbalah] did not come into being out of a desire to write or interpret the history of the Jewish people. Their chief impulses lay elsewhere – in the need to refute those heretics from within and adversaries from without who denied the validity of the Oral Law, in the practical need to determine points of jurisprudence according to earlier or later authorities, and perhaps also in a natural curiosity about the progress of rabbinic scholarship."[35] There are thus few biographical details about the sages, and when historical events appear, they often seem to be mentioned for no particular reason.[36] Yerushalmi argued that, for the rabbis, what counted was the meaning of the Jewish people's history. This was an ideological position; as Yerushalmi writes, "far from indicating a gap in their civilization, it may well reflect a self-sufficiency that ours no longer possesses."[37] As a result of this attitude, their account of the process of the formation of the Talmud is neither comprehensive nor fully developed.

Despite the obvious shortcomings of shalshelet haqabbalah literature, this chapter will introduce its main texts because Halevy read and considered them in the process of his own historical analysis – as did many of his contemporaries, and as some talmudic scholars still do today. In his seminal work *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (1998), Robert Brody also extensively employed these accounts to reconstruct the era. In his words, "The works were also the mainstay – and practically the only trustworthy sources – of Jewish scholars of the nineteenth century, who attempted for the first time to describe the history of the Geonic period in accordance with modern historical methods and standards."[38] He further remarked, "We need not agree with all of

34 Yerushalmi, *Zahhor*, 31.
35 Yerushalmi, *Zahhor*, 32.
36 Yerushalmi, *Zakhor*, 31.
37 Yerushalmi, *Zakhor*, 34.
38 Brody, *The Geonim of Babylonia and the and the Shaping of Medieval Jewish Culture* (New Haven, CT: Yale University Press, 1998), 20.

Sherira [Gaon]'s evaluations and preferences, but the data he provides are invaluable."[39] It is not surprising that Halevy, writing at the end of the nineteenth century and into the twentieth, also relied on these accounts to describe the saboraic and geonic eras.

Other more recent scholars have defended Rav Sherira's methods, or those like his, as well. Isaiah Gafni (b. 1944) has remarked that within Rav Sherira's chronology, there are many novel historical narratives, including about the talmudic period, and these narratives tell a vital story. As he explains, "the talmudical historical narrative of Rav Sherira is the work of an historian who seeks to logically connect data that survived independently. One modern scholar of historical narrative asserted that 'histories . . . are not only about events but also about the possible sets of relationships that those events can be demonstrated to figure.'"[40] His view is based on Hayden V. White's theory about the importance of narrative in historiography: "Histories [. . .] are not only about events but also about the possible sets of relationships that those events can be demonstrated to figure. These sets of relationships are not, however, immanent in the events themselves; they exist only in the mind of the historian reflecting on them."[41] Shalshelet haqabbalah literature fits that description extremely well, and thus its relevance as historiography should not be underestimated. Although narrative is not always explicit in chronicles, their chains of events are valuable descriptions of historical realities. As White further explained, "I treat annals and chronicle forms of historical representation, not as [sic] imperfect histories they are conventionally conceived to be, but rather as particular products of possible conceptions of historical reality, conceptions that are alternatives to, rather than failed anticipations of, the fully realized historical discourse that the modern history form is supposed to embody."[42] Rav Sherira's Epistle is important both because it reflects his "conceptions of historical reality" and because the work influenced many others' conceptions of the amoraic, saboraic, and geonic periods, from Rashi to Halevy to Gafni and beyond.

39 Brody, *The Geonim of Babylonia*, 25.

40 Isaiah Gafni, "On Talmudic Historiography in the Epistle of Rav Sherira Gaon: Between Tradition and Creativity" [in Hebrew], *Zion* 73, no. 3 (2008): 293. The quotation is from Hayden V. White, *Tropics of Discourse: Essays in Cultural Criticism* (Baltimore: The Johns Hopkins University Press, 1986), 94. Gafni provides the original English of this and other White quotations in the footnotes (in this case, 293n100).

41 White, *Tropics of Discourse*, 94, quoted in Gafni, "On Talmudic Historiography in the Epistle" [in Hebrew], 293n100.

42 Hayden V. White, *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: The John Hopkins University Press, 1987), 5–6.

In the remainder of the chapter, for the sake of clarity, some more recent scholarship on these works will be included even though Halevy did not have access to it. The chapter will conclude with a brief summary of Halevy's views of these texts.

2.3.1 *Seder Tannaim ve'amoraim* (STVA)

The earliest-known account of the history of the Bavli's formation is found in *Seder Tannaim ve'amoraim* (Order of the Tannaim and Amoraim), which was composed ca. 886 CE, during the geonic period.[43] At that time, Hayya ben Nahshon was Gaon (head of the academy) of Sura, and Tsemah ben Paltoy was Gaon of Pumbedita.[44] Sura and Pumbedita were the best-known of the formally organized talmudic learning academies, named after neighboring towns near the site of ancient Babylon. By the end of the ninth century, both had moved to Baghdad but continued to be called by the names of the towns where they had been founded.[45] These academies were well-established hierarchical institutions. The Geonim, as the heads of these academies, fulfilled many communal roles and exerted tremendous influence over the entire Jewish world. They had administrative jurisdiction over many territories, and their moral authority extended throughout the Jewish communities outside Palestine. Their influence over those communities stemmed mainly from their writing of responsa, which addressed either questions of practical halakhah or academic queries concerning the interpretation and correct version of talmudic texts.[46] In geonic times, unlike during talmudic times, these responsa became a central tenet of rabbinic activity. After the Muslim conquests of the seventh century, most of the Jews in the world were ruled by a single cultural and political entity for the first time in over 1,000 years. Geonic responsa writing became even more active during the

43 Kalman Kahana, ed., *Seder Tannaim weAmoraim auf Grund mehrerer veröffentlicher und nicht veröffentlicher Texte bearbeitet* (Frankfurt am Main: Hermon, 1935), 7.

44 Shraga Abramson, "The Textual History of Seder Tannaim ve'amoraim" [in Hebrew], in *Studies in Rabbinic Literature, Bible, and Jewish History: Ezra Melamed Jubilee Volume* [in Hebrew], ed. Yitzhak D. Gilat, Chaim Y. Levine, and Zvi Meir (Ramat Gan: Bar-Ilan University Press, 1982), 217; Brody, *The Geonim of Babylonia*, 344.

45 Brody, *The Geonim of Babylonia*, 36. For more details on these academies, see David Goodblatt, "The History of the Babylonian Academies," in *The Cambridge History of Judaism,* vol. 4, *The Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006); Isaiah Gafni, "Yeshiva and Metivta" [in Hebrew], *Zion* 43, no. 1–2 (1978); and Jeffrey L. Rubenstein, "The Rise of the Babylonia Rabbinic Academy: A Reexamination of the Talmudic Evidence," *Jewish Studies: An Internet Journal (JSIJ)* 1 (2002).

46 Brody, *The Geonim of Babylonia*, 187–188.

Abbasid dynasty, when Babylonia became the center of the Islamic empire.[47] The Geonim were virtually the only ones authoring these responsa, although they responded in the name of all the scholars of the academy.[48] The Gaon was thus the ultimate spokesman of the great academies of Babylonia and came to represent their decisive influence over all Jewish communities outside Palestine. The queries addressed to them also provide valuable historical information about the geonic era, as the questioners described their problems as fully as possible, although many of the legally irrelevant details were later omitted by scribes and other users.[49]

The identity of STVA's author is unknown, and scholars still debate its attribution. The rabbinic scholar Shraga Abramson (1914–1996) of Hebrew University believed the work to be of Suran origin.[50] Halevy was of the same view.[51] More recently, however, Robert Brody has seen no logical reason for this conclusion.[52] STVA is divided into two parts: a historical section and a methodological section. The historical section describes the chain of transmission of rabbinic tradition, i.e, shalshelet haqabbalah, from the biblical patriarchs, who were assumed to have observed some rabbinic laws, through the middle of the third century CE. It then shifts its focus to the chain of transmission in Babylonia during the next three centuries, starting with the departure of Rav, the first Amora, from Palestine to Babylonia. Its chronology then includes a list of the dates of death of the prominent Babylonian Amoraim and Saboraim, after which it uses a formula to calculate the date of the work from the time of creation, yielding a date in the 880s CE. Then there is a list of the Tannaim and the scholars who came before them, starting with Simeon the Righteous of the Great Assembly. Finally, in a concluding section, the author adds a third historical passage, which lists both Tannaim and Amoraim by generation, from the time of Hillel and Shammai (first century BCE) to the time of Rav Ashi and Ravina (fifth century CE).[53] The chronology extends beyond that date, although the text relating to the sages beyond the fifth century may have been added by a different author, possibly at a later point than the rest of the text.[54] The methodological section contains some remarks on the chronology of

47 Brody, *The Geonim of Babylonia,* 185.

48 Brody, *The Geonim of Babylonia,* 60–61.

49 Brody, *The Geonim of Babylonia*, 189. For further details on the contents and style of the questions and responsa, or *she'elot uteshuvot*, see Brody, 190–193.

50 Abramson, "The Textual History of Seder Tannaim ve'amoraim" [in Hebrew], 217.

51 Halevy, *Dorot harishonim*, 3:55.

52 Brody, *The Geonim of Babylonia*, 9–10.

53 Brody, *The Geonim of Babylonia*, 274–275.

54 Brody, *The Geonim of Babylonia*, 275n30.

the Amoraim and the identities of rabbis who are frequently quoted in an abbreviated or indeterminate form, i.e., in anonymous statements in the Mishnah, baraitot, and other tannaitic writings. The section also discusses how to determine the identities of sages when several share the same name (such as Rabban Gamliel), or when sages are called by their monikers. The sages' identities are followed by observations concerning the time and place in which they were active. STVA then lists rules for deciding the correct halakhah in various cases of disputes between the sages.[55] Adding to the confusion, there are two distinct chronologies, and, in the second one, the chronological order is maintained for the Tannaim but not for the Amoraim.[56]

Given these chronological issues, it is highly doubtful that STVA was the work of only one author.[57] Brody writes that because of the confusing nature of the work, it is not clear that the date in the 880s CE for the work's composition refers to the entire work we now have.[58] Therefore, STVA is of doubtful attribution and accuracy. Its account is confusing and, in many instances, unintelligible, though Brody argues that Abramson overemphasized the incoherence of the text.[59] There is a critical edition of STVA from the 1930s, but a fully annotated modern critical edition has yet to be produced.[60]

2.3.2 The Epistle of Rav Sherira Gaon (*Iggeret Rav Sherira Gaon*)

The second-oldest, and by far the most accurate and extensive, account of the talmudic and geonic period is the Epistle of Rav Sherira Gaon ("the Epistle").[61] Rav Sherira, Gaon of Pumbedita (906–1006), wrote it in 986 CE (1298 of the Seleucid Era, according to the calendar employed in geonic times) in response to a series of questions addressed to him by the community of Qayrawan (present-

55 Brody, *The Geonim of Babylonia*, 275.

56 Abramson, "The Textual History of Seder Tannaim ve'amoraim" [in Hebrew], 217.

57 Abramson, "The Textual History of Seder Tannaim ve'amoraim" [in Hebrew], 217–218; Brody, *The Geonim of Babylonia*, 276.

58 Brody, *The Geonim of Babylonia*, 276.

59 Brody, *The Geonim of Babylonia*, 276.

60 The critical edition is Kahana, ed., *Seder Tannaim weAmoraim*. Regarding the lack of a modern critical edition, see Abramson, "The Textual History of Seder Tannaim ve'amoraim" [in Hebrew], 217n1; and Robert Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], *Tarbiz* 70, no. 1 (2001): 76.

61 Brody, *The Geonim of Babylonia*, 21–22; Jacob E. Efrati, *The Sevoraic Period in Babylonia and Israel: 500–689* [in Hebrew] (Petah Tiqvah: Agudat Benei Asher, 1973), 1.

day Tunisia).[62] The last question concerns the saboraic rabbis: "How were they ordered after Ravina, and which heads of the academies reigned after them, and for how many years did they reign, from then until now?"[63] In his response, Rav Sherira expanded the scope of the question and included information concerning the history of the amoraic era. Brody notes, "Although Sherira does not say so, he may also have seen this as an excellent opportunity to stress the great antiquity and glorious heritage of the Babylonian academies, and particularly his own academy of Pumbedita."[64] He also addressed the formation of the Talmud and discussed the Saboraim twice in his response: once in the context of literary history, regarding their contribution to the process of the formation of the Talmud, and once in the context of institutional history, regarding their status as contemporaries of the early Geonim.[65] Rav Sherira further noted the existence of misinformation regarding the talmudic period. (Jewish scholars of the nineteenth and much of the twentieth century thought that Rav Sherira wrote the Epistle at least in part in defense of rabbinic tradition against Karaite criticism, as Benjamin M. Lewin discussed in the introduction to his critical edition of the Epistle. Now, however, there is a scholarly consensus that the questions by the community of Qayrawan that Rav Sherira attempted to answer in the Epistle were typical of the inquiries that interested the rabbanite intellectuals of Qayrawan.)[66] Brody argues that it is possible that Rav Sherira composed the Epistle because the questioners from Qayrawan believed that STVA provided sufficient sources on the amoraic period, and Rav Sherira felt it necessary to counter that work, even indirectly.[67]

Due to the fact that Rav Sherira was the Gaon of the academy of Pumbedita, some scholars have suggested that the Epistle presents the Pumbeditan view of

62 This information is contained in the heading of the Epistle in various manuscripts. See Brody, *The Geonim of Babylonia*, 20n4; and Benjamin Manasseh Lewin, ed., *Iggeret Rav Sherira Gaon: Mesuderet bishnei nusahot. Nusah Sefarad venusah Tsarfat im hilufei girsa'ot mikol kitvei hayad vekitvei hagenizah sheba'olam* (Haifa: G. Itzkowsky, 1921), 2–4. On the Seleucid calendar as the preferred method of chronology during the geonic period, see Brody, 7n17.

63 Lewin, ed., *Iggeret Rav Sherira Gaon*, 6. See also Brody, *The Geonim of Babylonia*, 10.

64 Brody, *The Geonim of Babylonia*, 20–21. The quotation from Brody is on page 21.

65 See Brody, *The Geonim of Babylonia*, 4–5.

66 For Lewin's account, see his introduction to his edited *Iggeret Rav Sherira Gaon*, v–xvii. On the current consensus, see Brody, *The Geonim of Babylonia*, 20n5.

67 See Brody, *The Geonim of Babylonia*, 21n6. For the instances in which the Epistle directly contradicts STVA, see David Goodblatt, *Rabbinic Instruction in Sasanian Babylonia*, Studies in Judaism in Late Antiquity 9 (Leiden: Brill, 1975), 36–37; and Isaiah Gafni, *The Jews of Babylonia in the Talmudic Era: A Social and Cultural History* [in Hebrew], Monografiyot betoledot Am Yisrael (Jerusalem: Shazar, 1990), 246–247.

Babylonian Jewish history.[68] This perspective would explain Rav Sherira's failure to provide a specific account of the activities of the academy of Sura in the early sixth century, as well as for his dating of the end of the saboraic period. It is evident from the Epistle that Rav Sherira dates the beginning of the geonic period to no later than 588–589 CE (900 on the Seleucid calendar). Thus, the saboraic period would have ceased several years earlier, with the two periods separated by a time of persecutions.[69] In the nineteenth century, Abraham Epstein suggested that perhaps this dating was the Pumbeditan version of the transition, while the Suran version would date it a century or more later, to after the rise of Islam.[70] He draws this conclusion from a mention in STVA that dates the chronology of the last of the Saboraim to after the rise of Muhammad.[71] Both Brody and Gerson Cohen, however, have challenged his assertion.[72] Furthermore, Brody notes that the passage in STVA is problematic, as it dates the rise of Muhammad to the year 516–517 CE, almost a century earlier than when it occurred.[73] Moreover, as will be discussed in chapter 4, the transition from the saboraic era to the geonic era was not a single unique event but, rather, a process that spanned a long term, as evidenced by the fact that some sages even in the later geonic era had the title of Sabora.[74] In various instances, moreover, enactments of the Geonim were referred to as saboraic.[75] Thus the various dates of the transition do not reflect different academies or traditions as the source, but, rather, various stages in the process. Brody has argued, therefore, that there is no good reason to question the accuracy of Rav Sherira's account of the events and chronology of the sixth

68 Brody, *The Geonim of Babylonia*, 9–10.

69 See Lewin, ed., *Iggeret Rav Sherira Gaon*, 99–100.

70 See Abraham Epstein, *Of the Jewish Antiquities: Studies and Monographs* [in Hebrew], ed. Abraham M. Haberman (Jerusalem: Mossad Harav Kook, 1965), 410–413. For a further discussion of the topic, see Abraham Ibn Daud, *The Book of Tradition: Sefer Ha-Qabbalah,* ed. Gerson D. Cohen (Philadelphia, PA: Jewish Publication Society, 1967), 181–186. See also Brody, *The Geonim of Babylonia*, 8–11.

71 Kahana, ed., *Seder Tannaim weAmoraim*, 7.

72 Ibn Daud, *The Book of Tradition*, ed. Cohen, 186; Brody, *The Geonim of Babylonia*, 10.

73 Brody, *The Geonim of Babylonia*, 10.

74 For such an instance, see Binyamin M. Lewin, ed., *Otsar hageonim: Teshuvot Geonei Bavel uperushehem al-pi seder hatalmud*, vol. 12, *Bava Qamma* (Jerusalem: Mossad Harav Kook, 1940), 57 (section 186).

75 Two examples are the famous enactment of the rebellious wife [*moredet*], described by Suran Gaon Rav Natronai b. Hilai as saboraic, and the first sugya in b. Qiddushin, described by Rav Sherira as authored by Saboraim. This phenomenon will be discussed in chapter 4. See also Brody, *The Geonim of Babylonia*, 9–10.

century. It is very unlikely that the two academies had developed different conceptions of post-talmudic history.[76]

Rav Sherira relies on a variety of sources, and scholars debate whether the Epistle should be considered an independent chronological source, or whether Rav Sherira used STVA as a source.[77] Brody argues that the chronology of the Epistle is in some cases similar to that given in STVA, while in others it varies considerably.[78] He thus proposes that STVA and the Epistle shared a common third source. According to this model, Rav Sherira and the author of STVA each completed their chronology based on this third source, which has since been lost.[79] In Brody's opinion, the lost source was of Suran origin and included a chronicle of the Amoraim until the death of Rav Ashi (fifth century CE) and perhaps beyond. This source may even have been the origin of the Epistle's chronology of the academy of Sura during the early saboraic era.[80] Brody believes that such a chronicle, spanning a period of over 200 years, is not the product of an individual but, rather, of an established institution, perhaps the exilarchate.[81]

Brody's theory, if correct, enhances the Epistle's credibility in its account of the amoraic period. Before Brody presented his ideas, it was assumed that Rav Sherira's knowledge of that period and of the general evolution of talmudic literature stemmed principally from his interpretation of talmudic sources, and scholars debated whether Rav Sherira had had access to reliable non-talmudic sources. The Epistle frequently cites talmudic sources but hardly mentions other sources on the period. Brody writes that it is unclear whether Rav Sherira failed to cite other sources because his most important sources were talmudic, or because his readers only had access to talmudic, and not extra-talmudic,

76 Brody, *The Geonim of Babylonia*, 9–10.

77 Heinrich Graetz believed that Rav Sherira had relied upon the confused chronology of STVA. See Halevy, *Dorot harishonim*, 2:441–447; and Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 72. Many other scholars, including Jacob Efrati, Daniel Sperber, and Moshe Baer, have addressed this topic. For a summary of their views, see Brody, 77.

78 For instance, STVA and the Epistle have strikingly similar chronologies of events in the amoraic era. See Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 82–83. Yet STVA's descriptions of events during the amoraic era vary significantly from the Epistle's. See Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 82–83. For more significant differences, see Brody, 77–81; Goodblatt, *Rabbinic Instruction in Sasanian Babylonia*, 36–37; and Gafni, *The Jews of Babylonia in the Talmudic Era* [in Hebrew], 246.

79 Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 83–99.

80 Lewin, ed., *Iggeret Rav Sherira Gaon*, 94–99; Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 91–92.

81 See Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 92–95.

material.[82] Isaiah Gafni argues that even for the amoraic period, an era far removed from the geonic, Rav Sherira drew information from a variety of chronological lists similar to those provided in STVA, making his broad chronological framework sound and free of major flaws.[83] Gafni added, however, that the Epistle's historical narrative of the talmudic period did not draw on such outside sources, and Rav Sherira played a far more active and creative role in composing that account.[84] David Goodblatt has disagreed with Gafni, arguing that the long span of time between the talmudic period and the Epistle highly decreases the likelihood that Rav Sherira had access to reliable chronological sources.[85] Brody, too, is skeptical about Rav Sherira's accuracy regarding events of the talmudic era, as it is difficult to assess whether there were reliable extra-talmudic sources available to him; his dating for the various events of the period, however, does not seem entirely false. Despite this ongoing scholarly controversy about the Epistle's accuracy concerning talmudic times, there is a general consensus that Rav Sherira provides extremely useful information on the post-talmudic era.[86]

For the late-amoraic (post-Rav-Ashi) and post-amoraic (saboraic and geonic) periods, Rav Sherira's historical account is based, to a large extent, on the records of the central Babylonian academies whose history it relates, as well as other outside sources, and it is often supported by independent evidence.[87] For example, the Epistle mentions persecutions during the rule of Yazdgird II in the mid-fifth century CE, in the post-Rav-Ashi era.[88] These persecutions and impositions also affected the Christians (other than Armenians), and several of the Syriac Acts of Martyrs also mention them and their impact on the Jews.[89] Scholars have agreed that the Epistle's post-talmudic account draws on written records of the two

82 Brody, *The Geonim of Babylonia*, 23.

83 See Isaiah Gafni, "On the Talmudic Chronology in Iggeret Rav Sherira Gaon" [in Hebrew], *Zion* 52, no. 1 (1987).

84 Gafni, "On Talmudic Historiography in the Epistle" [in Hebrew], 293–296.

85 See Goodblatt, *Rabbinic Instruction in Sasanian Babylonia*, 35–40.

86 For further details on the controversy, see Brody, *The Geonim of Babylonia*, 23, and, especially, 23n17.

87 Brody, *The Geonim of Babylonia*, 24–25; Gafni, "On the Talmudic Chronology in Iggeret Rav Sherira Gaon" [in Hebrew], 11.

88 Lewin, ed., *Iggeret Rav Sherira Gaon*, 94–96.

89 On the persecutions in the Syrian Acts of Martyrs, see Richard N. Frye, "The Political History of Iran," in *The Cambridge History of Iran*, vol. 3(1), ed. Ehsan Yarshater, 147; and Jacob Neusner, "Jews in Iran," 915–916. See also Gafni, "On the Talmudic Chronology in Iggeret Rav Sherira Gaon" [in Hebrew], 11–13, for further corroboration of these persecutions.

academies and on the oral traditions then current in Rav Sherira's circles.[90] Given his position as Gaon of Pumbedita, it seems clear that Rav Sherira's knowledge of events in Pumbedita was more detailed, and perhaps more accurate, than was his information on Sura.[91] The core of his account is a description of the saboraic activities and a list of Saboraim with some details about them, followed by his account of the geonic period with a list of the Geonim, including in most instances the lengths of their terms. He also includes the dates on which most of the Pumbeditan Geonim assumed their positions. The Epistle's account of events is structured chronologically and divided into centuries according to the Seleucid system. The recounting of events alternates between those at Pumbedita and those at Sura.

There exist two recensions of the Epistle. Since it does not appear that Rav Sherira ever produced a second edition of his work, and there is no evidence of his revisions in either recension, Brody argues that these are "two versions of the same work."[92] The two versions differ in grammar, wording, and some substantial points of content. The most famous difference between the two versions regards Rav Sherira's response to the question of whether the Mishnah and Talmud were redacted in writing or orally. As Brody points out, the question posed to Rav Sherira assumed a written model, asking, "how was the Mishnah written? [. . .] And how was the Talmud written?"[93] The two recensions have different responses. The "Spanish recension" adopts the questioner's language in reference to writing, while the "French recension" avoids any mention of writing.[94] It instead uses the terms "redaction (*tykken*)" and "formulation (*lehiburey*)."[95]

The misleading terms "Spanish recension" and "French recension" originate in nineteenth-century scholarship on the Epistle. They stem from the fact that medieval Spanish Jewish authorities, including Maimonides and Rabbi Shemuel Hanagid (993–1056), understood the Mishnah and Talmud to have been written down soon after the oral redaction process was completed. Scholars therefore dubbed as "Spanish" versions of the Epistle that used the term *katav* (Hebr., "wrote"). Versions that did not support the written model were termed "French"

90 For a discussion of whether these were familial or institutional oral traditions, see Brody, *The Geonim of Babylonia*, 22–23.

91 Brody, *The Geonim of Babylonia*, 25.

92 Brody, *The Geonim of Babylonia*, 21.

93 Lewin, ed., *Iggeret Rav Sherira Gaon*, 5–6. For Brody's point, see *The Geonim of Babylonia*, 21.

94 See J. N. Epstein, *Introduction to Amoraitic Literature: Babylonian Talmud and Yerushalmi* [in Hebrew], ed. Ezra Zion Melamed (Jerusalem: Magnes Press, 1962), 610, cited in Brody, *The Geonim of Babylonia*, 21.

95 For "redaction," see Lewin, ed., *Iggeret Rav Sherira Gaon*, 36; for "formulation," see Lewin, ed., 31.

because they aligned with the opinion of French Jewish authorities, such as Rashi (1040–1105) and Rabbi Moses ben Jacob of Coucy (1200–1260), the author of the *Sefer mitzvot gadol* (The Great Book of Commandments, on the 613 commandments). In his edited Epistle, Lewin grouped the manuscripts into two parallel columns on the basis of this distinction. Lewin argued that the Spanish recension was for the most part the original version, believing that Spanish scholars were in closer contact with the Geonim and the Babylonian academies.[96] Thus the French recension was, in his opinion, secondary.[97]

Halevy was a guiding force in Lewin's research. In his introduction to the Epistle, Lewin writes: "In particular I have expended much effort on making accessible, through brief notes, the gist of the research of the monumental *Dorot harishonim* as it pertains to the Epistle, so as to elucidate and clarify the words of Rav Sherira Gaon, and because this wondrous book is a great and wide sea that not everyone can navigate."[98] Lewin was a follower of Halevy, despite the latter's many detractors among the practitioners of Hokhmat Yisrael.[99] As discussed in the previous chapter, Lewin published volume 6 of *Dorot harishonim* in Jerusalem in 1939. In his *Rabbanan Savora'ei vetalmudam* (1937), Lewin presents a number of Halevy's theories and always praises his contribution to scholarship.[100] Halevy, on the other hand, was not as complimentary of Lewin and his critical approach. As described later in this chapter, Halevy did not approve of Lewin's reliance on manuscripts and did not utilize them in his own research.

Both the division of the text of the Epistle into a Spanish and a French recension and the preference for the Spanish version have been challenged in recent scholarship. The nineteenth-century division was predicated not upon any solid evidence but, rather, upon the assumption that medieval scholars had superimposed their own views on the Babylonian Geonim and had altered the work to fit their preconceived ideas.[101] In addition, the notion that the French recension was developed by French scholars is quite problematic, given the evidence found in the Cairo Genizah. Brody has pointed out that it is

96 See Lewin, introduction to *Iggeret Rav Sherira Gaon*, ed. Lewin, xlvii and lvii–lx.

97 See Lewin, introduction to *Iggeret Rav Sherira Gaon*, ed. Lewin, xlvii–l.

98 Lewin, introduction to *Iggeret Rav Sherira Gaon*, ed. Lewin, xlv.

99 For more details, see Asaf Yedidya, "Benjamin Menashe Lewin" [in Hebrew], 140–141.

100 For notable examples, see Binyamin M. Lewin, *Rabbanan Savora'ei vetalmudam* (Jerusalem: Ahi'ever, 1937), 3, 7, and 54.

101 See Lewin, introduction to *Iggeret Rav Sherira Gaon*, ed. Lewin, xlvii–li; and Brody, *The Geonim of Babylonia*, 22.

"particularly striking and significant [. . .] that *all* the fragments of the Epistle found in the Cairo Genizah belong to the so-called French recension!"[102] Brody concludes that textual analysis shows that the French recension is the original. Its Aramaic has more features in common with geonic Aramaic, and it preserves the original text. Difficult readings, often interpreted and explained away in the Spanish version, are left in place in the French version, suggesting that, according to the principle of *lectio difficilior potior* (the more difficult reading is [the] better [one]), the French recension is the one closer to the original.[103] Moreover, Yaakov Nahum Halevi (J. N.) Epstein (1878–1952) noted that, while the underlying text takes for granted an oral redaction, the conception of a written redaction has clearly been superimposed on it.[104] Both recensions have this same critical passage, demonstrating that Rav Sherira assumed an oral model: "And as for what you wrote: 'How were the Mishnah and the Talmud written?' The Talmud and the Mishnah were not written, but redacted, and the rabbis are careful to recite them orally." The Spanish recension even adds, "and not from written copies."[105] It is thus evident that any allusions to a written redaction are later additions, and so the French edition, which maintains the oral redaction model throughout the text, appears to be more reliable in maintaining the most accurate possible version of the Epistle.

2.3.3 The *Sefer haqabbalah* of Abraham Ibn Daud

Sefer haqabbalah (The Book of Tradition) of Abraham Ibn Daud (ca. 1110–1180), completed in Toledo in 1161, provides another major contribution to the chronology of the talmudic period.[106] *Sefer haqabbalah* includes much of the same material as the Epistle, but the two works nonetheless differ significantly. The texts disagree on the date of death of Ravina bar Huna and, therefore, on the date of the redaction of the Talmud. While the Epistle has the date of Ravina bar Huna's death and the concurrent closing of hora'ah in 500/501, *Sefer haqabbalah* has it

102 Brody, *The Geonim of Babylonia*, 22.

103 In a few instances, however, there are original readings in the Spanish recension. See examples in Epstein, *Introduction to Amoraitic Literature* [in Hebrew], 614–615, cited in Brody, *The Geonim of Babylonia*, 22. See also Halivni, *The Formation of the Babylonian Talmud*, 25n71.

104 See Epstein, *Introduction to Amoraitic Literature* [in Hebrew], 610–615, cited in Brody, *The Geonim of Babylonia*, 22.

105 Brody, *The Geonim of Babylonia*, 22; Lewin, ed., *Iggeret Rav Sherira Gaon*, 71, which Brody cites there.

106 The date of the composition of the work is noted by Ibn Daud himself. See Ibn Daud, *The Book of Tradition*, ed. Cohen, 43.

as 474/475.[107] Ibn Daud's survey of the geonic period also departs from the Epistle's account, and modern research has shown it to be replete with problems and inaccuracies. His list of the first three generations of Geonim is indicative of Ibn Daud's problems: he placed the Geonim of Sura in Pumbedita and vice versa.[108] Gerson Cohen has said that modern scholarship on geonic history has largely supported Rav Sherira but not Ibn Daud, and thus one cannot count on "the credibility of Ibn Daud whenever he makes an otherwise unattested statement."[109] Cohen argues that Ibn Daud was informed by one post-talmudic work, which was similar to the Epistle, and that he also incorporated material from other works and rearranged the Epistle's material to create his own chronology.[110]

2.3.4 The *Seder haqabbalah* of Rabbi Menahem Meiri

Another chronological work that should be mentioned in this context is *Seder haqabbalah*, by the Provençal scholar Rabbi Menahem Meiri (1249–1316).[111] Meiri was unique among the high-medieval rabbinic scholars [*Rishonim*] in offering a historiographical work dedicated to a comprehensive, cohesive chronology of the redaction process; the others included their theories about the redaction of the Talmud in their commentaries on the Talmud or as introductions to their halakhic works. (See, for example, Maimonides's summary of the issue in the introduction to his *Mishneh Torah* and to his commentary on the Mishnah.[112] See also Rashi to b. Bava Metzi'a 86a, s.v. *sof*.) Although Meiri's work was also published as an introduction to his commentary to m. Avot (Ethics of the Fathers), it is unique in that it is an historiographical work in the genre of shalshelet haqabbalah. Unlike the introductions of the other Rishonim, *Seder haqabbalah* is actually an independent work appended to m. Avot rather than just an introduction. It precisely lays out the chain of tradition from Adam until

107 Lewin, ed., *Iggeret Rav Sherira Gaon*, 95; Ibn Daud, *The Book of Tradition*, ed. Cohen, 42.
108 See Ibn Daud, *The Book of Tradition*, ed. Cohen, 177–179.
109 Ibn Daud, *The Book of Tradition*, ed. Cohen, 178.
110 Ibn Daud, *The Book of Tradition*, ed. Cohen, 186–188.
111 Menahem Meiri, *Seder haqabbalah: History of the Oral Law and of Early Rabbinic Scholarship by Rabbi Menahem HaMeiri* [in Hebrew], ed. Shlomo Zalman Havlin (Jerusalem: Ofeq, 1995).
112 On his introduction to the Mishnah, see Maimonides, *Mishnah: Im pirush Moshe ben Maimon*, ed. and trans. Josef David Kapach; see also Maimonides, introduction to the *Mishneh Torah*, Shabtai Frankel ed., 1:1–4.

Meiri's own lifetime, with details about the people as well a thorough analysis of their works. Meiri also includes a brief summary of Jewish history from the creation of the world until his own days: "In [my commentary on] this Mishnah, I will elaborate upon the entire chain of tradition, from the day God created man until today."[113] His work expands beyond a pure historiographical account into historiosophy – the analysis of events and of the sages' character.[114] Meiri's sources for the historiography of the talmudic period come primarily from rabbinic literature; Ibn Daud's *Sefer haqabbalah* serves as his main source for the chronology of the post-talmudic period, although it is possible that he also sometimes relied on a Book of Tradition authored by Rabbi Nissim ben Jacob, also known as Rabbi Nissim Gaon (990–1062). This work is known to have existed, but no extant copies of it have been discovered.[115] Though Meiri's account of the formation of the Talmud did not add any significantly reliable original perspectives to the literature on the subject, his analysis of the process does add some important ideas.[116] For instance, when describing the era of the Saboraim, he notes, "For all the days of *Rabbanan Savora'ei*, regal honor was accorded the heads of the academy. They would still teach the Talmud orally, since no composition of the Talmud had been widely disseminated yet."[117] His view is consistent with Halevy's opinion, to be discussed later, that the Talmud continued to be transmitted orally during saboraic times, even after a written text was available.

2.4 Halevy's assessment of the sources

Halevy did not view any of the shalshelet haqabbalah literature in a particularly positive light. He characterized the text of STVA as corrupt and its material as disjointed. He thought that it was a compilation of several chronologies and not the work of one author.[118] Unlike Graetz, Halevy did not believe that the Epistle used STVA as a source.[119] He preferred the Epistle, and he used it as the basis of his own chronology in *Dorot harishonim*, writing: "In all matters related

113 Meiri, *Seder haqabbalah,* ed. Havlin, 7.

114 Shelomo Zalman Havlin, introduction to *Seder haqabbalah,* ed. Havlin, xiv.

115 Meiri specifically mentions Rav Nissim Gaon only once in his work. See Havlin, introduction to *Seder haqabbalah,* ed. Havlin, xxiv–xxviii.

116 On the lack of significant originality, see Havlin, introduction to *Seder haqabbalah,* ed. Havlin, xlvi.

117 Meiri, *Seder haqabbalah,* ed. Havlin, 114.

118 Halevy, *Dorot harishonim*, 2:227n28 and 2:443n102.

119 Halevy, *Dorot harishonim*, 2:442–447.

to Babylonia, Rav Sherira Gaon's words are reasoned and verified."[120] When contrasting it to STVA, Halevy remarked, in his unique style, "If we compare the clear and organized words of Rav Sherira Gaon to a human being, can the words of [STVA] even be considered simian?"[121]

Halevy used various editions of the Epistle: the first edition, published by Rabbi Samuel Shalom in Constantinople in 1566 as part of Abraham Zacuto's *Sefer hayuhasin*; Baer Goldberg's *Hefets matmonim* edition of 1845, based on Ms. Berlin; and Adolf Neubauer's 1888 *Seder hahakhamim* edition.[122] These were not critical editions, and all had many errors and misprints, which Halevy corrected throughout.[123] As he was very skeptical of recent editions relying on newly found manuscripts, Halevy thought that Shalom's edition of 1566 was the most accurate. In his view, Shalom was very knowledgeable and had had many manuscripts available to him. Although Halevy acknowledged the myriad mistakes and misprints in Shalom's edition, he believed that the other editions were based on later manuscripts with which later scribes had tampered, making them less reliable.[124] As with talmudic manuscripts, moreover, Halevy rejected the utilization of manuscripts of the Epistle in the publication of a critical edition. In a letter to his son Shemuel, he expressed his preference for the printed editions of the Epistle: "Your honorable friend Mr. Lewin is afflicted with the same disease as all those who think that manuscripts are sacred, having been written by angels, and contain no scribal errors. [. . .] In truth, manuscripts are more susceptible to errors than the printed editions of a publishing house, which has dedicated editors."[125] Halevy always preferred correcting the printed text himself when he believed the extant version posed difficulties. Such an approach to emendation also gave him latitude to correct any text that did not fit his theories. In keeping with his determined apologetic approach,

120 Halevy, *Dorot harishonim*, 2:163.

121 Halevy, *Dorot harishonim*, 2:442.

122 For more on Shalom's 1566 Constantinople edition, see Lewin, introduction to *Iggeret Rav Sherira Gaon*, ed. Lewin, xvii–xx. For more on Goldberg's 1845 Berlin edition, see Lewin, ed., xx–xxv. See also Halevy, *Dorot harishonim*, 2:181, 2:496, 2:497, 2:503, and 3:173–174. For more on Neubauer's Oxford 1888 edition, see Lewin, introduction to *Iggeret Rav Sherira Gaon*, ed. Lewin, xxxiii–xxxv. See also Halevy, 2:474n118, 2:496–497, 2:503, and 3:173–174.

123 For notable examples, see Halevy, *Dorot harishonim*, 2:211–216, 2:497 and 2:497n134, 2:504, 2:599, 3:7–9, 3:64, and 3:88.

124 Halevy, *Dorot harishonim*, 2:215n18. He notes such later emendations throughout his work. For examples, see Halevy, 2:504, 2:593, 3:10, and 3:33. Halevy nonetheless at times emends the 1566 edition based on the other editions. See Halevy, 3:173–174.

125 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 147 (letter 76).

his creative emendations, which can be significant, at times contradict all textual witnesses and the view of early rabbinic authorities. These numerous emendations to the Talmud are dispersed throughout his work.[126]

One of Halevy's greatest points of agreement with Rav Sherira concerned the Epistle's account of the leading role of the academy of Sura at the time of the end of hora'ah.[127] But Halevy disagreed with the Epistle's dating on a number of significant points, including regarding the periodization of the saboraic era – and, in fact, whether there even was a saboraic era clearly distinct from the geonic era, since the Epistle seems to imply in several instances that there was not a clean break between them.[128] In several cases, Halevy contradicted Rav Sherira, often using dating matching Ibn Daud's in *Sefer haqabbalah*. Regarding the death of Ravina bar Huna and the ensuing end of hora'ah, Halevy went so far as to emend the text of the Epistle, antedating the death by 25 years. Halevy's critics, and even his own son, harshly criticized him for this action, as will be discussed in chapter 4.[129]

Halevy's use of some dates from Ibn Daud in his own chronology should not be seen as an indication that he usually considered *Sefer haqabbalah* to be a more reliable source than the Epistle, though he occasionally thought that.[130] Halevy acknowledged *Sefer haqabbalah*'s weaknesses, especially for one time period: "It is difficult to rely on what Ibn Daud says about the amoraic era, since nothing he says is precise."[131] In his view, the errors in the text of *Sefer haqabbalah* were due to faulty sources.[132] For the late- and post-amoraic era, however, Halevy thought that *Sefer haqabbalah* provided valuable independent information, since it recorded Suran traditions, while Rav Sherira presented Pumbeditan traditions.[133] For ideological reasons, it was imperative for Halevy that Ibn Daud had not seen the Epistle, since that meant that *Sefer haqabbalah* represented a totally independent source, from which Halevy could adduce independent evidence to support his views, and, at times, even to emend the text of the Epistle.[134] Halevy employed this strategy to amend the date of Ravina's death (as will be discussed in chapter 4), to identify members of his *beit*

126 For a notable example, see Halevy, *Dorot harishonim*, 2:437–439.

127 Halevy, *Dorot harishonim*, 3:26–27. See chapter 4 for a fuller discussion of this issue.

128 See chapter 4 for a more detailed discussion of the Epistle's dating of the geonic era.

129 On the criticism by Halevy's son, see Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 147–148 (letter 76).

130 See examples in Halevy, *Dorot harishonim*, 2:597, 3:7, 3:15, 3:88, 3:101, and 3:175.

131 Halevy, *Dorot harishonim*, 2:499.

132 Halevy, *Dorot harishonim*, 3:55 and 3:178.

133 Halevy, *Dorot harishonim*, 3:35, 3:35n11, and 3:55.

134 For notable examples, see Halevy, *Dorot harishonim*, 2:601 and 3:101.

hava'ad, to create his timeline of Saboraim, and to date the transition between their era and that of the Geonim, which, according to Halevy, varied depending on whether one was in Sura or Pumbedita.[135]

Halevy does not quote Meiri's *Seder haqabbalah*. Although the work had been published in 1821 in Salonika by Rabbi Hayyim Palagi (1788–1868), almost the entire edition was burned, leaving only a few remaining copies, which meant it was unknown to many rabbinic scholars.[136] Although Halevy generally had a negative view of the historical acumen of the Rishonim, since they did not write dedicated works of history, *Seder haqabbalah* is quite different from the others, since, as discussed above, it presents a complete shalshelet haqabbalah.[137] Yet it is not surprising that Halevy did not quote it, due to its scarcity, though it had been reprinted in Vienna in 1854.[138] It is quite unfortunate that Halevy did not have access to it, since it is precisely the type of historiography that he remarked was missing from the works of other medieval scholars, and, on several occasions, his ideas matched Meiri's. For instance, both Meiri and Halevy thought that the Talmud was taught orally throughout the saboraic period, even when written exemplars were already available, as will be discussed further in chapter 4.[139] One further instance of agreement was the identification of Rav Ahai, who is mentioned in b. Ketubbot 2b and b. Zevahim 102b. Both Meiri and Halevy identified him as Rav Ahai son of Rav Huna, who was mentioned in the Epistle among the sages of the first generation of Saboraim. Their shared view contrasted with that of Tosafot, who claimed that Rashi's grandson, Rabbi Shemuel ben Meir (RaSHBaM, ca. 1080–85–ca. 1174) assumed that Rav Ahai was the eighth-century Gaon Rav Ahai of Sabha, as will be discussed in chapter 4.[140]

Halevy's criticism of the shalshelet haqabbalah literature arose from two primary factors: historiography and ideology. As discussed in chapter 1, Halevy

135 On emending the date of Ravina's death, see Halevy, *Dorot harishonim*, 3:7–9 and 3:15. On the members of the *beit hava'ad*, see Halevy, 2:601. On the timeline of the Saboraim, see Halevy, 3:28, 3:33–34, and 3:178. On dating the transition between Saboraim and Geonim, see Halevy, 3:33–36, 3:54–56, and 3:171–175.

136 Menahem Meiri, *Beit Avot*, ed. Eliyahu Wolf Rosenberg (Warsaw: Rosenberg, 1920), 3.

137 See Halevy, *Dorot harishonim*, 2:117, 2:216, 2:228, 2:241, 2:262, 2:264n5, 2:318, 2:448n105, 2:476, 2:476n120, and 3:54.

138 Meiri, *Beit Avot*, 3.

139 Meiri, *Seder haqabbalah*, 114; Halevy, *Dorot harishonim*, 3:49.

140 Meiri, *Seder haqabbalah*, 113 and 113n501; Halevy, *Dorot harishonim*, 3:57. On Rashbam's dates, see Avraham Grossman and Israel Moses Ta-Shma, "Samuel ben Meir," in *Encyclopaedia Judaica*, edited by Michael Berenbaum and Fred Skolnik, accessed 1 July 2020, https://yulib002.mc.yu.edu:2821/apps/doc/CX2587517439/GVRL?u=nysl_me_yeshival&sid=GVRL&xid=008565c2.

saw himself as a scholar in the tradition of Hokhmat Yisrael, a man who prized objectivity and the careful reading of primary sources. On the Epistle, he said: "We have already noted the obvious fact that in regard to the era of Tannaim and Amoraim, it is imperative to return to the sources and clarify everything through the words of the Talmud using clear evidence, irrespective of the accuracy of the Epistle's text."[141]

Despite Halevy's call for, and use of, modern scholarly practices, and his commitment to using the Talmud, the Epistle, and *Sefer haqabbalah* to construct his chronology, his agenda – proving certain points that supported his political ideology – often interfered with his implementing those practices in his own work. The emendation of the Epistle regarding the date of the closing of the Talmud is only the most serious example of Halevy's willingness to bend the sources in order to reach a predetermined conclusion.

2.5 Conclusion

In Halevy's time, as is mostly still true today, the shalshelet haquabbalah literature described in this chapter, along with minimal internal evidence from the Talmud, were the only pre-modern sources on which a scholar could rely in attempting to reconstruct the process of the formation of the Talmud. Current scholars, including Robert Brody, Isaiah Gafni, and David Weiss Halivni, continue to draw on these works.[142] As Halevy and some of his contemporaries realized, these works lack historical sophistication. Their authors were not historians and thus did not prioritize getting to the historical truth of the Talmud's formation. Halevy saw the weaknesses of STVA, the Epistle, and *Sefer haqabbalah*, and he claimed that he would improve them in his own chronology as set out in *Dorot harishonim*. Yet, though he professed interest in objectivity and the thorough investigation of primary sources, and though he did make some valuable contributions to the history of the formation of the Bavli, his determination to make certain political and apologetic points about the early rabbinic world often interfered with his willingness to use modern historical methods, as will be discussed in the next two chapters.

141 Halevy, *Dorot harishonim*, 2:215n17.

142 See Brody, *The Geonim of Babylonia*; Brody, "The Epistle of Sherira Gaon," in *Rabbinic Texts and the History of Late-Roman Palestine*, ed. Martin Goodman and Philip Alexander, Proceedings of the British Academy 165 (Oxford: Oxford University Press, 2010); Gafni, *The Jews of Babylonia* [in Hebrew]; Gafni, "On Talmudic Historiography in the Epistle" [in Hebrew]; Gafni, "On the Talmudic Chronology in Iggeret Rav Sherira Gaon" [in Hebrew]; and David Weiss Halivni, *The Formation of the Babylonian Talmud*.

Chapter 3
Halevy the Historian of the Talmud

3.1 Introduction

Y. I. Halevy approached the study of the Talmud's formation from two perspectives at once. On the one hand, he considered himself to be an historian whose modern historical skills, combined with his background in traditional Talmud study, could help illuminate the process of the formation of the Babylonian Talmud, or Bavli. On the other, he thought it necessary for the Talmud to support his political and polemical agendas, especially as they related to the antiquity of the Oral Law and the ideal rabbinic structure for Agudath Israel. Halevy's split view resulted in two types of conclusions about the Bavli's formation: well-reasoned contributions to the emerging field of the history of the Bavli, on the one hand, and muddled, often forced, arguments that seem to twist the text to serve his polemical agenda, on the other. This chapter will focus on Halevy's sound contributions to the study of the Bavli and what implications they might have for the field of academic Talmud study today. The next chapter will follow Halevy's creative but ultimately quite problematic efforts to press the talmudic text into the service of his politics and apologetics.

3.2 Halevy's contributions to the history of the Bavli's formation

3.2.1 The four stages

One of Halevy's important contributions to the history of the Bavli's formation was his development of a framework that outlined the process of that formation. He describes the formation of the Talmud as an extended process consisting of four principal stages: 1) the assembling of tannaitic teachings relevant to each section of the Mishnah, which began immediately after the publication of the Mishnah in the early third century CE; 2) the collection of amoraic teachings by the renowned sages Abbaye (ca. end of third cent.-339) and Rava (ca. 280–351/52), which resulted in a common body of amoraic traditions, which was then studied by all academies and disciple circles; 3) the editing of Rav Ashi (352–427), who put the Talmud into its (almost) final form as the head of a rabbinical council [*beit hava'ad*] starting around the last decade of the fourth century in Matta Mehasia in southern Babylonia; and 4) the post-Rav-Ashi period, in which

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the sages of Rav Ashi's court were permitted to finish editing the Talmud until the death of Ravina bar Huna at the end of the fifth century.[1] This chapter will focus primarily on the first three stages, since Halevy's conclusions regarding the latest parts of the Talmud's formation are the weakest from an historical perspective.

3.2.1.1 The initial stage: The disciple circles' tannaitic teachings

Halevy recognized that the Talmud was still evolving during the initial stages of the amoraic era, in the third century CE. The tannaitic teachings represented the understandings of individual schools of rabbis and their disciples. They contained traditions not included in the Mishnah, together with other anonymous explanations. They used a structure and terminology similar to those of the baraitot.[2] Notable examples are the baraitot of the Palestinian sages Rabbi Hiyya (end of the second century CE), Rabbi Oshaya (or Hoshaiah; ca. 200 CE), Bar Kappara (early third century CE), and Rabbi Yehoshua ben Levi (first half of the third century CE). Various individual amoraic disciple circles preserved the teachings through a process of memorization and transmission involving *tannaim* (reciters of sources, confusing called by the same name as the rabbis of the Mishnah). Those tannaim essentially functioned as human tape recorders.[3]

In Halevy's view, the Mishnah on which the Amoraim commented was the original form of the Oral Law. His apologetic agenda is obvious, and he stood alone in his radical opinion of the antiquity of the Mishnah. The theory agreed upon by Halevy's contemporaries and by traditional rabbinic scholars, such as Rav Sherira in his Epistle, was that after Ezra, during the period of the scribes [*soferim*], the Oral Law was transmitted as midrash halakhah in conjunction with Scripture.[4] Halevy argued that the Mishnah was compiled in the second

1 On the early amoraic times, see Halevy, *Dorot harishonim*, 2:114–152; on Abbaye and Rava's era, see Halevy, 2:473–496; on Rav Ashi's era, see Halevy, 2:522–596 and 3:80–3:85; and on the post-Rav-Ashi period, see Halevy, 3:1–23.

2 For more details, see Nahman Danzig, "On the Development of the Term 'Baraita'" [in Hebrew], *Sinai* 89 (1981). See chapter 2 of this book for the approximate dating of the tannaitic, amoraic, saboraic, and geonic eras.

3 On amoraic teaching and transmission, see Halevy, *Dorot harishonim*, 2:114–152.

4 Lewin, ed., *Iggeret Rav Sherira Gaon*, 39. This was the view of contemporary scholars, such as David Zvi Hoffmann in *Hamishnah harishonah*, 5–12. See a detailed list and further discussion in David Weiss Halivni, *Peshat and Derash: Plain and Applied Meaning in Rabbinic Exegesis* (Oxford: Oxford University Press, 1991), 19–37. See also William Scott Green, "The Talmudic Historians: Nachman Krochmal, Heinrich Graetz, Isaac Hirsch Weiss," in *The Modern Study of the Mishnah*, ed. Jacob Neusner, Studia Post-Biblica 23 (Leiden: Brill, 1973), 107–121.

century CE based on an earlier foundational Mishnah [*yesod hamishnah*], composed by the sages of the Great Assembly during the era of the establishment of the Second Commonwealth. This *yesod hamishnah*, he claimed, did not include any creative additions by the sages of the Great Assembly; it was based solely on earlier oral traditions.[5] Even with this more nuanced approach, in which he accepted tannaitic intervention in what eventually became the Mishnah, Halevy's apologetic agenda can be recognized in his analysis of midrash halakhah. In his defense of Orthodoxy, Halevy attempted to demonstrate scientifically that Jewish law was static, and that the rabbis were primarily passive transmitters, rather than active developers, of law. Halevy claimed that midrash halakhah provided only support and mnemonic devices, not exegesis, for laws known through tradition. In short: Midrash did not create halakhah.[6] Halevy believed that the law was immutable and repeatedly made statements like, "It becomes evident that the rabbis never relied upon any exegesis, even the most elementary, to derive biblical law. The source of law has always been exclusively tradition, nothing else."[7] The arguments and discussions of the Tannaim were thus limited to details and explanations of the earlier Mishnah and did not provide any substantial evolution. Their contribution comprised only the clarification and the practical application of the original tradition. Finally, Rabbi Yehudah Hanasi canonized and fixed the Mishnah in the beginning of the third century CE.[8]

Halevy claimed that Rabbi Yehudah Hanasi's Mishnah was universally accepted upon its redaction as a sealed corpus and, therefore, was not added to afterwards. He thus argued that any additional teachings had been saved as explanatory glosses that were later appended to the authoritative Mishnah and taught alongside it.[9] This understanding clashed with the Wissenschaftler Zacharias Frankel's view that the baraitot were composed as addenda to the Mishnah.[10] According to Halevy, this initial stage continued during the first two generations of Amoraim, and thus similar explanations and traditions were, in certain cases, transmitted both as baraitot and as amoraic traditions.[11] The first

5 Halevy, *Dorot harishonim*, 1c:204–310.

6 For a detailed analysis of the role of Midrash and the modern religious reform agenda, see Jay M. Harris, *How Do We Know This? Midrash and the Fragmentation of Modern Judaism* (Albany: State University of New York Press, 1995), 211–263. See also Sariel, "A Historian from the World of Torah," 54 and 54n23. Sariel shows from Halevy's attitude that this approach to midrash halakhah was not limited to German Orthodoxy.

7 Halevy, *Dorot harishonim*, 1c:307. See also Halevy, 1c:292–311 and 1e:467–543.

8 Halevy, *Dorot harishonim*, 1c:296.

9 Halevy, *Dorot Harishonim*, 2:126–135.

10 On Frankel's opinion, see Zacharias Frankel, *Darkhei hamishnah*, 313.

11 Halevy, *Dorot harishonim*, 2:138.

amoraic generation included Rav and Shemuel, who both died ca. 250 CE; the second included Rav Huna (second half of third century CE) and Rav Hisda (ca. 217–309), a student of Rav.[12] During this initial stage, the central and most influential academy was located in Sura in Babylonia.[13]

3.2.1.2 The second stage: Abbaye and Rava

Halevy argued that the Talmud's first stage of development came to an end, and the second stage began, when Abbaye and Rava revolutionized talmudic learning by composing a common body of amoraic traditions. Halevy postulated that talmudic learning during the first two generations of Amoraim (up to circa 308–309 CE, following the death of Rav Hisda, Head of Sura, after which the Sura academy closed) was decentralized, with each school following its own particular traditions.[14] These predecessors to the academies essentially functioned as disciple circles, meaning that the traditions of a particular Amora were individually debated and preserved by disciples of that center.[15] The term "disciple circles" comes from modern scholarship, but it is also helpful for thinking about Halevy's conception of early amoraic learning.[16] Although Halevy, who did not admit to any institutional change from the early amoraic to the late geonic period, claimed that structured yeshivot existed in Babylonia from the era of the first Amoraim, he also wrote that the earliest debates of the amoraic period were confined to the particular traditions of one Amora. During this period, amoraic statements were commonly introduced by tracing the history of transmission using the word *amar* (said), in constructions such as, *Amar Rav Yehudah amar Rav* (Rav Yehudah said that Rav said). This direct double attribution, as I call it, is quite common; it is found in printed editions of the Talmud over 1,200 times, as will be discussed further below.

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12 On Rav Huna, see Shmuel Safri, "Huna," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik, 2nd ed., accessed 18 May 2020, https://yulib002.mc.yu.edu:2821/apps/doc/CX2587509311/GVRL?u=nysl_me_yeshival&sid=GVRL&xid=06b6c54b. The article reports that the Epistle says that Rav Huna died in 296 C.E. On Rav Hisda's years, see Harry Freedman, "Hisda," in *Encyclopaedia Judaica*, 2nd ed., accessed 18 May 2020, https://yulib002.mc.yu.edu:2821/apps/doc/CX2587509034/GVRL?u=nysl_me_yeshival&sid=GVRL&xid=48f915c3.

13 See Halevy, *Dorot harishonim*, 2:411–417.

14 Halevy, *Dorot harishonim*, 2:494. On the death of Rav Hisda and its impact, see Halevy, 2:434.

15 On Halevy's view of how amoraic teachings were transmitted, see *Dorot harishonim*, 2:404–417.

16 See, e.g., Goodblatt, *Rabbinic Instruction in Sasanian Babylonia*, 267–280; and Goodblatt, "The History of the Babylonian Academies," 835.

3.2.1.2.1 Abbaye and Rava, redactors of the proto-Talmud

Halevy believed Abbaye and Rava's actions were revolutionary because the two sages had collected in one place teachings and traditions from the various amoraic disciple circles, so that the circles and talmudic academies began to study a common text. He thought that this occurred during the third and fourth generation of Amoraim, when the center of power in Babylonia shifted from the academy in Sura to the academy in Pumbedita.[17]

Abbaye and Rava's work provided the basis for the centerpiece of Halevy's reconstruction of the Talmud's editing: during the mid-fourth century, what we might call a "proto-Talmud" (although Halevy did not use that term) was collected and redacted. Even before this time, Halevy believed, there was a nascent movement to establish a text in such a format, that is, a kernel of the idea to collect scattered amoraic teachings in one place.[18] That idea gathered pace and was realized, disseminated, and finally transformed into an institutional corpus by Abbaye and Rava. Halevy proposed that this initial early skeleton – a unified corpus of amoraic rulings and discussions gathered by Abbaye and Rava – eventually developed into the Talmud. This happened when the traditions they collected were incorporated, contrasted, and debated in a collective format, as part of an integrated larger conversation. The merging of the many individual traditions into a collective body of knowledge constituted the creation of a unified curriculum of rabbinic traditions, which were preserved and then transmitted in a fixed form.[19] For Halevy, though the creation of the Talmud was an evolutionary process, the contributions of Abbaye and Rava represented the critical formative step in the creation of the fixed proto-Talmud, since it was their activity that transformed the decentralized traditions into a unified body of traditions (including those from Palestine), which were then coordinated among the various disciple circles.

Halevy also placed the beginnings of a new learning style in talmudic academies in this period. His view was that, starting in the initial part of the amoraic age, the "academies" were dedicated to the study and propagation of the traditions of a particular Amora.[20] But, in addition, they periodically attempted to resolve any open issues and reconcile traditions, almost like a very early version of today's academic conferences. (From a modern scholarly perspective, we can identify the proceedings of these meetings with the beginning of the *setam*, the anonymous discursive stratum of the Talmud, which will be

17 See Halevy, *Dorot harishonim*, 2:473–494.

18 See b. Eruvin 32b. See also Halevy, *Dorot harishonim*, 2:481–482 and 3:117.

19 Halevy, *Dorot harishonim*, 2:480–482, 2:490–494, and 2:552–554.

20 Halevy, *Dorot harishonim*, 2:162–167 and 2:400–409.

discussed in more detail below and in chapter 4.)[21] According to Halevy, after Abbaye and Rava, the focus shifted from the disciple-circle style of learning to the nascent academies; the traditions were preserved and transmitted to future generations exclusively in the collective setting, primarily by the two major academies. It is conceivable, in fact, that this coordination of the various traditions of the different Amoraim allowed for the academies' eventual institutionalization. David Goodblatt presents evidence of precisely such increased institutional complexity dating from the beginning of the fourth century. These institutions eventually developed into the full-fledged academies of geonic times, although the precise timeline of this transformation is unknown. In Goodblatt's words, "The time when that development occurred remains unclear. The amoraic sources do not unequivocally attest to the academy, while the geonic sources know it as an ancient institution. Logic dictates that one look for its origins between these two periods."[22] Halevy, the self-identified guardian of tradition, would not have admitted to institutional change in this period, as he thought the size and hierarchical structure of the amoraic academies resembled those of the later geonic academies. Nevertheless, he did note a change in the style of learning that occurred in the academies, i.e., the shift from large disciple circles, which at times functioned like academies, to more centrally coordinated learning.[23] The epistemological shift that Halevy identified in the work of Abbaye and Rava – which can be described as the recognition that knowledge and traditions are not individual property, but, rather, must be collective, collaborative enterprises – constituted the critical stage in the evolution of the Babylonian Talmud.

The concept of the pivotal role of Abbaye and Rava in the compilation of the Talmud is one of Halevy's major contributions to the field of talmudic history. The ubiquity of Abbaye and Rava in the Talmud is clear; they are the prototypical Amoraim, appearing repeatedly in every tractate. Rabbi Meir Zvi Bergman has remarked, "The entire Talmud is replete with the dicta of Abbaye and Rava, and I have heard that there are no four [consecutive] folios of the Babylonian Talmud in which neither Abbaye nor Rava is mentioned."[24] But while earlier rabbinic scholars had argued for the centrality of Abbaye and

21 Halevy, *Dorot harishonim*, 2:210–211.

22 Goodblatt, "The History of the Babylonian Academies," 837–839. The quotation appears on page 837. See also Rubenstein, "The Rise of the Babylonian Rabbinic Academy," 55–68.

23 See Halevy, *Dorot harishonim*, 2:162–167 and 2:400–409.

24 Meir Zvi Bergman, *Mavo she'arim* (self-pub., 2005), 63. This quotation gives a sense of Abbaye and Rava's apparent ubiquity, though they do not appear as often as every four folios, as Bergman himself acknowledged (63n44).

Rava in the development of the talmudic sugya, it was Halevy who theorized that they had created the basic structure of the extant Talmud.[25] David Goodblatt has noted that almost all "rabbinic scholars" who were contemporaries of Halevy's thought that the Talmud had been "compiled" by Rav Ashi, so Halevy's attribution of such a significant role to Abbaye and Rava was quite unique.[26] Halevy's theory on the creation of the Talmud is thus an important example of his scholarly independence.

Although Halevy provides only indirect and circumstantial evidence to demonstrate his theory, we can observe a remarkable indication of the transition from disciple circles to academies in the abrupt change in the manner of disciples' transmission of traditions. Prior to the era of Abbaye and Rava, disciples preserved the teachings and traditions of their masters and conveyed them to future generations. In so doing, disciples embodied the influence of their master even after his death and thus afforded him a type of immortality. Martin S. Jaffee has written poetically about the significance of this transmission: "The disciple in this world keeps his master's teachings in his mouth so that even the master's earthly remains can, in a minor way, be restored to physical life through the sweet refreshment of his own teaching. As his disciples transmit his traditions, the dead master enjoys a kind of postmortem participation in the revivifying life of learning."[27] Even though teachings were also transmitted by reciters, the disciple was the primary conduit of his master's teachings. The sugya in b. Eruvin 32b is a good demonstration of this phenomenon. The Talmud relates that Rabbi Hiyya bar Abba sat with other Amoraim to explain the Mishnah. When the students provided a resolution, that the Mishnah was referring to a tree standing in the public domain, Rav Nahman (d. ca. 320) remarked that a similar explanation had already been given by Shemuel, and

25 On the role of Abbaye and Rava in the development of the sugya, see Yosef Koulon, *She'elot uteshuvot Maharik* (Jerusalem: Oraysoh, 1998), 162 (Shoresh 84). See also Yaacov Sussman, "Once More on Yerushalmi Neziqin" [in Hebrew], in *Mehqerei Talmud*, vol. 1, ed. Yaacov Sussman and David Rosenthal (Jerusalem: Magnes Press, 1990), 101n88. See chapter 2 of this book for a discussion and example of the talmudic sugya.

26 David Goodblatt, "Y. I. Halevy," in *The Formation of the Babylonian Talmud*, ed. Jacob Neusner, 31. See also b. Bava Metzi'a 86a and Rashi ad loc., s.v. *sof hora'ah*. For an analysis of Rashi's view, see Aaron Hyman, *Toledot Tannaim ve'amoraim*, 1:252:3; and David Rosenthal, "Pirqa de Abbaye (b. Rosh Hashana) II," *Tarbiz* 46 (1977): 97n2. For a further discussion on the topic, see Yaacov Sussman, "Sugyot bavli'ot lisdarim Zera'im vetaharot" (PhD diss., Hebrew University of Jerusalem, 1969), 30(a) and 30(a)n94.

27 Martin S. Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism, 200 BCE-400 CE* (Oxford: Oxford University Press, 2001), 150.

Shemuel's was the real interpretation of the Mishnah. The students then asked him, "Did you incorporate it [the answer given] into the Gemara?" In other words, they inquired about whether Rav Nahman had incorporated Shemuel's explanation into the preserved explanatory glosses of this Mishnah. Rav Nahman responded, "Yes. [Indeed] it was [explicitly] stated: Rav Nahman said [that] Shemuel said: 'Here [we are dealing] with a tree standing in the public domain.'" Evidently, the students were responsible for maintaining their master's interpretative body of work.[28] It was their "private" Gemara, rather than a collective curriculum.[29] This method of transmission can be observed in the Talmud's frequent use of what I will call "direct double attributions" to indicate that statements were conveyed by disciples as transmitters of their master's teachings. (In fact, this is the most common type of double attribution in the Talmud.)[30] In the example above, Shemuel's statement, as transmitted by his disciple Rav Nahman, was introduced by the clause, אמר רב נחמן אמר שמואל (Rav Nahman said [that] Shemuel said), rather than אמר שמואל (Shemuel said). The practice of direct double attribution demonstrates the (metaphorical) fusion of student and teacher and emphasizes the connection of the speaker to the source of the quotation. The extent of the disciple's duty to maintain and transmit his master's teachings is further demonstrated by a norm prohibiting a disciple from professing a view contrary to that of his master without conveying his master's view at the same time.[31]

Direct double attribution stands in contrast to what I will call "indirect double attribution," the other type of double attribution that existed in the first two amoraic generations. For example, אמר רב פלוני משמיה דרב אלמוני (Rabbi X said in the name of Rabbi Y) is an indirect double attribution.[32] These attributions reflect instances in which disciples were, in some way, not precise transmitters of their masters' teachings. There were at least two major medieval opinions regarding the meaning of *Amar Rav X mishmei derav Y*. Rashi explained that this term was

28 Halevy, *Dorot harishonim*, 3:117.

29 Halivni has noted that the term "Gemara" as mentioned in this sugya relates specifically to apodictic statements. Thus, what was preserved was Shemuel's halakhic ruling, rather than his interpretative corpora. See David Weiss Halivni, *Meqorot umesorot: Eruvin-Pesahim* (Jerusalem: Jewish Theological Seminary, 1982), 91–95.

30 It occurs in the Talmud more than 1,500 times. I used the DBS search engine, version 20, to find the number of occurrences.

31 As in b. Qiddushin 42a. See also b. Shabbat 4a and *Bi'ur hagra* to Orakh Haim 443:1. *Bi'ur hagra* is in the standard edition of the *Shulhan arukh*.

32 This indirect double attribution appears approximately 760 times in the Talmud (DBS search engine, version 20). See, for example, b. Eruvin 28a and b. Hullin 57a.

used when a student did not hear the statement directly from his master but only through intermediaries. Rashbam gave an alternative interpretation, arguing that the term was used by interlocutors who were not the principal disciples of Rav Y.[33]

A careful analysis of the talmudic text indicates a puzzling phenomenon. Although direct double attribution was by far the most frequent form during the first two generations of Amoraim – at least twice as common as the indirect form – it was completely discontinued after the era of Abbaye and Rava. Indeed, while the Talmud mentions over 200 indirect double attributions of later sages, not even *one* direct double attribution is indicated.[34] (The only exceptions are instances of direct double attributions that are obvious printing errors, as proven by manuscript readings in these cases.)[35] In those later times, even important disciples such as Rav Papa (ca. 300–375) conveyed teachings using only indirect attributions.[36] Halevy's theory makes sense of this phenomenon. From Abbaye and Rava's era onwards, he argues, traditions were preserved and transmitted to future generations as part of a unified and coordinated body of traditions. Traditions that needed preserving and transmitting to future generations were conveyed exclusively to tannaim for memorization, thus eliminating direct double attribution. Traditions were no longer passed down by disciples, since the traditions of all Amoraim, rather than of one or another particular Amora, were preserved together.

This novel form of transmission after Abbaye and Rava is attested to by the marked shift in the process of halakhic determination. Most early rabbinic authorities thought that in debates between disciples and their masters, the halakhah had to follow the view of the master.[37] This assumption derived from the principle *ein halakhah ketalmid bimqom harav* (The law does not follow the view of a disciple instead of the master, i.e., the law follows the master).[38]

33 For Rashi's opinion, see his commentary on b. Hullin 113b, s.v. *ha derabbei*. For Rashbam's opinion, see his commentary to b. Bava Batra 114b, s.v. *mishum*.

34 I obtained this information by searching the Talmud with Judaic Classics, version 3.3 (advanced query). Yehoshua Cohen, in *Kerem Yehoshua* (self-pub., 1994), 96–102, also noted this phenomenon.

35 From a search with Judaic Classics, version 3.3 (advanced query). For examples of such instances, see b. Berakhot 44a, b. Shabbat 142a, b. Gittin 39b, b. Zevahim 55b, and b. Niddah 63a.

36 See b. Shabbat 93b, b. Pesahim 7a, and b. Megillah 26b (DBS search engine, version 20). See also Cohen, *Kerem Yehoshua*, 97–98.

37 For the various opinions on this matter, see Kahana, ed., *Seder Tannaim weAmoraim*, 17; Malakhi Hakohen, *Yad Malakhi* (Benei Berak: Mishor, 2001), s.v. *halakhah kebatra'ei* (Rule 167–168), 111–116; and Israel Ta-Shma, "*Hilkheta kebatra'ei*: Historical Aspects of a Legal Rule" [in Hebrew], *Shenaton hamishpat ha'ivri* 6–7 (1979–80): 409–414. Ta-Shma believes that all Geonim agreed with this principle.

38 Kahana, ed., *Seder Tannaim weAmoraim*, 17.

The Geonim, however, qualified this ruling.[39] From Abbaye and Rava onwards, even in instances of arguments between masters and their disciples, the law was to follow the opinion of the later sages; this principle was called *hilkheta kebatra'ei* (the law follows the later ones). This ruling is logical given the changed nature of the disciple/master relationship after Abbaye and Rava. Once there was an integrated body of traditions, students were no longer disciples of an individual Amora but, rather, of the collective rabbinic body. They were, in fact, considered to be the disciples of the entire amoraic tradition, which grew over time, and thus later generations were deemed greater than earlier ones.[40] Halevy further postulated that this collective process had already been initiated before Abbaye, while Rabbah (also known as Rabba bar Nahmani; d. ca. 320 CE) was the head of the academy, and it was further developed during the era of Rav Yosef ben Hiyya, after Rabbah's time.[41] In Halevy's opinion, however, Abbaye and Rava were the primary architects of this enterprise in their day.[42] Furthermore, the collection of teachings was enhanced during their tenure to include traditions transmitted by Palestinian sages who were in Babylonia after Rav Yosef's death in 324 CE.[43] These sages included: Rabbi Yossi bar Zevida, Rabbi Yossi bar Avin, Rav Ami, Rabbi Zeira II, Rabbi Abba II, the disciples of Rabbi Yirmiyah, Rav Huna, Rav Hizqiyah, Rav Haggai, and the *nehutei*, i.e., emissaries who shuttled between the Babylonian and Palestinian academies relaying their different traditions.[44] The basic unified text was completed by the death of Rava in 351–352 CE, when the academy again split.[45]

39 Kahana, ed., *Seder Tannaim weAmoraim*, 17n2; Hakohen, *Yad Malakhi*, s.v. *halakhah kebatra'ei* (Rule 167), 111–116; Ta-Shma, "*Hilkheta kebatra'ei*," 409–414.

40 See Koulon, *She'elot uteshuvot Maharik*, Shoresh 84 (162). See also Yehudah Aryeh Leib of Frankfurt, *Kitsur kelalei hatalmud* to b. Berakhot (Rule 7), s.v. *ein halakhah*. *Kitsur kelalei hatalmud* is a commentary available in the Vilna edition of the Talmud. Other commentaries by Aharonim that are not cited in standalone editions, but are available in the Vilna edition, will be noted as such. For a recent publication of the Vilna edition, see Abraham Levy, ed., *Talmud Bavli Vilna hahadash* (Jerusalem: Masoret Hashas, 2006).

41 Halevy, *Dorot harishonim*, 2:482 and 2:490–494.

42 Halevy, *Dorot harishonim*, 2:490–494.

43 On the Palestinian sages, see Halevy, *Dorot harishonim*, 2:474, 2:480–490, and 2:494. On Rav Yosef's death, see Lewin, ed., *Iggeret Rav Sherira Gaon*, 61 and 61n5. For the different opinions concerning the date of Rav Yosef's death and of Abbaye's appointment as head of the academy, see Lewin, ed., *Iggeret Rav Sherira Gaon*, 87; Kahana, ed., *Seder Tannaim weAmoraim*, 5; Halevy, *Dorot harishonim*, 2:473–474; and Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 87n48 and 101.

44 See further details in Halevy, *Dorot harishonim*, 2:481.

45 Lewin, ed., *Iggeret Rav Sherira Gaon*, 89; Halevy, *Dorot harishonim*, 2:481.

Abbaye and Rava's redaction entailed the creation of a fixed text from the various traditions of the different academies, including those in Palestine. It also included a critical analysis and debate of the material and of the various traditions in order to analyze them and discuss any contradictions among them.[46] This activity can be better understood in light of Babylonia's westernization in the fourth century, accompanied by an emerging shared culture that transcended the Babylonian/Palestinian dichotomy.[47] Recent research, as noted by Richard Kalmin, has "pointed to the mid-fourth century as an important period when this shared culture between the empires [Persian and eastern Roman] began to manifest itself in Babylonian rabbinic literature."[48] The shared cultural milieu of the time may have been one major factor prompting Abbaye and Rava to bring together the traditions from the different academies, from the east and from the west, into an integrated body of learning. In fact, a similar activity is described in the Dēnkard (Acts of Religion) – an encyclopedic collection of Zoroastrian religious doctrine, history and legends, literature, and customs – in reference to Zoroastrian traditions.[49] It was undertaken by the Sasanian king Shapur II, who ruled from 309 to 379.[50] Book 4 of the Dēnkard says: "Sābhur, the king of kings, son of Hormizd, induced all countrymen to orient themselves to god by disputation, and put forth all oral traditions for consideration and examination."[51] Mansour Shaki characterized this text as "dating from the middle of the sixth century and bearing the stamp of historicity and authenticity."[52] Although this account does not date to Abbaye and Rava's time, as the Dēnkard was compiled in the ninth century, it is clear that a major activity of Zoroastrian textual assembly occurred in the fourth century. It also seems that there was a great synod or council at that the time, at which *kišwarīgān* (most likely Zoroastrian theologians) discussed the available Zoroastrian

46 Halevy, *Dorot harishonim*, 2:490–494.

47 See Richard Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (Oxford: Oxford University Press, 2006), 3–8 and 149–186; and Zvi Moshe Dor, *Torat Erets-Yisrael Bebavel* (Tel Aviv: Devir, 1971), 11–84.

48 Kalmin, *Jewish Babylonia*, 174.

49 For more on the Dēnkard, see S. A. Nigosian, *The Zoroastrian Faith: Tradition and Modern Research* (Montreal: McGill Queen's University Press, 1993), 68–69.

50 Wiesehöfer, *Ancient Persia*, 320.

51 D. M. Madan, ed., *The Complete Text of the Pahlavi Dinkard* (Bombay: n.p., 1911), 4:412.3–13.17. The translation follows Mansour Shaki, "The Dēnkard Account of the History of the Zoroastrian Scriptures," *Archív orientální* 49 (1981). See also Mary Boyce, ed. and trans., *Textual Sources for the Study of Zoroastrianism* (Chicago, IL: The University of Chicago Press, 1984), 114.

52 Shaki, "The Dēnkard Account," 114.

material.[53] In addition, based on his comparison of the Avestan letters with the Pahlavi materials, the noted Indo-Iranist Karl Hoffmann dated the fixing and committing to writing of the canon of the Sasanian Avesta (the primary Zoroastrian collection of sacred texts) to the fourth century, approximately during the reign of Shapur II. It was presumably reassembled on the basis of various oral traditions and, perhaps, surviving manuscripts.[54] It is very likely that such an international gathering of Zoroastrian sages engaging in canon-forming activities would not have gone unnoticed by contemporary rabbis living nearby.

3.2.1.2.2 *Havvayot de'abbaye verava*

Halevy thought that the Talmud was essentially built on the paradigm of Abbaye and Rava, and thus the Talmud refers to their contributions as "*havvayot de'abbaye verava*."[55] There has been much debate about what, exactly, this term means. Nathan ben Jehiel of Rome (1035–ca. 1110) defined it in his lexicon, the *Arukh*, as the questions and deliberations that Abbaye and Rava debated.[56] Halivni has said that "Havvayot de'abbaye verava" refers to argumentation among Amoraim, noting that the term was also employed regarding Rav and Shemuel of the first generation of Amoraim.[57] The only difference is that the deliberations of Rav and Shemuel have been lost, whereas Abbaye and Rava appear so often and in so many contexts in the Bavli "that 'Abaye' and 'Rava' became in later jargon a synonym for the Talmud itself."[58] By contrast, Richard Kalmin has argued that the term indicates a style of debate or argument whose interlocutors never actually debated each other: "In sharp contrast to the conventional view [. . .] the Talmud portrays Abbaye and Rava as active in separate talmudic centers functioning at a distant remove from one another, with little direct contact."[59] He adds, "Nothing precludes the discussions having been authored by Abaye and Rava individually or in dialogue with their

53 Touraj Daryaee, "Šāpur," *Encyclopædia Iranica*, online ed., ed. Ehsan Yarshater (New York: Columbia University Center for Iranian Studies, 1996-), last modified 24 August 2017, http://www.iranicaonline.org/articles/shapur-ii.

54 J. Kellens, "Avesta I: Survey of the History and Contents of the Book," in *Encyclopædia Iranica*, last modified 17 August 2011, http://www.iranicaonline.org/articles/avesta-holy-book.

55 See b. Sukkah 28a and b. Bava Batra 134a. See also Halevy, *Dorot harishonim*, 2:482.

56 Nathan ben Jehiel, *Ha'arukh*, ed. Shemuel Schlesinger (Jerusalem: Beit Rafael, 1967), s.v. *havvayah*.

57 See b. Berakhot 20a and b. Sanhedrin 106b.

58 Halivni, *Midrash, Mishnah, and Gemara*, 78.

59 Richard Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*, Brown Judaic Studies 300 (Atlanta, GA: Scholars Press, 1994), 189.

students."[60] He further postulates that Abbaye and Rava were paired in the phrase "havvayot de'abbaye verava" because they were considered the most important rabbis of their generation, or perhaps of the entire amoraic period, by whomever coined the phrase.[61] Given Halevy's theory of their contribution and his definition of the term, it is possible that although their physical direct contact was not that frequent, nonetheless their learning was coordinated. They were a virtual pair, as their ideas travelled back and forth. Even when the Talmud states (e.g., in b. Shabbat 7a, b. Shabbat 67a, and b. Shabbat 111b), "Abbaye and Rava both state . . . [. . . אביי ורבא דאמרי תרוייהו]," the meaning is not necessarily that both said it simultaneously but, merely, that the two men held and taught the same view. In fact, the Talmud reports that their disciples transported opinions back and forth between them.[62] Abraham Weiss (1895–1970), a scholar of the Talmud and its history, argued that some of Abbaye's teachings were transported from Pumbedita to Mahoza (a Seleucid center more commonly known as Ctesiphon or Al-Mada'in) by disciples serving as intermediaries, one of whom may have been Rav Papa.[63] Messengers appear to have regularly traveled between Abbaye in Pumbedita and Rava in Mahoza.[64] It thus seems that Halevy was correct that their learning was coordinated.[65] They considered it crucial to keep track of each other because they viewed their ideas as part of a larger conversation, of what we today might call collective virtual learning, or a virtual beit midrash.

A further indication of the nature of Abbaye and Rava's activity can be observed in the resurgence of the organizing device called "*shittah*" in the Babylonian academies of their time.[66] "Shittah" is the term used in rabbinic literature to denote a collection of statements by different sages thought to share a common view. Abbaye frequently employed this device in order to classify the

60 Kalmin, *Sages, Stories, Authors, and Editors*, 191.

61 Kalmin, *Sages, Stories, Authors, and Editors*, 192.

62 See, e.g., b. Eruvin 63b-64a and b. Pesahim 11b-12a.

63 Abraham Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew] (New York: The Alexander Kohut Memorial Foundation, 1943), 32. See also b. Makkot 6a.

64 For the details of the transfer of information between Abbaye and Rava, given Rava's well-established connection to the city of Mahoza, see Hyman, *Toledot Tannaim ve'amoraim*, 3:1046–1048.

65 Halevy, *Dorot harishonim*, 2:482–484.

66 See Admiel Kosman, "'Shitta' As a Method of Study: Its Formation and Pattern of Acceptance in the Academies of Eretz Israel and Babylon" [in Hebrew], *Sidra* 7 (1991): 106 and 106n16. Kosman notes that it had been used only twice before in Babylonia.

assorted views of several sages into well-defined categories.[67] The terminology employed by Abbaye is "*kulhu sevirah lehu*" (all [these sages] hold the [following] view). It is noteworthy that, in contrast to sages of earlier times, Abbaye used this method even in instances in which the sages listed did not share totally identical opinions.[68] An example can be found in b. Bava Qamma 93b: "Abbaye said: 'Rabbi Simeon ben Yehudah, and Bet Shammai, and Rabbi Eliezer ben Ya'akov, and Rabbi Simeon ben El'azar, and Rabbi Yishma'el, all hold [*kulhu sevira lehu*] [the view that despite a] change, [the changed item] remains in its place'" (i.e., the item still maintains the status that it had before the change occurred). The Talmud then proceeds to prove that each of these Tannaim shared this opinion. The list includes the opinion of Rabbi Simeon ben Yehudah even though his opinion is not exactly the same as the others'. Tosafot explains that Rabbi Simeon thinks that only in the specific case of wool that was dyed – and not in the case of any other kind of change – did the status quo remain.[69] Unlike the others on the list, Rabbi Simeon believed that a regular change does affect the status of the object. Although these Tannaim did not share an identical opinion, Abbaye still employed the strategy as a useful organizing tool.

This phenomenon becomes clearer when it is seen as Abbaye's novel usage of this device as a tool to organize rabbinic opinions into broad categories, rather than as an explanatory technique.[70] Halevy's theory easily explains this strategy. As traditions and baraitot were collected from diverse disciples and academies in order to assemble the integrated rabbinic curriculum, this method was employed to categorize the different statements.[71] Accordingly, as noted by Admiel Kosman, a novel form of challenge to a shittah was also developed for purposes of the theoretical clarification of positions.[72] This novel form of challenge was based upon conceptual reasoning rather than upon contradicting evidence from different sources. It was a conceptual challenge to the categories proposed. This dialectical process thus clearly indicates the assembling and consolidating of traditions into a unified conceptual body of knowledge.

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67 This method is mentioned in the Talmud in relation to Abbaye 12 times. See Leib Moscovitz, "Kulhu sevira lehu," in *Studies in Talmud and in Midrash: A Memorial Volume for Tirtsah Lifshitz* [in Hebrew], ed. Mosheh Bar-Asher, Joshua Levinson, and Berachyahu Lifshitz (Jerusalem: Mossad Bialik, 2005), 310 and 310n6. Abbaye employed this device to organize the views of between three to eight sages per instance (311).

68 See Tosafot to b. Bava Qamma 93b, s.v. *rabbi*. See also Kosman, "'Shitta'" [in Hebrew], 111.

69 See Tosafot ad loc., s.v. *rabbi*.

70 For a somewhat different approach, see Moscovitz, "Kulhu sevira lehu," 315–347.

71 Abbaye employed organizing tools in addition to *shittah*. See b. Shabbat 138a: "Abbaye would consolidate the principles of the baraitot and teach."

72 For further details, see Kosman, "'Shitta'" [in Hebrew], 113–114.

A further aspect of their endeavor is that it developed a more complex type of legal analogy than had previously existed. As already noted by Leib Moscovitz, "One of the most important types of amoraic conceptualization [. . .] is abstract formalistic conceptualization, especially ontological status conceptualization."[73] In his words: "Reasoning of this sort reflects a highly formalistic approach to law, according to which the law is predicated on the external, formal aspects of the cases considered – mainly, whether these cases fall under broad, abstract, metaphysical categories (causation, designation, etc.) – even though the relevant laws might be explained more plausibly in light of narrower, more localized legal considerations." Moscovitz concludes that this type of conceptualization is first found during the fourth amoraic generation in Babylonia primarily and perhaps only in Rava's work.[74] Moscovitz's description of this conceptual innovation also points to the new paradigm established by Abbaye and Rava. As traditions were consolidated into an integrated debate, they were removed from their purely localized legal considerations and reformulated into broader and more generalized legal abstractions. Perhaps Abbaye's role was more that of the gatherer and categorizer of traditions, while Rava focused more on contrasting, integrating, and generalizing them.[75]

Halevy also referred to Abbaye and Rava's endeavor as the *siddur* (redaction) of the Babylonian Talmud.[76] Although Halevy based many of his conclusions about the details of the chronology of the talmudic period on the Epistle, it is interesting to note that Rav Sherira does not attribute to Abbaye and Rava any special role in the redaction of the Talmud.[77] Rav Sherira's position stands in contrast to that of STVA, one of the possible sources of the Epistle, which does allude to their playing a special role.[78] In a rather ambiguous passage, STVA says that all [anonymous] questions that do not explicitly mention Abbaye and Rava were authored by them.[79] Halevy's theory about Abbaye and Rava's contribution to the

73 Leib Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization*. Texte und Studien zum antiken Judentum 89 (Tübingen: Mohr Siebeck, 2002), 349.

74 Moscovitz, *Talmudic Reasoning*, 349.

75 For a similar analysis, see Abraham ben Judah Leib Maskileison (1788–1848), *Mitspeh Eitan* to b. Horayot 14a, s.v. *kol*, and Issachar Ber Eilenburg, *Be'er Sheva* (Jerusalem: Zikhron Aharon, 2004) to Horayot 14a, s.v. *ameru*. *Mitspeh Eitan* is in the Vilna edition of the Talmud.

76 Halevy, *Dorot harishonim*, 2:496, 2:552, 2:558, and 2:567.

77 Lewin, ed., *Iggeret Rav Sherira Gaon*, 87–89.

78 On the Epistle and STVA more generally, see chapter 2 of this book. On STVA's position regarding the role of Abbaye and Rava, see Kahana, ed., *Seder Tannaim weAmoraim*, 31.

79 The word "anonymous" is only found in Neubauer's STVA text in his *Seder hahakhamim* edition of 1888. See Kahana, ed., *Seder Tannaim weAmoraim*, 31.

formation of the Talmud is an excellent example of his scholarship and an apt demonstration of his unique creativity and erudition.

3.2.1.2.3 The location and scope of Abbaye and Rava's work: The *beit hava'ad*

According to Halevy, the timing of Abbaye and Rava's work was closely tied to the political situation during their lifetimes. Halevy posited that their central editing process had occurred at the beginning of the fourth century in the academy of Pumbedita, following the death of Rav Hisda in 308–309 CE.[80] It was only then that the academies of Sura and Pumbedita united, and Pumbedita became the only major academy.[81] According to Halevy, this setting, in which only one central academy was operative, ended with the death of Rava in 351–352 CE, which resulted in another split in the academies and thus an interruption of the process of redaction.[82]

This period ending in 351–352 CE provided Halevy with what he thought were the necessary conditions for Abbaye and Rava to create their proto-Talmud. The primary reason for Halevy's conclusion was his theory that a central academy, formed with the intent of redacting and editing the Talmud, was responsible for every step of the process of the Talmud's formation. Whenever the academies split, the process was interrupted. This centralized academy, which Halevy termed the "*metivta kolelet*" (lit., "general academy") or "*beit hava'ad*" (lit., "house of meeting," perhaps a reference to m. Avot 1:4), was, in his view, universally recognized as supreme and authoritative.[83] Such authority accrued to it because it consisted of a *va'ad* (lit., "college" or "council"), a collection of all the major rabbinical scholars of the time, including sages from both Palestine and Babylonia. According to Halevy, this group thus constituted the Sanhedrin of its day. Halevy termed the dominant Pumbeditan academy that operated during the lives of Abbaye and Rava the *beit hava'ad* of that period.[84]

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80 On the location of the editing, see Halevy, *Dorot harishonim*, 2:481–482, 2:490, and 2:494. On the death of Rav Hisda, see Lewin, ed., *Iggeret Rav Sherira Gaon*, 85; Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 96 and 78n17; and Kahana, ed., *Seder Tannaim weAmoraim*, 5n63.

81 Lewin, ed., *Iggeret Rav Sherira Gaon*, 89; Halevy, *Dorot harishonim*, 2:481.

82 See Lewin, ed., *Iggeret Rav Sherira Gaon*, 89; and Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 97.

83 For the name of the institution, see Halevy, *Dorot harishonim*, 2:481.

84 For details of how this *metivta kolelet* functioned, including the transfer of ideas between Abbaye and Rava, see Hyman, *Toledot Tannaim ve'amoraim*, 3:1041–1047. On the Pumbeditan academy of Abbaye and Rava's time as the *beit hava'ad*, see Halevy, *Dorot harishonim*, 2:481.

He further argued that it was universally recognized as supreme and authoritative despite the contemporaneous existence of other schools.[85]

Ironically, despite the importance Halevy attributed to this *beit hava'ad*, his theory of Abbaye and Rava's great innovation did not depend upon the two mens' belonging to a body that met and worked in one physical space, since, as discussed above, there was communication between them.[86] Halevy believed that Abbaye and Rava were innovative not because of their location but, rather, on account of their unique approach, i.e., their introduction of a new paradigm in the study and the transmission of the Oral Law: the establishment of a collective talmudic structure. This paradigm shift – as noted above, it also represented an epistemological shift – could have occurred in the context of coordination among numerous academies.

Halevy's historical conception of a unified and orderly formation of the Talmud by an international body was an effective tool for substantiating his ideological agenda, as it presented the Talmud as Judaism's supreme and unassailable legislative work. In his view, the authority of the Talmud rested on its promulgation by a centralized, universal *beit hava'ad*, just like Rabbi Yehudah Hanasi's court, which had redacted the Mishnah in the beginning of the third century.[87] Rabbi Elhanan B. Wasserman (1874–1941), who established his yeshiva, which became one of the most famous in eastern Europe, in Baranowicze after World War I, took a similar view. Wasserman argued that the canonicity and authority of the Mishnah and Talmud rested upon the fact that they were promulgated by a central, authoritative body. In his view, such a conclave had equivalent halakhic authority to that of the Great Sanhedrin in Jerusalem.[88] Wasserman wrote that the Sanhedrin had to be located at the Temple because, if its 71 rabbis were going to represent all of Israel, they needed special divine inspiration that only that physical place could provide [a principle known as *hamaqom gorem*]. He added that a central, universally recognized, conclave of rabbis would have the same power as the Sanhedrin no matter where it was

85 On this point, Goodblatt writes: "Halevy does not deny that other schools existed, a fact for which there is abundant evidence, but asserts that from the death of Rav (247) to that of Rava (351/2), and again under R. Ashi, there was one particular school which was acknowledged as supremely authoritative" ("Y. I. Halevy," 37).

86 For the importance Halevy assigned to the *beit hava'ad*, see *Dorot harishonim*, 2:480–494, 2:550, 2:593–600, and 3:126–130.

87 For a more recent critical treatment of the process of editing the Mishnah, see Halivni, *The Formation of the Babylonian Talmud*, 103n88, and the literature cited there.

88 Goodblatt described Halevy's theory as "a part of the rabbinic myth of the uniform and orderly development of the halakhah overseen by a central, universally recognized authority, heir to the Great Assembly and the Sanhedrin" ("Y. I. Halevy," 46).

located.[89] The great rabbinic authorities of Halevy's time, the Hazon Ish and Rav Kook, argued that neither theory was valid: an international rabbinical conclave would not have authority similar to the Sanhedrin's, nor was such a body necessary for the validation of the Mishnah and Talmud.[90] Rav Kook in particular, as discussed in chapter 1, thought that these texts' validity and canonicity rested upon universal communal acceptance and did not derive from their promulgation by a specific court.

As will be discussed further in the next chapter, Halevy's concept of the *beit hava'ad* was not so much a useful contribution to the history of the Talmud as it was a tool to validate Halevy's apologetic agenda – as well as his political paradigm. If he could argue that even the Talmud had to be redacted by a universal rabbinic council, he could make an unassailable case for the creation of an international organization of worldwide Orthodox Jewry – his political ambition for his own time, in the form of Agudath Israel and its *Mo'etses Gedolei Hatorah*. Halevy's conception of the *beit hava'ad* provided historical precedent for precisely the kind of unified body he wanted to create in his own day. It is not possible to know whether his political model for Agudath Israel was the determining factor that informed his theory about the role of the *beit hava'ad* in the formation of the Talmud, or whether his theory of the *beit hava'ad* drove his desire for the Agudah's top-down structure. Yet it is clear that both were part of a common vision and ideology. The Talmud thus served, among its other roles, as Halevy's political manifesto.

It is not surprising, therefore, that although Halevy repeats his theory about the *beit hava'ad* numerous times in *Dorot harishonim*, nowhere does he provide adequate proof for its existence.[91] The only evidence Halevy cites are the instances in the Talmud that seem to indicate redactional activity. Halevy showed remarkable creativity in dredging up such instances. For example, he found proof of the existence of a *beit hava'ad* in b. Pesahim 105b, in which Rav Nahman bar Yitshak refers to himself as "a teacher and systematizer [of traditions; *gemarna*

89 Elhanan Wasserman, "*Quntres divrei soferim*," in *Qovets shi'urim*, ed. Elazar Simha Wasserman (Tel Aviv: M. Arava 1963), 96–97; Elhanan Wasserman, *Qovets inyanim*, ed. Zalmen Drori (Benei Berak: n.p., 1983), 199–200; Elhanan Wasserman, *Qovets he'arot lemasekhet Yevamot*, ed. Elazar Simha Wasserman, 5th ed. (Tel Aviv: M. Arava, 1967), 51–52.

90 Wasserman, *Qovets inyanim*, ed. Zalmen Drori, 194–197; Avraham Yeshayahu Karelitz, *Qovets iggerot*, ed. S. Greineman (Benei Berak: n.p., 1989), 37–38 (letter 24); Abraham I. Kook, "Rihata dehaqlei," 10:3920; Abraham Isaac Kook, *Be'er Elyiahu*, ed. Yehuda Leib Maimon (Jerusalem: Mossad Harav Kook, 2002), 206–207.

91 For numerous examples of Halevy's mentioning the *beit hava'ad*, see *Dorot harishonim*, 2:480–494, 2:550, 2:593–600, and 3:126–130.

vesadarna]."[92] This ambiguous title is not used elsewhere, and medieval commentators struggled to identify Rav Nahman bar Yitshak's role.[93] Halevy understood the term to mean that he was one of the Amoraim responsible for the redaction of the Talmud in the *beit hava'ad*.[94]

More recent critical scholarship on the history of the Talmud has soundly rejected Halevy's view of the centrality of Sura and Pumbedita, and thus of the existence of central academies, in the amoraic period. Halivni argues that the Amoraim taught in their own localities, and the academies were dispersed, with no central academy operative during the amoraic period in the way that it would be in the geonic period. Halivni draws this conclusion from b. Qiddushin 73a, in which Rabbi Zeira expounded a legal ruling in Mahoza. Despite the lack of institutional structure, however, Halivni concedes that these academies were actually more academic than the geonic academies, in the sense that students came to study in amoraic academies on a regular basis, rather than, as in geonic academies, rotating in and out, often to hear the head of the academy briefly introduce and explain a topic and its conclusions.[95] In general, as noted above, current scholars appear to agree that the most common institutional setting in the amoraic period was the disciple circle, and an increased level of complexity developed from the beginning of the fourth century.[96]

In his analysis of the features of the proto-Talmud, Halevy also demonstrates his creativity and independence of thought by developing a theory regarding repetitive statements or identical rulings given by the same Amora in different sugyot. The recurrent similar rulings of the fifth-generation Amora Rav Papa bar Hanan constitute a typical instance of this phenomenon. In many situations in which earlier Amoraim argue about versions of blessings or prayers, Rav Papa, instead of ruling in favor of one version, chooses to adopt both texts simultaneously. Again and again, he says, "we shall therefore recite both [הלכך נימרינהו לתרוייהו]."[97] Using the example of Rav Papa, Halevy postulates the radical idea that not all statements attributed to an Amora were actually said by him in the context in which they appear. He claims, instead, that the proto-Talmud attributes a ruling an Amora made once to the same Amora in other contexts. Rav Papa, according to

92 See Halevy, *Dorot harishonim*, 2:500–501: "אלא גמרנא וסדרנא אנא."

93 See Rashi to b. Pesahim 105b, s.vv. *ela* and *gemarna vesadarna*.

94 See Halevy, *Dorot harishonim*, 2:499–502.

95 Halivni, *The Formation of the Babylonian Talmud*, 94n61 and 102. For a discussion of the structure of geonic academies, see Brody, *The Geonim of Babylonia*, 35–53.

96 Goodblatt, "The History of the Babylonian Academies," 837–839.

97 See examples in b. Berakhot 59a-b, b. Ta'anit 7a, b. Megillah 21b, and b. Sotah 40a.

Halevy, ruled only once on a particular subject, and the proto-Talmud attributed to him other similar statements and rulings in various situations. This claim that some of the statements attributed to an Amora were actually fictitious, deduced from his other rulings, was downright revolutionary and, Halevy felt, deeply called for: "This investigation," he remarked, "is quite necessary for comprehending the Talmud and would shed light on many places in the Talmud."[98] Halevy's colleagues agreed, and his novel claim became the dominant theory on the subject and was adopted by various scholars – Samuel Moshe Rubenstein (1870–1943), Chanoch Albeck (1890–197), and Abraham Weiss, among others – who added examples of similar situations with other Amoraim.[99]

In summary, Halevy's conceptualization of Abbaye and Rava's roles as compilers and editors of an early version of the Talmud was a vital contribution to the history of the Talmud's formation. As will be discussed below, it also can provide guidance today to scholars seeking a coherent model for the multifaceted Bavli. In this area, as in others discussed in this chapter, Halevy's willingness to combine historical thinking with scholarly independence enabled these valuable insights.

3.2.1.3 The third stage: Rav Ashi and the editing process

Halevy's third stage in the formation of the Talmud began approximately 40 years after the death of Rava (351–352). Halevy saw this stage's redaction as having been performed by a *metivta kolelet* or *beit hava'ad*. According to Halevy, the body that completed the final redaction of the Bavli had sages from Sura and Pumbedita, as well as sages from Palestinian academies who had relocated to Babylonia.[100] This *beit hava'ad* met in the city of Matta Mehasia (outside of Sura) and was led by Rav Ashi.[101] (Modern scholars, including Robert Brody, believe that Matta Mehasia was the name used for Sura in the geonic period, but Halevy argued that evidence from the Talmud and Epistle proved they were two

98 Halevy, *Dorot harishonim*, 2:509, quoted in Chanan Gafni, "Orthodoxy and Talmudic Criticism?" 78.

99 For an insightful discussion on the topic, see Gafni, "Orthodoxy and Talmudic Criticism?" 78–79.

100 Halevy, *Dorot harishonim*, 2:562–572.

101 Ravina, a contemporary of Rav Ashi, at times replaced him as temporary head of the academy, according to Halevy. See *Dorot harishonim*, 2:562. For further details about Ravina's involvement, see *Dorot harishonim*, 2:544 and 2:562–565. This Ravina's identity and date of death were quite controversial among historians of the Talmud. Halevy's unusual position on this subject is discussed in chapter 4.

adjacent cities.)[102] Under Rav Ashi's leadership and constant involvement, the proto-Talmud of Abbaye and Rava was redacted into its final form.

The idea of Rav Ashi as the final editor of the Talmud was fairly common, and not only in the medieval period. Graetz and Weiss claimed that Rav Ashi accomplished the editing during the two months of *yomei dekalla* (days of convocation). The kallah months were Adar (February/March) and Elul (August/September), when no urgent agricultural work needed to be performed. During those months, the academies were filled with many students who had returned home during the year and had studied on their own so that they could earn a living while pursuing their studies. By contrast, Halevy thought that the editing was a year-round structured enterprise performed by the unique *beit hava'ad*.[103]

Halevy believed that Rav Ashi was responsible for the process of the redaction and editing of the Talmud, which Halevy saw as similar to the Mishnah's redactional process. In his opinion, the only distinction between the editorial processes of the Mishnah and Talmud was that the Mishnah omitted all of the initial debates and discussions and preserved only the direct rulings, while the Talmud preserved both the rulings and the theoretical discussions surrounding them. (The only exception was the Palestinian Talmud, which was not edited but, rather, finished abruptly due to the precarious situation in Palestine at the time.)[104] Halevy terms the editorial process *hatimat hatalmud* (lit., "sealing of the Talmud," though Halevy saw it as a process, as will be discussed below).[105] The editing of the Talmud, in Halevy's view, entailed the clarification of issues and the resolution of doubts and debates, as well as the validation of traditions and the resolution of conflicting versions of the earlier proto-Talmud.[106] The redactional process entailed the inclusion of later statements that had not yet been added, as well as the crystallization of the fixed text, which started the process of the canonization of the Talmud.[107] Halevy called this canonization "a general sealing and the end of final ruling [חתימה כוללת וסוף הכרעה אחרונה]."[108]

102 See Brody, *The Geonim of Babylonia*, 36; and Halevy, *Dorot harishonim*, 2:593–600.

103 For further details, see Halevy, *Dorot harishonim*, 2:553–554; and Brody, *The Geonim of Babylonia*, 43–44. On Halevy's view of editing as a year-round activity, see *Dorot harishonim*, 2:536–539.

104 Halevy, *Dorot harishonim*, 2:526–536.

105 See Halevy, *Dorot harishonim*, 2:562–571, 3:17–23, and 3:120.

106 Halevy, *Dorot Harishonim*, 2:528, 2:562–571, and 3:120.

107 Halevy, *Dorot Harishonim*, 2:524–536.

108 Halevy, *Dorot Harishonim*, 2:536.

According to Halevy, during Rav Ashi's time, as in Abbaye and Rava's, historical circumstances were conducive to editing, in this case to the final editing of the Bavli. Both Rav Ashi and Rav Huna bar Nathan enjoyed the respect of the Sasanian (Persian) authorities. Rav Huna bar Nathan, the exhilarch of the Jewish community in Babylonia, had access to the officials of the Sasanian Empire, and especially to King Yazdgird I, who ruled Babylonia at the time. In addition, both Rav Ashi and Ravina were independently wealthy, so they could support the activities of the unified academy throughout the year.[109] Rav Ashi's longevity allowed him to lead the academy for approximately 60 years, which was crucial to making such a monumental task possible. Halevy further noted that other members of the *beit hava'ad* also enjoyed unusually long lives. For instance, Ravina was Rav Ashi's senior and died in 420, and Rav Aha berei deRava, also older than Rav Ashi, died in 418.[110] To Halevy, all this was miraculous and fitting for a time when divine providence [נפלאות מתורת ההשגחה] ensured the aligning of all the factors necessary for completion of the Babylonian Talmud.[111]

As noted above, generations of scholars had mostly accepted that Rav Ashi was the editor of the Babylonian Talmud. For example, both Maimonides and Rav Shemuel Hanagid believed that Rav Ashi compiled the Bavli, as did the Asheri (Asher ben Jehiel, ca. 1250–1327, also known as the RoSH).[112] In Halevy's view, Rav Ashi's critical role in the formation of the Talmud was an axiom: "A tradition accepted by all Israel needs no proof."[113] The scope of editorial activity attributed to Rav Ashi, however, varied. As explained by Rabbi Jehiel Jacob Weinberg (1885–1966) in his *Mehqarim batalmud*, "One cannot doubt Rav Ashi's activity in establishing and organizing the Talmud. This fact has been transmitted to us by the greatest of the medieval scholars: Maimonides in his introduction to the *Mishneh Torah* and Rav Shemuel Hanagid in his *Introduction to the Talmud*. [. . .] Nevertheless, one still may inquire into and investigate the historical meaning of this act of 'sealing the Talmud [*hatimat hatalmud*].' How did this

109 Halevy, *Dorot harishonim*, 2:600. See also Kanter, "I. H. Weiss and J. S. Zuri," 13.

110 Halevy, *Dorot harishonim*, 2:600–603. For a recent view that Ravina even outlived Rav Ashi, see Avinoam Cohen, *Ravina and Contemporary Sages: Studies in the Chronology of Late Babylonian Amoraim* [in Hebrew] (Ramat-Gan: Bar-Ilan University Press, 2001), 252–253. Ravina's date of death will be discussed further in chapter 4.

111 Halevy saw divine providence in every step of the process (*Dorot harishonim*, 2:600).

112 Maimonides, *A Maimonides Reader*, trans. and ed. Isadore Twersky, 37–38; Shemuel Hanagid, *Mevo hatalmud*, ed. Joseph Samet (Jerusalem: Oz Vehadar, 2006), 12. See also the Rosh to b. Sanhedrin 4:6, s.v. *katav*, and Tosafot to b. Hullin 2b, *s*.v. *anah*.

113 Halevy, *Dorot harishonim*, 3:81.

great endeavor take place"?[114] Weinberg claims that the scope of the activity of those engaged in *hatimat hatalmud* was not clear, nor was the issue of whether there was an intentional sealing and promulgation of the Talmud, or if it happened organically. In the Talmud itself, there is no source that explicitly attributes the final redaction to Rav Ashi. In fact, the Epistle, a major source of *Dorot harishonim*, attributes no special role in the formation of the Talmud to Rav Ashi, though it does assign the Mishnah's editing to Rabbi Yehudah Hanasi.[115] Instead, the Epistle describes an evolutionary process: "In this manner, hora'ah [instruction] increased with each generation until Ravina, when it ceased. [. . .] Rav Ashi and Ravina are the conclusion of [the era of] hora'ah."[116]

Modern scholars were also aware of the problems of attributing the redaction of the Bavli to Rav Ashi. In *Dor dor vedorshav* (1871–1891), Isaac Hirsch Weiss noted, "Nowhere does the Talmud state clearly and unequivocally that Rav Ashi was its author and redactor, but it does contain definite allusions to this effect."[117] Weiss saw one of the "allusions" in the structure of talmudic sugyot: "We can justifiably conclude that Rav Ashi redacted it if we pay attention to the manner in which the Talmud is ordered, since, for the most part, he appears at the end of a topic or discussion as the final arbiter, and it is apparent that this is the mark of the editor."[118] Weiss also noted the various parallels between the treatment accorded to Rav Ashi and that given to Rabbi Yehudah Hanasi, the editor of the Mishnah. Yet the allusions cited by Weiss and others do not constitute proof of editorial activity by Rav Ashi. Examination of talmudic evidence shows that Rav Ashi was held in high regard, but nowhere does the Bavli indicate that his contribution was substantively different from that of any other Amora.[119] Furthermore, the fact that Rav Ashi is usually found at the end of discussions and debates is consistent with the general structure of sugyot, which are to a large extent arranged chronologically. Rav Ashi, as a member of one of the latest generations of Amoraim, would naturally be mentioned at the end of many sugyot.[120]

In order to understand the perspectives of Weiss and others, it is helpful to analyze the sources in the Bavli that they saw as constituting proof of Rav

114 Weinberg, introduction to *Mehqarim batalmud* (Berlin: Beit hamedrash lerabbanim, 1938), iv.
115 Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 247–249.
116 Lewin, ed., *Iggeret Rav Sherira Gaon*, 69. The term "hora'ah" will be further discussed later in the chapter. See also chapters 2 and 4 for discussions of hora'ah.
117 Weiss, *Dor dor vedorshav*, 3:185–188.
118 Weiss, *Dor dor vedorshav*, 3:186.
119 Kaplan, *The Redaction of the Babylonian Talmud*, 104; Halevy, *Dorot harishonim*, 3:80–81.
120 Kaplan, *The Redaction of the Babylonian Talmud*, 80; Halevy, *Dorot Harishonim*, 3:81.

Ashi's leading role in the Bavli's redaction. In b. Sanhedrin 36a, we find Rabbi Yehudah Hanasi and Rav Ashi mentioned together:[121]

אמר רב אדא בר אהבה: אף אני אומר מימות רבי עד רב אשי לא מצינו תורה וגדולה במקום אחד. ולא? והא הוה הונא בר נתן?! הונא בר נתן מיכף הוה כייף ליה לרב אשי.

R. Adda bar Ahavah said: "I also say [something similar], that since the days of Rabbi [Yehudah Hanasi] until [the days of] Rav Ashi, we have not found Torah [learning] and greatness [in secular matters combined] in the same person. But was there not [such a person]? Was there not Huna bar Nathan?! Huna bar Nathan was subordinate to Rav Ashi.[122]

This passage compares Rav Ashi's stature to Rabbi Yehudah Hanasi's. The comparison allows for the interpretation (e.g., by Isaac Hirsch Weiss) that they had similar roles, with Rabbi Yehudah editing the Mishnah and Rav Ashi editing the Bavli. Indeed, both Rav Ashi and Rabbi Yehudah Hanasi were the greatest sages of their generations, attaining universal recognition for their learning as well as material wealth and power.[123] That does not mean, however, that their roles were identical.

Perhaps the most famous source supporting the idea that Rav Ashi was the editor of the Bavli is b. Bava Metzi'a 86a:

רבי ורבי נתן – סוף משנה; רב אשי ורבינא – סוף הוראה.

Rabbi [Yehudah Hanasi] and Rabbi Nathan – end of Mishnah; Rav Ashi and Ravina – end of hora'ah.[124]

Like the previous source, this tradition juxtaposes Rabbi Yehudah Hanasi with Rav Ashi, adding the name of an additional sage with each. It would follow logically that if Rabbi Yehudah Hanasi and Rabbi Nathan were the "end of the Mishnah," and Rabbi Yehudah Hanasi was the editor of the Mishnah, then the

121 Kaplan, *The Redaction of the Babylonian Talmud*, 28–34.

122 Note that Mss. Yad Harav Herzog and Munich 95 have "R. Aha brei derava" instead of "R. Adda bar Ahavah."

123 Kaplan, *The Redaction of the Babylonian Talmud*, 28.

124 Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 245; Kaplan, *The Redaction of the Babylonian Talmud*, 33–34. Rubenstein has remarked that, given the Talmud's lack of direct information regarding its own editing or authorship, this statement came to be understood by medieval rabbinic authorities as a direct statement about the Talmud's editors. See the section entitled "The Tyranny of 'Rav Ashi and Ravina – the end of *hora'ah*,'" in Rubenstein, translator's introduction to *The Formation of the Babylonian Talmud*, by David Weiss Halivni, xxv–xxx. Note also that Mss. Florence II-I-8 and Hamburg 165 have the order of the two names, Ravina and Rav Ashi, reversed. See chapter 4 for a discussion of the controversy over which Ravina is meant here.

term *sof horah'ah* would imply the end – meaning the final editing – of the Talmud. However, the term "sof hora'ah" is ambiguous. Even if one interprets hora'ah, which literally means "teaching," or "instruction," as a reference to the editing of the Talmud, it does not necessarily follow that Rav Ashi was the head editor.[125] In fact, although Halevy believed that the editorial activities of Rav Ashi and Rabbi Yehudah Hanasi were similar, he did not believe that b. Bava Metzi'a 86a could be used to prove that.[126] According to Halevy, the term "sof hora'ah" is a chronological marker indicating the first stage of the sealing of the Talmud, but it does not imply any editorial activity.[127]

Another source that scholars have used to attribute the editing of the Bavli to Rav Ashi is b. Bava Batra 157b, which mentions Rav Ashi's *mahadura qamma* (first edition) and *mahadura batra* (last edition) of a ruling. Scholars such as Weiss and Nehemiah Brüll (1843–1891) argued that these two versions relate not just to the specific rulings mentioned but, rather, to the whole talmudic corpus: Rav Ashi redacted the entire talmudic corpus twice, first in a mahadura qamma and then in a mahadura batra.[128] Rav Sherira discussed these two cycles in the Epistle: "Rav Ashi served as head of his academy for almost sixty years. [. . .] He reviewed the entire Talmud in thirty years. Since Rav Ashi ruled close to sixty years, there were two cycles."[129] The idea of two cycles inspired another parallel with Rabbi Yehuda Hanasi, who is described as changing his mind regarding a halakhah in the Mishnah – teaching it in his youth in one way and in his elder years in another way (b. Bava Metzi'a 44a and b. Avodah Zarah 52b, regarding m. Bava Metzi'a 4:1).[130] This association is problematic, however, because both Rav Ashi and Rabbi Yehudah Hanasi are described as changing their minds regarding an individual case, not the entire corpus. Furthermore, Rav Ashi's "mahadura" simply refers to a lesson cycle or, at most, a master's occasional summary of a cycle of his lessons.[131] In sum, scholars

125 Halivni, *Mevo'ot lemeqorot umesorot*, 63.

126 Halevy, *Dorot harishonim*, 3:80–81.

127 Halevy, *Dorot harishonim*, 3:18.

128 On Rav Ashi's editing the entire Talmud twice, see Kaplan, *The Redaction of the Babylonian Talmud*, 31–32. For Weiss's view, see Weiss, *Dor dor vedorshav*, 3:186. For Brüll's view, see Kaplan, 31.

129 Lewin, ed., *Iggeret Rav Sherira Gaon*, 93–94.

130 Kaplan, *The Redaction of the Babylonian Talmud*, 31. Kaplan writes that Rabbi Yehudah "went over the Mishnah twice, once in his youth and once in his later years," but he does not cite the source for this tradition. Weiss understood these passages similarly. See Weiss, *Dor dor vedorshav*, 3:186.

131 See Martin S. Jaffee, "Rabbinic Authorship as a Collective Enterprise," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee

prior to Halevy had made numerous attempts to uncover conclusive evidence of the process by which the Talmud was redacted, as well as Rav Ashi's role in it, but to no avail.[132] Evidence had to be marshalled creatively, and Halevy was well-situated to attempt the task.

It was in his work in this sphere that Halevy distinguished himself from previous historians who did not have command of the talmudic corpus. Through his masterful and creative readings of talmudic passages, Halevy demonstrated Rav Ashi's unique role among the Amoraim. More importantly, through the lens of Halevy's analysis, one can see how Rav Ashi's editorial activity might have taken place without being recorded by his contemporaries. If this unrecorded editing had really happened, it would solve the biggest problem regarding the role of Rav Ashi, i.e., the lack of direct textual evidence that he was the Talmud's final editor.

A striking example of Halevy's attempt to amass indirect textual evidence for Rav Ashi's unique editing role is Halevy's observation regarding the manner in which Amoraim addressed Rav Ashi. Halevy notes that in numerous sugyot, Amoraim address *to Rav Ashi* their answers to questions asked by other Amoraim in earlier sugyot – even in instances in which Rav Ashi had neither been part of the debate nor had made any contributions to the sugya before being mentioned.[133] Normally, an answer in the Talmud is formulated as a statement and does not address anyone in particular. Answers are only addressed to a specific person if he was the one asking the question and/or the protagonist of the sugya. Rav Ashi is the only Amora who has the answers of Amoraim addressed to him, rather than the answer's being presented only to the Amora who asked the question. One example of this phenomenon is in b. Bava Qamma 90a, in which the Talmud asks a common question: "Who is the Tanna [who] taught [the baraita] that the sages taught [מאן תנא להא דתנו רבנן]?" This

(Cambridge: Cambridge University Press, 2007), 25. Jaffe notes that the term is ambiguous, though it is related to a cycle, rather than to an edition. Jaffee points out that since Michael Sokoloff's *Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat-Gan and Baltimore: Bar-Ilan University Press and The Johns Hopkins University Press, 2002) includes a "'round of drinks' within the semantic range of *mahadura* (s.v. *mhdwr*) [. . .] we have to do more with a lesson cycle than an act analogous to the editing of a lecture series" (25).

132 Kaplan, *The Redaction of the Babylonian Talmud*, 28–34; Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 245–251.

133 Halevy, *Dorot harishonim*, 2:562–571 and 3:82–84. The instances are: b. Shabbat 28a; b. Qiddushin 6b; b. Bava Qamma 90a, b. Bava Batra 64a, 83a, 86a-b, and 150a; b. Shevu'ot 37b; b. Hullin 141b; and b. Menahot 21b.

question appears in the Talmud 23 times.[134] In six of those cases, the answer is given by a named Amora, rather than anonymously.[135] In five of the six cases, the answer is quoted as a statement: "Rabbi X says [. . .]." In the sugya in Bava Qamma, however, the answer is quoted as "Rabbi Mordekhai said to Rav Ashi [. . .]."[136] This is very odd, as Rav Ashi did not ask the question, nor was he involved in the earlier debate. Halevy surmises that this question was raised during the process of editing the Talmud, and, therefore, it was addressed to Rav Ashi as the editor, which gave it a special editor's imprint. In his view, this sugya allows us to have a glimpse of the elusive editing process of the Talmud.[137] (It is worth noting that Rav Ashi does not seem to occupy a similarly unique role in terms of questions. Both Rav Ashi and many other Amoraim received questions about sugyot in which they had not previously been involved. Considering the Talmud's editing process, it is not surprising that disciples would ask their master or other Amoraim when they encountered difficulties while studying earlier sugyot.)[138] Questions may have arisen when early sugyot were studied by later scholars, but it is not obvious why Rav Ashi would have had a special place in the collection of answers – unless he was the editor.

This approach of Halevy's is cleverly different from previous attempts to prove Rav Ashi's unique role. Although, in Halevy's opinion, tradition needed no proof, here he was able to support his claim of Rav Ashi's special editing role with internal textual evidence. Today, Halevy's assertion can be proven by computer-assisted research, which validates his hypothesis, a feat not possible in earlier generations. This author has tested for similar patterns among the most commonly quoted Amoraim – Rav Huna, Rav Hisda, Rav Yosef, Rabbah,

134 They are: b. Berakhot 27a; b. Shabbat 18b and 69a; 3 instances on b. Pesahim 78b; b. Yoma 10b; b. Sukkah 3a, 33a, and 40b; b. Betzah 7a; b. Megillah 23a; b. Hagigah 16b; b. Yevamot 39b; b. Nedarim 27a; b. Nazir 19a; b. Sotah 44b; b. Bava Qamma 86a and 90a; Bava Batra 146b; b. Shevu'ot 13b; b. Menahot 73b; and b. Niddah 4b (DBS search engine, version 20).

135 They are: b. Pesahim 78b, b. Betzah 7a, b. Yevamot 39b, b. Nazir 19a, b. Bava Qamma 90a, and b. Shevu'ot 13b (DBS search engine, version 20).

136 Rav Mordekhai was a late-fourth-century Amora and disciple of Avimi Mehagronya. For details, see Hyman, *Toledot Tannaim ve'amoraim*, s.v. *Rav Mordekhai*.

137 Halevy, *Dorot harishonim*, 2:566.

138 Abraham Weiss argues that Rav Ashi is not unique among Amoraim and cites several instances (including b. Hagigah 13b, b. Yevamot 8b, and b. Ketubbot 13a) to demonstrate this. Yet his criticism of Halevy's evidence misses the point. Weiss's examples are situations in which later Amoraim present questions to other Amoraim not previously mentioned in the sugya, but none is a case in which an Amora addresses an answer to an Amora who was not involved earlier in the sugya. In Weiss's examples, Amoraim address the Amora who asked the question or just state his answer. See Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 253n113.

Abbaye, Rava, Rav Nahman, Rav Papa, and Ravina – by checking all instances in which answers were addressed to them and verifying that they were previously involved in the same discussion. The phenomenon Halevy found for Rav Ashi is not present even once with any of them.[139]

Halevy, then, clearly demonstrated creativity and skill in marshalling evidence for Rav Ashi's role as editor. Yet his evidence ultimately fails to show that there was an editing process – or, at least, that there was one conducted by an international conclave of the greatest sages of their generations, from both Babylonia and Palestine, working full time for over sixty years. Halevy's findings do indicate that Rav Ashi's role may have differed from that of the other Amoraim, but not to what extent. Perhaps his role was limited to redactional activity: developing Abbaye and Rava's proto-Talmud by collecting additional material, appending it to sugyot, and gathering responses to early questions. The allusions to any editorial activities are sparse at best. Halevy also notes that Rav Ashi's conclusive remarks are often quoted at the end of a debate, thus finalizing the sugya (see, e.g., b. Ketubbot 21b and b. Gittin 62b), and he argues that this is further evidence of Rav Ashi's editorial role. Yet this phenomenon does not conclusively show editorial activity. Since Rav Ashi was one of latest Amoraim and is frequently mentioned in the Talmud, it is to be expected that he often would be quoted at the end of sugyot.[140]

The concept of a single editing process, moreover, does not seem to be supported by the reality of the talmudic text. We may ask: How is it possible that such a critical enterprise as Halevy's *beit hava'ad* – and the massive conference of rabbis who implemented it – is not mentioned anywhere in the Talmud or commented upon by the early talmudic historians? In addition, if the Talmud, like the Mishnah, was formally edited, why does it contain so many contradictory opinions and sugyot? There are dozens of conflicting passages in the Talmud that have been deemed irreconcilable.[141] Even the medieval Tosafot – whose approach has been defined by Haym Soloveitchik as consisting of "the collation of all sources in the talmudic corpus, the discovery of contradictions between passages, and the resolution of those contradictions" – acknowledged that these contradictions were irreconcilable and originated from diverse traditions.[142]

139 This information comes from a search with Judaic Classics, version 3.3 (advanced query).

140 Halevy, *Dorot harishonim*, 2:569–570.

141 Several of the medieval commentators noted that the Talmud is replete with such instances. For a detailed list, see Shraga Abramson, *Kelalei hatalmud bedivrei haramban* (Jerusalem: Mossad Harav Kook, 1971), 20–21 and 107–110.

142 For the quotation regarding Tosafot, see Haym Soloveitchik, *Collected Essays*, vol. 2, Jewish Cultural Studies (Oxford: The Littman Library of Jewish Civilization, 2014), 25. See also,

A similar view can be discerned in the writings of Rabbi Malakhi Hakohen (1695/1700–ca. 1772), who argued that such contradictions only occur in sugyot that are far apart.[143] His understanding was that there was no comprehensive global editing of the Talmud but, rather, limited editing of adjacent sugyot. This position allowed for inconsistencies between more-distant sugyot.

Halevy quotes one of these instances of apparently irreconcilable contradictions (on b. Pesahim 81b) as proof of an early *setam* that, in his view, was known to Amoraim.[144] Although it is plausible that Rav Ashi did perform some editorial work, evidence of one comprehensive editing is lacking, and, despite Halevy's best efforts, the record does not fit his model.

Halevy's assertion that an international conclave of the greatest sages of the time produced a unified, fully edited Talmud is also problematic in light of the divergent tractates [*masekhtot meshunot*]. Five tractates in the Babylonian Talmud – Nedarim, Nazir, Temurah, Kerithot and Me'ilah – employ terminology that is used infrequently elsewhere in the Talmud, as well as unique grammar rules.[145] For instance, in b. Nedarim, b. Nazir, and b. Temurah, the word *tiba'ei* is used instead of the common term *teiku* to address unanswered queries. The Aramaic term *lahma* is used for "bread," whereas *nahama* is employed in other tractates. In b. Nazir and

more generally, Soloveitchik, 23–28. On the issue of irreconcilable contradictions in the Talmud, see Tosafot to b. Menahot 58b, s.v. *ika de'amrei*, which enumerates a long list of such instances. For further details, see Ephraim Elimelech Urbach, *The Tosaphists: Their History, Writings and Methods* [in Hebrew] (Jerusalem: Mossad Bialik, 1955), 561–562.

143 Hakohen, *Yad Malakhi*, 343 (Rule 497).

144 Halevy, *Dorot harishonim*, 3:59–60; Tosafot to b. Pesahim 81b, s.v. *lereish*. For more on Halevy's conception of the early *setam*, see chapter 4. J. N. Epstein notes that it is plausible that, in some instances, various traditions circulated, and Rav Ashi was not sure of the correct version, so both were used (in different contexts). See Epstein, *Introduction to Amoraitic Literature* [in Hebrew], 12. Halivni, however, notes that Epstein contradicts himself later by saying that each tractate of the Talmud must be viewed in isolation, since the Talmud was not edited as a whole. See Epstein, 12; Halivni, *Mevo'ot lemeqorot umesorot*, 49n9.

145 See Epstein, *Introduction to Amoraitic Literature* [in Hebrew], 54; Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 114–116; and Z. W. Rabinowitz, *Sha'arei Torat Bavel: Notes and Comments on the Babylonian Talmud* [in Hebrew], ed. E. Z. Melamed (Jerusalem: Jewish Theological Seminary, 1961), 300–301. Yochanan Breuer notes that although some terms used in these tractates are also found in other Bavli tractates, nonetheless there is a sharp distinction between these divergent tractates, in which the words appear much more often, and the others. He notes 22 such odd forms. See Yochanan Breuer, "The Babylonian Aramaic in Tractate Karetot According to MS Oxford," *Aramaic Studies* 5, no. 1 (2007): 1–18. For the distinct grammar employed in b. Nedarim, see Epstein, *Introduction to Amoraitic Literature* [in Hebrew], 54–56; and Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 114–116. For the distinct grammar employed in b. Nazir, see Epstein, 72–74, and Weiss, 116–119. For the distinct grammar employed in b. Temurah, see Epstein, 131, and Weiss, 119–122.

b. Temurah, the word *heidein* is employed for the demonstrative pronoun "that"; *hai* is used elsewhere.[146] In b. Kerithot, several words appear that do not appear anywhere else, including *heidein* (b. Kerithot 4a) and *halein* (b. Kerithot 4b). Otherwise unattested words and idioms also appear in b. Me'ilah, such as *mehuvvarta*, meaning "from biblical sources."[147] These are just some of the many differences. Medieval rabbinic commentators, including Tosafot and the Rosh, recognized this phenomenon as well.[148] But Halevy did not interpret these variations as substantive differences that contradicted his model; instead, he attributed the inconsistent terminology to the proliferation of Palestinian exemplars of the Babylonian Talmud.[149] Halevy posited that Mar Zutra (son of Mar Zutra the exilarch), who was exiled from Babylonia to Palestine, became the head of the academy in Palestine in 589 and was responsible for the dissemination of the Bavli there.[150] Halevy further argued that because b. Nedarim was not studied in Babylonia during geonic times, Palestinian copies proliferated in Europe and outnumbered the Babylonian ones.[151] These copies used terminology that was closer to Palestinian Aramaic than to Babylonian Aramaic.

Here it once again seems that Halevy is using his creative imagination to fit the findings to his theory. As he himself acknowledges, his explanation resolves the issue of b. Nedarim.[152] But what about the other divergent tractates? In addition, how does Halevy know that the Babylonian Talmud was spread in Palestine by Mar Zutra, and that it was so popular that Palestinian copies

146 See Epstein, *Introduction to Amoraitic Literature* [in Hebrew], 72–73 and 131; and Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 116–122.

147 Rabinowitz, *Sha'arei Torat Bavel*, 300–301.

148 On b. Nedarim, see b. Nedarim 7a and Tosafot ad loc., s.v. *tiba'ei*; b. Nedarim 20a and Tosafot ad loc., s.v. *tiba'ei*; and the Rosh's glosses to b. Nedarim 2b, among various others. On b. Nazir, see b. Nazir 12a and Tosafot ad loc., s.v. *mai ta'ama*; b. Nazir 20a and Tosafot ad loc., s.vv. *mai ta'ama* and *qetanei*; and b. Nazir 22a and Tosafot ad loc., s.v. *mar*. See also Bezalel ben Avraham Ashkenazi (ca. 1520–ca. 1592), *Shittah mequbetset* to b. Nazir 15a, s.v. *umattnitin*, and to b. Nazir 18b, s.v. *gufa*. On b. Me'ilah, see b. Me'ilah 16a and Tosafot ad loc., s.v. *mai*. There is a modern edition of *Shittah mequbetset* (Jerusalem: Oz Vehadar, 2003).

149 Halevy, *Dorot harishonim*, 3:48–50.

150 On the date of 589, see Menasseh Grosberg, ed., *Seder olam zuta im Seder Tannaim weamoraim hashalem* (self-pub., 1910), 54. See also 54n18, in which Grosberg criticizes Halevy. In his opinion, Halevy misread the text, and Mar Zutra was a child at the time and thus a student at the academy, not its head.

151 On the study of b. Nedarim (or lack thereof) in geonic times, see Robert Brody, ed., *Teshuvot Rav Natronai Gaon* (Jerusalem: Ofeq, 1994), 1:311 (185); Lewin, ed., *Otsar Hageonim*, vol. 11, *Nedarim*, 16 (sections 48 and 49); 19–20 (sections 53, 54, 55, and 56); and 22–23 (section 63).

152 Halevy, *Dorot harishonim*, 3:48–49.

outnumbered the Babylonian ones?[153] As Weiss points out, moreover, the differences are not merely terminological; they are also substantive, as the sugyot are structurally different. For instance, a comparative analysis of the sugyot in b. Nedarim and their parallels elsewhere in the Talmud clearly indicates that those in b. Nedarim contain fewer steps and simpler argumentation.[154] When they are compared synoptically, the differences are obvious.[155] In addition, the dialectics of the *setam* of b. Nedarim is far less developed than in other tractates, to the extent that questions commonly asked by the *setam* in other tractates are omitted in b. Nedarim. For instance, the *setam* regularly explains the need for a seemingly obvious legal ruling with the formula, "It would have entered your mind to say x" (and therefore the ruling was necessary). In b. Nedarim, the *setam* often does not ask these types of questions, so medieval commentators later sought to fill the gap. One notable example is in b. Nedarim 15b. There, the Talmud quotes a tannaitic ruling: In a case in which one vowed not to derive benefit from his wife until the holiday of Sukkot if she went to her father's house until Passover, and she did go to his house before Passover, the vow takes effect, and she is thus prohibited from deriving benefit from her husband, but, nonetheless, she may go to her father's house after Passover. The obvious question is why the Talmud must state that she is permitted to visit her father's house after Passover, since this was never an issue. The Talmud would normally address the issue with the standard formula, "It would have entered your mind to say x" (and therefore the ruling was necessary). Since the *setam* ignores the issue, Rav Nissim ben Reuven (RaN, 1320–1376) raised it in his commentary.[156] In summary, the oddities of these tractates are so significant that they clearly indicate that the tractates had a different source from the rest of the Talmud.[157]

A further issue with Halevy's central editing theory relates to an additional odd feature of b. Temurah. Our extant version of the tractate contains a large number of instances in which the Talmud quotes alternate versions of the same

153 Rabinowitz, *Sha'arei Torat Bavel*, 301–303.

154 Some examples are b. Nedarim 82b and its parallel in b. Qiddushin 58a-b; and b. Nedarim 33b and its parallel in b. Ketubbot 107b. See Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 78–79.

155 See additional synoptic analysis of various examples in Abraham Weiss, *Leheqer hatalmud: The Talmud in Its Development* [in Hebrew] (New York: Feldheim, 1954), 73–128.

156 See b. Nedarim 15b and the Ran ad loc., s.v. *muteret*. See other examples in b. Nedarim 32b and the Ran ad loc., s.v. *lo*.

157 For a further discussion on the topic by contemporary scholars, see Halivni, *The Formation of the Babylonian Talmud*, 194–195; Breuer, "The Babylonian Aramaic in Tractate Karetot," 4–15; and Yochanan Breuer, "Aramaic in Late Antiquity," in *The Cambridge History of Judaism*, vol. 4, *The Late Roman-Rabbinic Period*, ed. Steven T. Katz, 477–478.

sugya, introducing the second version as an alternate version [*lishana ahrina*].[158] It is clear that the two versions relate to two variant editions of the Talmud. Indeed, medieval commentators on b. Temurah frequently chose between the two versions, indicating which one they preferred.[159] If the Talmud had been centrally edited and published by a unified *beit hava'ad*, how and why would these two variant versions have developed? Halevy, well aware of the problem, remarks that the differences between the versions are limited to the terminology used, so the two versions do not vary in content or essence. In his view, these alternate versions are just rephrasing other versions. Halevy posits that the rephrasing resulted from the fact that the text was transmitted orally until it was first written down at the end of the first saboraic generation. During the period of oral transmission, the exact text was thus still fluid, and transmitters applied their own terminology. Even after it had been written down, it continued to be taught orally in the academies until the end of the saboraic era, which allowed for the text's further limited fluidity.[160]

Although Halevy was correct that sometimes the second version just rephrases the earlier sugya with different terminology, there are various instances in which the second version is significantly different in structure and/or subject.[161] It is thus clear that the two variants indicate two different versions originating from multiple sources. In their recent work on the fragments of b. Temurah, Matthew Goldstone and Lawrence Schiffman argue that "the presence of *lishanei 'aharinei* that only appear in some of the manuscripts but not others, coupled with examples where a *lishana 'aharina* in one manuscript appears in a different location in the text than in other manuscripts, open up the possibility that there was more than one redaction as a whole – that is to say, there were multiple editors who combined the base text version and *lishana 'aharina* into a single edition."[162] The evidence is rather clear that b. Temurah was not uniformly edited by Rav Ashi.

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158 For example, see b. Temurah 5a, 6b, 7a, and 9b.

159 For example, see b. Temurah 13b and Rashi ad loc., s.v. *lishana;* b. Temurah 21b and Rashi ad loc., s.v. *mai;* and b. Temurah 29a and Tosafot ad loc., s.v. *ela*.

160 Halevy, *Dorot harishonim*, 3:49–50.

161 See Halevy, *Dorot harishonim*, 3:49–50, for examples of variants that appear just to have been reworded. Rashi made a similar remark (see b. Temurah 6b and b. Temurah 10b and Rashi ad loc., s.v. *hakhi*). For examples of substantively different versions, see, for example, b. Temurah 8b and Rashi ad loc., s.v. *lo*; and b. Temurah 9b and Rashi ad loc., s.vv. *shenei* and *amar*. For a detailed analysis of this tractate, see Matthew S. Goldstone and Lawrence H. Schiffman, *Binding Fragments of Tractate Temurah and the Problem of Lishana 'Aharina,* The Brill Reference Library of Judaism 58 (Leiden: Brill, 2018), 1–33.

162 Goldstone and Schiffman, *Binding Fragments*, 18–19.

Despite all the evidence against Halevy's version of Rav Ashi's role, it does seem that Halevy was correct to a certain extent, since some sort of redactional activity occurred in Rav Ashi's era. Eliezer Segal has noted a phenomenon, unmentioned by Halevy, that indicates redaction at that time. As Segal examined the many records of court cases and decisions included in the Talmud, he found that: "Most of them [the cases] did not merit any discussion by identified Amora'im. The handful that did (once we had weeded out the misleading instances that, after serious textual and redactional analysis, turned out not to have been discussed by early Amora'im) belonged almost exclusively to the generations from Rav Ashi onwards [. . .] It was the task of the latest generations of the Amora'im to re-organize the cases as elements in the great project of the Babylonian Talmud."[163] Segal thus shows that the introduction of cases tried by Amoraim is not found prior to Rav Ashi's time, and that it is clear that the collection of cases was introduced into the talmudic corpus by Rav Ashi's contemporaries and immediate successors.[164] This phenomenon seems to indicate some editing, and Halevy contributed to the study of the history of the Talmud by finding unique and creative ways to demonstrate Rav Ashi's distinctive role through analysis of the talmudic text itself.

For Halevy, however, it was not sufficient to attribute redactional activity to Rav Ashi. He believed that in order to enhance the authority and canonicity of the Talmud, it was vital to demonstrate that Rav Ashi had fully edited the Talmud in conjunction with the *beit hava'ad*. The next chapter will discuss how, as the chronology of the redaction of the Talmud progressed beyond Rav Ashi's lifetime, Halevy's determination constantly to prove central editing and central authority interfered with his ability to make further contributions as an historian of the Talmud.

3.3 Halevy's contribution in light of current scholarship

Halevy's theories provide a significant contribution to our understanding of the formation of the proto-Talmud. His theory of its composition by Abbaye and Rava during the mid-fourth century, and his idea of Rav Ashi's unique role in the later redaction and expansion of the proto-Talmud, were his greatest advancements in the field. His thesis that Abbaye and Rava collected and redacted a

163 Eliezer Segal, *Case Citation in the Babylonian Talmud: The Evidence of Tractate Neziqin*, Brown Judaic Studies 210 (Atlanta, GA: Scholars Press, 1990), 214.
164 See Segal, *Case Citation*, 60–89 and 213–216.

proto-Talmud is especially compelling; it is supported by the abrupt change, described above, in the manner of transmission of traditions by disciples. Although Halevy argued that the proto-Talmud included the reasoning and debates of the Amoraim together with their final opinions and conclusions, his theory fits well even if the proto-Talmud was similar in structure to Rabbi Yehudah's Mishnah, meaning that it did not record all debates and arguments.[165] That is because Halevy's theory about the existence of a proto-Talmud redacted by Abbaye and Rava does not say anything about its content. Though Halevy insisted that a fixed *setam* was part of the proto-Talmud, his theory, for our purposes, is independent of whether the proto-Talmud included only amoraic statements or also the *setam*. We can thus say, based on scholarship today, that it is conceivable that the collective body of traditions compiled in the fourth century by Abbaye and Rava, and subsequently transmitted in a fixed format, included only amoraic statements as place markers, or for summarizing the conclusions of the debate. The discursive analysis of the *setam*, perhaps, was not part of the fixed text, but, rather, stayed fluid for a number of centuries.

Furthermore, the unique role that Halevy attributes to Rav Ashi can be understood in the context of the redaction and expansion of the proto-Talmud. Although there is no proof of global editing on Rav Ashi's part, there is evidence that Rav Ashi had a special role in the redaction and expansion of the Talmud. With this in mind, it is quite possible that the ambiguous talmudic passage in b. Bava Metzi'a 86a, "Rav Ashi and Ravina – end of hora'ah," refers to the end of the proto-Talmud, as the word "hora'ah" implies. Halevy understood the enigmatic term "hora'ah" to mean the entire corpus of the Talmud, i.e., the entire body of amoraic legislation and traditions, including the discursive *setam*, with the exception of the quasi-hora'ah additions of the Rabbanan Demefarshei, as will be discussed in chapter 4.[166] His understanding, however, was too broad; it implied much more than did the typical meaning of the term in the Talmud, which is just "legislation" or "instruction."[167] It also encompassed more than

165 On Halevy's assertion that Abbaye and Rava's text also recorded debates and arguments associated with its teachings, see *Dorot harishonim*, 2:481.

166 See Halevy, *Dorot harishonim*, 2:602 and 3:4. See also b. Bava Metzia 86a Rashi, s.v. *sof hora'ah*.

167 The term is mentioned regularly in the Talmud with this usage. For examples, see b. Pesahim 3b, b. Betzah 16b, and b. Ta'anit 16a. See a similar understanding of the term in Halivni, *The Formation of the Babylonian Talmud*, 305. Halivni similarly understood the term to refer to practical apodictic law. See Halivni, 85. See also David Weiss Halivni, "*Sof hora'ah*, The End of Teaching – Teaching What?" in *Mehevah le-Menahem: Studies in Honor of Menahem Hayyim Schmeltzer*, ed. Shmuel Glick, Evelyn M. Cohen, and Angelo M. Piattelli (Jerusalem: Jewish Theological Seminary/Schechter Institute, 2018), 320–322.

Halivini's definition of "hora'ah" as "Amoraic teaching" and of "sof hora'ah" as "the time when the primary building blocks of that [talmudic] edifice – the concise, Amoraic legal dicta called *memrot* or *oqimtot* – ceased to be produced as such."[168] Thus, we see that "hora'ah" is an accurate description of the content of the proto-Talmud, but not necessarily of the content of the entire Talmud, as Halevy might have claimed. Halevy's model, therefore, does not provide a coherent and convincing theory about the formation of the entire Bavli.

Scholarship in the mid-to-late twentieth century and early twenty-first century offers important contributions that can add to our evaluation of Halevy's work on the formation and structure of the Babylonian Talmud. First, there is support for Halevy's model of transmission of the Mishnah, i.e., that its teachings were initially preserved as glosses, which were later added onto, and taught alongside, the authoritative Mishnah. Saul Lieberman (1898–1983) wrote, "A regular oral edition of the *Mishnah* was in existence, a fixed text recited by *Tannaim* of the college. The *Tanna* (repeater, reciter) committed to memory the text of certain portions of the *Mishnah* which he subsequently recited in the college in the presence of the great masters of the law."[169] Lieberman's conclusion that there was a fixed text memorized by the Tannaim (professional memorizers confusingly called by the same name as the scholars of the Mishnah) provides a basis, if not specific support, for Halevy's model of the transmission of the Mishnah. Given a fixed text, it is plausible that, as the authoritative Mishnah was transmitted by the Tannaim, additional teachings and traditions were added on as clarifications and preserved as addenda by the same Tannaim.

Second, the theories developed by David Weiss Halivni and Shamma Friedman about the diverse and late nature of *setam hatalmud*, the anonymous discursive stratum of the Talmud, add important dimensions that require evaluation if we are to better understand the process of the Talmud's formation. Unlike Halevy, who described the process of the formation of the Bavli as having taken place entirely within the amoraic academy in a highly structured and coordinated process, with the finalized document sealed by an international rabbinic assembly, both Halivni and Friedman argue that the process of the closing of the Talmud occurred after amoraic/early-saboraic times. Halivni describes the formation of the Talmud as an enormous, unstructured process that took place from the mid-sixth century until the end of the eighth century,

168 Halivni, "Sof hora'ah," 319–320.

169 Saul Lieberman, *Hellenism in Jewish Palestine: Studies in the Literary Transmission, Beliefs and Manners of Palestine in the First Century B.C.E.-Fourth Century C.E.*, 2nd ed. (New York: Jewish Theological Seminary, 1962), 88.

centuries after Rav Ashi.[170] In creating a model for the redaction of the Bavli, Halivni coined a new term: "*Stammaim*."[171] In Halivni's opinion, these Stammaim, formerly unknown rabbis, reconstructed the talmudic debates in the hundreds of years that elapsed between the Amoraim and themselves, since, in the intervening generations, much of the original context was lost, since it had not been formally preserved. It thus had to be reconstructed, causing problems and forced interpretation.[172] Summarizing Halivni's argument, Jeffrey L. Rubenstein, his translator and annotator, writes: "No longer should the Talmud be attributed to the final Amoraim, the last named sages in the Talmud, but to anonymous authors-editors who postdated the Amoraic age."[173] Shamma Friedman, in the introduction to his commentary on *Pereq ha'ishah rabbah,* has created a model that also argues that most of the anonymous stratum postdates the amoraic era.[174] Friedman's theory, however, fundamentally differs from Halivni's.[175] While Halivni sees the work of the anonymous stratum primarily as an attempt to reconstruct the lost discursive framework of the Amoraim, Friedman argues that the anonymous voice in the Babylonian Talmud is original and creative and strives to create a complete literary framework for the sugya as a whole.[176]

In order to understand the models of Halivni and Friedman, it is necessary to investigate each scholar's approach. In addition to rabbinic ordination, Halivni (b. 1927) holds a doctorate and was a professor of Talmud at Columbia

170 For Halivni's theory on the Stammaim, see Halivni, *The Formation of the Babylonian Talmud*, xxxi–61.

171 See the introduction to *Meqorot umesorot* on b. Shabbat, in which he first used the term, in David Weiss Halivni, *Meqorot umesorot: Be'urim batalmud. Masekhet Shabbat* (Jerusalem: Jewish Theological Seminary, 1982), 5–27.

172 See Rubenstein, translator's introduction to *The Formation of the Babylonian Talmud*, by David Weiss Halivni, xxvii–xxviii. On the chronology in particular, see Rubenstein, xxix.

173 Rubenstein, translator's introduction to *The Formation of the Babylonian Talmud*, by David Weiss Halivni, xxii.

174 On the similarities between Halivni and Friedman, see Rubenstein, "The Rise of the Babylonian Rabbinic Academy," 57–58. For Friedman's model, see Shamma Friedman, "A Critical Study of Yevamot X" [in Hebrew]; Shamma Friedman, *Talmudic Studies: Investigating the Sugya, Variant Readings and Aggadah* [in Hebrew] (New York: The Jewish Theological Seminary of America, 2010); Shamma Friedman, *Talmud arukh: Bavli Bava Metzi'a Chapter 6. Critical Edition with Comprehensive Commentary* [in Hebrew] (Jerusalem: Jewish Theological Seminary, 1990); and Jeffrey L. Rubenstein, "Criteria of Stammaitic Intervention in Aggada," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey L. Rubenstein (Tübingen: Mohr Siebeck, 2005), esp. 417n1.

175 Rubenstein, "The Rise of the Babylonian Rabbinic Academy," 57–58.

176 Moulie Vidas, *Tradition and the Formation of the Talmud* (Princeton, NJ: Princeton University Press, 2014), 4–5.

University for many years; he is primarily a talmudist and commentator on the talmudic text. His theory of the Stammaim developed throughout *Meqorot umesorot*, his commentary on the Bavli. Then, in his *Mevo'ot* (Introductions) *le*(to) *meqorot umesorot: Iyyunim behithavut hatalmud*, Halivni synthesized his theory and the evidence he had collected in the process of writing his commentary on most of the Babylonian Talmud. Jeffrey L. Rubenstein translated and annotated Halivni's introduction to b. Bava Batra in *The Formation of the Babylonian Talmud* (2013). Shamma Friedman (b. 1937) is also a rabbi and a long-time professor of Talmud – in his case, at the Jewish Theological Seminary of America and Bar-Ilan University in Israel. Friedman's approach differs from Halivni's (and, for that matter, Halevy's) in that it is more literary and linguistic; Friedman does not emphasize the history of the *setam*.

Despite his lack of formal secular education and brief time in yeshiva, however, Halevy appears to have added an important dimension to our understanding of the *setam*. It is evident from the Talmud that the *setam* discusses a base redacted text and is not merely commenting on and assembling fragmented or individual statements and rulings and/or diffused traditions. The proto-Talmud of Halevy's model is the text that is discussed and debated by the *setam*. The following sugya in b. Berakhot 21a provides a good example:

> (A) And Rav Yehudah said that Shemuel said: "One who was standing in prayer and remembered that he had already prayed must interrupt [his prayer], even in the middle of a blessing [. . .]."
>
> (B) And Rav Yehudah said that Shemuel said: "[One who already] prayed and enters a synagogue to find a congregation praying, if he is able to introduce a new element [into his prayer], he may pray again, and if not, he may not pray again."
>
> (C) [The *setam* notes: This concept is identical to Shemuel's previous statement, but nonetheless both statements are] necessary.

The *setam*'s remark is puzzling. If these are independent statements, why was it imperative to state that they are both necessary? After all, although the two statements could be inferred from each other, since they share the same underlying concept – that one who has already prayed may not pray again – they are not repetitious. The reason is that the two statements were addressing different issues in different situations. In other words, they were independent legal rulings. It is clear that the *setam* was addressing why the statements had been preserved together in the proto-Talmud, since they could have been inferred from each other. The *setam* was not attempting to explain Rav Yehudah, but, rather, it was questioning the

need to record both statements in the redacted proto-Talmud. This approach of the *setam* and this type of explanation appear throughout the Talmud.[177]

Thus, a model combining Halevy's proto-Talmud with Halivni's and Friedman's theories about the lateness and unique characteristics of the *setam* can provide a compelling model of the formation of the Bavli. An additional reason why that is so relates to another dimension of the history of the Talmud that has recently received more scholarly emphasis: the original oral matrix of its transmission and teaching and its eventual transition to a literary mode. From the perspective of current scholarship, Halevy's theory falls short in assigning a peripheral role to the orality of the transmission of talmudic sugyot and to the transition from an oral matrix to a literary setting of written texts. Halevy devotes a total of two lines to the question of the writing down of the Babylonian Talmud in the over 300 pages he dedicates to discussing the Bavli's formation. In those lines, he claims that the writing down of the Talmud had no major impact upon the process of its formation.[178] In fact, however, current scholars have argued that the dynamics of orality and its impact upon the production and editing of texts, and the contrast between the roles of innovation and interpretation in an oral matrix, versus a written setting, cannot be minimized.[179]

Given the deeply oral setting of the Talmud's formation, it is quite possible that Halevy's proto-Talmud is totally consistent with Halivni's and Friedman's assertion of the lateness of the *setam*. That could be the case if the proto-Talmud,

177 For some notable examples, see b. Shabbat 5a, 28b, 37b, 73a, 102b, and 129b.

178 Halevy, *Dorot harishonim*, 3:25–26.

179 Rubenstein, translator's introduction to *The Formation of the Babylonian Talmud*, by David Weiss Halivni, xxix. On the orality of the Bavli more generally, see Yaacov Sussman, "Oral Torah Understood Literally" [in Hebrew], in *Mehqerei Talmud 3a*, ed. Yaacov Sussman and David Rosenthal (Jerusalem: Magnes Press, 2005); Nahman Danzig, "From Oral Talmud to Written Talmud: On the Methods of Transmission of the Babylonian Talmud and Its Study in the Middle Ages" [in Hebrew], *Bar-Ilan Annual* 30–31 (2006); Robert Brody, "Geonic Literature and the Talmudic Text" [in Hebrew], in *Mehqerei Talmud*, vol. 1, ed. Yaacov Sussman and David Rosenthal (Jerusalem: Magnes Press, 1990). This author is currently working on an English compendium of these major works. For works in English, see Jaffee, *Torah in the Mouth*; Yaakov Elman and Israel Gershoni, "Introduction: Transmitting Tradition. Orality and Textuality in Jewish Cultures," in *Transmitting Jewish Traditions: Orality, Textuality, and Cultural Diffusion*, ed. Yaakov Elman and Israel Gershoni, Studies in Jewish Culture and Society (New Haven, CT: Yale University Press, 2000); Yaakov Elman, "Orality and the Redaction of the Babylonian Talmud," *Oral Tradition* 14, no. 1 (1999); Yaakov Elman and Daphna Ephrat, "Orality and Institutionalization of Tradition: The Growth of the Geonic Yeshiva and the Islamic Madrasa," in *Transmitting Jewish Traditions: Orality, Textuality, and Cultural Diffusion*, ed. Yaakov Elman and Israel Gershoni; and Talya Fishman, *Becoming the People of the Talmud: Oral Torah as Written Tradition in Medieval Jewish Cultures*, Jewish Culture and Contexts (Philadelphia: University of Pennsylvania Press, 2011).

consisting of amoraic statements and rulings, was indeed transmitted in a fixed format from the mid-fourth century, while the dialectics and argumentations that would make up the *setam* continued to evolve as an oral interpretation of these rulings. This dual form of transmission accounts well for the structure, genre, and terse, definitive, style of the Talmud's attributed amoraic statements as compared to the dialectical, interpretative, argumentation of the *setam*. While the amoraic rulings were preserved in a fixed format, the interpretative layer was purposely left in a fluid form in order to allow for creativity and transformation. While the proto-Talmud was transmitted verbatim by the reciters [Tannaim] of the academy, the anonymous dialectical argumentation was transmitted through the heads of the academies and then through the Saboraim in a fluid manner. The anonymous stratum thus grew over time, and, as it did, what was whole at one stage became part of a larger whole at the next stage. The *setam hatalmud* was only finalized when the Talmud was transferred from an oral to a written form (by the ninth century CE), and written copies of the Talmud began to circulate. At that point, any additions became clearly discernible as distinct from the text to which they were added, and the fluidity of the *setam* ended.

The combined model also addresses some conceptual questions that arise from Halivni's and Friedman's theories of the *setam*. First, Halivni's theory of the Stammaim is somewhat problematic in that it assumes that the primary Jewish legal text was assembled by a group of unknown people who apparently lacked established authority. Halivni's theory makes more sense when combined with Halevy's idea of an earlier, fixed proto-Talmud, assembled by accomplished and respected amoraic sages who had the authority that the Stammaim seem to lack, onto which a later, more fluid, *setam* was continually added.

This hybrid model addresses a second weakness of Halivni's theory of redaction by the Stammaim: its clear contradiction of Rav Sherira's Epistle. Rubenstein explained that, in the Introduction to *Meqorot umesorot: Bava Metzia* (2003), "rejecting Geonic traditions, especially the claims of Sherira Gaon, about the dating of the Saboraic age, Halivni deferred the beginning of the Stammaitic era to c. 550 and its end until c. 600."[180] In *The Formation of the Babylonian Talmud*, Halivni further extended the era of the Stammaim until the eighth century, followed by a shortened period of the Saboraim, which he viewed as the final part of the stammaitic era (700–750).[181] In addition to creating a new group of protagonists, i.e., the Stammaim, Halivni postponed the saboraic era

180 Rubenstein, translator's introduction to *The Formation of the Babylonian Talmud*, by David Weiss Halivni, xxvii.

181 Rubenstein, translator's introduction to *The Formation of the Babylonian Talmud*, by David Weiss Halivni, xxviii.

and minimized the contribution of the Saboraim by disputing Rav Sherira's historical account.[182] How is it possible that Rav Sherira was incorrect to such a degree, considering that he lived fewer than 200 years after what Halivni has identified as the incredibly significant activity of the Stammaim and the subsequent era of the Saboraim? Is it plausible that Rav Sherira completely ignored the Stammaim when he wrote a chronology focused on the Saboraim? It is also difficult to understand why no rabbi and/or scholar mentioned the Stammaim for over a millennium. The combined model can address these issues with a *setam* that remained fluid and continued to evolve with the interpretations and debates of the Saboraim. In this model, therefore, Rav Sherira's Saboraim performed many of the activities assigned by Halivni to the Stammaim, and, as will be explained in chapter 4, the work of the Saboraim extended way beyond the ending dates given in traditional periodizations of the saboraic era, since saboraic activities actually continued into what is considered the geonic era. In the combined model, the Saboraim continue to be active until the end of the eighth century, which is similar to Halivni's endpoint for the Saboraim. Finally, the model provides an historical framework in which many of the more literary and linguistic aspects of Friedman's theory can be firmly situated.

The multifaceted nature of the Bavli, as well as its development in an oral setting over centuries, requires a complex model, and Halevy's theories are a critical part of any potential comprehensive framework. The Talmud represents the collective voice of generations of diverse rabbis and sages and thus has established a type of authority that encompasses many disparate views. The story of its formation is similarly multifaceted, requiring various theories, including Y. I. Halevy's key contributions. The challenge lies in how to combine these various theories and ideas. The Talmud's complexity is precisely what makes its study so exciting. As the Talmud itself instructs us (b. Shabbat 31a), "the rest is interpretation. Go study."

3.4 Conclusion

This chapter has reviewed Halevy's contributions to the study of the formation of the Babylonian Talmud and explored the ways in which his ideas can be helpful to current scholars in the field. The next chapter will turn to those analyses of Halevy's that are not historically sound, largely because they prioritize interpretations that serve Halevy's polemical agenda over those for which he could have used his historical skills.

182 Halivni, *The Formation of the Babylonian Talmud*, 9.

Chapter 4
Halevy and the Politics of the Talmud

4.1 Introduction

In *Dorot harishonim*, Yitzhak Isaac Halevy made a number of valuable contributions to the history of the formation of the Talmud, due to his exceptional talmudic erudition and commitment to modern historical methods. He wrote of the need to conduct research free of any preconceived notions: "The time has come for free inquiry into Hokhmat Yisrael and its history without bias – the events, eras, and matters as they really were. The time has come to collectively establish Hokhmat Yisrael on the same basis as all the other sciences. The writer's personal inclination is nothing; everything depends on the merits of the evidence and analysis alone."[1] As Halevy's history of the Talmud progressed past the lifetime of Rav Ashi, however, his commitment to "history without bias" wavered. He could no longer make the apparent narrative of the Talmud's formation fit his ideological goals, which were: defense of the authority of the Talmud as an early text, with an early *setam*, assembled by an authoritative *beit hava'ad*; and, relatedly, promotion of the council-of-rabbis model as the superior one for Jewish communities in all times. As a result, we can see him nearly abandon the historical skills he previously used to such benefit and, instead, try to press the text into the service of his political and apologetic agenda. This agenda, which clearly colored Halevy's research regarding the later part of the history of the Talmud's formation, is by far the most significant weakness of his work. This chapter will explore Halevy's analysis of the later parts of the history of the Talmud and show that, for that period, his apologetics and political goals took precedence over his commitment to scholarly methods.

4.2 The post-Rav-Ashi activities

The time after Rav Ashi's death was the first period in Halevy's history of the Talmud in which serious tension arose between the generally accepted historical record and Halevy's ideology. This was also a more obscure period than the previous one. The primary problem with Halevy's theory that Rav Ashi was the

1 Halevy, introduction to *Dorot Harishonim*, vol. 2.

https://doi.org/10.1515/9783110709834-005

Talmud's chief editor is that the development of the Talmud clearly extended beyond Rav Ashi's lifetime. (The date of his death is somewhat unclear, as there are contradictions among various sources; Halevy assumed that it was sometime between 422–423 and 426–427).[2] Several sugyot quote amoraic discussions that appear to have taken place after Rav Ashi's death, as they discuss issues about Rav Ashi's statements without his involvement.[3] In addition, opinions attributed to Amoraim who lived after Rav Ashi are found in numerous sugyot. These later Amoraim include Meremar (d. 432), Rav Idi bar Avin II (d. 451–452), Rav Nahman bar Huna (first half of fifth century), Rav Aha of Difti (mid-fifth century), Mar bar Rav Ashi (one of Rav Ashi's sons; d. ca. 468), and Rabbah Tusfa'ah (see below for discussion of his date of death).[4] Halevy addresses this issue by claiming that Rav Ashi's editorship included the greatest sages of his generation and thus extended until the death of the youngest of the group, Ravina bar Huna (see below for discussion of his date of death). Using b. Yoma 78a, which implies that Ravina bar Huna was already a great sage and renowned judge by the time of Rafram II (d. 442–443), Halevy argues that all sages who had stature to participate in the *beit hava'ad* during Rav Ashi's lifetime were empowered to continue the process of editing until Ravina bar Huna's death.[5] This, according to Halevy, is the meaning of "Rav Ashi and Ravina – end of hora'ah" (b. Bava Metzi'a 86a).[6] Rav Ashi and Ravina were named as representatives of their generations because they were the greatest leaders of their time.[7]

Another issue arose with that argument, however, because there were two Ravinas in the Talmud: the older Ravina (sometimes referred to by modern scholars as "Ravina I"), a student of Rava and senior colleague of Rav Ashi's who died in 420; and the younger Ravina (Ravina bar Huna, "Ravina II"), nephew of the

2 Halevy, *Dorot harishonim*, 3:10. See also Lewin, ed., *Iggeret Rav Sherira Gaon*, 94.

3 See examples in b. Megillah 2a, b. Nedarim 16a, and b. Yoma 79a.

4 On Meremar's date of death, see David Joseph Bornstein, "Meremar," *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik, 2nd ed., accessed 21 May 2020, https://yulib002.mc.yu.edu:2821/apps/doc/CX2587513694/GVRL?u=nysl_me_yeshival&sid=GVRL&xid=9ba7c65c. See also Cohen, *Ravina and Contemporary Sages* [in Hebrew], 144–182. On Rav Idi bar Avin II, see Hyman, *Toledot Tannaim ve'amoraim*, s.v. *Rav Idi bar Avin Hasheini*. On Mar bar Rav Ashi's date of death, see David Joseph Bornstein, "Mar Bar Rav Ashi," *Encyclopaedia Judaica*, accessed 21 May 2020, https://yulib002.mc.yu.edu:2821/apps/doc/CX2587513225/GVRL?u=nysl_me_yeshival&sid=GVRL&xid=f3549e95.

5 Halevy, *Dorot harishonim*, 3:11–15 and 3:19–22. On Rafram II, see Lewin, ed., *Iggeret Rav Sherira Gaon*, 96.

6 Cohen, *Ravina and Contemporary Sages* [in Hebrew], 55 and 126n57.

7 Halevy, *Dorot harishonim*, 3:18–22.

earlier Ravina, who died near the end of the fifth century.[8] As has been noted above, two manuscripts of b. Bava Metzi'a have the order of the names reversed, so that they say "Ravina and Rav Ashi – end of hora'ah." Avinoam Cohen, Associate Professor of Talmud at Bar-Ilan University, argues that these two versions result from two different opinions regarding the identity of the Ravina in this passage. The version that has Ravina's name after Rav Ashi's refers to the later Ravina, Ravina bar Huna (Ravina II). The other version, with Ravina before Rav Ashi, identifies this Ravina with the earlier Ravina (Ravina I), contemporary of Rav Ashi. Rav Sherira believed that the Ravina mentioned in b. Bava Metzi'a was Ravina II, while Rashi identified him as Ravina I.[9] Halevy's position on this topic is rather ambiguous. Lewin, the editor of the critical edition of the Epistle, thought that Halevy followed Rav Sherira in identifying this Ravina as Ravina II.[10] Yet, Halevy, like Rashi, seems to have interpreted the passage as referring to Ravina I. The earlier Ravina, Halevy thought, was one of two founders (along with Rav Ashi) of the *beit hava'ad* whose work lasted until the death of Ravina II.[11] In his discussion of the matter in *Dorot harishonim*, Halevy notes that although the Epistle is silent about the year of the earlier Ravina's death, two French rabbis gave 421–422 as the date: Rabbi Simha ben Samuel of Vitry (ca. 1170–1105), a student of Rashi's, in his *Mahzor Vitry*; and Rabbi Samson ben Isaac of Chinon (lived in Chinon, France, 1260–1330), in his *Sefer keritut*. Halevy claimed that although Ravina (I)'s death preceded Rav Ashi's, he was nonetheless mentioned in b. Bava Metzi'a due to his prominent role in the founding of the *beit hava'ad*.[12]

8 On the Epistle's stance regarding the identity of Ravina in b. Bava Metzi'a 86a, see Lewin, ed., *Iggeret Rav Sherira Gaon*, 69 and 95. On the many Ravinas in the Talmud and the difficulty of distinguishing between them, see Cohen, *Ravina and Contemporary Sages* [in Hebrew], 109–143. Halevy also notes that there were two sages named Ravina, and that it is sometimes difficult to ascertain to which of them the Talmud refers. See Halevy, *Dorot harishonim*, 3:3–16.

9 Cohen, *Ravina and Contemporary Sages* [in Hebrew], 109–143. Cohen argues that the earlier Ravina, i.e., the contemporary of Rav Ashi, was his partner at the beginning of the editing proceses. Cohen says that the earlier Ravina actually outlived Rav Ashi and died around the year 440 CE (approximately 18 years later than Halevy's date). Cohen believes that the Ravina who continued Rav Ashi's work was also the earlier Ravina, and that the earlier Ravina completed the work of editing the Talmud. Thus, although Ravina bar Huna appears in the Talmud, his contribution, according to Cohen, was a lesser one. See Cohen, 54–55.

On Rashi's opinion that the Ravina mentioned regarding the end of hora'ah was Ravina I, see Rashi to b. Bava Metzi'a 86a, s.v. *sof*.

10 Benjamin M. Lewin, *Rabbanan Savora'ei vetalmudam*, 3.

11 Halevy, *Dorot harishonim*, 3:18–19.

12 Halevy, *Dorot harishonim*, 3:10.

Another major problem with Halevy's theory about Rav Ashi is that the Epistle's account of the closure of the Talmud [אסתיים תלמודא] seems clearly to contradict the Talmud's statement on Rav Ashi's role in the end of hora'ah.[13] While the Epistle says nothing directly about Rav Ashi's role in the process, it does contain two passages noting the date of the end of hora'ah. One passage reads: "On Wednesday, the 13th of Kislev, in the year 811 [Sel.; 499/500 CE], Ravina Avina son of Rav Huna, [the] Ravina [quoted in the Talmud], died, and he constituted the end of hora'ah."[14] Rav Sherira invokes the phrase a second time when describing the chronology of the heads of the academy of Pumbedita: "And after [Rav Sama son of Rava], Rav Yose ruled [became head of the academy], and in his days was the end of hora'ah, and the Talmud was concluded."[15] These two passages appear to be in direct contradiction to the tradition in b. Bava Metzi'a, which seems to attribute the editing of the Talmud to Rav Ashi. In order to reconcile these passages, Halevy assumes that there were three distinct stages in the editing of the Bavli: the first and principal editing was carried out by Rav Ashi; the second stage was the conclusion of the editing process by Ravina bar Huna, the last of the original sages of the *beit hava'ad*; and the third and final stage of redaction consisted of elucidation and clarification of the existing Talmud by Rav Yose, who was not an Amora but an early Sabora. (Though the Epistle calls him "Rav Yose," Halevy believed that he was the same person mentioned several times in the Talmud as "Rav Yosef.")[16] Halevy assumed that Rav Yose died in approximately 520 CE, despite the fact that the Epistle says only, "In the year 826 Sel. [514/515 CE], Rav Tahana and Mar Zutra, the sons of Rav Hinana, died. And Rav Yosef remained as the Gaon of our academy for a few years."[17] Halevy concluded that this meant that Rav Yosef died ca. 520, at an old age, since he was already the head of Pumbedita in 476 CE.[18] According to Halevy, then, Rav Ashi

13 Lewin, ed., *Iggeret Rav Sherira Gaon*, 97. The French recension has the term איסתתים תלמודא instead. See Lewin, ed., *Iggeret Rav Sherira Gaon*, 97 (French version).

14 Lewin, ed., *Iggeret Rav Sherira Gaon*, 95 (Spanish version). The French version has the text as "Ravina son of Rav Huna." See Lewin, ed., *Iggeret Rav Sherira Gaon*, 95 (French version). As mentioned in chapter 2, Jews who lived in Babylonia in the geonic period preferred the Seleucid calendar.

15 Lewin, ed., *Iggeret Rav Sherira Gaon*, 97.

16 Lewin, ed., *Iggeret Rav Sherira Gaon*, 70n1. See a further discussion on the topic later in this chapter. On Rav Yose as the head of the academy of Pumbedita and an eighth-generation Amora or the first Sabora, see Alyssa M. Gray, "Amoraim," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik, accessed 9 June 2020, https://yulib002.mc.yu.edu:2821/apps/doc/CX2587501018/GVRL?u=nysl_me_yeshival&sid=GVRL&xid=25d850c6.

17 Lewin, ed., *Iggeret Rav Sherira Gaon*, 99.

18 Halevy, *Dorot harishonim*, 3:26–28.

was the primary editor of the Bavli, and the first stage of editing was the most comprehensive and critical. Halevy thus relegated Ravina bar Huna and Rav Yose to relatively minor roles.

Halevy felt the need to expand Rav Ashi's role as the supreme editor of the Bavli beyond the role assigned to him in the Epistle in order to serve his own apologetic agenda of according to the Talmud the utmost authority and canonicity. Only Rav Ashi's gravitas could grant the Talmud the needed pedigree. Halevy thus argued that the additions made following Rav Ashi's death were extremely short and represented minor clarifications to existing sugyot but no new concepts. As a result, Halevy attempted to explain several passages (e.g., on b. Yoma 78a, b. Nedarim 60b and 90a, b. Bava Metzi'a 10b, and b. Hullin 47b) in which these later sages appear to be introducing new ideas, rather than just expanding upon existing sugyot.[19] Here is the example on b. Hullin 47b:

> [A] Rava says: [. . ."If the lung was] green, [the animal is] kosher [. . .]."
>
> [B] Rav Sama, son of Rava, says: "This lung [whose appearance] resembles [a] dodder plant, or saffron, or [has a yellow shade] such as [that] of an egg yolk, [renders the animal] unfit [*terefah*]." [The *setam* asks,]" If so, the green [lung] that is kosher, how does it look? [It is] like a leek."[20]

Halevy notes that Rav Sama, son of Rava, was one of the Amoraim operating after Rav Ashi's death, since the Epistle mentions him as the head of Pumbedita from approximately 455–456 CE until 475–476 CE.[21] His statement, although a legal ruling with a number of specific points, is not a new concept, but, rather, a clarification of Rava's earlier ruling. Rava ruled that a green lung renders the animal unfit [terefa], and Rav Sama aims to clarify the various shades of green and their classifications. It is an explanatory/applied legal ruling rather than a newly developed halakhic concept. This type of activity, according to Halevy, epitomizes the activities of the post-Rav-Ashi Amoraim.[22]

Halevy not only minimized the quality of the post-Rav-Ashi material; he also took the untenable position that its quantity was *de minimis* to such an extent that, if taken together, it does not comprise more than one third of a common talmudic tractate, the equivalent of less than three percent of the entire

19 Halevy, *Dorot harishonim*, 3:19–22.

20 The translations of talmudic sugyot in this chapter are based on those of Rabbi Adin Even-Israel Steinsaltz, *The Koren Talmud Bavli*, Noé edition, with my own adjustments.

21 Lewin, ed., *Iggeret Rav Sherira Gaon*, 96–97. On Rav Sama, see Hyman, *Toledot Tannaim ve'amoraim*, s.v. *Rav Sama berei derava*.

22 Halevy, *Dorot harishonim*, 3:21.

Talmud.[23] This approach to sugyot after Rav Ashi's time was strongly challenged by Rabbi Jehiel Jacob Weinberg in his introduction to *Mehqarim batalmud*. Weinberg wrote, "the view of Halevy, 'that all these additions do not constitute any new sugyot [. . .] but are very short additions necessary for understanding the sugya,' does not withstand critical review."[24] In Weinberg's opinion, such sweeping exaggerations indicate the narrowness of Halevy's research.[25]

Halevy searched for additional textual evidence to validate his claim that Rav Ashi was the primary editor, and only minor changes were made after his death. Yet Halevy was plagued by a chronological question: if, following the death of Rav Ashi, editorial activity was reduced, and the material developed was so sparse, why was the Talmud not concluded until the year 499, approximately 75 years after Rav Ashi died? In order to resolve this issue, Halevy resorted to emending the text of the Epistle to antedate Ravina bar Huna's death and the ensuing start of the closing of the Talmud by 25 years, from 499 to 474–475. Halevy argued that, following Rav Ashi's death, the Talmud continued to be edited in the central *beit hava'ad*, which moved from Matta Mehasia to the academy of Sura. (Although the Epistle remarks that the academy remained in Matta Mehasia as in the times of Rav Ashi, Halevy believed that only Mar bar Rav Ashi, Rav Ashi's son, remained there, while the *beit hava'ad* had relocated to Sura.)[26] According to Halevy, Rabbah Tusfa'ah led Sura from 466 until 474.[27] Halevy rejects both versions of the Epistle concerning the date of Rabbah Tusfa'ah's death; according to the Spanish recension he died in 469, and, according to the French recension, in 476.[28] Halevy changes the date of Rabbah Tusfa'ah's death to 474 in order to coincide with the period of Sasanian persecutions against the Jews, when "all the Babylonian synagogues were closed."[29] Halevy's date of 474 also matches that given for Ravina bar Huna's death by Ibn Daud in *Sefer haqabbalah*, in which he notes that Ravina bar Huna only headed the academy for one year.[30] The anti-Jewish persecutions

23 Halevy, *Dorot harishonim*, 3:21.

24 Weinberg, introduction to *Mehqarim batalmud*, v.

25 See a similar criticism in Kaplan, *The Redaction of the Babylonian Talmud*, 24.

26 See Lewin, ed., *Iggeret Rav Sherira Gaon*, 94–95; and Halevy, *Dorot harishonim*, 2:593–600.

27 Lewin, ed., *Iggeret Rav Sherira Gaon*, 95.

28 Lewin, ed., *Iggeret Rav Sherira Gaon*, 95.

29 Lewin, ed., *Iggeret Rav Sherira Gaon*, 97. Halevy corrects the Spanish version, which has the date as 469.

30 Ibn Daud, *The Book of Tradition*, ed. Cohen, 42 (Hebrew 29).

occurred under Peroz (Piruz), who ruled between 459 and 484.[31] Halevy believed that the persecutions began in 469, when great sages were killed, but that mass persecutions began only in 473–474. In his view, Rabbah Tusfa'ah was really the final editor of the Babylonian Talmud because his successor as head of the academy of Sura was Ravina bar Huna, who served for only a few months before dying in Kislev (late October-November) of 474 CE.[32]

Halevy's understanding of Ravina bar Huna's role was a radical departure from the Epistle's conception. According to the Epistle, Ravina bar Huna died in the year 499–500, which is described by Rav Sherira as the conclusion of hora'ah [sof hora'ah].[33] It is clear from the Epistle, moreover, that Ravina bar Rav Huna's contribution to the editing of the Bavli was significant. Rav Sherira stressed that Ravina bar Huna was the Ravina mentioned in the Talmud in connection with the end of hora'ah.[34] This emendation by Halevy is one of the weakest points of his account and was criticized even by Halevy's own son.[35] It was especially problematic because it altered the text of the Epistle in a case in which all manuscripts were in agreement, and it also was based upon the less-reliable chronology of *Sefer haqabbalah*. It thus seemed like an arbitrary, self-serving emendation. But departing from the Epistle was pivotal to Halevy's theory, as it reduced the length of the era of the post-Rav-Ashi Amoraim while providing an ideal historical setting for the closure of the Talmud. In Halevy's view, the Talmud had to have been compiled and edited in times of peace in order to allow for an international conclave to convene and work full-time, in a context similar to that in which Rabbi Yehudah Hanasi had edited the Mishnah.[36] So the Sasanian persecutions were a fitting catalyst for the closure of the process. Naming Rabbah Tusfa'ah as the last editor conveniently provided the elusive proof for Halevy's understanding of the scope of the editing committee after Rav Ashi. Halevy considered the name "Tusfa'ah" enigmatic. It was not a common name, nor did it indicate the name of a place Halevy could identify. He thus believed that it was a professional title derived from the

31 For more details about Peroz (Piruz) and the significance of the year 469 to his reign, see Frye, "The Political History of Iran," 147–149; and Parvaneh Pourshariati, *Decline and Fall of the Sasanian Empire: The Sasanian-Parthian Confederacy and the Arab Conquest of Iran* (London: I. B. Tauris, 2008), 380–384. For further detail and corroborating information, see Gafni, "On the Talmudic Chronology in Iggeret Rav Sherira Gaon" [in Hebrew], 12–13.

32 Halevy, *Dorot harishonim*, 3:19.

33 Lewin, ed., *Iggeret Rav Sherira Gaon*, 95 (Spanish version). The French recension reads: דהוא סוף הוראה. See Lewin, ed., *Iggeret Rav Sherira Gaon*, 95 (French version).

34 Lewin, ed., *Iggeret Rav Sherira Gaon*, 95.

35 Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 147–148 (letter 76).

36 Halevy, *Dorot harishonim*, 3:23.

Hebrew word *tosefet* (addition) and claimed that Rabbah was given the official title *Tosefet* because his editing function was limited to noting additions and elucidations to the Talmud that had already been edited by Rav Ashi.[37]

Many scholars, such as Z. W. Rabinowitz (d. 1924) and Israel Lewy (1841–1917), rightfully challenged and contradicted this theory upon its publication.[38] There was a simple explanation for the name "Tusfa'ah" – it derived from the name of Rabbah's native city: Tusfah (Thospia) in eastern Turkey.[39] In addition, the moving of the closure of the Talmud from 499 to 474 is contradicted by the calendar itself. Rav Sherira writes that Ravina's death occurred on "Wednesday the 13th of Kislev."[40] This convergence of day of the week and month only occurred in the year 499, not in 474 or 475. In 474, the 13th of Kislev fell on a Saturday, seeming to disprove Halevy's emendation.[41]

In his model, Halevy also promoted the centrality of the academy of Sura over Pumbedita in the final editing of the Talmud, starting in the era of the post-Rav-Ashi Amoraim and lasting until the saboraic era.[42] As mentioned above, the Epistle discusses the end of hora'ah in connection with both Ravina bar Huna (Ravina II) and Rabbi Yose.[43] While Rav Sherira associated the person of Ravina bar Huna with the end of hora'ah, he wrote only that hora'ah ended in the "days" of Rav Yose, the head of Pumbedita. Brody similarly believes that it is evident from the Epistle that Sura was the central academy, and that the

37 Halevy, *Dorot harishonim*, 3:19–23.

38 Rabinowitz, *Sha'arei Torat Bavel*, 518; Israel Lewy, *Über einige Fragmente aus der Mischna des Abba Saul* (Berlin: G. Bernstein, 1874), 94.

39 Rabinowitz, *Sha'arei Torat Bavel*, 518; Lewy, *Über einige Fragmente*, 94. For this identification, see Adolphe Neubauer, *La Géographie du Talmud* (Paris: La Librairie Nouvelle, 1868; repr., Sydney, Australia: Wentworth Press, 2018), 370. Yet that does not settle the matter. Others identified the city as Ctesiphon. See Aharon Oppenheimer, *Babylonia Judaica in the Talmudic Period*, Tübinger Atlas des Vorderen Orients (TAVO): Series B, 47 (Tübingen: Dr. Ludwig Reichert, 1983), 207: "Rabbah (or Rava) Tosefa'a is mentioned in several places in the Talmud [. . .] The appellation may very well indicate the sage's provenance from Ctesiphon (=Taisafun, also Tausafun in Arabic sources, although the substitution of *taw* for *tet* is not common)." However, Oppenheimer's identification of Tusfa'ah as meaning "from Ctesiphon" is problematic, since the same origin is quoted in b. Yevamot 104a as *qatusfa'ah*, with a *tet* instead of *tav*. I thank Zvi Septimus for his insightful comment.

40 Lewin, ed., *Iggeret Rav Sherira Gaon*, 95.

41 Jacob M. Greenfield, *Luach olam* (New York: Ateres, 1997), http://www.cgsf.org/dbeattie/calendar/?roman=954. See also Cohen, *Ravina and Contemporary Sages* [in Hebrew], 24n7, and the literature cited there.

42 Halevy, *Dorot harishonim*, 3:26–27.

43 On Ravina, see Lewin, ed., *Iggeret Rav Sherira Gaon*, 95. On Rav Yose, see Lewin, ed., 97.

closing of the Talmud took place with Pumbedita working as a satellite. Brody comments, quoting Halevy, that Halevy's model of a central academy (though not Halevy's *beit hava'ad*) is indeed evident during this period.[44] Clearly, then, Rav Sherira argues in the Epistle that the central editing activity was conducted in Sura by Ravina. Thus, the Epistle appears to validate Halevy's assertion that the final editing of the Talmud in the post-Rav-Ashi era took place in Sura in the time of one dominant central academy – even if Rav Sherira did not have a conception of a unified rabbinic body resembling Halevy's *beit hava'ad*.[45] According to Halevy, after Ravina bar Huna died in 474, the academy of Sura ceased its activities because of the Sasanian persecutions described in the Epistle. Halevy further explains that, after Ravina died and Sura closed, Rav Yose and the sages of his Pumbedita academy (now the sole one) continued adding material to the Talmud, though these additions were less significant, as they were just clarifications, what Rav Sherira termed "explanations and *sevarot* (logical deductions) close to hora'ah [פירושי וסבארי קרובים להוראה]."[46] When Rav Yose died, the Talmud was concluded and sealed.[47] This is consistent with Rav Sherira's description of Sura's centrality over Pumbedita throughout the Epistle, even though Rav Sherira was from Pumbedita.[48]

Despite the fact that the Epistle seems to support Halevy's argument for the primacy of Sura after Rav Ashi and the Talmud's ultimate editing there, Rav Sherira's depiction of the role of Pumbedita at that time does not match Halevy's. Consistent with his view that Ravina bar Huna died in 474, at approximately the same time as the Sasanian persecutions, Halevy believed that these persecutions caused the cessation of activities in Sura. He argues that Pumbedita was largely unaffected and thus continued its activities and became the new location of the *beit hava'ad*. Rav Sherira, by contrast, describes the Sasanian persecutions in his account of the activities of Pumbedita rather than of Sura. If these persecutions were the cause of the cessation of Sura's activities, it is unclear why he would fail to mention the persecutions when describing Sura's history. In addition, since Halevy emended the Epistle to

44 Brody, "On the Sources for the Chronology of the Talmudic Period" [in Hebrew], 95 and 95n73.

45 Lewin, ed., Iggeret *Rav Sherira Gaon*, 97; Halevy, *Dorot harishonim*, 3:26.

46 Lewin, ed., Iggeret *Rav Sherira Gaon*, 69.

47 Halevy, *Dorot harishonim*, 3:24n7.

48 For details about the academy at Sura, see Raphael S. Weinberg, "Decline of the Hegemony of the Sura Academy," in *Samuel K. Mirsky Memorial Volume: Studies in Jewish Law, Philosophy, and Literature* [in Hebrew and English], ed. Gersion Appel (New York: Yeshiva University Press, 1970).

place Ravina bar Huna's death in 474, he had no explanation for why Sura ceased operations in 499. Even regarding a subject in which Halevy initially seemed to agree with the Epistle, his need for a shorter amoraic period after Rav Ashi's death and the contemporaneous continuation of the *beit hava'ad* led Halevy to depart from Rav Sherira's primary conclusions.

In general, it is evident that in his discussions of editing activities occurring after Rav Ashi's death, Halevy was prepared to build a framework based on creativity, rather than the texts of the Talmud or Epistle, in order to buttress his ideology.

4.3 Setam hatalmud

Consistent with his view that the Talmud was edited by a *beit hava'ad* led by Rav Ashi and his court, and that there was an identifiable date for the closing of the Talmud, was another fundamental component of Halevy's theory: the early *setam*, meaning a *setam* that largely predated Rav Ashi. Halevy's dating of the *setam* contradicted previous dating by many medieval rabbinical authorities, including Tosafot, who believed that the *setam* had been authored by Rav Ashi.[49]

4.3.1 The early *setam*: An introduction

Halevy argued that tannaitic and amoraic traditions were transmitted from the earliest part of the amoraic period in the form of fully developed literary creations, or sugyot. These sugyot included the dialectical arguments and the anonymous discursive stratum, the *setam*, from the time in the fourth century when the academies united to form the *beit hava'ad*. That was the same time, according to Halevy, at which it became possible for Abbaye and Rava to produce the proto-Talmud, as was discussed in chapter 3.[50] Since Halevy believed in a top-down model of the formation of the Bavli, he considered it impossible that Abbaye and Rava could have created a proto-Talmud, which is, in large part, a curriculum, without a corresponding institution where such a curriculum could be taught. Halevy thus repeatedly argued that the basic structure of the Talmud

49 See Tosafot to b. Shabbat 9b, s.v. *betisporet*, and Tosafot to b. Hullin 2b, s.v. *anah*. See also Halivni, *Mevo'ot lemeqorot umesorot*, 42–43. Halevy's view is in some ways similar to that of the Rosh, who disagreed with Tosafot. According to the Rosh's commentary (chapter 1, clause 40), Rav Ashi played no role in formulating the Talmud's anonymous material. See the Rosh to b. Shabbat 9b and b. Bava Metzi'a 16b. See also Halivni, 43.

50 Halevy, *Dorot Harishonim*, 2:550–551.

as it existed in his day was composed and fixed during the era of Abbaye and Rava.[51] Halevy's model also had to account for the anonymity of the *setam*. He claimed that several structured sugyot had already been transmitted in their final forms beginning in the earliest amoraic times – even before Abbaye and Rava – when the *setam* was recorded and transmitted alongside the tannaitic and amoraic material.[52] Later generations of Amoraim transmitted and studied these sugyot and added their own views to existing debates.[53] Accordingly, the *setam* represented the consensus view of the academy as a whole, rather than of an individual Amora, and was transmitted anonymously for that reason. Halevy's model not only accounted for the anonymity of the *setam* but also attributed to it supreme authority as a consensus view.[54]

4.3.2 Halevy's talmudic proofs for the early *setam*: A sample sugya

Halevy cited numerous passages in the Bavli in his effort to demonstrate that much of the *setam* had been created in the early generations of the Amoraim, long before Rav Ashi. Even though he had a keen understanding of the Talmud, Halevy's analysis of the issue of the *setam*, like his claim that editing after Rav Ashi was *de minimis*, was tendentious and rather naive. To illustrate his approach, we will examine one of Halevy's principal proofs, a sugya in b. Shabbat 71b. The sugya is long and complicated and includes two distinct units, one Palestinian and one Babylonian. These two units are woven together with an intricate and highly structured layer of *setam*. The sugya opens with a disagreement between the third-century Palestinian sages Rabbi Yohanan and Reish Laqish (also known as Simeon ben Laqish) regarding a person who unknowingly eats forbidden fat in two separate episodes. The sugya continues with a typical stammaitic debate, which explores the scriptural source for amoraic rulings and contrasts and debates the various positions presented:

> It was stated: If one eats two olive-sized pieces of *helev* [prohibited animal fat] in a state of unawareness [and then] is apprised of the first [act of eating helev] and subsequently of the second [act of eating helev]:
>
> (A) Rabbi Yohanan said: "He is liable to [bring] two [sin-offerings]."

51 Halevy, *Dorot Harishonim*, 2:550–562.
52 Halevy, *Dorot Harishonim*, 2:210–211, 2:482, and 2:551–562.
53 Halevy, *Dorot Harishonim*, 3:116–120.
54 Halevy, *Dorot Harishonim*, 2:210–211.

(B) And Reish Laqish said: "He is liable to [bring] one [sin-offering] only."

(A1) Rabbi Yohanan said: "He is liable [for the second sin-offering]" [because the verse, Leviticus 4:28, states,] "for his sin [. . .] he shall bring [על חטאתו . . . והביא]" (an offering, meaning that he is required to bring a separate offering for each sin; the sugya reverses the order of the words in the verse in Leviticus, which says, על חטאתו . . . והביא.)

(A2) While Reish Laqish said, "He is exempt [from the second sin-offering]" [because the verse, Lev. 4:26, states], "for his sin, and he shall be forgiven [מחטאתו ונסלח לו]." (meaning that even if he brought the sin-offering for only some of his sins, he will be forgiven for all of his sins.)

(B1) But regarding Reish Laqish, too [surely he knows that it is written], "for his sin [. . .] he shall bring [על חטאתו . . . והביא]"? – That [verse applies to a situation in which a sin is discovered] after atonement (was already effected for the first sin; and in that special case, which is not the same as the case here, the person would, indeed, be liable to bring two sin-offerings.)

(B2) But according to Rabbi Yohanan, too [is this not also difficult, for] it is written, "for his sin . . . and he shall be forgiven [מחטאתו ונסלח לו]"? – With what [case] are we dealing here [הכא במאי עסקינן]? Where he [first, e.g.,] ate an olive and a half [of helev], was apprised concerning an olive's [worth of it], and he then ate as much as another half an olive's worth during the same [period of] unawareness as when he ate the [half-olive's portion of the] other [piece]. Now you might have said that they [the two half-olive-sized pieces] should combine [to make him liable for eating an entire olive-sized piece of helev]; therefore [the verse] informs us [otherwise].[55] (b. Shabbat 71b)

Based on Rashi's commentary on this sugya, Halevy viewed the portions marked A1-B2 as the *setam*. Rashi (s.v. אדמוקים) explains that the discussion (A1-B2) was authored not by Rabbi Yohanan and Reish Laqish, but, rather, by the talmudic discursive voice [שיטתיה דתלמודא]. Halevy thus logically identified it as the *setam*. In the first section of *setam* (A1 and A2), scriptural support is offered for the opinions of Rabbi Yohanan and Reish Laqish. According to this argument, Rabbi Yohanan obligates the eater to bring two sin-offerings based on the fact that Leviticus 4:28 emphasizes "for his sin [. . .] he shall bring [על חטאתו . . . והביא]," implying that one separate sacrifice is brought for each sin. Reish Laqish bases

55 The translation and interpretation of b. Shabbat 71b are indebted to the Schottenstein English edition of the Talmud Bavli: Eliyahu Baruch Shulman, Shlomo Fox-Ashrei, Yosaif Asher Weiss, and Abba Zvi Naiman, eds., *The Gemara: The Classic Vilna Edition, with an Annotated, Interpretive Elucidation, As an Aid to Talmud Study*. *Tractate Shabbos*, vol. 2 (New York: Artscroll/Mesorah Publications, 2003), 71b.

his opinion on Leviticus 4:26, specifically, "and from his sin he shall be forgiven [מחטאתו ונסלח]," which implies that one sin offering is enough for both sins. (The "from" [מ] in מחטאתו is interpreted partitively: even if he offers a sacrifice for only a portion of his sin, he is forgiven for the whole.)

In the second section (B1-B2), the *setam* asks why each Amora did not consider the verse supporting the opposing position. In each case, a reason is found to dismiss the difficulty: Reish Laqish maintains (B1) that this verse would only apply here if the word והביא referred to a realization of guilt after one sacrifice had already been brought for atonement; therefore, as long as he is informed of his sin before he brings a sacrifice for atonement, there only is need for one sacrifice. By contrast, Rabbi Yohanan holds (B2) that the word ונסלח refers to a separate case altogether. In this particular hypothetical case, in which the person realized he had eaten different portions of helev in certain specific amounts at certain specific times, one might have thought two sin-offerings would be required because the result would be the consumption of twice the portion of helev that would normally trigger a sin-offering. In fact, however, only one sin-offering is needed because the total amount was not eaten within the same time period of unawareness, meaning that the one sacrifice atones [ונסלח] for the entire amount.[56]

Halevy's proof for the early *setam* lies in the second unit of the sugya, in which we find a debate between Rav Ashi and Ravina that refers back to the first unit:

(A1) Ravina said to Rav Ashi: Do they disagree about [a case] in which he found out about [the eating of the second piece] before designation [of a sin-offering for the eating of the first piece]? And they differ in this: One master [Rabbi Yohanan] holds that awareness [of the sin alone] divides [the sins so that the need arises for two sin-offerings], while the other master [Reish Laqish] holds that designations [of sin-offerings] divide [the sins so that the need arises for two sin-offerings]; but if [he learned of the second piece of helev] after designation [of a sacrifice for the first], Reish Laqish concedes to Rabbi Yohanan that he is liable for two [sin-offerings]?

(A2) Or perhaps they disagree about [a case] in which he found out about [the eating of the second piece] after designation [of a sin-offering for the eating of the first piece]? And they differ in this: One master [Rabbi Yohanan] holds that designations [of sin-offerings] divide [the sins so that the need arises for two sin-offerings], while the other master [Reish Laqish] holds that atonements effected by sin-offerings divide [the sins so that the need arises for two sin-offerings]; but if [he learned of the second

56 See Rashi ad loc., s.v. *ka mashma lan*.

piece of helev] before designation [of a sacrifice for the first], Rabbi Yohanan concedes to Reish Laqish that he is liable for only one [sin-offering]?

(A3) Or perhaps they differ in both cases [discovery of the sin both before and after the designation of the sin-offering]?

(B1) Said he [Rav Ashi] to him [Ravina]: It is logical [to say] that they differ in both cases. For should you think that they differ [only about discovery of the sin] before designation [of a sin-offering], whereas [regarding a discovery] after designation, Reish Laqish concedes to Rabbi Yohanan that he is liable for two sin-offerings – [then] instead of interpreting the verse [cited by Rabbi Yohanan] as referring to [discovery of the sin] after atonement, let him [the scholar defending Reish Laqish] interpret it [the verse] as referring to [discovery of the sin] after designation.

(B2) And if they differ [only about discovery of the sin] after designation [of a sin-offering], whereas [regarding a discovery] before designation, Rabbi Yohanan concedes to Reish Laqish that he is liable for only one [sin-offering – then] instead of interpreting the verse [cited by Reish Laqish] as referring to [a case in which the person first ate as much as an olive and a half], let him [the scholar defending Rabbi Yohanan] interpret it [the verse] as referring to [discovery of the second sin] before designation [of the sin-offering for the first sin]. (b. Shabbat 71b)

Ravina queries Rav Ashi about how to understand the disagreement between Reish Laqish and Rabbi Yohanan. Do they disagree only about when the sinner is informed of his eating of the second measure of helev: before the designation of the sacrifice for the first measure (A1), only after the designation of the sacrifice for the first measure (A2), or in both cases (A3)? Rav Ashi replies to Ravina that they clearly differ in both cases, with the reasoning that, in the previous section, the interpretation offered on behalf of Reish Laqish of "and he shall bring [והביא]" was that it applied to sins that were discovered *after* a sacrifice effected atonement. If it were true that Reish Laqish agreed with Rabbi Yohanan that, for a sin discovered after designation, there must be a separate sacrifice for the newly discovered sin, the previous section should have read not "after atonement" but, instead, "after designation." Halevy thus infers that Rav Ashi based his answer on the *setam*'s interpretation of the verse quoted earlier in the sugya (in the dispute of R. Yohanan and Reish Laqish in A1-B2), which Rav Ashi already knew. That Rav Ashi relied on the *setam* to resolve Ravina's query in the sugya, Halevy reasons, proves that the *setam* was redacted and fixed before the time of Rav Ashi – much earlier than most commentators and scholars thought. In Halevy's view, Rav Ashi's analysis of the interpretation of the verse "and he shall be forgiven [ונסלח]" according to Rabbi Yohanan could also be explained by Rav Ashi's turning to an early *setam* for the answer. For if Rabbi Yohanan concedes to Reish Laqish that, if he discovers that he ate the helev before designation, he

is liable for only one sin-offering, then instead of interpreting the verse cited by Reish Laqish as referring to a case in which the person first ate as much as an olive and a half, the *setam* should have offered a far simpler interpretation: that the verse could be referring to his discovery of the second sin before designation. Rav Ashi, therefore, concluded that their disagreement included even such a case. Here, again, according to Halevy, Rav Ashi's reply is predicated upon the *setam's* interpretation in the first unit.[57]

Yet Halevy's assumption is not at all obvious. A more open-minded reading of the sugya indicates quite the opposite conclusion, that it was not Rav Ashi who used the *setam* to explain the dispute, but, rather, the *setam* explained the words of Rav Ashi. Rav Ashi's reply was terse, in the usual style of amoraic statements: "It is logical [to say] that they differ in both cases." The remaining explanation was the *setam*'s interpretation of Rav Ashi's answer. The *setam* applied its own interpretation of the discussion between Rabbi Yohanan and Reish Laqish in the first unit of the sugya (A1-B2) to justify Rav Ashi's answer. We now know, based on recent critical scholarship, that this latter reading is correct. In his commentary on b. Shabbat, Halivni quotes Ms. Vatican 108, in which the words "Said he [Rav Ashi] to him [Ravina]" in [B1] are missing. In that version, the Talmud never quotes Rav Ashi's reply; rather, the entire reply was developed by the *setam* based upon its own earlier discussion.[58]

Of course, Halevy could not have been engaged in higher criticism of the Bavli in his time, and even this manuscript variation is not present in *Diqduqei soferim*, the nineteenth-century guide to such variants that Halevy refused to use. Yet talmudic scholars throughout the generations had usually been meticulous in identifying the various layers of the text when dissecting this sugya. For instance, the Rishonim frequently identified part of the talmudic text as the *setam*. They were rigorous in pointing out different voices in the Talmud, although they showed little interest in identifying those voices. In ambiguous situations, Rashi often comments, "this was remarked by the Talmud [תלמודא קאמר]," to indicate that a statement or comment was not said by the Tanna or Amora mentioned earlier in the sugya, but, rather, was an interjection of the *setam*.[59] Rashi's commentary is careful to identify the multiple voices

57 For further details, see Halevy, *Dorot harishonim*, 2:551–552.

58 Halivni, *Meqorot umesorot: Be'urim batalmud. Masekhet Shabbat*, 208.

59 See, for example, b. Eruvin 90a, s.v. *verami*; b. Yoma 16b, s.v. *ve'i*; b. Sukkah 4b, s.v. *be'emtsa*; and b. Sotah 8b, s.v. *de'amar*.

of the Talmud, as well as the sometimes-elusive voice of the *setam*. A notable example of this phenomenon is found in b. Sotah 8b:

> [A] Rav Yosef said: "Although the measure [of the court-imposed capital punishments] has ceased, [divine punishment] with a measure has not ceased."
>
> [B] As Rav Yosef said, and Rabbi Hiyya similarly teaches: "From the days that the Temple was destroyed, although the Sanhedrin ceased, the four capital punishments have not ceased."

Rashi explains that [B] was not part of Rav Yosef's statement, but, rather, "the Gemara comments that Rav Yosef had said a similar idea elsewhere," clearly identifying the statement as stammaitic rather than amoraic. Many of the Rishonim, and especially Tosafot and the Rashbam, applied this interpretative approach in their commentaries on the Talmud.[60]

Halevy's most significant mistake in analyzing this text was not engaging in lower rather than higher criticism but, instead, assuming that the *setam* was essentially synonymous with Rav Ashi. Since he considers Rav Ashi to be the primary and (nearly) final editor of the Talmud, Halevy also erroneously assumes that the entire text must have been completely concluded by Rav Ashi's time. As much as Halevy concentrated throughout his work on the chronology of the *setam*, this assumption gave him an impoverished view of the *setam* and, indeed, of any editing of the Talmud that occurred after Rav Ashi's death, as will be shown below in Halevy's writings on the Saboraim.

Halevy similarly assumes that there is evidence of an early *setam* in many other instances in the Talmud in which Amoraim seem to directly address issues raised by the *setam*. He reasons that their addressing of the *setam* proves the existence of the anonymous stratum in their own era, as well as their knowledge of it. These other instances, however, can also easily be explained away by applying the same type of reading as in the case above.[61]

It is worth mentioning one additional sugya that Halevy cites as evidence of his theory of an early *setam*. In b. Yevamot 65a, the Talmud quotes a dilemma concerning a woman who married her fourth husband and had children with him. The sugya examines whether she can demand payment of her

60 For notable examples, see Tosafot to b. Sotah 38a, s.v. *qashya*; Tosafot to b. Yoma 40b, s.v. *keivan*; Tosafot to b. Bava Batra 175b, s.v. *devar*; Rashbam to b. Bava Batra 43a, s.v. *vetisvera*; Rashbam to Bava Batra 44b, s.v. *lo*; and Rashbam to Bava Batra 73b, s.v. *ve'aqra*.

61 Halevy, *Dorot harishonim*, 2:551–562 and 3:116–121. These instances include: b. Menahot 55a, b. Yevamot 65a, and b. Ketubbot 20b.

marriage contract from her third husband by arguing that her fertility is now evident. The Talmud elaborates:

> [A] We say to her: "Your silence is preferable to your speech" (i.e., you are better off not making this claim), as he can say to her: "I did not divorce you under this assumption." (Thus this claim would invalidate her divorce, and consequently her marriage to her fourth husband.)
>
> [B] Rav Papa strongly objects to this: "If she was silent, do we remain silent? (If there is room for concern that her divorce might be invalid, the concern exists regardless of her claim, and thus) the bill of divorce should be invalid, and her children [from the fourth husband should be rendered] bastards [*mamzerim*]. Rather, we say that it is now that she has become healthy" (and able to bear children, but previously she was barren).

Halevy understood [A] to be an anonymous reply by the *setam* to the query, and he thus deduced from Rav Papa's objection that he was clearly aware of the *setam*'s answer. This attempted proof, however, is further evidence of the weakness of Halevy's research in this area. His assumption that [A] is an anonymous reply to the query is problematic, since a reading *not* intended to support a particular view of how the sugya was composed would indicate that [A] is actually an explanation of the query, rather than a reply to it. [A]'s purpose is to explain why the woman would be precluded from claiming payment for her marriage contract from her third husband after she bore children. Indeed, Ms. Munich 141 adds the word "Do" at the beginning of [A], clearly indicating that it was part of the question, rather than a reply to it. It is thus not surprising that Rav Papa was aware of [A], since most questions in the Talmud are anonymous; that is the Talmud's style. The issue of the dating of the *setam* relates only to the discursive stratum and not to anonymous questions. Although Halevy did not know about this manuscript variant, he was aware that most questioners in the Talmud are unidentified, and if he had read the sugya with an open mind, he could at least have admitted the possibility that [A] was part of the question, instead of insisting that it constituted the reply. The latter seemed to prove his case for an early *setam*, while the former did not, so Halevy seized on the latter as the only option. In this case, it is again evident that Halevy's reading of the talmudic text could be quite simplistic if such an approach served his quest to gather evidence in support of his ideological agenda.

4.3.3 Halevy's talmudic proofs for an early *setam*: Attribution to Abbaye and Rava

In his description of the editing process of the Bavli, Halevy emphasizes another phenomenon: the attribution of anonymous material in the *setam* to Abbaye and

Rava. He argues that because Abbaye and Rava were the original redactors of the Talmud, many of their own statements were recorded anonymously. By Rav Ashi's time, when the Talmud had already been firmly established as a collective work, Rav Ashi and the *beit hava'ad* attempted to re-attribute material to Abbaye and Rava by adding their names to anonymous statements.[62] This thesis allowed Halevy to connect three of his main theories: first, that Abbaye and Rava were the original redactors of the Talmud; second, that the *setam* dated from Abbaye and Rava's time; and third, that Rav Ashi edited the Talmud. As with the other parts of his theory about the early *setam*, Halevy relied on the talmudic text itself for proof of his thesis. Yet, once again, the evidence he supplies can be readily refuted. Halevy found a proof in b. Me'ilah 9b, in which there is an apparently inconsistent baraita. The first clause [רישא] of the baraita says "that if he pays before his sin offering is sacrificed, he must add the amount of the benefit he derived and an additional fifth and bring a more expensive animal as his sin offering, and if his sin offering has already been sacrificed, the money is cast into the Dead Sea." The second and final clause [סיפא] of the baraita, however, says, "The reimbursement for misuse of all offerings that are sacrificed on the altar must be used to purchase items for the altar." It is not possible, of course, both to use this money to purchase new items for the altar and to toss the money into the sea. The *setam* attributes the first and second clauses of the baraita to Rabbi Simeon and the sages, respectively (b. Me'ilah 9b-10a). This is followed by an opinion of Rav Geviha of Bei Katil (seventh-generation Amora, d. ca. 433–434), who attributes the teaching to Abbaye:[63]

> רישא ר' שמעון היא דאמר כל חטאת שכיפרו בעליה תמות וסיפא רבנן אמר רב גביהא דבי כתיל לרב אשי הכי אמר אביי רישא רבי שמעון וסיפא רבנן

> The first clause is in accordance with the view of R. Simeon, who said, "any sin offering whose owners achieved atonement must [be left to] die," while the latter clause is in accordance with the Sages. Said Rav Geviha of Bei Katil to Rav Ashi: "[Indeed,] thus said Abbaye: 'The former clause reflects Rabbi Simeon's view and, the latter, that of the Sages.'"

First, the *setam* attributes the initial section of the baraita to Rabbi Simeon and the second to the Sages. Then Rav Geviha of Bei Katil comes to the same conclusion but assigns the attribution of the sections to Abbaye. So Rav Geviha did not add anything to the sugya except the assignment of the *setam*'s statement

62 Halevy, *Dorot harishonim*, 2:566–567.

63 On Rav Geviha of Bei Katil, see Hyman, *Toledot Tannaim ve'amoraim*, s.v. *Rav Geviha mibei Katil*.

to Abbaye. Halevy argues that this sugya proves his theory that anonymous statements, dating from the time of Abbaye and Rava but originally recorded anonymously, were later attributed by the Amoraim of the *beit hava'ad*, in this case Rav Geviha of Bei Katil, to them (in this case, to Abbaye). Yet review of the textual witnesses shows that this is not the case. While the printed (Vilna) edition of b. Me'ilah 9b-10a reads the statement of the *setam* – "the first clause is in accordance with the view of Rabbi Simeon [. . .] while the latter clause is in accordance with the Sages" – as a resolution to the question of why the baraita appears self-contradictory, Manuscripts Oxford 370, Florence II-I-7, and Vatican 120 are significantly different:

רישא ר' שמעון היא דאמר כל חטאת שכיפרו בעליה תמות רישא ר' שמעון וסיפא רבנן
אמר רב גביהא דבי כתיל לרב אשי הכי אמר אביי רישא רבי שמעון וסיפא רבנן

> The former clause is in accordance with the view of R. Simeon, who said, "any sin offering whose owners achieved atonement must [be left to] die." [Does it mean that] the former clause is in accordance with the view of R. Simeon, while the latter clause is in accordance with the Sages? Said Rav Geviha of Bei Katil to Rav Ashi: "[Indeed,] thus said Abbaye: 'The former clause reflects Rabbi Simeon's view and, the latter, that of the Sages.'"

The resolution provided by the *setam* is limited to saying that the early clause is in accordance with the view of Rabbi Simeon; it does not attribute the later clause. The resolution was then followed by a *question*, that given that the former clause is in accordance with the view of Rabbi Simeon, woud not the baraita be disjunctive, as the former clause follows the view of Rabbi Simeon, and the latter clause follows the view of the Sages? As is often the case, the fact that it is a question is clear from the repetition of the statement. While the printed text of the Talmud quotes the statement as "the first clause is in accordance with the view of Rabbi Simeon [. . .] while the latter clause is in accordance with the Sages," which can be read either as an affirmative statement or as an exclamatory question, the manuscripts allow only for the reading of that passage as a question. The manuscript first quotes the statement: "The former clause is in accordance with the view of R. Simeon, who said, 'any sin offering whose owners achieved atonement must [be left to] die,'" and it then repeats the clause to introduce a question: "*The former clause is in accordance with the view of R. Simeon*, while the latter clause is in accordance with the Sages?!" If punctuated, the sugya would thus look like this:

רישא ר' שמעון היא, דאמר כל חטאת שכיפרו בעליה תמות. רישא ר' שמעון וסיפא רבנן?!
אמר רב גביהא דבי כתיל לרב אשי: הכי אמר אביי רישא רבי שמעון וסיפא רבנן.

In this version, the *setam* creates the dialogue in order to introduce Rav Geviha's statement. Rav Geviha then responds that, in fact, Abbaye held that the baraita was disjunctive. So Abbaye's statement served as an answer to a question about the attribution of parts of the baraita and not as a repetition of the stammaitic statement; thus, it does not prove any of Halevy's assertions. It does not indicate that Rav Ashi or Rav Geviha was aware of the *setam*, since questions are usually anonymous, as was discussed earlier. Rav Geviha was not attributing the *setam*; rather, he was answering its question, i.e., explaining the apparent inconsistency of the baraita. Since the Talmud's questions are usually anonymous, this case is no different. In addition, this sugya does not demonstrate any editorial activity on Rav Ashi's part, nor does it support Halevy's claim that Rav Ashi's *beit hava'ad* attributed early stammaitic statements to Abbaye. Although this manuscript variant is not in *Diqduqei soferim*, either, Halevy's interpretation of the sugya again reveals that he read in search of one particular conclusion. A knowledgable student of the Talmud, which Halevy was, would at least have wondered whether the statement "The first clause is in accordance with R. Simeon" indicated that the text was asking a question. The fact that Halevy precluded this interpreration is yet more evidence that he was eager to seize on any support for the early *setam*, even if an alternate explanation of the sugya existed.

4.3.4 Halevy's talmudic proofs for the early *setam*: Rav Ashi and the *setam*

In his efforts to demonstrate that the *setam* dated from the amoraic period, and that Rav Ashi was the primary editor of the Bavli, Halevy even attempted to show that Rav Ashi had attributed the early *setam* to himself. As proof, Halevy cites b. Hullin 2b:

איכא הכל לכתחלה ואיכא הכל דיעבד. אלא הכל דהכא ממאי דלכתחלה הוא,
דתקשי לך? דלמא דיעבד הוא, ולא תקשי לך! א"ל אנא שחיטתן כשרה קשיא לי.

> Indeed, there are [instances in which the term] "everyone" indicates [a right] at the outset [*lekhatehila*], and there are [instances in which the term] "everyone" [indicates a dispensation] after the fact [*di'avad*]. Rather, [concerning the term] "everyone" that [appears] here [in the Mishnah], from where [can it be determined] that it is [an expression indicating a right] at the outset, [which would create an apparent contradiction in the Mishnah] and thus will raise a difficulty for you? Perhaps it is [an expression indicating that everyone's slaughter is valid] after the fact, and [there will] not [be a contradiction in the Mishnah that] will raise a difficulty for you! He [Rav Ashi] said to him: "My difficulty is [not the term 'everyone' but, rather, the expression] 'their slaughtering is valid.'"

This sugya includes a lengthy dialogue between Rav Aha son of Rava and Rav Ashi. At this point in the conversation, Rav Aha son of Rava proposes that the *setam*'s question about the Mishnah's statement "everyone" does not pose a problem, since "everyone" can have multiple meanings. Rav Ashi responds by rephrasing the question while attributing the query to himself – as if he were the one who had asked the original question, despite the fact that the query was presented by the *setam*, not by Rav Ashi, at the beginning of the sugya![64] From Rav Ashi's reference to the query as "*My* difficulty" [emphasis mine], Halevy concludes that, as the editor of the Talmud, Rav Ashi could appropriate the text, including the *setam* and even earlier amoraic statements. In other words, Rav Ashi's editing created a de facto ownership of the text. Tosafot argue that the *setam*'s question at the beginning of the sugya was composed by Rav Ashi, and thus it is evidence of Rav Ashi's authorship of the Talmud. They also remark that the question must have been asked in earlier generations as well, since Abbaye and Rava answered it earlier in the sugya.[65] Consistent with his view that the *setam* was not composed by Rav Ashi, Halevy responds to Tosafot, saying that the structure is far simpler: The question originated in earlier generations and was composed by Abbaye and Rava, the authors of the proto-Talmud. Later, Rav Ashi, as editor of the text, co-opted the question as his own. Halevy quotes several other instances of similar phenomena and concludes that this was Rav Ashi's style and approach as editor of the text.[66]

A more careful reading of this sugya, however, indicates another dimension to the text. Introductory questions, although anonymous, had been asked since before the Amoraim existed to answer them. These questions frame the sugya, and they provide the introduction to amoraic debates and statements. Otherwise, to what were the Amoraim responding? The sugya's introductory question had been asked long before, and it was repeated whenever the sugya was studied. Thus, it was natural for Rav Ashi to refer to the anonymous question – and anonymous questions in some other sugyot – as his own, since they constituted *his* introduction to the sugya.[67] This is not unique to Rav Ashi, and it clearly does not indicate any editorial activity. Furthermore, as Abraham Weiss has noted, the meaning of "my difficulty" can be understood as "my understanding of the question," without

64 Halevy, *Dorot harishonim*, 3:81.

65 See Tosafot ad loc., s.v. *anah*.

66 Halevy, *Dorot harishonim*, 3:81–82. Halevy notes a similar pattern in b. Ketubbot 7a and 69a and in b. Niddah 14b.

67 See a similar comment in Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 253. Weiss notes that this phenomenon was not limited to Rav Ashi. For example, see b. Ketubbot 17b and Weiss, 253n112.

implying that it was his own question.[68] This is yet another example of a situation in which Halevy was immediately prepared to accept what he considered textual evidence of his theory without considering other possible readings.

4.3.5 The genre of the *setam*

Halevy assumed that the *setam*, like the rest of the Talmud, dated from the amoraic period, and that it was anonymous because it represented the consensus of the academy, as did the anonymous portions of the Mishnah.[69] This theory was consistent with his apologetic goals: to invest the Talmud with supreme authority by presenting it as a consistent and unitary text, which had been reviewed, edited, and promulgated in its entirety by Rav Ashi and the *beit hava'ad*. In order to make this claim, Halevy had to assume that the *setam* differs from attributed amoraic statements primarily because it is anonymous. In fact, the *setam* is primarily distinguished from attributed amoraic statements for a different reason: its uniqueness in genre, terminology, and perspective. While attributed amoraic dicta are terse and definitive (or, as Halivni termed them, "apodictic"), the *setam* is verbose and explanatory, and it contains the vast majority of dialectical argumentation in the Talmud.[70]

The question of the genre of the *setam* was raised long before the work of scholars such as Halivni. In his responsa collection *Havvat Jair* (1699), Rabbi Jair Hayyim Bacharach (1639–1702) argued that the *setam*'s genre is different from the genre of amoraic statements in that the *setam* discusses and expands upon the views of sages that were not adopted into halakhah, while attributed amoraic statements do not. Any time an Amora elaborates upon an earlier view, it is evident that he supports that view and, in his opinion, halakhah would thus follow it. (Otherwise, there seems to be no reason why the Amora would explain a discarded view; see b. Shabbat 112a.) The *setam*, by contrast, elaborates upon views of earlier authorities despite the fact that those views are not regarded as halakhah.[71] Bacharach's position was not a mainstream one. Other noted scholars between his time and Halevy's criticized him. For instance, in his methodological

68 Weiss, *The Babylonian Talmud as a Literary Unit* [in Hebrew], 253.

69 Halevy, *Dorot harishonim*, 2:551. See also Halivni, *The Formation of the Babylonian Talmud*, 25.

70 Halivni borrowed the term from biblical studies. See Rubenstein, translator's introduction to *The Formation of the Babylonian Talmud*, by David Weiss Halivni, xxi.

71 See Jair Hayyim ben Moses Samson Bacharach, *She'elot uteshuvot havvat Jair*, ed. David Teak (Ramat Gan: Eked Sefarim, 2000), 266 (Responsum 94, s.v. *betosefet*).

work on the Talmud, *Yad Malakhi* (1767), Rabbi Malakhi Hakohen argued with Bacharach's proposition and claimed that amoraic statements and the *setam* share a genre and approach. He asked, "What is the difference between an Amora's explaining the dictum of another Amora and the *setamma detalmuda*? Isn't the *setamma detalmuda* also amoraic?"[72] Halevy, as one would expect, adopted this view, rather than a view similar to Bacharach's.[73]

4.3.6 Halevy and the *setam*: A summary

Halevy believed that his model of a final editing of the Talmud by a Rav-Ashi-led *beit hava'ad* could be consistent only with an early *setam*, meaning one composed at the time of the proto-Talmud of Abbaye and Rava. He searched for proof of this dating in the talmudic text, pointing to: multiple layers in the *setam*; Rav Ashi's attribution of the *setam* to Abbaye, Rava, and even Rav Ashi; and the *setam*'s anonymity. Even by the standards of the scholarship of his own time, however, Halevy's arguments do not often withstand scrutiny. Their value to him lay primarily in their compatibility with his claim of an early *setam* and thus an early codified, authoritative, Talmud. He took seriously only those readings of sugyot that seemed to support his claim of an early *setam*, discarding in the process entirely plausible alternative readings. A similar pattern of allowing apologetics to dominate his analysis of the history of the Talmud is apparent in Halevy's writings about the Saboraim.

4.4 The Saboraim: Definitions and periodization

4.4.1 Defining the Saboraim

The roles and periodization of the Saboraim are intertwined with the dating of the Bavli's closure. Halevy knew that if the Saboraim had played a vital role in shaping the text, his conception of a text that had been mostly settled by their time would be threatened. As a result, and in opposition to much (though sometimes conflicting) evidence, he consistently claimed as minor a role for them as he could.

72 Hakohen, *Yad Malakhi*, 284.

73 There is no direct evidence that Halevy read Bacharach's commentary, although he certainly could have, since it was available in his time, and Halevy was quite well-read.

The term "Sabora" is ambiguous. Robert Brody translates it as "Opiners."[74] Rubenstein notes that some scholars derive the term *Savora'e* from the *pe'al* form of the root סבר (SBR): "to think, hold the opinion."[75] But according to Halivni, their type of activity was "explanations = *hesberim*," which Rubenstein attributes to a translation based on the causative of the root SBR.[76] Although Halevy does not specifically address the term, it is clear from the activities he assigned to the Saboraim that he understood their role primarily as one of issuing clarifications and explanations. Sokoloff translates *sevara* as "logical deduction," and that is how the term is commonly used in the Talmud.[77] It should be noted that this use of "sevara" as "logical deduction" is clearly related to the *setam*'s trademark *shaqla vetarya*, i.e., dialectical/back-and-forth, style of argumentation. Thus, it is quite possible that, unlike Halevy, Rav Sherira believed that the dialectical argumentation of the *setam* was at least partially composed by the Saboraim, as will be explained below.[78]

4.4.2 The periodization of the Saboraim: Halevy's arguments

4.4.2.1 Halevy's first generation of Saboraim: The *Rabbanan Demefarshei*

The fifth stage of Halevy's model of the formation of the Talmud – after 1) the early amoraic period; 2) the time of Abbaye, Rava, and the proto-Talmud; 3) Rav Ashi's editing; and 4) the post-Rav-Ashi activities – was 5) the era after the

74 Brody, *The Geonim of Babylonia*, 4, cited in Rubenstein, translator's annotation to chapter 1, page 57 (1.57) in Halivni, *The Formation of the Babylonian Talmud*, 273.

75 Rubenstein, translator's annotation to 1.57 in Halivni, *The Formation of the Babylonian Talmud*, 273.

76 Halivni, *The Formation of the Babylonian Talmud*, 57; Rubenstein, translator's annotation to 1.57 in *The Formation of the Babylonian Talmud*, 273. There, Rubenstein says "the *afel*," which is an Aramaic *binyan* equivalent to the Hebrew causative *binyan hiphil*.

77 On *sevara* as "logical deduction," see Sokoloff, *A Dictionary of Jewish Babylonian Aramaic*, s.v. *sevara*. For examples of the term used that way in the Talmud, see b. Hullin 44b, b. Gittin 6b, and b. Sotah 20a.

78 In his various articles on the subject, Hyman Klein understood the *setam* in a similar way. See Hyman Klein, "Gemara and Sebara"; Hyman Klein, "Gemara Quotations in Sebara," *Jewish Quarterly Review* 43, no. 4 (April 1953); Hyman Klein, "Some General Results of the Separation of Gemara from Sebara in the Babylonian Talmud," *Journal of Semitic Studies* 3, no. 4 (1958); and Hyman Klein, "Some Methods of Sebara," *Jewish Quarterly Review* 50, no. 2 (Oct. 1959). For a summary and analysis of his view, see Friedman, "A Critical Study of Yevamot X" [in Hebrew], 293–308; and Terry R. Bard, "Julius Kaplan, Hyman Klein and the Saboraic Element," in *The Formation of the Babylonian Talmud*, ed. Jacob Neusner, 67–74.

conclusion of the work of Rav Ashi's *beit hava'ad*. Halevy claimed that, despite the death of Ravina bar Huna and the closing of the academy in Sura, the process of the formation and editing of the Talmud continued in Pumbedita under the leadership of Rav Yose. This new phase in the formation of the Talmud is generally known as the "saboraic era," and it represents the final step in the process of the Talmud's redaction.[79]

Halevy departed from conventional beliefs about the era by arguing that the saboraic phase consisted of two separate stages and activities: the first was carried out by the first generation of Saboraim, also known as the *Rabbanan Demefarshei* (elucidating rabbis), who elucidated certain sugyot; the second consisted of the post-editing activities of the later Saboraim. According to Rav Sherira, these activities were no longer considered hora'ah, which had concluded with the death of Ravina. The Rabbanan Demefarshei were responsible for elucidating obscure passages in the Talmud, and several of their names are even mentioned in some sugyot. Notable examples are Rav Yose (d. ca. 520), Rav Beroqa Hoza'ah (date of death unknown), and Rav Revai of Rov (d. ca. 560, according to Halevy).[80] Halevy thought that all the interactions between Rav Yose and Ravina related to Ravina bar Huna, the last Amora, a contemporary of Rav Yose, the first Sabora.[81] He further believed that the editing activities of the first generation of Saboraim were significant and accounted for the differing styles of the Babylonian and Palestinian Talmuds, as well as the clearer style of the former. In making this argument, he deliberately countered the contentions of Graetz, Weiss, and Frankel that the stylistic differences between the two Talmuds resulted either from that fact that Rav Ashi's court used a different

79 See chapter 2 of this book for brief summaries and definitions of the tannaitic, amoraic, saboraic, and geonic eras. See chapter 3 for more details regarding the first four stages of Halevy's model.

80 On Rav Beroqa Hoza'ah, see Hyman, *Toledot Tannaim ve'amoraim*, s.v. *Rav Beroqa Hoza'ah*; on Rav Revai of Rov, see Halevy, *Dorot harishonim*, 3:27–30; Lewin, ed., *Iggeret Rav Sherira Gaon*, 71; and Hyman, *Toledot Tannaim ve'amoraim*, s.v. *Rav Revai demin Rov*. The Epistle does not comment on the date of Rav Revai's death; it just says he had a long life. Halevy, relying on Ibn Daud's *Sefer haqabbalah*, assumes Rav Revai of Rov lived to be 20 years older than Rav Yose, who died when he was approximately 80 years old, did. (This meant that Rav Revai lived to approximately the age of 100, similar to the age Rav Sherira attained.) Halevy also claims that Rav Revai died 40 years after Rav Yose's death. See Ibn Daud, *The Book of Tradition*, 33; and Halevy, *Dorot harishonim*, 3:28. For Rav Beroqa Hoza'ah's one mention in the Talmud, see b. Ta'anit 22a. For Rav Revai of Rov in the Talmud, see b. Sanhedrin 43a according to the readings of Rav Sherira and Rabbeinu Hanan'el. Rabbeinu Hanan'el ben Hushi'el (d. 1055–1056), one of the greatest Talmud scholars and *posqim* (halakhic decisors) of the eleventh century, studied with one of the last Geonim, and wrote a well-known commentary on the Talmud.

81 See examples in b. Betzah 17a, b. Hullin 48a, and b. Niddah 41a, and in Halevy, *Dorot harishonim*, 3:3–7.

editing method from that of the Palestinian academies, or from the fact that the Palestinian Talmud was concluded much earlier than the Babylonian.[82] Halevy was especially eager to present an alternate explanation because he knew that students in eastern European yeshivot were reading the works of those Wissenschaftlers.[83]

One example of a clarification attributed by Halevy to the Saboraim is in b. Yevamot 37a:

> אתמר: קדשה בתוך שלשה וברח: פליגי בה רב אחא ורפרם. חד אמר: משמתינן ליה, וחד אמר: עירוקיה מסתייה. הוה עובדא, ואמר להו רפרם: עירוקיה מסתייה.

> It was stated [*Itmar*]: [In a case in which] a man betrothed a woman within three [months] and fled: Rav Aha and Rafram disagree [over what should be done]. One said, "We excommunicate him," and [the other] one said, "His flight is sufficient for him." There was an incident [in which a man fled before three months], and Rafram said to those [who asked for a ruling], "His flight is sufficient for him."

The disagreement here concerns a man who betroths a widow or divorced woman within three months of the end of her previous marriage. The Talmud requires a woman to wait three months to remarry after becoming a widow or getting divorced so that, in case of pregnancy, paternity may be ascertained (b. Yevamot 42a). After three months, the man may even perform *nisu'in*, the second and final stage of marriage. In the case discussed here, the man flees before the three months are over, leaving behind the betrothed wife. The term *itmar* usually introduces a case of two Amoraim arguing a point of halakhah, but, in this instance, the attribution was left in doubt by the statement "one says so and the other says so [חד אמר וחד אמר]." The disagreement, however, is followed by the description of a case in which Rafram explicitly ruled, "his flight is sufficient." This is unusual and implies that Rafram was the Amora who favored this idea, but, if so, it is rather puzzling that the attribution of the original debate was left in doubt. According to Halevy, the description of the incident following the disagreement, i.e., the part starting, "There was an incident [. . .]," represents a later addition by the Rabbanan Demefarshei to the earlier text (the part introduced by "Itmar"). As hora'ah was concluded, the text was finalized and sealed, and no clarifications and additions could tamper with the original textual tradition; any change thus had to be noted as an appendix to the existing sugya. This phenomenon is indeed prevalent throughout the Talmud, and Halevy notes a

82 Halevy, *Dorot harishonim*, 3:36–38.
83 Halevy, *Dorot harishonim*, 2:526–536.

similar instance in b. Hullin 93a-b.[84] It accounts for many cases in which debates are analyzed and several baraitot are introduced to contradict one of the opinions while validating the other. These cases can seem odd to talmudic scholars because the Talmud almost always attempts to find a resolution to an apparently contradictory text. Yet at the end of the sugya in b. Hullin, as in others in this scenario, the Talmud quotes a baraita that clearly supports one of the views and does not use it to contradict the other view, as it had before. Clearly these are additions from a later time, when the text was already closed and thus could not be altered. In Halevy's model, these additions were composed by the early Saboraim.[85]

The Rishonim had already discussed such appendices by the Saboraim. For example, Rabbi Zerahia Halevy of Girona (ca. 1125–ca. 1186) made a similar remark in *Hama'or*, his supercommentary on Rabbi Isaac Alfasi (RIF, 1013–1103). Commenting on Pesahim 101b, he mentions a puzzling instance in which, after discarding a previous opinion categorically, the Talmud introduces a baraita at the end of the sugya to support the same view it had previously dismissed. In his view, this baraita was discovered in the time of the Saboraim, when the talmudic text had already been closed, and thus it was appended to the sugya.[86] Nahmanides held a similar view.[87]

Despite these opinions, this phenomenon in b. Yevamot 37a also can easily be explained in a different way. This sugya is simply relating two stages of a debate; in the first stage, the *meimrot* (amoraic statements; sing., *meimra*), which were of doubtful attribution, were introduced in an itmar structure. Then, in the second stage, a later Amora reported that Rafram had actually ruled in accordance with one of the meimrot. So then why was Halevy eager to attribute this phenomenon to the Saboraim? Since he believed that the Talmud was edited by Rav Ashi, he maintained that if the report of Rafram's ruling had been known by Rav Ashi's time, the meimra would have been edited at that time to reflect the proper attribution.

A curious aspect of this first generation of Saboraim was that, according to the Epistle, the majority of its sages died in a short span of time: Rav Sama son of Rabbanah Judah died in 504; Rav Ahai son of Rav Huna, Rav Rehumi (according to others, Rehumai), and Rav Samuel bar Rabbahu of Pumbedita in 506; Rabina of Imasia in 507; the exilarch Rav Huna and Rav Aha the son of Avi in 511; and the sons of Rav Hanina – Rav Tehina, Mar Zutra, and Rav Hana – in 515.[88] The

84 Halevy, *Dorot harishonim*, 3:89.

85 Halevy, *Dorot harishonim*, 3:74 and 3:89.

86 Rabbi Zerahia Halevy, *Hama'or haqatan*, on the Rif to b. Pesahim 20a, s.v. *va'ani*.

87 See Moses Nahmanides, *Sefer hazekhut*, on the Rif to b. Yevamot 13b, s.v. *vehanei*.

88 Lewin, ed., *Iggeret Rav Sherira Gaon*, 98 (Spanish and French versions). The spelling of the names follows Brody, *The Geonim of Babylonia*, 8.

only one of this generation who survived beyond 515 was Rav Yose, head of the Pumbedita academy, who died in approximately 520.[89] One theory is that the early Saboraim died in such close proximity to each other because of a plague.[90] Procopius, in his account of the Persian War, indeed mentioned a plague at the beginning of the sixth century: "pestilence, by which the whole human race came near to being annihilated."[91] Halevy used the tradition about the deaths of the Saboraim to bolster his theory that Ravina bar Huna died in 474 and not in 499. Halevy also argued that if Ravina bar Huna had died on the earlier date, a clear demarcation could be created between the Amoraim and Saboraim.[92]

Halevy comments on another issue relevant to the distinction between Amoraim and Saboraim: the identity of Rav Yose. Halevy identifies Rav Yose the early Sabora as the "Rabbi Yosef" named in several sugyot in the Talmud, even though this name was also common among earlier Amoraim. Halevy further argues that "Rav Yose" and "Rav Yosef" were different versions of the same name.[93] Yet Rav Yose's name is quoted in the majority of versions of the French recension, as well as in the text of the version published by Lewin, as "Rav Asi" and in other versions (the Vienna, Berlin, and Paris manuscripts) as "Rabba Yose"; the Spanish version has "Rabba Yose" as well.[94] Halevy's creative mind is evident here, since his hypothesis that Rav Yosef the interlocutor of Ravina was also Rav Yose the Sabora helped solve a problem noted by many medieval commentators. The Rishonim puzzled over the fact that the Talmud quotes face-to-face discussions between Rav Yosef (Yosef ben Hiyya, d. ca. 324 CE, a third-generation Amora and contemporary of Rabbah) and Ravina, who lived approximately 100 years later.[95] In Halevy's view, all the interactions

89 Lewin, ed., *Iggeret Rav Sherira Gaon*, 97–99; Halevy, *Dorot harishonim*, 3:26.

90 Halivni has a similar view, arguing that because of a plague at the beginning of the sixth century, the Amoraim decreased gradually until none remained. See Halivni, *The Formation of the Babylonian Talmud*, 113 and 113n120.

91 Procopius, *History of the Wars Books 1–2*, ed. H. B. Dewing, Loeb Classical Library 48 (Cambridge, MA: Harvard University Press, 2001), 451. Note that in the same account, Procopius describes a battle in "the city of Sura, which is on the River Euphrates" (297). This plague should not be confused with the better-known Justinian Plague of the sixth century, which started in the 540s.

92 Halevy, *Dorot harishonim*, 3:15–16.

93 Halevy, *Dorot harishonim*, 3:5.

94 See Lewin, ed., *Iggeret Rav Sherira Gaon*, 97 (French recension, 97n22).

95 See Tosafot to b. Hullin 48a, s.v. *amar*; and *Shittah mequbetset* to b. Betzah 17a, s.v. *amar*. In addition to b. Betzah 17a, see examples on b. Hullin 48a and b. Niddah 41a. On Rav Yosef the third-generation Amora, see Israel Moses Ta-Shma, "Joseph ben Hiyya," in *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik, accessed 10 July 2020, https://yulib002.mc.yu.edu:2821/apps/doc/CX2587510296/GVRL?u=nysl_me_yeshival&sid=GVRL&xid=15ff0c6. Halevy puts his death in 324, while Ta-Shma has it in 333. See Halevy, *Dorot harishonim*, 2:440.

between Rav Yosef and Ravina actually refer to discussions between the later Ravina – Ravina bar Huna (Ravina II), the last Amora – and his contemporary Rav Yose, the first Sabora.[96] Rabbi Jehiel Jacob Weinberg praised Halevy for his creative solution to this problem.[97]

Halevy, consistent with his ideology, viewed the entire process of the "closure of the Talmud" as a planned and conscious activity. He attributed the committing of the Talmud to writing to the first generation of Saboraim in the beginning of the sixth century and thus envisioned the later Saboraim as working with a fixed document.[98] In his view, the Talmud edited by Rav Ashi remained in oral format until the first Saboraim.[99] Halevy also believed that the Talmud continued to be taught orally in the academies until the end of the saboraic era, despite the fact that written copies were available.[100] He invokes this phenomenon to explain the slight variations between tractate b. Temurah and the rest of the Talmud (discussed in chapter 3).

Halevy believed that the Rabbanan Demefarshei were active only in the first generation of Saboraim, when the academy in Sura was closed, and Pumbedita was the only functioning academy. He reasoned that the prominence of Pumbedita provided an ideal setting for his model of a unified *beit hava'ad*, located in one central academy, which allowed for the participation of all the great sages of the time. Thus, both the final editing of the Talmud and the activities of the early Saboraim were performed by the *beit hava'ad*.[101]

4.4.2.2 Transition between the Rabbanan Demefarshei and the later Saboraim

According to Halevy, the activities of the Rabbanan Demefarshei ceased once the academy of Sura reopened, at which point there was no longer one authoritative *beit hava'ad*. By then, they had concluded the editing of the Talmud, and a new era ensued: that of the later Saboraim, with vastly different tasks and authority. The period of the Rabbanan Demefarshei could only last as long as there was one, unified, academy, and the Talmud still remained open, at least to appendices.

According to Halevy, the saboraic era was clearly distinct from the previous period and was characterized by a defined and conscious post-editorial activity, with limited tasks and objectives. Halevy based this periodization both on the

96 Halevy, *Dorot harishonim*, 3:3–7. See also Halivni, *Meqorot umesorot leseder Mo'ed*, 296n2, and the literature cited there.
97 Weinberg, introduction to *Mehqarim batalmud*, v.
98 Halevy, *Dorot harishonim*, 3:25.
99 Halevy, *Dorot harishonim*, 3:26.
100 Halevy, *Dorot harishonim*, 3:49.
101 Halevy, *Dorot harishonim*, 3:26–27.

Epistle and on his own emendation to it, as discussed above and in chapter 3. He wrote that according to the Epistle, in approximately 520, following the death of Rav Yose, Pumbedita's leader, Rav Simona assumed the leadership of Pumbedita, and Rav Eina became the head of the newly reopened academy in Sura. (Halevy derived the date of approximately 520 from the Epistle, which said that, upon the death of Mar Zutra in 515, Rav Yose remained head of the academy for some years.)[102] Thus, according to Halevy, the academy in Sura ceased operations from the death of Ravina bar Huna until the appointment of Rav Eina around 520. Halevy's assumption regarding Sura's closing builds upon two pieces of evidence in the Epistle: first, Rav Sherira's listing of Ravina bar Huna as the head of Sura immediately before Rav Eina, with no one else in between; and, second, Rav Sherira's description of persecutions in Sura in 474. As the Epistle notes, Rav Simona in Pumbedita and Rav Eina in Sura were contemporaries, and their leadership of the academies overlapped. The Epistle's description of persecutions in Sura in 474 provided support for Halevy to fix Ravina bar Huna's death in 474 and not 499. As previously noted, Halevy questioned the date of 499 mentioned by the Epistle for the death of Ravina bar Huna. He argued, in part, that if the persecutions of 474 caused the closure of the academy, the academy would not have closed only in 499, twenty-five years later.[103] Yet moving Ravina bar Huna's death to 474 contradicts the historical record, and there is insufficient proof to emend the Epistle on this point. While it is plausible that the Sura academy ceased operations from Ravina's death until the appointment of Rav Eina as its head, there is not enough available information to argue that the persecutions of 474 caused the academy to close. It makes more sense to assume that the persecutions slowed the activities of the academy, and that it finally closed in 499 as a result of Ravina's death. Such a perspective is indeed probable based on the Epistle, since Rav Sherira never notes that Ravina was officially the head of the academy, as he remarked about the other heads.[104] Halevy also argues that this omission by Rav Sherira indicates that Ravina never assumed the post of head of the academy.[105]

102 Halevy, *Dorot harishonim*, 3:26. See also Lewin, ed., *Iggeret Rav Sherira Gaon*, 99.

103 On the Epistle's description of persecutions in Sura, see Lewin, ed., *Iggeret Rav Sherira Gaon*, 97 (French version). On Halevy's dating of the closing of Sura, see, *Dorot harishonim*, 3:26–28. See also Graetz, *History of the Jews*, ed. and trans. Bella Loewy, 2:628–630. Graetz believed that the academy in Sura was closed because the city was destroyed, and that Ravina died in 499.

104 Lewin, ed., *Iggeret Rav Sherira Gaon*, 95.

105 Halevy, *Dorot harishonim*, 3:9.

Halevy mentions another factor that could have contributed to the closure of the academy in Sura in the early sixth century: the ascension of the Mazdakite movement, which gained strength after Kāvad, a movement sympathizer, returned to the throne in 498.[106] At the time, social upheavals followed the brutal Hephtalite wars of King Peroz, and the peasant population joined in the revolutionary protests. They found religious and ethical motivations for their protests in Mazdak's communal social doctrine. Information about Mazdak's life and teachings only survives in statements from his religious and social opponents, so scholars since soon after his time have been unsure of what, exactly, he believed and what his followers did.[107] His doctrines seem to have been Manichaean in some form, though he still followed Zoroastrian rituals. His ideology was one of social justice; he warned against violence and harm to others and urged the sharing of possessions. Josef Wiesehöfer postulates that the peasant population took his ideology to an extreme by rising up against the aristocracy and seizing their property and women. Richard Frye has noted that we do not know how far the Mazdakites went, since his detractors were the ones who accused Mazdak of advocating the sharing of wives, though such activities, by the rebellious peasants if not by Mazdak himself, are described in the seventh book of the Dēnkard.[108]

The movement's actions appear to have impacted the Jewish community and certainly could have affected the Sura academy (though Halevy does not explain why they would not have hurt Pumbedita). This further aggravating event helps Halevy explain why Sura remained closed until ca. 510 CE. If the closure of Sura was due only to Peroz's persecutions, the academy should have reopened in 484, when he was killed.[109] Halevy thus argues that due to the Mazdakites' call for the sharing of possessions and the holding of wives in common, the political situation was generally unstable, which caused many public disturbances that prevented the proper operation of the Suran academy.[110] It should also be noted that scholars have speculated that Kāvad's support of Mazdak was motivated by his desire to counter the power of the aristocracy, as the movement was largely

106 Pourshariati, *Decline and Fall of the Sasanian Empire*, 344–350; Frye, "The Political History of Iran under the Sasanians," 150–151; Wiesehöfer, *Ancient Persia*, 173 and 208–209.
107 Wiesehöfer, *Ancient Persia*, 209.
108 Wiesehöfer, *Ancient Persia*, 173 and 208–209; Frye, "The Political History of Iran under the Sasanians," 150–151.
109 Frye, "The Political History of Iran under the Sasanians," 148 and 178. See also Kahana, ed., *Seder Tannaim weAmoraim*, 6. STVA reports Peroz's assassination in either 482 or 484, depending on the version (6n141). See Halevy, *Dorot harishonim*, 3:61.
110 Halevy, *Dorot harishonim*, 3:60–63.

anti-hierarchical.[111] As the Mazdakites opposed all structures of power, it is quite plausible that the hierarchy of the academy of Sura was anathema to them, and that the academy thus had to cease operations. (It should be noted that Halevy thought that the academy of Sura was closed by the Mazdakites precisely because of the structure of power that he, Halevy, had assigned to Sura and its *beit hava'ad*.)

The Dēnkard describes the Mazdakites' purchase of women to be shared by the community: "They buy women [like] sheep, and the child is taken away by son [and] brother [into the community]. [They say] We have given them to you in community."[112] It remains obscure, however, what exactly happened with the women. Did the Mazdakites acquire them from other communities of their fellow believers, or among people of a different faith, like the Jews?[113] Did they just "buy" women, or did they actually go as far as abducting them? This second possibility also occurred to Halevy, who cleverly found a sugya in b. Ta'anit 22a that alludes to the threatened kidnapping of a young woman:

> R. Beroqa Hoza'ah used to frequent the market at Bei Lefet [Bel-apat], where Elijah often appeared to him. Once he said to [the prophet], "Is there anyone in this market worthy of the World-to-Come?" He said to him, "No." In the meantime, [Rabbi Beroqa] saw a man wearing black shoes [contrary to Jewish custom] and who had no thread of blue [*tekhelet*] on the corners of his garment. [Elijah] said to him: "This man has a share in the World-to-Come." [Rabbi Beroqa] ran after him and said to him, "What is your occupation?" The man said to him: "Go away and come back tomorrow." Next day he [arrived and again] said to him, "What is your occupation?" [The man] said to him: "I am a *zenduqana* [זנדוקנא], and I imprison the men and women separately, and I place my bed between them so that they will not come to sin; when I see a Jewish girl upon whom the Gentiles cast their eyes, I risk my life to save her.[114] One day there was a betrothed young woman

111 See, e.g., Frye, "The Political History of Iran under the Sasanians," 150. Frye believes that the weakening of the aristocracy was the reason why the king adhered to Mazdakism. See also Richard N. Frye, *The Heritage of Persia* (Costa Mesa, CA: Mazda, 2004), 251.

112 This portion of the Dēnkard is quoted in Wiesehöfer, *Ancient Persia*, 208.

113 See Wiesehöfer, *Ancient Persia*, 208–209.

114 The Aramaic text has his occupation as *zenduqana*. (Manuscripts have variant terms for the occupation: Ms. Munich 140 has *zandeqana* [זנדקנא], and Yad Harav Herzog I has *zandeqa'ei* [זנדיקאי].) Rashi (s.v. *zenduqana*) explains the term as "jailer." In *A Dictionary of Jewish Babylonian Aramaic*, Sokoloff says that the word derives from the Middle Iranian [Pahlavi] *zendanakan*, meaning jailer (zendan=prison; akan= actor). He notes that a similar word appears in Syriac. That means that if the words are related, there was an earlier influence that entered both Babylonian Aramaic and Syriac from the Middle Iranian. See Claudia A. Ciancaglini, *Iranian Loanwords in Syriac*, Beiträge zur Iranistik 28 (Wiesbaden: Dr. Ludwig Reichert, 2008), 171–172. See also Shaul Shaked, "Aramaic. III. Iranian Loanwords in Middle Aramaic," in *Encyclopædia Iranica*, ed. Ehsan Yarshater, last modified 10 August 2011, https://www.iranicaonline.org/articles/aramaic-#pt3.

> among us upon whom the Gentiles cast their eyes. I therefore took dregs of [red] wine and threw them on the lower [part of her dress], and I said: She is menstruating." [R. Beroqa] said to him, "What is the reason [that] you do not have threads [of ritual fringes], and why do you wear black shoes?" [The man] said to him: "[Since] I come and go among Gentiles, [I dress this way] so that they will not know that I am a Jew. When they issue a decree [against Jews], I inform the rabbis, and they pray for mercy, and the decree is annulled." [Rabbi Beroqa further inquired:] "And what is the reason [that] when I asked you, 'What is your occupation?' you said to me, 'Go away now and come back tomorrow?'" [The man] said to him: "At that moment they [had just] issued a decree, and I said I would first go and inform the Rabbis, so that they will pray for mercy over [this] matter."

Halevy explains that Rav Beroqa Hoza'ah is unknown among the Amoraim, and he was one of the sages of the first generation of Saboraim, among the Rabbanan Demefrashei in the beginning of the sixth century, and thus this entire sugya is of saboraic origin.[115] The man uses the term *zenduqana*, an unknown word, to describe his occupation. As Halevy was not familiar with Pahlavi (Middle Persian), he understood *zenduqana* to be an Aramaic word otherwise unattested in the Talmud. He surmised that it was actually a corrupted term indicating that the Mazdakites followed the Zand-Avesta, the Pahlavi interpretation of the Avesta, the primary Zoroastrian scriptures.[116] To Halevy, the connection of *zenduqana* to the similar-sounding *Zand* was obvious, especially when combined with the man's obsession with purity and sexual sin. Halevy concluded that the occupation of *zenduqana* did not mean, as Rashi commented, that the man worked as a jailer, but, rather, that he was a member of the Mazdakite religious sect. This is a further demonstration of the weakness of Halevy's research. Although very creative, his assertions are weak due to his ignorance of most ancient languages.

Halevy thus argues that the sugya's description of the potential abduction of "a Jewish girl upon whom the Gentiles cast their eyes" alludes to the Mazdakite crime of kidnapping young Jewish women for forced marriage. The passage shows that the movement had a direct impact on the Jewish community, which had to take special precautions to safeguard its girls and young women. Halevy further surmises that the Mazdakite movement's effects on the Jewish community might have gone further, creating societal instability to the extent that Sura might have been prompted to close temporarily.

115 Halevy, *Dorot Harishonim*, 3:60–63.

116 See Halevy, *Dorot harishonim*, 3:62. On the Zand-Avesta, see Boyce, ed. and trans., *Textual Sources for the Study of Zoroastrianism*, 3–5.

4.4.2.3 Halevy's later Saboraim: Limited roles

The Epistle reports that after Rav Yose's death, Rav Simona became the head of Pumbedita and, concurrently, Rav Eina assumed the leadership of Sura.[117] Thus it is clear that the Sura academy had re-opened by then (according to Halevy, between the years 510 and 520).[118] For Halevy, these leaders represented the beginning of the second generation of Saboraim, who had a very limited role in the formation of the Talmud.

The Epistle describes the new generation of Saboraim as follows: "Several *sevar'ei* were included in the Gemara authored by them and also by the later sages, such as Rav Eina and Rav Simona. We have a tradition from the early sages that the Gemara at the beginning of "*Ha'isha niqnet*" [b. Qiddushin's first chapter, until the words] "And whence do we [derive?" b. Quiddushin 3b], and elsewhere, was arranged and given a fixed formulation by the later saboraic rabbis."[119] The Epistle thus refers to Rav Eina and Rav Simona as "later saboraic rabbis," a title not given to Rav Yose and his contemporary Saboraim. Halevy understood this passage to indicate a discrete periodization, and he thus believed that a new era, that of the later Saboraim, had begun with Rav Eina in Sura and Rav Simona in Pumbedita. Halevy's absolute distinction between those two periods of the saboraic era was also based on an ambiguous allusion by Rav Sherira in his description of Rav Yose: "in his days [it was] the end of hora'ah, and the Talmud was concluded."[120] Halevy explained Rav Sherira as saying that the "conclusion of the Talmud [אסתיים תלמודא]" referred to a different stage from "the end of hora'ah."[121] The end of hora'ah referred to the end of the post-Rav-Ashi Amoraim, the last of whom was Ravina bar Huna, who died during Rav Yose's lifetime.[122] After this, the Rabbanan Demefarshei concluded the Talmud, a process that ended with Rav Yose's death.[123] According to Halevy, the conclusion of the Talmud was not as significant an activity as the end of hora'ah. Halevy reasoned that Rav Ashi's *beit hava'ad* was the only entity with sufficient gravitas to endow the Talmud with the utmost authority, so later

117 Lewin, ed., *Iggeret Rav Sherira Gaon*, 99.

118 On the year 510, see Halevy, *Dorot harishonim*, 3:61; on the year 520, see Halevy, *Dorot harishonim*, 3:26.

119 Lewin ed., *Iggeret Rav Sherira Gaon*, 71 (French version). The Spanish recension adds the following text after the word *niknet*: "which starts [with the words] 'From where do we derive.'" See Lewin, ed., *Iggeret Rav Sherira Gaon*, 71 (Spanish version).

120 Lewin, ed., *Iggeret Rav Sherira Gaon*, 97.

121 Lewin, ed., *Iggeret Rav Sherira Gaon*, 97. The French recension has the term איסתתים תלמודא instead. See Lewin, ed., 97 (French version).

122 Halevy, *Dorot harishonim*, 3:24n7.

123 Halevy, *Dorot harishonim*, 3:36–37.

editing was, by definition, secondary. By the time of Rav Yose's death/the end of the first generation of Saboraim, furthermore, the Talmud was complete in all senses, both edited and recorded in writing, making the activities of the later Saboraim minimal. This closing of the Talmud after the first saboraic generation was vital for Halevy, since he believed that any significant editorial activity required a unified academy to host his *beit hava'ad*.[124] It is clear that both Sura and Pumbedita were active after Rav Yose's death, and thus there was no unified *beit hava'ad*.

The later Saboraim, according to Halevy, limited their activities to clarifying existing sugyot without adding to the text or augmenting any halakhic conclusions. Halevy writes that this activity is what the Epistle means when it says, "several logical deductions were included in the Gemara [וכמה סבארי קבעו בגמרא]."[125] They also performed cosmetic work, which included separating sugyot and appending them to the related portion of the Mishnah in order to facilitate the flow of the text and limited cross-referencing.[126] Halevy adduced this first activity from the words of STVA, which says, "they did not add nor create anything on their own but [only] organized chapters of all the teachings in order."[127] A specific example of cross-referencing is noted by Halevy regarding b. Hullin 66a.[128] The sugya quotes an explanation by the *setam* that the Tanna of the school of Rabbi Yishmael deduces from generalizations and details, even if the generalizations are not similar to one another. It then adds a cross-referencing remark: "And [that] which we say generally, that the Tanna of the school of Rabbi Yishmael deduces [from] generalizations and details like this case, [is derived] from here." In Halevy's view, this comment represented the prototypical cosmetic editorial contribution of the later Saboraim. Such activities would only have been possible with a written text, i.e., an existing and established Talmud. Furthermore, in his opinion, it was also necessary for the Talmud to have existed by then in written form so that there could be no changes or evolution in its text.

4.4.2.4 Halevy's understanding of the transition from Saboraim to Geonim

In order for Halevy to complete his periodization of the Saboraim, he had to decide when the saboraic era concluded and the geonic era began. Halevy understood the saboraic period to have ended with the appointment of the first

124 Halevy, *Dorot harishonim*, 3:27.
125 Lewin, ed., *Iggeret Rav Sherira Gaon*, 71 (French version).
126 Halevy, *Dorot harishonim*, 3:36–37.
127 See Kahana, ed., *Seder Tannaim weAmoraim*, 9; and Halevy, *Dorot harishonim*, 3:36.
128 Halevy, *Dorot harishonim*, 3:37.

Gaon in Pumbedita in 589.[129] Based on the Epistle, Halevy explained that the anti-Jewish persecutions near the end of the Sasanian Empire drastically curtailed the activities of the academies of Sura and Pumbedita.[130] The Epistle gave the following description of the persecutions:

> And there were years of persecution and troubles at the end of the Persian [i.e., Sasanian] monarchy, and they were unable to establish *pirqey* [a type of public lecture] and convene the academies and conduct the customs of the Geonate until a number of years had elapsed, and the rabbis of our academy came from Pumbedita to the neighborhood of Nehardea, to the city of Piruz Shabur. And these are the names of the Geonim who were in our city of Pumbedita after these events, at the end of the Persian monarchy from the [Seleucid] year 900 [588/9 CE . . .]."[131]

According to Halevy, Sura ceased operations again after the death of Rav Eina in approximately 540, and thus no head of the academy was appointed after his death.[132] Pumbedita, by contrast, faced less severe persecutions, so the academy continued to function. After Rav Revai of Rov died around 560, however, the persecutions intensified, and the academy in Pumbedita was also forced to close temporarily.[133] Based on Graetz's description of these persecutions, Halevy explains the Epistle's "a number of years" to mean approximately ten years.[134] Thus, in approximately 570, when the community realized that the academy in Pumbedita would be unable to resume operations, the academy moved to Piruz Shabur in the area of Nehardea. There it was established as the sole surviving academy, serving the entire Babylonian community, which allowed Halevy to theorize about the effect of a newly unified *beit hava'ad* on the community in Babylonia.[135] In his opinion, this newly unified academy constituted a de facto *beit hava'ad*, which enabled the later Saboraim to compile and

129 Halevy, *Dorot harishonim*, 3:1–3, 3:30–33, and 3:54.

130 Lewin, ed., *Iggeret Rav Sherira Gaon*, 99.

131 Lewin, ed., *Iggeret Rav Sherira Gaon*, 99. The English translation follows Brody, *The Geonim of Babylonia*, 8. For further details on the geonic and saboraic *pirqei,* see Brody, *The Geonim of Babylonia*, 8n23 and 56.

132 Halevy, *Dorot harishonim*, 3:34.

133 On the date of Rav Revai's death, see Halevy, *Dorot harishonim*, 3:28–30 and 3:46; and Lewin, ed., *Iggeret Rav Sherira Gaon*, 71. The Epistle does not give the date of his death, only noting that he lived a long life. Halevy assumed that Rav Revai lived to the age of 100, the same age as Rav Sherira was when he died. Halevy further reasoned that since the Epistle mentioned Rav Revai last among the early Saboraim, his death was 40 years later than Rav Yose's in 520.

134 Lewin, ed., *Iggeret Rav Sherira Gaon*, 99; Halevy, *Dorot harishonim*, 3:35; Graetz, *History of the Jews*, 3:5–8.

135 Halevy, *Dorot harishonim*, 3:33–38 and 3:46.

publish the minor tractates [*masekhtot qetanot*], i.e., the extra-canonical, semi-talmudic tractates, such as Soferim, Semahot, and Kallah.[136]

Halevy did not find much of use in the other chronologies that were roughly contemporary to the Epistle. Both STVA and Ibn Daud's *Sefer haqabbalah* mention the end of the saboraic era with widely varying dates – and significantly later ones than those given by the Epistle for the beginning of the geonic period.[137] *Sefer Haqabbalah*'s date for the end of the Saboraim is 689 (with the death of Rav Mesharshi'a bar Tahlifa).[138] STVA says the period extended beyond the emergence of Muhammad, which would imply the beginning of the seventh century, but it erroneously notes the date as 516–517 CE.[139] When forced to choose among the contradictory dates in the chronologies, Halevy chose the Epistle's date of 589, explaining that the different dates cited in *Sefer haqabbalah* and STVA stemmed from the works' Suran origins. In Halevy's opinion, STVA was composed by Suran scholars, although not by Rav Nahshon bar Tsadoq, as Graetz claimed.[140] According to Halevy, the academy in Sura did not resume activities until 609, only to have them suspended a short time later due to the unstable political situation. Its operations were uneven and constantly suspended. The academy was only firmly established in Sura in 689, and only then was the title "Gaon" clearly and consistently used, leading to the chronologies' erroneous notions that saboraic activities continued until then.[141] Halevy believed that Sura was unstable for much of the seventh century because Rav Sherira noted that the information about the activities and the heads of Sura until 688–689 remained unclear, since the leaders of the academy were removed and replaced often.[142] Halevy wrote that this misunderstanding about the beginning of the consistent use of the title "Gaon" distorted STVA's and Ibn

136 See Halevy, *Dorot harishonim*, 3:38. For further details on the masekhtot qetanot, see Hermann Leberecht Strack, *Introduction to the Talmud and Midrash*, ed. Günter Stemberger and trans. Markus N. A. Bockmuehl, revised ed. (1991; rev., Minneapolis, MN: Fortress Press, 1996), 225–232.

137 On STVA's dates, see Kahana, ed., *Seder Tannaim weAmoraim*, 9–10. On *Sefer haqabbalah*'s dates, see Ibn Daud, *The Book of Tradition*, 35.

138 Ibn Daud, *The Book of Tradition*, ed. Cohen, 35.

139 Kahana, ed., *Seder Tannaim weAmoraim*, 7: "And in their [the Saboraim's] days, Muhammad emerged, in the year 828 Sel. [516–517 CE]." Kahana notes that in Menasseh Grossberg's 1910 edition of STVA, the date was emended to 928 Sel. (616–617 CE) to coincide with Muhammad's emergence. See Kahana, ed., 7n25 and 29nf.

140 See Halevy, *Dorot harishonim*, 3:54–56. For Ibn Daud's Suran sources, see Ibn Daud, *The Book of Tradition*, ed. Cohen, 181–188.

141 Halevy, *Dorot harishonim*, 3:54–56; Lewin, ed., *Iggeret Rav Sherira Gaon*, 105.

142 Lewin, ed., *Iggeret Rav Sherira Gaon*, 105.

Daud's dating of the transition from Saboraim to Geonim, leading to the belief that it did not occur until after the Muslim conquest of Babylonia.[143]

Halevy's identification of members of the academy in 589 was another factor in his conception of a deliberate decision by the unified academy in Piruz Shabur to close the Talmud in that year. As would be expected, the chronologies vary widely regarding their identities. The Epistle does not identify the sages of Piruz Shabur, while STVA identifies them as Rav Guiza (different editions have different versions of the name, among them Guiza, Guza, Guida, and Zaggai) and Rav Simona.[144] In his *Sefer keritut* (fourteenth century), Rav Samson ben Isaac of Chinon records the names of these sages as Rav Gada and Rav Sama.[145]

On this point, Halevy ignored all of the chronologies and identified two additional sages of the last saboraic generation as Mar Rav Dimi, the father of Mari Sorgo, who was the second Gaon of Piruz Shabur, and Rav Huna, the father of Rav Mar Dimi, who was the first Gaon of Sura in 609.[146] Although the Epistle mentions both Mari Sorgo and Rav Mar as Geonim, it does not attribute that title to their fathers.[147] As both were early Geonim, Halevy envisioned their fathers as Saboraim. Halevy's selection of two saboraic sages who are not mentioned anywhere else in the early literature was a convenient and subtle effort to buttress his theory about the official end of the saboraic period. It allowed Halevy to resolve one of the most challenging issues his model faced, namely the identity of the author of the first sugya in b. Qiddushin. Rav Sherira had identified the authors as Saboraim, and several noted early sources named the author as Rav Huna, a late Sabora not mentioned in either the STVA or Epistle's chronology of the Saboraim.[148] Halevy attributes the sugya to Rav Huna, father of Rav Mar Dimi, who, in his view, was among the last Saboraim.[149] Although the same sources append to Rav Huna the title "Gaon," Halevy dismisses this as an error, since, in his view, that title was used only after the end of the saboraic period.[150]

143 Halevy, *Dorot harishonim*, 3:54–56.

144 Kahana, ed., *Seder Tannaim weAmoraim*, 9 and 11.

145 Samson ben Isaac of Chinon, *Sefer keritut*, ed. Jacob Hagiz (Amsterdam, 1709), 43.

146 Lewin, ed., *Iggeret Rav Sherira Gaon*, 100. Some of the manuscripts have the date as 590–591 instead. See also Halevy, *Dorot harishonim*, 3:32–33.

147 The Epistle only mentions them indirectly, when referring to their sons as "sons of X."

148 Isaac ben Abba Mari (twelfth century), *Sefer ha'ittur* (Warsaw: Untherhädler, 1883), 69; David Conforte (seventeenth century), *Korei hadorot* (Jerusalem: Hokhmat Yisrael, 1945), 2. See also Efrati, *The Sevoraic Period* [in Hebrew], 79–80.

149 Halevy, *Dorot harishonim*, 3:30–33. Halevy quotes *Mahzor Vitry* (eleventh century) as mentioning Rav Huna among the last Saboraim (3:30).

150 Halevy, *Dorot harishonim*, 3:33.

4.4.2.5 Halevy on the Saboraim: A summary

In *Dorot harishonim*, Halevy concluded that there were two groups of Saboraim, but only the first, the Rabbanan Demefarshei, did significant additional work on the Talmud. Since the first-generation Saboraim finished committing the Talmud to writing in the mid-sixth century, later generations could add only minor appendices to an essentially completed text. Halevy used the Talmud and especially the Epistle to arrive at these conclusions. But the scholarly view of the era is quite different, and, to some extent, it was so even by the standards of Halevy's time, as will be discussed in the next section.

4.4.3 The definition and chronology of the Saboraim: A scholarly assessment

4.4.3.1 Defining and periodizing the Saboraim

The events Halevy used to argue that the Saboraim lived at a specific time and engaged in certain specific activities, can, and should, be understood very differently. As discussed above, Halevy assumed a sharp break between the amoraic and saboraic periods – and, in fact, between the first generation of Saboraim/Rabbanan Demefarshei and all later Saboraim. But the distinctions between eras were not so neat in practice. Even Halevy, mostly following the Epistle, argues that a quasi-hora'ah continued after Ravina's death (in 474, per Halevy; in 499, per the Epistle) under the long-lived first Sabora, Rav Yose of Pumbedita.[151] (By Halevy's calculations, since Rav Yose was already head of the academy when Ravina bar Huna died in 474, in 520 he was over 80 years old.) But Halevy, based on the wording of the Epistle, still argues for the beginning of the process of the Talmud's closing at the death of Ravina, whom he understands to be the last Amora – at a time when Rav Yose was head of Pumbedita.[152]

A scholarly assessment of Halevy's periodization must answer the question of whether and how the actions of the Saboraim differed from those of the last Amoraim. It is plausible that once Sura, the main hub of amoraic activity, closed in 499 (or 474–475, according to Halevy), Pumbedita alone did not have the same status and power as the two academies combined. As a result, the contribution to the Talmud by the Saboraim at Pumbedita was reduced, as expected, though they did continue contributing to the Talmud. They gradually ceased to add legal rulings in the amoraic style, i.e. hora'ah, and they instead focused their efforts on interpreting those rulings. Rav Sherira termed their

151 Halevy, *Dorot harishonim*, 3:28.
152 Halevy, *Dorot harishonim*, 3:24n7.

activities "explanations and *sevarot* (logical deductions) close to hora'ah."[153] It was a gradual process, but their activity eventually evolved into an independent interpretive paradigm not necessarily close to hora'ah, and, therefore, they came to be called Saboraim, in the sense of "explainers."[154] The title "Saboraim" reflected their role of issuing clarifications, explanations, and logical deductions. As they gradually refrained from adding legal rulings, their contribution to the proto-Talmud ceased. They refocused their efforts so that they analyzed and debated the legal rulings of the Amoraim, and their interpretive contribution was incorporated instead into the dialectical discussions of the *setam*. This shift thus explains the growth of the *setam* during the period, as will be discussed below.

It is probable that, contrary to Halevy's conclusions, the real difference after 499 was not formal closure of the Talmud and institution of saboraic activity but, rather, the Saboraim's perceptions of their own mission and authority. Accordingly, the era of the Rabbanan Demefarshei was part of what I call, based on the scholarship of Aldo Scaglione (1925–2013), an *evolutionary process of periodization*, prompted by the closure of Sura, the death of many great sages during a short span, and the resulting altered view of the role of the sages who followed. As Scaglione described it: "periodization has to do with a perceived self-consciousness or self-awareness, which is consequent to a process of self-analysis: people become conscious of certain characteristics of their time, which distinguish their existence from that of previous epochs."[155] Robert Brody has said that the early Saboraim probably did not even refer to themselves in that way; rather, their successors coined this new term and category in order to express the Saboraim's sense of belonging to a new era and their renewed focus.[156] So Saboraim were differentiated from Amoraim neither by transfers of power nor by modifications of roles that were clear to all at the time. It is far more accurate to say that Saboraim assumed their identity only after later rabbinic scholars looked back to the sixth and seventh centuries and perceived that a change had occurred.

153 Lewin, ed., *Iggeret Rav Sherira Gaon*, 69.

154 See above for Rubenstein's connection of *Saboraim* to *hesberim* (explanations).

155 Aldo Scaglione, "The Periodization of the Renaissance and the Question of Mannerism," in *The Challenge of Periodization: Old Paradigms and New Perspectives*, ed. Lawrence L. Besserman (New York: Garland, 1996), 95.

156 See Brody, *The Geonim of Babylonia*, 9n25. A similar process of periodization was probably operative throughout Jewish history. See Moshe Lichtenstein, "'Ve'et Aharonim ani hu': Tequfat ha'aharonim. Magamot vekivunim," *Netu'im* 16 (2010); and Israel J. Yuval, "Rishonim and Aharonim, Antiqui et Moderni: Periodization and Self-Awareness in Ashkenaz" [in Hebrew], *Zion* 57, no. 4 (1992).

4.4.3.2 The Rabbanan Demefarshei

Halevy's argument that the Rabbanan Demefarshei only worked in the first generation of Saboraim is not supported by chronologies from that period. (And Halevy's periodization of the writing down of the Talmud, which he saw as occurring in the sixth century under the Rabbanan Demefarshei, also lacks support, as there is no evidence of written copies of the Talmud prior to the mid-eighth century.)[157] It is clear from the Epistle that the title "Rabbanan Demefarshei" was not limited to the first generation of Saboraim, as Halevy thought; it actually spans the entire saboraic era.[158] The Rabbanan Demefarshei also represent the transitional era in the process of the closure of the Talmud. This evolutionary process is clear in the French version of the Epistle, which says, "Afterwards, although there certainly was no longer hora'ah, there were explanations and logical deductions which approached hora'ah [פירושי וסבארי קרובים להוראה], and these sages [who produced them] were called Saboraim."[159] It is evident that the title was a functional description, a result of their renewed efforts, rather than an official title given chronologically in place of the title "Amoraim." Furthermore, they did not constitute a special category of Saboraim but were, rather, part of the Saboraim in general. Unlike the French version, which is categorical in saying that those sages were called just "Saboraim," the Spanish version does imply that, perhaps, they belonged to a distinct group among the Saboraim, as it describes those sages as "Saboraim who provided elucidations that approached

157 Nahman Danzig, "From Oral Talmud to Written Talmud" [in Hebrew], 60. Danzig notes that even material found in the Cairo genizah dates from approximately the ninth century. He argues that the dating of fragments is extremely inaccurate, and thus the attempt to identify earlier manuscripts is not convincing. By contrast, Yaakov Elman, who has written extensively on the orality of the Mishnah and Talmud, argues that the fragments of b. Hullin identified by Marc Bregman show "that some copying of parts of the Oral Torah" may have taken place as early as the seventh century. See Yaakov Elman, "Orality and the Redaction of the Babylonian Talmud," 74. Yaacov Sussman agrees with Danzig that this fragment does not indicate earlier dating. See Danzig, 60n43, and Sussman, "Oral Torah Understood Literally" [in Hebrew], 330n32. Shamma Friedman analyzed the unique linguistic and stylistic features of the fragment found by Bregman and also demonstrated its extraordinarily ancient tradition. He noted that by the eighth century, even biblical texts were being written on codices. Yet Friedman does not provide a convincing argument for the fragment's dating, as it is certainly possible that scrolls were being used as master copies of texts even after the eighth century. See Shamma Friedman, "An Ancient Scroll Fragment (B. Hullin 101a-105a) and the Rediscovery of the Babylonian Branch of Tannaitic Hebrew," *Jewish Quarterly Review* 86, no. 1–2 (July-October 1995): 9–50, esp. 44n164 and 44n165.

158 See a similar comment in Eliyahu Rahamim Ziani, *Rabbanan Savora'ei vekelalei hahalakhah* (Haifa: Erez, 1992), 13–15.

159 Lewin, ed., *Iggeret Rav Sherira Gaon*, 69 (French version).

hora'ah [דמקרבי להוראה [פירושי] סבוראי דמפרשי].”[160] The case of Rav Revai of Rov provides additional clear evidence against Halevy's theory that the Rabbanan Demefarshei were unique among the Saboraim in operating only in the first saboraic generation. Rav Revai is quoted in b. Sanhedrin 43a and mentioned in the Epistle among the Rabbanan Demefarshei.[161] In Halevy's opinion, Rav Revai thus had to have belonged to the first generation of Saboraim (beginning ca. 475). But a man by this name is later mentioned in the Epistle as the head of the academy of Pumbedita after Rav Simona (d. 540).[162] As previously mentioned, Halevy assumed that Rav Revai headed the academy until 560.[163] Rav Sherira said, “some say that he was one of the Geonim,” which would place him even later, given that the Epistle dates the beginning of the geonic era to 588–589.[164] Although Rav Revai is said to have lived a long life, in Halevy's conception he would have survived beyond the age of 100.[165] Halevy's assumption about Rav Revai of Rov's age resulted from his view of the Rabbanan Demefarshei as only having operated in the first generation of Saboraim; this generation ended upon Rav Yose's death in approximately 520, at which point Rav Revai had to have been of age.[166] Yet it is clear that Halevy's dating is not supportable, and thus Rav Revai of Rov was *not* of the first generation of Saboraim; nonetheless, he is mentioned by name in the Talmud and is referred to by the Epistle as one of the Rabbanan Demefarshei.

It is also difficult to reconcile Halevy's understanding of the chronology of the saboraic period with the first sugya of b. Qiddushin, spanning one and a half folios of the printed Vilna edition (up to folio 3b), which Rav Sherira attributed to the later Saboraim. How could such a lengthy sugya be described as only an explanation? How does it differ in style and otherwise distinguish itself from what Rav Sherira described as the activities of the early Saboraim, i.e., “explanations and sevarot close to hora'ah”? It is evident that there is no support in the Epistle for either Halevy's distinction between the first generation of Saboraim and the later Saboraim, or for his minimization of the contributions of the latter. Halevy's attempt to distinguish clearly both between the Amoraim and Saboraim and between the first and later generations of Saboraim thus proves artificial.

160 Lewin, ed., *Iggeret Rav Sherira Gaon*, 69 (Spanish version).

161 On his being quoted in b. Sanhedrin, see both versions of the Epistle in Lewin, ed., *Iggeret Rav Sherira Gaon*, 70. See also Rabbeinu Hanan'el ad loc. On Rav Revai's association with the Rabbanan Demefarshei, see Lewin, ed., *Iggeret Rav Sherira Gaon*, 70–71.

162 Lewin, ed., *Iggeret Rav Sherira Gaon*, 99.

163 Halevy, *Dorot harishonim*, 3:27–30. Halevy relies upon the dating in Ibn Daud's *Sefer haqabbalah*. See Ibn Daud, *The Book of Tradition*, ed. Cohen, 33.

164 Lewin, ed., *Iggeret Rav Sherira Gaon*, 71 and 99.

165 On Rav Revai's longevity, see Lewin, ed., *Iggeret Rav Sherira Gaon*, 71.

166 Halevy, *Dorot harishonim*, 3:28.

It is rather clear that the era of the Saboraim was an organic extension of that of the Amoraim, which also explains why several Saboraim are mentioned by name in the Talmud.

4.4.3.3 The Epistle on the saboraic period

The Epistle gives the clear impression that there was no distinct saboraic era. Unlike Halevy, Rav Sherira does not comment explicitly on the end of the saboraic era. In addition, had Rav Sherira believed in a distinct saboraic period, he would not have applied the term "Gaon" to sages who led the academies during the early sixth century; instead, he would have used it only for sages after 589. It is clear that Rav Sherira understood "Gaon" to mean "head of the academy," as noted in the Epistle regarding Rav Revai of Rov.[167] Nonetheless, it is also evident that Rav Sherira thought that the re-opening of the academy in Pumbedita in 589 represented a turning point. As Robert Brody has written:

> [After the middle of the sixth century,] there is a clearly defined break [in the Epistle's literary-historical sketch], occasioned by "persecutions and troubles" and marked by the temporary removal of Pumbedita's scholars to Nehardea. Sherira resumes his systematic account of Pumbedita's leaders with the round number 900, and from here on it is uninterrupted (although full information on the heads of the sister academy of Sura begins only a century later, as does the dating of most of the Pumbeditan scholars mentioned). It is almost impossible to escape the conclusion that as far as Sherira is concerned, the Geonic period had begun by the year 900 Sel. (588/9). Whatever may have been the precise nature of these troubles, the scholars who reopened the academy of Pumbedita apparently saw themselves as belonging to a different era from that of their predecessors, the Savora'im.[168]

Although a new era had begun upon the reopening of the Pumbedita academy by Mar Rav Hanan of Ashiqqiya in 588–589, Rav Sherira makes reference neither to the formal cessation of saboraic activities nor to a formal closure of the saboraic era of the kind envisioned by Halevy. It is plausible that, in retrospect, scholars like Rav Sherira viewed the bestowing of the title "Gaon" upon the academy leaders – which initially may have been a way of giving them more authority – as the dawn of a new era. (In response, Halevy argues that "Gaon" was erroneously appended to the names of several early sages.)[169] The retrospective importance given to the bestowing of this title could have been another

167 Lewin, ed., *Iggeret Rav Sherira Gaon*, 71 and 99. Even Halevy alludes to a similar explanation. See Halevy, *Dorot harishonim*, 3:27–30. See also Lewin, ed., 99n7; Brody, *The Geonim of Babylonia*, 7n15; and Efrati, *The Sevoraic Period* [in Hebrew], 77–79. Efrati understands "Gaon" to mean a respected teacher who commands followers.

168 Brody, *The Geonim of Babylonia*, 8–9.

169 Halevy, *Dorot harishonim*, 3:32–33.

example of an evolutionary process of periodization, in which, as with the perceived transition from Amoraim to Saboraim discussed above, perception of a shift in roles was more significant than the change in roles itself. In other words, saboraic activities continued, performed by the Geonim (or those who would later be called Geonim). The saboraic activities entailed, as the term implies, the explanation of the legal rulings of the Talmud and of the ensuing debates in the academies. Geonic activities, on the other hand, entailed many communal roles with great influence over the entire Jewish world. Their worldwide reach came about through the writing of responsa. As noted in chapter 2, their responsa activity increased further during the Abbasid dynasty, when, in the middle of the eighth century, Babylonia became the center of the Islamic empire.[170] The first written versions of the Talmud also date from the middle of the eighth century, as discussed above. When written versions started to circulate, saboraic activities continued in a gradually diminishing role, while geonic activities assumed increased importance.[171] Thus, both terms, "Gaon" and "Sabora," were used interchangeably by many sages of the period. This gradual transition from saboraic activities into the geonate slowly led to the Geonim's developing a new understanding of themselves, one that differed from their conception of the Saboraim, the sages who came before them.[172]

Examination of other chronologies of the saboraic period further confuses any efforts to draw historical conclusions about it, because, as discussed above, the chronologies have vastly different dates for the end of the Saboraim and beginning of the Geonim. As Brody has pointed out, the date cited in STVA for the emergence of Muhammad is clearly mistaken, antedating him by at least a century, so this date is likely the result of an erroneous gloss, either by a text compiler or later scribe.[173] The confusion over the date of the end of the saboraic period points to a gradual transition to the geonic era rather than to a distinct event that conclusively ended the period. Thus, both epochs Halevy created – that of the Rabbanan Demefarshei and that of the later Saboraim – are unattested in the Epistle. In summary, his periodization of the Saboraim shows that, consistent with his ideological agenda, and without much, if any, evidence, Halevy conceptualized Jewish history as a collection of distinct eras, each formally closed and immune to any challenges. There was no room for an evolutionary process in Halevy's world.

170 For further details, see Brody, *The Geonim of Babylonia*, 54–66 and 185–201.
171 See Efrati, *The Sevoraic Period* [in Hebrew], 79–81, for a similar approach.
172 Brody, *The Geonim of Babylonia*, 9.
173 Brody, *The Geonim of Babylonia*, 10 and, especially, 10n31.

4.4.3.4 The transition from the Saboraim to the Geonim: The law of the *moredet*

Attesting to this continuity of editorial activity into what is now considered the geonic period is the fact that the Suran Gaon Rav Natronai bar Hilai (served from 857 to 865 CE) describes as saboraic the well-known law of the rebellious wife [*moredet*].[174] This enactment is attested in other sources and actually can be dated to 650–651 CE, immediately after the Muslim conquest of Babylonia.[175]

Halevy's attempt to name two infrequently mentioned scholars as among the last Saboraim and to attribute the opening sugya in b. Qiddushin to one of them, Rav Huna, was a clever and creative solution, but, once again, it contradicts the historical record. The attribution of the opening sugya in b. Qiddushin to Rav Huna is also found in other early sources, where he is identified as the Gaon of Sura who had a major role in proclaiming the laws concerning the moredet.[176] (Brody, however, disputes this identification and argues that the name "Huna" is a scribal corruption of "Eina," and it relates to the "Rav Eina" noted in the Epistle as belonging to the second generation of Saboraim.)[177] According to the Talmud, the divorce was to be granted to a moredet only after a year's delay, but immediately after the Muslim conquest of Babylonia in the middle of the seventh century, the authorities of Sura and Pumbedita promulgated a decree calling for the divorce to be granted without delay.[178] The Rav Huna of b. Qiddushin is thus Rav Huna Gaon, the head of Sura (and contemporary of Mar Rava in Pumbedita), who was active around 650.[179] It is also worth noting that Halevy's date of 589 for the final and total sealing of the Talmud was not the accepted view of many Rishonim.

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174 See Brody, ed., *Teshuvot Rav Natronai Bar Hilai Gaon*, 2:456 (304).

175 Brody, *The Geonim of Babylonia*, 9 and 62–63.

176 See Lewin, ed., *Otsar Hageonim*, vol. 9, *Qiddushin*, 2 (section 3a). Several medieval commentators also mention the same Rav Huna. See Yom Tov ben Avraham Asevilli (RITVA, 1250–1330), *Hiddushei haritva* to b. Qiddushin 3a, s.v. *ela*; and Nahmanides, *Hiddushei haramban* to b. Qiddushin 3a, s.v. *ela*. Note that Nahmanides appends to Rav Huna the term "Gaon" while treating the sugya as saboraic. See also Efrati, *The Sevoraic Period* [in Hebrew], 78–81; Conforte, *Korei hadorot*, 4; Lewin, ed., *Iggeret Rav Sherira Gaon*, 101n7; and Brody, *The Geonim of Babylonia*, 10n32.

177 Brody, "Geonic Literature and the Talmudic Text" [in Hebrew], 280n177. Brody assumes that the attribution of the sugya to the Saboraim precludes it from having been authored by Rav Huna Gaon. Yet Brody does not provide any evidence for his assertion. Brody has also proposed that, perhaps, there were alternate traditions. See Brody, *The Geonim of Babylonia*, 10n32. As explained above, however, there is no evidence that the concept of the opening sugya's having been authored by Rav Huna Gaon is in conflict with the Epistle.

178 See Brody, *The Geonim of Babylonia*, 62–63.

179 Lewin, ed., *Iggeret Rav Sherira Gaon*, 101.

Rashbam argued that the Rav Ahai mentioned in the Talmud was none other than the eighth-century Gaon Rav Ahai of Sabha, author of the *Sheiltot*, whom he calls a Sabora. It is notable that even Tosafot, who disagree with Rashbam about Rav Ahai's identity due to the sugya's context, had no objection to the concept of an eighth-century Gaon's being mentioned in the Talmud.[180] Halevy disputed the common view of Tosafot's interpretation, claiming that Rashbam never assumed that Rav Ahai was the eighth-century Gaon Rav Ahai of Sabha, but, rather, thought he was Rav Ahai son of Rav Huna, who was mentioned in the Epistle among the sages of the first generation of Saboraim.[181]

Halevy's conception of the sealing of the Talmud and, with it, saboraic activities, in 589, is thus historically impossible and further illustrates that his model for the end of the saboraic period was created to be consistent with his Weltanschauung, as well as to further his contemporary political agenda.[182]

4.4.3.5 The transition from the Saboraim to the Geonim: The disputes between Rav Aha and Ravina

The weakness of Halevy's overall theory is further evident in his analysis of the oft-mentioned arguments between Rav Aha and Ravina. The Talmud quotes these disputes by saying "*had amar vehad amar* (one says so and the other says so)," which means that later authorities no longer knew which sage had made which ruling.[183] In Halevy's view, the Ravina mentioned in those arguments was Ravina the contemporary of Rav Ashi and not the later Ravina. Thus, by the time Rav Ashi's *beit hava'ad* did its final editing of the Talmud, the earlier Ravina had already died, and so the precise attribution could not be clarified.[184] Halevy's assertion, as usual, contradicts the view of noted earlier authorities, who believed that this Ravina was Ravina bar Huna (Ravina II), the last Amora.[185] If, according

180 See Tosafot to b. Ketubbot 2b, s.v. *parikh*, and Tosafot to b. Zevahim 102b, s.v. *pashit*.

181 Halevy, *Dorot harishonim*, 3:57.

182 See Lewin, ed., *Iggeret Rav Sherira Gaon*, 98; and Halevy, *Dorot harishonim*, 3:56–60.

183 See b. Shabbat 157a and b. Sukkah 18a.

184 Halevy, *Dorot harishonim*, 3:74–85.

185 Shim'on Kayyara, *Halakhot gedolot*, ed. Joseph Buchsbaum (Jerusalem: Makhon Yerushalayim, 1992), 296. Kayyara lived in the eighth century. Halevy actually quotes the same passage, albeit in a problematic form, as "Rav Aha and Ravina are later [sages]" instead of "are later than Rav Ashi," as in our text. His version conveniently allows him to characterize the text as consistent with his view that Ravina was a contemporary of Rav Ashi. See Halevy, *Dorot harishonim*, 3:79n6. Other notable rabbinical authorities, such as Nahmanides, believed that the Ravina in question was the later Ravina (as Nahmanides put it, "Ravina of the conclusion of hora'ah, who was after all talmudic rabbis"). See Nahmanides, *Sefer hazekhut*, Rif to b. Yevamot 13b, s.v. *vehanei*. For contemporary scholarship on this issue, see Halivni, *Mevo'ot lemeqorot*

to Halevy, Ravina bar Huna was the last Amora, and the Talmud in its basic structure had already been sealed by Rav Ashi's death, how and when did these indeterminate arguments get into the Talmud? How could they have entered the Talmud at a time when no one remembered who said what? It is more logical to assume that material from these indeterminate arguments was introduced into the Talmud at a later time, when the exact details of the argument had been forgotten.[186] Or, perhaps, they represent arguments that were not introduced originally as an integral part of the Talmud and thus were not preserved in detailed form. Once they were introduced, at a later time, the exact details were no longer available.

Although these arguments are quoted in an indeterminate form (without precise attributions), as *had amar vehad amar*, the Talmud provides guidance for determining their proper attribution. As stated in b. Pesahim 74b and b. Hullin 93b:

> בכל התורה כולה רב אחא לחומרא ורבינא לקולא, והילכתא כרבינא לקולא. לבר מהני תלת דרב אחא לקולא ורבינא לחומרא – והלכתא כרב אחא לקולא.
>
> In the whole Torah, Rav Aha is stringent, while Ravina is lenient, and the law is in accordance with Ravina, for the lenient [view]; except in these three [circumstances]: where Rav Aha is lenient, and Ravina is stringent, and the law is in accordance with Rav Aha, for the lenient [view].

It is clear that this *setam* passage is of later authorship than the undetermined arguments, because otherwise the talmudic text would have quoted Rav Aha's and Ravina's arguments with the attributions prescribed by the rule on who held the stringent or lenient view. Halevy, consistent with his model, understands this rule as originating from the first generation of Saboraim, at a time when hora'ah had already been finalized, and so saboraic additions were included in the sugya but did not alter the original text. Since it was too late to re-attribute the statements, the rule was added as an appendix.[187] However, this understanding of Halevy's is only compatible with his own theory, that the Ravina mentioned refers to the earlier Ravina, contemporary of Rav Ashi, and that these arguments were thus introduced into the Talmud prior to its conclusion. Yet, as was shown

umesorot, 68–69 and 69n58. Some contemporary scholars hold the opposite view and thus have an opinion similar to Halevy's. Avinoam Cohen, for example, argues that the Ravina in these passages is the earlier Ravina, who, Cohen argues, outlived Rav Ashi. See Cohen, *Ravina and Contemporary Sages* [in Hebrew], 234n6 and 252–253. However, Cohen's approach does not solve the issue for Halevy, since, in Halevy's view, Ravina died before Rav Ashi.

186 Halivni, *Mevo'ot lemeqorot umesorot*, 69.

187 Halevy, *Dorot harishonim*, 3:74.

above, the Ravina in these debates is none other than Ravina bar Huna, the last Amora of the Babylonian Talmud, under whose leadership hora'ah was concluded, as explained in the Epistle. Therefore, these debates must have been introduced into the Talmud at a later time by the Saboraim, and thus the attribution rule must have originated at a significantly later time, when even saboraic sugyot could no longer be changed. This phenomenon is a clear indication that, not only was the Talmud not sealed by the time of Ravina bar Huna's death, as Halevy thought, but, also, that the process of the Talmud's formation actually extended far beyond Halevy's timeline. The process, indeed, extended to a time (between the mid-seventh century, i.e., Rav Huna Gaon's era, and the mid-eighth century, when written versions began circulating) when the text could no longer be emended but only have things added to it. As explained above, that was the time at which the Saboraim had already ceased the process by which they gradually added fewer and fewer legal rulings in the amoraic style (hora'ah) in favor of focusing on interpreting and qualifying those rulings.

4.4.3.6 The transition from the Saboraim to the Geonim: Late additions

The late date of the attribution rule regarding Ravina and Rav Aha, which meant that it emerged when sugyot with indeterminate attributions could no longer be emended, can actually explain one additional odd phenomenon: This halakhic ruling is quite unique in that, although it appears to be all-encompassing, it was not fully accepted. As noted by rabbinic authorities who lived before Halevy, this halakhic ruling was not universally adopted in the Talmud.[188] Indeed, in several instances, it was actually ignored or contradicted.[189] This ambivalence stemmed from the lateness of the ruling, which resulted in a situation in which some schools accepted it, while others did not. It could also be that its scope was curtailed from a general rule to a more limited, particular, ruling in individual instances.[190]

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188 See Rabbi Akiva Eiger (also known as Rabbi Akiva Güns, 1761–1837), *Gilyon hashas* to b. Hullin 93b, s.v. *vehilkheta*. *Gilyon hashas* is in the Vilna edition of the Talmud. For further details, see Halivni, *Mevo'ot lemeqorot umesorot,* 69; and Halivni, *Meqorot umesorot leseder Mo'ed*, 181–182.

189 For texts in which it was ignored, see b. Yevamot 39b, b. Hullin 8b, and b. Hullin 46b. See Halivni, *Meqorot umesorot leseder Mo'ed*, 182, for more details. For texts in which it was contradicted, see b. Sotah 25a, b. Avodah Zarah 33b, and b. Avodah Zarah 75b. See also Halivni, 182n4, regarding whether b. Avodah Zarah 27b should also be included.

190 See a similar comment in Nahmanides, *Sefer hazekhut*, on Rif to b. Yevamot 13b, s.v. *vehanei*. See also Halivni, *Meqorot umesorot leseder Mo'ed*, 181–183.

It is thus evident that the *setam* continued to evolve even after the "closure" of the Talmud. Before Halevy's time, the lateness of the *setam* had been noted by medieval rabbinic scholars, such as the Rif, who commented that in instances of arguments between the *setam* and Ravina, the law must follow the opinion of the *setam*, as it was later than Ravina. This is the concept of *hilkheta kebatra'ei* developed by the Geonim (discussed in chapter 2).[191] The Rif did not even indicate which Ravina he meant. It made no difference to his argument, since he recognized that the *setam* had continued to evolve after both Ravinas. As discussed earlier, given the renewed interpretive role of the Saboraim after the sixth century, it is obvious that their interpretations and debates constitute a great portion of the *setam*. Thus, it is natural that the *setam* continued to evolve during their era and thus grew in complexity over time. Since the Talmud was transmitted orally until the mid-eighth century, additions made by the Saboraim were incorporated into the *setam* undetected. As Robert Brody has remarked: "When one copies a written text, he is able to insert his comments on the margins or between the lines. Thus the distinction between the transmitted text and his own contributions are evident. However, when a sage transmits a text orally and includes his own interpretations and observations, the distinction [between the original and the new] is much blurred."[192]

This development of the *setam* during saboraic and geonic times is evidenced by the unusual nature of the anonymous dialectical argumentation of b. Nedarim that was mentioned in chapter 3. The style of the dialectics and the anonymous discursive stratum of b. Nedarim is far less developed than in other tractates. This phenomenon manifests itself in the absence of questions commonly posed by the *setam*. As discussed in chapter 3, many questions that are typical of the discourse of the *setam* are lacking in b. Nedarim and were added by medieval commentators. Because b. Nedarim had not been studied in Babylonia for over one hundred years before Rav Yehudai Gaon, it is not surprising that it would have developed in a far less complex manner than did other tractates.[193]

Even Halevy acknowledged that the Talmud contains certain additions by Rav Yehudai Gaon, the Pumbeditan scholar who became head of the academy

191 See the Rif to b. Hullin 3b, s.v. *kelishana*, according to the version quoted by *Hiddushei Anshei Shem* (A) regarding the Rosh ad loc. *Hiddushei Anshei Shem*, whose commentary is available in the Vilna edition of the Talmud, says that the Rif is consistent with the Rosh.

192 Brody, "Geonic Literature and the Talmudic Text" [in Hebrew], 277.

193 The neglect of the study of b. Nedarim by the geonic yeshivot might be one of the early indirect influences of the larger Muslim environment. See Gideon Libson, *Jewish and Islamic Law: A Comparative Study of Custom during the Geonic Period*, Harvard Series in Islamic Law 1 (Cambridge, MA: Harvard University Press, 2003), 63.

of Sura in the middle of the eighth century. Halevy had access to the works of early commentators, who noted that Rav Yehudai Gaon's additions are found in a number of sugyot in the Talmud.[194] Halevy believed that these statements made their way into the Talmud only when certain scribes copied comments attributed to Rav Yehudai Gaon from marginal notes into the text.[195] Yet it is odd that this phenomenon should be present nearly exclusively in regards to Rav Yehudai Gaon. It is not clear why, according to Halevy, we do not find such scribal additions relating to the sayings of other Geonim. To us, it is evident that these additions were not unique to Rav Yehudai Gaon. The heads of the academies were very frequently innovative in their interpretations. Yet as long as the Talmud was transmitted in an exclusively oral matrix, their innovations could become part of the text of the Talmud. Rav Yehudai Gaon's additions were the first to be detected precisely because written copies of the Talmud started circulating during his time, and thus his creative contribution became discernible in a way those of past Geonim had not.[196] The existence of a written text meant that his additions could be identified; thus, the circulation of written texts brought about the conclusion of the development of the *setam*.

The undetected incorporation of geonic comments into the *setam* can also explain a question posed by Simha Assaf regarding what he considers the loss of the geonic commentaries to the Talmud. Assaf laments that we have no commentaries from the early Geonim, as these "have largely been lost."[197] Yet this seems very far from the truth. We actually do retain much of their commentaries; they are preserved in our *setam hatalmud*. They are just not discernible as an independent work. Similarly, Talya Fishman's comment that "geonic engagement in talmudic exegesis was limited" is also perhaps not accurate, at least regarding the

194 For examples, see b. Bava Metzi'a 2a, 3a, 5a, 7b, 12a, 13a-b, 14a, 15b, 19a-b, 26b, 28a, 38a, 50b, and 98a, as well as *Shittah mequbetset* ad loc., and b. Hullin 97b and *Hiddushei haritva* ad loc., s.v. *kehal*. For further details and analysis of the accuracy of such attributions, see Brody, "Geonic Literature and the Talmudic Text" [in Hebrew], 279–290 and 279n175; Nahman Danzig, *Introduction to Halakhot Pesuqot with a Supplement to Halakhot Pesuqot* (New York: Jewish Theological Seminary, 1999), 451–453; Sussman, "Once More on Yerushalmi Neziqin" [in Hebrew], 109n206; and Sussman, "Oral Torah Understood Literally" [in Hebrew], 324n15.

195 Halevy, *Dorot harishonim*, 3:137–146.

196 Existing evidence shows that the earliest written versions of the Bavli date from the mid-eighth century, as noted above. In his *Sefer ha'ittim*, Rabbi Yehudah ben Barzilai (late-11th-early-12th century) actually credits the writing of the Talmud to Rav Natrunai bar Hakhinai, the disciple of Rav Yehudai Gaon. See Yehudah bar Barzilai Al-Barzeloni, *Sefer ha'ittim*, ed. Yaakov Schor (Cracow: Meqitzei Nirdamim, 1903), 267.

197 Simha Assaf, *The Era of the Geonim and Their Literature* [in Hebrew], ed. Mordecai Margaliot (Jerusalem: Mossad Harav Kook, 1955), 137–39. The quotation appears on page 138.

early Geonim.[198] They were as creative as all other generations in Jewish history, and their contributions served to create the Talmud as we know it.

4.5 Conclusion

An analysis of Halevy's description of the Talmud's formation after the first quarter of the fifth century CE, i.e., after Ravi Ashi's death, shows the many weaknesses of his argument. Most of the historical skills he applied to his scholarship on the Talmud's first few centuries appear vanished or atrophied, most likely because he could not both give an accurate picture of events and promote his ideas of a *beit hava'ad*, early *setam*, and early closure of the Bavli. When he had to choose between his political/ideological agenda and the historical record, he selected the former.

More specifically, Halevy's theory that the saboraic period was divided into two distinct phases and types of activity – 1) the first generation of Saboraim, the Rabbanan Demefarshei, who brought about the final creation of the Talmud and worked in the united *beit hava'ad* of Pumbedita and 2) the subsequent generations of later Saboraim, who did little – is fanciful and contradicted by the historical record. Halevy's stark distinction between the two periods is based on a tenuous allusion in the Epistle's description of Rav Yose, which can easily be explained away. Clear evidence against his theory can be derived from the example of Rav Revai of Rov, who was not from the first generation of Saboraim, yet nonetheless is mentioned by name in the Talmud and is referred to in the Epistle as one of the Rabbanan Demefarshei.

Halevy's proposal that the saboraic era closed with the appointment of the first Gaon in Pumbedita in 589 is also problematic. Rav Sherira does not comment explicitly on the end of the saboraic period, and, in fact, does not indicate a separate saboraic era. Furthermore, an examination of other chronologies of the saboraic period, such as STVA and *Sefer haqabbalah*, reveal that the vast disagreements among these sources make it nearly impossible to reach any concrete historical conclusions about periodization, let alone to put a definite date on the era's end.

The majority of evidence points to a Bavli that continued to evolve far beyond the sixth century and, perhaps, even well into the eighth century. Saboraic activities included the further development of the *setam* and, to some extent, the adding of amoraic material to the Talmud. Although the era of the

198 Fishman, *Becoming the People of the Talmud*, 43.

Saboraim came to an end sometime between the end of the sixth century and the middle of the seventh, saboraic activities continued to be performed by the Geonim, even if they understood themselves as belonging to a different era. Rav Sherira makes a clear allusion to this idea in the Epistle when he notes that in addition to the listed Saboraim, there were later rabbis whose explanations occasionally appeared in the talmudic text. In his words, "Several logical deductions [*sevar'ei*] were included in the Gemara authored by them and also by the later sages [. . . and were] arranged and given a fixed formulation by the later saboraic rabbis."[199]

Halevy's version of the parts of the Talmud formed after Rav Ashi's death is, therefore, a creative and imaginative work and (at times) a political manifesto, rather than a work of skilled historical writing. We find his motivation in a letter he wrote to Rav Kook, in which he makes clear why the formation of the Talmud stood out to him as a matter of extreme ideological import: "It is the malady of this generation to say that Israel has no tradition of transmittance, that the Talmud is a compilation of baseless, warped interpretations [. . .] and that the Talmud was not compiled by a group of sages and sealed in the days of Rav Ashi but during the time of the Geonim themselves [. . .] All these things circulate among our young people in a most alarming fashion [. . .] We must therefore teach our youngsters to speak out against them. This is truly an urgent matter."[200]

199 Lewin, ed., *Iggeret Rav Sherira Gaon*, 71.

200 Unpublished letter, quoted in Yedidya, "Orthodox Reactions to 'Wissenschaft des Judentums,'" 86; see also Yedidya, *Criticized Criticism* [in Hebrew], 157.

Conclusion

Let the prophet who has a dream tell the dream; and let him who has received My word report My word faithfully! How can straw be compared to grain? – says the Lord.
(Jeremiah 23:28)

What do straw and grain have to do with a dream? Rather, Rabbi Yohanan said in the name of Rabbi Shim'on bar Yohai: Just as it is impossible for the grain [to grow] without straw, so too it is impossible to dream without [. . .] some element of nonsense. *(b. Berakhot 55a)*

1 The Formation of the Talmud in Yitzhak Isaac Halevy's *Dorot harishonim*: History, invention, and motivated reasoning

The novelist Anatole France (1844–1924) once had one of his characters remark that "all the historical books which contain no lies are extremely tedious."[1] Halevy's account of the formation of the Talmud is, therefore, anything but tedious. Although his historiography includes no outright lies, it does contain theories that are closer to fiction than history. To quote Hayden V. White: "It is sometimes said that [. . .] the difference between 'history' and 'fiction' resides in the fact that the historian 'finds' his stories, whereas the fiction writer 'invents' his. This conception of the historian's task, however, obscures the extent to which 'invention' also plays a part in the historian's operations."[2] Unlike some other Orthodox scholars who considered themselves historians, Halevy was not interested in writing hagiography but, rather, shared the nineteenth-century historian's concern with the search for historical truth. He wrote *Dorot harishonim* precisely for that purpose. At the same time, due to the relative scarcity of sources and his unwavering commitment to certain parts of his ideology, Halevy's model of the Talmud's formation contains elements that are closer to fiction and invention than to history.

Halevy's model of the formation of the Talmud was truly unparalleled in its scope and breadth; it provided a detailed and comprehensive analysis of the process. His mastery of the talmudic corpus, keen textual acumen, and historical skills placed him in a unique position relative to previous historians who had addressed the subject, especially the Wissenschaftlers Graetz and Weiss. Unlike many other Orthodox scholars, who mostly wrote "hagiography with footnotes,"

1 Anatole France, *The Crime of Sylvestre Bonnard*, trans. Lafcadio Hearn (Cambridge, MA: The University Press, 1918), 6.
2 Hayden V. White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore: The Johns Hopkins University Press, 1975), 6–7.

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in the words of Ada Rapoport-Albert, Halevy was a true scholar committed to producing unbiased and scholarly research.[3] He made that clear in the introduction to *Dorot harishonim*, which was quoted in chapter four: "The time has come for free inquiry into Hokhmat Yisrael and its history without bias – the events, eras, and matters as they really were. The time has come to collectively establish Hokhmat Yisrael on the same basis as all the other sciences."[4] Halevy's Weltanschauung, however, combined sincere scientific commitment to historical research with traditionalist zealotry, and his efforts to combine scientific scholarship with an apologetic and political agenda often produced odd, or at least ahistorical, results.[5]

In this book, I have attempted to show that Halevy's *Dorot harishonim* presented valuable historical research to its readers. Several of his ideas, particularly regarding the roles and achievements of Abbaye, Rava, and Rav Ashi, contributed significantly to the study of the formation of the Bavli. His bias, however, adversely impacted his research in many ways, particularly when he attempted to uncover evidence from the Talmud that furthered his agenda. In those cases, his apologetic and political views affected his judgement. Psychologists have repeatedly demonstrated the prevalence of "motivated reasoning," in which strong motivation has the ability to affect reasoning through reliance on a series of biased cognitive processes. As Ziva Kunda has explained, "There is considerable evidence that people are more likely to arrive at conclusions that they want to arrive at, but their ability to do so is constrained by their ability to construct seemingly reasonable justifications for these conclusions."[6] With his vast talmudic erudition and creative mind, Halevy had the "ability to construct seemingly reasonable justifications for [his] conclusions" regarding the Talmud's formation. In those areas of the process that were dear to his heart, but in which his expectations did not match the historical record, his evidence and conclusions are wanting. As further explained by Peter H. Ditto, David A. Pizarro, and David Tannenbaum in "Motivated Moral Reasoning" (2009), "even when an individual's conscious motivation is accuracy, one conclusion can still be preferred over another because it supports a desired view of self or others, or

3 See Ada Rapoport-Albert, "Hagiography with Footnotes: Edifying Tales and the Writing of History in Hasidism," *History and Theory* 27, no. 4 (1988).

4 Halevy, introduction to *Dorot harishonim*, vol. 2. See also Reichel, ed., *Iggerot Rabbi Yitzhak Isaac Halevy*, 118 (letter 44); Halevy, *Dorot harishonim*, introduction to vol. 3; and Yedidya, *Criticized Criticism* [in Hebrew], 158–162.

5 See a similar comment in Goodblatt, "Y. I. Halevy," 26.

6 Ziva Kunda, "The Case for Motivated Reasoning," *Psychological Bulletin* 108, no. 3 (1990): 480.

the validity of a cherished belief."[7] My goal in this book was to introduce and elucidate these two facets of Halevy – the historian and the morally motivated traditionalist – in order to allow the reader to see the results of both in *Dorot harishonim*.

In his writings on Josephus's works, Halevy applied a similar methodology to the one I have endeavored to apply to his *Dorot harishonim* – and came to strikingly similar conclusions. In his view, Josephus had also combined a political agenda with historical writing.[8] Throughout his work on Josephus, Halevy provided a framework that would allow a critical reader to discern valuable historical materials within Josephus's writing while simultaneously identifying and recognizing his political and ideological biases.[9] In this analysis, he applied to Josephus's work the criterion of multiple attestation, the criterion of dissimilarity, and various other modern critical methods.[10] Applying the same methodology to *Dorot harishonim*, one sees similar contrasts within the text. The application of, for instance, the criterion of dissimilarity to *Dorot harishonim* gives a good indication of how Halevy's work produces valuable research. One useful example is his theory regarding the repetitive statements given by the same Amora in different talmudic sugyot, as with Rav Papa (discussed in chapter 3). Halevy's assumption that the Talmud would attribute a statement an Amora had made just once to other situations and contexts was a clear departure from his conservative ideology and from his apologetic goal of enhancing the authority of the Talmud. Given this claim's dissimilarity to most of his other conclusions, it is not surprising that scholars generally accepted it. In addition, as discussed in chapter 3, it is exactly in those areas in which Halevy had no ideological stake that we can find the most valuable and historically sound components of *Dorot harishonim*. One further example is Halevy's theory about the identity of Rav Yosef, counterpart of Ravina (discussed in chapter 4). Halevy's scholarship on the topic and his findings provide important historical

7 Peter H. Ditto, David A. Pizarro, and David Tannenbaum, "Motivated Moral Reasoning," in *The Psychology of Learning and Motivation*, vol. 50, *Moral Judgment and Decision Making*, ed. Daniel M. Bartels, Christopher W. Bauman, Linda J. Skitka, and Douglas L. Medin (Burlington, VT: Academic Press, 2009), 311. For a fuller analysis, see 307–338.

8 Halevy, *Dorot harishonim*, 1c:19–20 and 1c:19n12; Auerbach, ed., *Yitzhak Isaac Halevi Memorial Volume* [in Hebrew], 78.

9 See the numerous instances noted in Eliezer Sariel, "Rabbi Yitzchak Isaac Halevy" [in Hebrew] (master's thesis, Hebrew University of Jerusalem, 2003), 36–41.

10 On Halevy's use of the criterion of multiple attestation, see Sariel, "Rabbi Yitzchak Isaac Halevy" [in Hebrew], 39n319, citing Halevy, *Dorot harishonim*, 1c:188. On the criterion of dissimilarity, see Sariel, 39n320, citing Halevy, 1d:31. On Halevy's various other modern critical methods, see Sariel, 38–39.

insights, as the issue had no ideological consequences for him. Halevy's theory about Rav Yosef's activities, on the other hand, was problematic precisely because that issue had ideological significance for Halevy's periodization of the saboraic period. The Talmud does not indicate that Rav Yosef was anything other than an Amora, but Halevy needed him to be the Epistle's Gaon Rav Yose of Pumbedita, whom Halevy identified as the first Sabora. Similarly, in those areas in which there are multiple outside proofs of his theses, his ideas are fairly reliable and provide valuable historical information. One good example is his theory about the centrality of Sura at the beginning of the sixth century (discussed in chapter 4).

Dorot harishonim's amalgamation of historiography with a political-ideological manifesto also severely impacted the credibility of the work. As Rabbi Joseph B. Soloveitchik framed it in his assessment of *Dorot harishonim:* "His book is scientifically sound [despite containing] a lot of nonsense too, but still a good *sefer* (book)."[11] I hope that I have demonstrated that despite its shortcomings, Halevy's work is deserving of study and provides valuable research and ideas.

It should also be noted that Halevy's attempt to employ apologetic historiography in defense of Orthodoxy was questionable at best. Historiography is ineffective as a means of inspiration. As Yerushalmi remarked about modern Jews' attitudes towards historiography in general: "Those Jews who are still within the enchanted circle of tradition, or those who have returned to it, find the work of the historian irrelevant. They seek, not the historicity of the past, but its eternal contemporaneity. Addressed directly by the text, the question of how it evolved must seem to them subsidiary, if not meaningless."[12]

Halevy's readers, moreover, were likely to experience a common confirmation bias similar to Halevy's. In other words, people see what they want to see, and no historiography can change that. A classic 1954 psychological study clearly demonstrates that partisans see very different facts in the social world. In the second quarter of a 1951 Princeton-Dartmouth game at Princeton's Palmer Stadium, the home team's star departed on account of a broken nose, and, in the next quarter, a Dartmouth player had to be carried off the field with a broken leg. Soon afterwards, accusations arose, and fans on both sides analyzed the game for weeks.

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11 David Holzer and Aryeh Holzer, eds., *The Rav: Thinking Aloud. Transcripts of Personal Conversations with Rabbi Joseph B. Soloveitchik*, 2nd ed. (self-pub., 2009), 16. Rabbi Jehiel Jacob Weinberg expressed a similar attitude in the introduction to his *Mehqarim batalmud* (v). Notably, this comment was censored and omitted by Mossad Harav Kook in its edition. See Jehiel Jacob Weinberg, *Seridei esh: She'elot uteshuvot*, vol. 4 (Jerusalem: Mossad Harav Kook, 2003).

12 Yerushalmi, *Zakhor*, 96.

The researchers, in their words, "took the opportunity presented by the occasion to make a 'real life' study of a perceptual problem."[13] They had a group of each university's undergraduates watch the same movie of the game; after viewing it, Princeton and Dartmouth students had very different views of what had "really" happened in the game.[14] The researchers' findings are worth noting: "In brief, the data here indicate that there is no such 'thing' as a 'game' existing 'out there' in its own right which people merely 'observe.' The 'game' 'exists' for a person and is experienced by him only in so far as certain happenings have significances in terms of his purpose. Out of all the occurrences going on in the environment, a person selects those that have some significance for him from his own egocentric position in the total matrix."[15] In the end, preconceived ideas frame human vision. The phenomenon that impaired Halevy's evaluation of historical evidence that conflicted with his agenda also doomed his apologetic efforts.

2 Halevy's political legacy: Agudath Israel and *Daf Yomi*

Though his apologetics likely failed to convince anyone not already sympathetic to his cause, Halevy's political dream bore fruit. The nascent Agudath Israel and the ensuing *Mo'etses Gedolei Hatorah* – his, as it were, twentieth-century *beit hava'ad* – became reality in 1912 in Kattowitz, albeit not smoothly, and not immediately, particularly because of World War I and its aftermath. In fact, the *Mo'etses Gedolei Hatorah* met for the first time in January 1922, and the Agudah gathered in a "Great Congress" (*kenesiyah gedolah*) for the first time in 1923.[16] Ultimately, despite Rabbi Hayyim Soloveitchik's reservations, Halevy's model prevailed. His dream of centralized, top-down rabbinic leadership was realized as the *Mo'etses Gedolei Hatorah* became the defining component of the Agudah, lending legitimacy to the politicization of Orthodox Jewry and eventually serving as the element that distinguished the Agudah from various contemporary Jewish organizations.

As Orthodox Jewry had never before unified in a political party, the Agudah had to create an ideological framework to justify itself.[17] Agudath Israel was

13 Albert H. Hastorf and Hadley Cantril, "They Saw a Game: A Case Study," *Journal of Abnormal and Social Psychology* 49, no. 1 (1954): 129–130. The quotation appears on page 130.

14 Hastorf and Cantril, "They Saw a Game," 130–132.

15 Hastorf and Cantril, "They Saw a Game," 133.

16 Mittleman, *The Politics of Torah*, 133; Bacon, *The Politics of Tradition*, 86.

17 Lawrence Kaplan, "Daas Torah: A Modern Conception of Rabbinic Authority," in *Rabbinic Authority and Personal Autonomy*, ed. Moshe Sokol (Northvale, NJ: J. Aronson, 1992), 50–69.

naturally very sensitive to the fact that, organizationally, it had come closely to resemble the Zionist movement it opposed. The Agudah thus made efforts to stress both its own boundaries in adopting these methods and its distinctiveness.[18] The heads of the Agudah argued that having *Mo'etses Gedolei Hatorah* at its helm made the organization unique and differentiated it from a normative political party, providing it, in the words of Agudah representatives, with "a safety net" not possessed by secular political parties.[19] The constitutionalized status of the rabbinic council also validated the claim that the Agudah was the true representative of the Jewish Orthodox community and transcended any political agendas. Rabbi Elhanan Wasserman's remarks, published in 1934, are very telling. He noted that the interest of Torah should be the only agenda of the Agudah, whether or not the party's short-term interests seemed to coincide. He suggested, furthermore, that members of *Mo'etses Gedolei Hatorah* did not have to be members of the Agudah and should be selected irrespective of their political affiliations.[20] The religious-Zionist Mizrahi party imitated the Agudah's model by having a group of important rabbinical authorities sit in an honored place at their conventions.[21]

Halevy's international conclave of rabbis, however, initially struggled with a lack of unity caused primarily by divides between eastern traditionalism and western Orthodoxy. For instance, several leaders of Hasidic groups who had reservations about the Agudah's pro-German-Orthodoxy orientation set up a new, competing organization, *Binyan haneherasot* (Rebuilding the Ruins). Only after several months did it merge with Agudath Israel.[22]

Despite the conflict, this international merger of the various factions of Orthodox Jewry, from the more cosmopolitan Germans to the more provincial Polish, had a lasting and profound effect. German "rabbi-doctors" influenced their Polish counterparts in many ways.[23] While some historians, including Salo Baron, argued that the influence of the German Orthodox rabbis "injected the intolerant spirit of Frankfurt into Polish orthodoxy," resulting in negative consequences for the eastern European orthodox communities, there were some areas

18 See Gershon Bacon, "Imitation, Rejection, Cooperation: Agudat Yisrael and the Zionist Movement in Interwar Poland," in *The Emergence of Jewish Politics: Bundism and Zionism in Eastern Europe*, ed. Zvi Gitelman (Pittsburgh, PA: University of Pittsburgh Press, 2003), 85–94.

19 Bacon, "Imitation, Rejection, Cooperation," 88. See also a detailed discussion on the topic in Bacon, *The Politics of Tradition,* 49–50.

20 Aharon Sorasky, *Or Elhanan* (Jerusalem: Hidekel, 1978), 62–63. See also Bacon, "Rabbis and Politics," 43–44.

21 Bacon, "Rabbis and Politics," 43.

22 For details, see Bacon, *The Politics of Tradition*, 40–42.

23 On "rabbi-doctors," see Bacon, *The Politics of Tradition*, 45–46.

of positive influence.[24] The German precedent of formal education for girls, for example, served as a model for the Bais Yaakov girls' school system in Poland, which was one of Agudath Israel's great achievements. Although the idea did not originate with them, Agudath Israel adopted and supported the model early on.[25]

Despite the importance of centralized leadership in Halevy's thought and the importance of the Council of Torah Sages [*Mo'etses Gedolei Hatorah*] to the Agudah's image, the Council was initially more of a symbolic entity than a fully functioning body. All those active in the Agudah knew that it was largely organized and run by only a few rabbis and laymen. The most activist laymen were, at first, giving direction to the rabbinic body, though they professed deference to it and humility before its members' spiritual greatness.[26] Lawrence Kaplan has described *Mo'etses Gedolei Hatorah* as "a largely theoretical institution" during the interwar period.[27] Dr. Isaac Breuer's words support that view, as he said that the *Mo'etses Gedolei Hatorah* "never enjoyed any real existence" in his time.[28] (The Agudah, of course, had a different account: "Other movements might relegate their Torah authorities to the study hall and leave 'practical' matters to its secular leaders. Agudath Israel referred all important matters to the Torah authorities and honored its lay leaders with the task of carrying out the policies defined by the *Daas Torah* of the sages.")[29] As Kaplan notes, although the Agudah portrayed *Mo'etses Gedolei Hatorah* from its inception as the vital nerve center of the Agudah, the reality may have been quite different until the post-World War II era.[30] It was only after the two world wars that it became a truly functioning, active, and influential part of the organization envisioned by Halevy.[31]

Mo'etses Gedolei Hatorah gave great impetus to a novel rabbinic concept, *Da'as Torah* (lit., "knowledge of Torah"). Although the term has been defined in various ways, Da'as Torah as adopted and advocated by the Agudah has come to

24 Salo Baron, *A Social and Religious History of the Jews* (New York: Columbia University Press, 1937), 2:393, quoted in Bacon, *The Politics of Tradition*, 40.

25 For details, see Bacon, *The Politics of Tradition*, 166–176.

26 Mittleman, *The Politics of Torah*, 124–125.

27 Kaplan, "Daas Torah," 11.

28 Isaac Breuer, *Darki*, 170. See also, more generally, Breuer, 169–171. Breuer describes the activities of *Mo'etses Gedolei Hatorah* in his time in a very critical tone. For a further analysis, see Kaplan, "Daas Torah," 9–13, esp. 12n17.

29 Agudath Israel of America, *The Struggle and the Splendor: A Pictorial Overview of Agudath Israel of America* (New York: Agudath Israel of America, 1982), 22.

30 Kaplan, "Daas Torah," 12n17.

31 See Kaplan, "Daas Torah," 12–14.

represent a very specific idea.[32] It primarily entails the traditional community's voluntary acceptance of the consensus of the *Mo'etses Gedolei Hatorah* on questions involving the Jewish community as a whole in various matters, including political issues and educational institutions, regardless of whether they directly relate to halakhah. Even local communal issues became the domain of the *Mo'etses Gedolei Hatorah* and their Da'as Torah, which had the effect of overriding, and even silencing, any dissenting views by local rabbinic authorities. In addition, while, throughout Jewish history, halakhic decisions had been enacted via elaborate responsa detailing the logic and proofs for their conclusions, which opened them up to scholarly dissent, Da'as Torah was distinguished by its lack of reasoned documentation and the fact that it was not open for debate. The statements of the rabbis who embodied Da'as Torah could not be challenged, and conflicting opinions were deemed heretical. As Gershon Bacon explains, the function of the rabbinic leaders resembled that of a prophet or oracle rather than of a halakhic decisor.[33]

Scholars debate the origin of this concept. Some argue that it was developed by circles associated with the Agudah in eastern Europe to justify this extreme notion of rabbinic authority as granted to the *Mo'etses Gedolei Hatorah*.[34] At some time in the late nineteenth or early twentieth century, the term began to be employed by some eastern European rabbis, some of whom would be associated with the organization in one way or another, as well as by German Agudah writers. Another view, expressed by M. Piekarz, is that Da'as Torah originated earlier in the nineteenth century in Hasidic circles in response to the decline in traditional practice.[35] Whatever the term's definition and origins, it is clear that the establishment of the *Mo'etses Gedolei Hatorah* brought the concept of Da'as Torah to the more mainstream, non-Hasidic, Orthodox yeshiva community – precisely the audience Halevy aimed to reach with *Dorot harishonim* – beginning in the interwar years and fully blooming in the post-World War II period. Lawrence Kaplan has attributed the rise of the ideology of Da'as Torah after World War II to the destruction of the great Jewish communities in eastern Europe and the need for a new, centralized Orthodox leadership to fill that

32 See a detailed analysis in Kaplan, "Daas Torah," 3–7.

33 Bacon, *The Politics of Tradition,* 55–57. Jacob Katz notes that Isaac Breuer and Rosenheim both believed that the decisions of Da'as Torah had to be based on valid halakhic sources. But their views on the sovereignty of halakhah were never implemented. See Jacob Katz, "Da'at Torah: The Unqualified Authority Claimed for Halakhists," *Jewish History* 11, no. 1 (Spring 1997): 45–50.

34 Bacon, *The Politics of Tradition,* 50–56.

35 Kaplan, "Daas Torah," 54n84.

vacuum.[36] Haym Soloveitchik has observed a similar post-war strengthening of centralized rabbinic authority in "the new and controlling role that traditional texts," rather than the mimetic influence of the family, "now play in contemporary [Orthodox] religious life."[37] This temporary leadership vacuum in the community provided an ideal setting for the firm establishment of the authority of *Mo'etses Gedolei Hatorah* and Da'as Torah. After that, Da'as Torah gave unassailable sanction to the political views of Agudath Israel and vested them with an aura of holiness and halakhic authority.

From Halevy's perspective, the supreme authority of *Mo'etses Gedolei Hatorah* was well-grounded in theory and tradition. More specifically, the talmudic *beit hava'ad* imagined by Halevy was the ideal historical precedent for a rabbinic conclave modeled after the Sanhedrin. The Sanhedrin's authority extended beyond halakhic rulings to include such communal decisions as the appointment of the king, the choice to go to war, and the expansion of the city of Jerusalem.[38] According to Halevy, the *beit hava'ad* and the *Mo'etses Gedolei Hatorah* possessed similar authority. Furthermore, just as the decisions of the Sanhedrin could not be contradicted, and any elder who did so would be deemed a rebellious elder [z*aken mamre*], the Agudah-affiliated *Mo'etses Gedolei Hatorah* held ultimate sway.[39] Rabbi Wasserman, who explained the authority of the Babylonian Talmud in precisely such terms, as discussed in chapter 3, was one of the main proponents of the Da'as Torah of *Mo'etses Gedolei Hatorah* and was perhaps the most articulate spokesman for the Agudah ideology of the interwar period.[40] Halevy's international conclave of rabbinic authorities thus came to be the centerpiece of Agudath Israel and conferred upon it authority and pedigree.

The Talmud became even more entrenched in the ethos of the Agudah after its inaugural convention in 1923, at which Rabbi Meir Shapira of Lublin (1887–1933) proposed the idea of the *Daf Yomi* (daily page) program, that is, the communal study of one page of Talmud per day. He suggested that the synchronized study of the Talmud by Jews of various communities and in all

36 Kaplan, "Daas Torah," 12–13. In his words, the rise of such a powerful *Mo'etses Gedolei Hatorah* was the result of "the breakdown of traditional Jewish communal structures, the concomitant weakening of the power of communal rabbis and lay religious leaders, and the emergence of the *rashei yeshivah*, with their Torah scholarship and personal charisma, to center stage."

37 Haym Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition* 28, no. 4 (1994): 65.

38 See Maimonides, *Mishneh Torah*, Sanhedrin 5:1.

39 On the rebellious elder, see Maimonides, *Mishneh Torah*, Rebels 1:1–2 and 3:4.

40 Kaplan, "Daas Torah," 10n15; Gershon C. Bacon, *The Politics of Tradition*, 54.

locations, in cycles of approximately seven-and-a-half years, would unite the various communities and allow the study of the Talmud to shift from the domain of talmudic scholars to a lay practice on a massive scale. Barry Wimpfheimer summarizes its effect as follows: "the Daf Yomi movement has produced a new religious reality for the Talmud. The Talmud, like the Torah before it, has become ritualized as a way of marking time, and unifying a community in study [. . .] just as Jews have been unified over the years by a calendar that includes the ritualized reading of the Torah divided into weekly portions, Jews are now unified by a calendar that includes somewhat ritualized reading of the Talmud divided into daily portions."[41] The Agudah co-opted this project as its own, much as it co-opted the history of the formation of the Talmud to support its organizational structure. The *Siyum hashas* (lit., "completion of the Six Orders [of the Talmud]"), the celebration of the completion of the Daf Yomi's seven-and-a-half-year cycle, is celebrated on a massive scale. Agudath Israel, which still sees itself as the program's torchbearer, organizes and sponsors the main event. It was held at the MetLife Stadium in New Jersey and the Barclays Center in Brooklyn in 2020, with a crowd of more than 110,000 attendees. Thus, the Talmud – and the history of its formation – have become a lynchpin of, and source of gravitas for, the Agudah, as Halevy dreamed in his imaginative reconstruction of the Talmud's past.

I have tried to demonstrate the monumental work that Halevy performed in his reconstruction of the process of the Talmud's formation. Despite its centrality, the Talmud lacked a complete description of its development before Halevy. As Louis Jacobs remarked, "Indeed the Babylonian Talmud, in all its thirty and more folio volumes (in most editions), appears as if it dropped down from Heaven intact with not the slightest indication of how and by whom this gigantic compilation was put together. Yet it is clear beyond doubt that the words of the Tannaim and Amoraim mentioned in the Bavli appear in an editorial framework."[42] Despite other scholars' efforts, there was not even "the slightest indication" of an all-encompassing model – until Halevy, that is. Halevy constructed a comprehensive and detailed account of the various stages of the process out of the scant and often contradictory and corrupted evidence available in the early sources (described in chapter 2). *Dorot harishonim* was by far the most comprehensive account of the process in his time, and, more than a century later, it remains

41 Wimpfheimer, *The Talmud: A Biography*, 232. More generally, see Wimpfheimer, 230–233.
42 Louis Jacobs, *Structure and Form in the Babylonian Talmud* (Cambridge: Cambridge University Press, 1991), 4.

among the most elaborate and detailed accounts of this topic ever written. My hope is that this book has given a sense of the tremendous scope of this undertaking and will foster a new appreciation of *Dorot harishonim*. Halevy's project was indeed a dream, and, thus, as is true of all dreams, it had its fair share of nonsense. My goal has been to provide a framework to situate his magnum opus historically, politically, and halakhically, and thus to enable the educated reader to evaluate, and – I hope – appreciate, the various facets of the man and his work.

Appendix
The Formation of the Talmud according to Halevy

Amoraic Era

ca. 308	Abbaye and Rava and the compilation of the proto-Talmud	Pumbedita
324	Inclusion of the traditions of the Palestinian sages	Pumbedita
351/2	Death of Rava and the end of the compilation of the proto-Talmud	Sura and Pumbedita
ca. 391/2	Final redaction and editing of the Talmud by Rav Ashi's court	Matta Mehasia[1]
422/6?	Rav Ashi's death and the post-Rav-Ashi editing	Matta Mehasia and Sura
474/5	Death of Ravina bar Huna and the closing of the Talmud	Sura

Saboraic Era

474/5	Rav Yose and the first generation of Saboraim (Rabbanan Demefarshei) Committing of the Talmud to writing	Pumbedita
ca. 510/20	Reopening of Sura, with Rav Eina named its head	Sura
ca. 520	Death of Rav Yose and end of the Rabbanan Demefarshei	Pumbedita
520	Later Saboraim and minor editing of/cosmetic work on the Talmud Rav Eina Rav Simona	 Sura Pumbedita

1 Brody says that Matta Mehasia was the geonic name for Sura, but Halevy claimed to prove from the Talmud that Sura and Matta Mehasia were two adjacent cities. See Brody, *The Geonim of Babylonia*, 36; and Halevy, *Dorot harishonim*, 2:593–600.

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ca. 540	Rav Eina's death and the closing of Sura due to new persecutions	
560	Death of Rav Revai of Rov and temporary closure of Pumbedita	
570	Creation of a new *beit hava'ad*	Piruz Shabur[2]
	Composition of Masekhtot qetanot	Nehardea

Geonic Era

589	Appointment of first Gaon and end of saboraic era	Pumbedita
609	Reopening of the academy in Sura	Sura
689	Sura firmly established and title Gaon firmly used	Sura

2 In the surroundings of Nehardea (Lewin, ed., *Iggeret Rav Sherira Gaon*, 99).

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