

The Redaction of the Babylonian Talmud in Rabbi Y.I. Halevy's Dorot HaRishonim

By Rabbi Moshe Becker

I. Introduction

The Babylonian Talmud, the voluminous encyclopedia of Torah law, ethics, and theology, is the written canon encompassing what is otherwise known as the Oral Tradition. Yet this work, central as it is to the lives of all practicing Jews, cannot be clearly traced to a specific individual's authorship, or even to a clearly defined time period. Not only does the work itself not bear the name of an author or publishing house, but the heels of history have kicked up a veritable dust storm which obscured any possible tradition of authorship and further complicated matters.

Strangely enough, even those classical writers upon whom one can usually rely regarding matters of the transmission and development of Torah, such as Rambam¹, Ra'avad², or R' Sherira Gaon³, are decidedly vague on the specific question of the Talmud's redaction.

1 Both in his Introduction to the Mishna, and in the beginning of *Mishna Torah*.

2 *Seder HaKabbala la-Ra'avad*

3 *Iggeret R' Sherira Gaon*

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Various attempts were made to approach the issue over the course of Jewish literary history, at times with greater intensity than others; we will look at a relatively late treatment of the matter.

The following essay will focus on the approach taken by R' Yitzchak Isaac Halevy. R' Halevy lived from 1847 until 1914, and was instrumental in founding the Agudat Yisrael organization. His six volume⁴ historical work, *Dorot HaRishonim*, covers the history of the Jewish tradition beginning with the end of the Tannaic period through the Gaonic period⁵, with a focus on the transmission of the Oral tradition. Halevy was a brilliant and extremely erudite man, both of which qualities are reflected in his writings.

Perhaps owing to his genius, or possibly due to his rather tumultuous life, Halevy wrote in a very difficult and somewhat disorganized style and his treatment of our topic is split into several parts throughout the different sections of the work. In addition to advancing his opinions, Halevy marshals in his support extremely copious and detailed evidence, and often strong rhetoric against other historians. As a result it is often difficult to make it through the material and grasp his intent. In this essay, I attempt to offer a cogent and concise presentation of his views without leaving out any crucial components. This is not intended to be a thorough critique of his views; rather I will engage in as little commentary as possible and aim to present an objective recording of his theories.⁶

4 Apparently the author intended that the work be comprised of six parts. However the order he wrote them in is very confusing and counter-intuitive. Some later publishers attempted to reorganize the volumes of *Dorot HaRishonim* to follow a more direct chronological progression, and as a result, later editions are spread over more volumes. All quotations below from *Dorot HaRishonim* refer to the original volumes and page numbers.

5 Approximately 200 – 1000 CE.

6 For a comprehensive critique see J. Kaplan, *The Redaction of the Babylonian Talmud* [New York: Bloch Pub. Co., 1933] pp. 19-25, and throughout the book. In

I noted that the Talmud does not testify to its authorship. Halevy was one of the first to reach the conclusion that although the Talmud itself may not explicitly claim an author, it is still the most appropriate place to look for clues to the mystery. With this goal in mind, he set about a focused scholarly analysis of the text of the Talmud to see what information could be gleaned. Although many scholars disagree with Halevy's conclusions, all admit that his method of searching the Talmud itself for the key was a significant contribution to the field⁷.

In addition to a rigorous examination of the text of the Talmud and the clues it may yield, Halevy did make much use of one historical source, the *Iggeret (Epistle of) R' Sherira Gaon*. R' Sherira Gaon⁸ wrote the Epistle in response to questions posed to him regarding the transmission of the Oral Law. In his response, R' Sherira goes into a detailed chronicle of the generations and individuals responsible for the transmission of the Torah and Jewish tradition. Naturally, one would expect such a work to contain a clear statement about the authorship of the Talmud, yet such a statement is not found in *Iggeret R' Sherira Gaon*. However, several phrases contain references to the completion of the Talmud, and these feature prominently in Halevy's work. The latter clearly considered R' Sherira Gaon to be authoritative on the history of the Tradition – seemingly in contrast with other historians, many of whom questioned the reliability of R' Sherira's reports.

addition, see D. Goodblatt's review in *The Formation of the Babylonian Talmud*, ed. J. Neusner, [Leiden: E.J. Brill, 1970] from p. 26.

⁷ *Ibid.* p. 25

⁸ R' Sherira was the *Gaon*, or Dean, of the academy in Pumbedita, Babylonia, during the 10th century, and one of the most prominent *Gaonim*.

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II. The Question of Authorship

It is widely believed that R' Ashi, assisted by his colleague Ravina, compiled or redacted the Talmud⁹. This view is based on a statement of the Gemara: "R' Ashi and Ravina conclude *hora'ab*"¹⁰. Rashi explains this to mean that R' Ashi and Ravina, who lived at the end of the Amoraic period¹¹, collected all the teachings of those preceding them, discussed the difficulties associated with these traditions and their possible resolutions, and formed a single corpus to encompass all this material. According to this understanding, "*hora'ab*" would be translated as "teaching" or "instruction", and the author of such an encyclopedic work as the Talmud – R' Ashi – is the final "teacher". Based on this passage and Rashi's comments, it has become widely accepted that R' Ashi and Ravina compiled the Babylonian Talmud and are thus responsible for preserving the entirety of the Oral Tradition for posterity.

Naturally, R' Sherira Gaon also discusses this Gemara, albeit with a slightly different emphasis. While Rashi focused on R' Ashi's accomplishment as an author or teacher, R' Sherira emphasizes the Gemara's usage of the word "**conclude** *hora'ab*", and the fact that R' Ashi completed something which could no longer be changed thereafter. R' Ashi's generation was the last to engage in deciding between Tannaic opinions and other major aspects of Halachic law-making. Anything which was codified until that point was no longer called into question¹². Thus, while R' Sherira does repeatedly refer to

9 Authorship in this case is an inaccurate description of an encyclopedic work quoting so many different people.

10 *Bava Metz'ia* 86b

11 Beginning of 5th century.

12 For an example of the binding character of Halacha codified at this time, see *Chazon Ish*, *Orech Chaim* §138

the “*bora’ab*” of R’ Ashi and his generation, he never explicitly states that R’ Ashi compiled or wrote the Talmud.¹³

However, the idea that R’ Ashi created or compiled an entirely original work is problematic. The implication of many, many instances in the Gemara is that a canonized body of Talmudic knowledge was already in use during the generations preceding R’ Ashi. Halevy points out many of these instances, and I will reproduce several below.

The important factor to be aware of in these passages is what is known as the “*stama de-gemara*”, the narrative or passive voice of the Gemara. Many passages in the Gemara contain anonymous statements of a narrator as well as quotes attributed to Amoraim by name. Halevy points out that the key is to carefully separate these two components. If we can establish that a part of the narrative *preceded* the Amora who is quoted by name, we must assume that some form of the Talmud had been compiled earlier, and the Amora in question is in fact commenting on this existing form. Examples of this can be seen in many Gemaras.

In one example¹⁴, we find R’ Ashi and Ravina themselves discussing a seemingly preexisting passage: The Gemara¹⁵ discusses the case of an individual who mistakenly ate two olive-sized pieces of forbidden fat. He then found out that one of the pieces was forbidden, and at a later point found out that the second was forbidden as well. The question in the Gemara is how many sin-offerings such an individual is required to bring¹⁶. R’ Yochanan says that the person must bring

13 ‘*Hora’ab*’ can be translated in several ways, and I believe that R’ Sherira Gaon understood it differently than Rashi and influenced Halevy in this respect. I will return to this point later.

14 *Dorot HaRishonim* II p. 55

15 *Shabbat* 71b

16 As a rule, the obligation to bring a *korban chatat* only occurs after one becomes aware of his transgression, and as such, an individual who mistakenly committed the same sin multiple times over a long period of time would only bring one *korban*

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two offerings. Reish Lakish argues and states that only one is required. The argument is followed by an anonymous analysis in the Gemara searching for the sources for these two opinions, and the reasons for their argument. At this point, Ravina poses a question to R' Ashi regarding the exact context of the argument between R' Yochanan and Resh Lakish¹⁷. R' Ashi answers by inferring from the aforementioned anonymous section in the Gemara regarding the sources of the two opinions. We must assume that the redactor of the Talmud is also the author of any anonymous passages in the Gemara. If R' Ashi is redactor/author of the Gemara, then any anonymous statements should be attributed to him. Yet we find R' Ashi, the supposed author of all such anonymous statements, bringing proof to his own opinion from just such a statement. The clear implication is that R' Ashi was "learning" from an older, existing Gemara, and was not the author of the anonymous passage. In fact, Rashi notes this, and without further ado, writes that R' Ashi was able to infer from the earlier discussion in the Gemara because "we see that it was apparent to the members of the academy who compiled the Gemara..." Indeed, beyond suggesting that this case is an exception, it is hard to think of an alternative interpretation to this Gemara.

In his second example¹⁸, Halevy goes further and establishes that a Talmudic corpus existed as the subject of Amoraic analysis even prior

upon learning of his mistake. On the other hand, if one were to eat a forbidden food by mistake, discover his sin, and bring a *korban*, he would need to bring a *korban* again should the occurrence repeat itself. The difficulty in this case is that the individual performed one act of eating, then at the first stage discovered that a part of that act was forbidden, at which point he is already obligated to bring a *korban*. Does the fact that he found out about the second half separately require a second *korban*, since we know that 'finding out' is what actually creates the obligation.

17 Are we speaking about a case where the person had already designated a *korban* when he found out about the second half of his sin, or he had not yet done so?

18 II, p. 552

to R' Ashi: In an entirely anonymous passage, the *stama de-gemara* attempts to resolve an apparent contradiction between a Mishna and a Baraita¹⁹. According to the Baraita it is permissible to separate *Terumah* from fresh figs for dried figs *in a place where it customary to dry figs*, but it is never permissible to separate dried figs for fresh figs²⁰. The Mishna however rules that if there is a Cohen present one may not separate dried figs for fresh figs²¹, but when there is no Cohen present one must separate from the dried figs because they last longer²². The resolution is that the first half of the Baraita is referring to a scenario where a Cohen is present, while the second rule, that dried figs can never be separated for fresh ones, applies in a situation where no Cohen is present. The Gemara then records R' Pappa's comment: that from this passage of Gemara we learn that it is preferable to interpret the Baraita as dealing with two distinct cases than to suggest that the two sections were authored by different Tannaim, which would also reconcile the conflicting sources²³. We have now found R' Pappa, an Amora of the generation prior to R' Ashi and Ravina, reflecting upon a *stama de-gemara*, a passage clearly formulated earlier and studied in R' Pappa's generation.

Halevy discusses many similar examples, which need not be repeated here. However there are two more proofs which I believe are important to note. Whereas the Gemaras quoted are relatively

19 *Menachot* 55a

20 *Terumah* must be taken from each type of produce individually. The question here is under what circumstances we may view dried and fresh figs as one type of produce, and which should be separated as the actual *Terumah* to be given to the Cohen.

21 Because the fresh figs are superior.

22 And will therefore be preserved until they reach the hands of a Cohen.

23 Tosafot (ד"ה ולא מוקמינן בהרי תנאי) explains that the "two Tannaim" would be the two opinions recorded in Mishna *Terumot* 2:6: According to Tanna Kamma, if no Cohen is present one should take *Terumah* from the dried figs because they last longer, while according to R' Yehuda one should prefer the fresh figs for their superior taste - in all cases.

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straightforward proofs of an earlier work, the following two are much more nuanced. Yet Halevy treats them as equally conclusive which is itself instructive in understanding his methodology.

Our next example involves comparing parallel discussions in the Bavli and Yerushalmi. In the Bavli²⁴ we have two versions of an Amoraic statement²⁵. The second version is an anonymous modification of the first. In the parallel *sugya* in the Yerushalmi²⁶ the first version does not appear. The second version, the *stama de-gemara*, is quoted by the Yerushalmi in the name of “*Rabbanan de-Tamman* – The Rabbis from Bavel”. Halevy states categorically that we know that the Yerushalmi’s compilation ended during the generation of Rava²⁷, and hence any statement of the Bavli found quoted in the Yerushalmi must have been said no later than during Rava’s generation.

In our final example, Halevy demonstrates that acceptance of an earlier form of the Gemara sheds light on a somewhat puzzling opinion of the Rif. The Mishna²⁸ lists activities an individual must refrain from in the afternoon out of concern that he may become absorbed in the given activity and neglect his afternoon prayers. The Gemara then attempts to clarify the precise nature of the activities forbidden by the Mishna. The first opinion, that of the *stama de-gemara*, is that the Mishna only forbade a meal, haircut, etc., if it is a very involved activity, such as an elaborate, festive meal, or a very specialized and difficult haircut. Only in such a case is there a concern that the individual may end up missing Mincha. R’ Acha bar Yaakov however, maintains that the rule applies even to normal meals, haircuts, etc., and in each instance we are concerned about a

24 *Ketubot* 79b

25 The statement of R’ Kahana limiting the argument in the Mishna .

26 Yerushalmi *Ketubot* 8:7

27 This is Halevy’s opinion based on his lengthy analysis later in Vol. III.

28 *Shabbat* 9b

particular contingency that may result in the person's missing Mincha.

We now need to determine which opinion the Halacha should follow. Are we to follow the usual rule that the Halacha follows the final opinion²⁹ and rule like R' Acha bar Yaakov, the later opinion in the Gemara, or is there a greater degree of authority to the *stama de-gemara*? Regarding this question there is an interesting discussion amongst the Rishonim.

According to Tosafot, we do indeed apply the usual rule, however the final word in this Gemara is not R' Acha bar Yaakov's, the opinion recorded last in the Gemara, but rather the *stama de-gemara*, which is to be taken as the opinion of R' Ashi. As the compiler of the Gemara, R' Ashi's opinion most certainly qualifies as the "last word" and his ruling is authoritative despite being recorded first in the Gemara, and this does not violate the general rule to follow the last opinion³⁰. On the other hand, the Rif simply rules like the opinion of R' Acha bar Yaakov, without elaborating. The Rosh explains that in this case the anonymous statement is not a real *stama de-gemara* and not the words of R' Ashi, but rather the opinion of another participant in the discussion. This opinion was later rejected in favor of R' Acha bar Yaakov's whose solution was deemed superior³¹.

Yet if we assume that the *stama de-gemara* as a rule is not the words of R' Ashi, but rather an earlier compilation, we avoid the entire question. The *stama* in this Gemara is no different than in any other

29 This is known as "*bilchata ke-batra*". This generally applied rule assumes that the opinion recorded later in the Gemara is in fact the opinion of a chronologically later Amora who considered all the earlier opinions and decided between them, and is therefore considered to have the "last word".

30 תוס' ד"ה בתספורת של בן אלעשה 30

31 וכן נראה לרבינו יונה דשינויא קמא שינויא דחיקא הוא דהא דקתני במתניתין לא ישב אדם לפני ... הספר בסתם דחיק ומוקי בתספורת בן אלעשה ולא לאכול סתם מוקי בסעודה גדולה ושינויא קמא לאו רב אשי הוא דקאמר ליה אלא כשנשאו ונתנו בדבר בני הישיבה ועמדו בקושיא הוצרכו לתרץ בדוחק שלא יצאו חלוקים מבהמ"ד עד שמצא רב אחא בר יעקב שינויא רויחא

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– it's part of the original form, which in fact was completed by R' Acha bar Yaakov's time³² and his opinion is the final ruling in the matter. We have no later input from R' Ashi or any other subsequent Amora. Says Halevy, this is the reason that the Rif ruled like R' Acha bar Yaakov, and consequently there is no room for Tosafot's argument and no need for the Rosh's contortions.³³

In all these examples Halevy saw that a form of the Gemara³⁴ was in circulation already among the Amoraim. Generally speaking, we view the concept of *stama de-gemara* as a feature which later Halachic authorities, such as the Rishonim, can utilize to determine what the implicit ruling of the Gemara was. In most of Halevy's examples one sees that this was a method that the Amoraim themselves applied when analyzing the words of earlier Amoraim - our *stama de-gemara*. We see R' Ashi himself, the purported "compiler" of the Talmud, addressing difficulties in the *stama de-gemara* and relating to it as an authoritative corpus. If R' Ashi compiled the Talmud, as many believed, then *he* authored the *stama de-gemara*!

Halevy, and many others, see the above as clear evidence that the Talmud, or at least some form of it, pre-existed R' Ashi's generation. Who compiled this body and when it originated however is not clear from the text, and Halevy resorts to external evidence to locate its author and time frame, yet attempts to find some internal support for his theory.

III. "*Siddur Ha-Talmud*" – Rava and Abaye

Halevy asserts that the compilers of this early stratum of the Talmud were Abaye and Rava. It is not entirely clear precisely what he bases this upon. As noted, all that can be established from the text of the

32 During the middle of the 4th century.

33 II, pp. 555-556

34 A "proto-Talmud" in the words of Goodblatt.

Talmud is the existence of earlier and later elements. To establish his argument that the earlier stratum originated with Rava and Abaye, Halevy pieces together various pieces of information. The first is a quote from R' Sherira Gaon that during the time immediately preceding Abaye and Rava's generation³⁵ the Jewish inhabitants of Eretz Yisrael were subject to severe persecution³⁶. R' Sherira Gaon does not state who was responsible for the persecution or what event or sequence of events brought it about. He does say however, that the persecution resulted in a mass influx of great Torah scholars from Eretz Yisrael to the academies in Babylonia, brought about by both the emigration of native scholars from Eretz Yisrael, as well as the permanent return of Babylonian scholars studying at the academies in Eretz Yisrael. R' Sherira Gaon also states in several places, that although there had always been a number of academies in Babylonia, at various times one of those academies took precedence as the central academy³⁷. Halevy at length deals with the history and details of these two reports, and concludes that during the generation of Abaye and Rava the academy at Pumbedita became not only the central academy in Bavel, but eventually the only one.

Apparently combining these reports of R' Sherira Gaon, Halevy states that Abaye and Rava found themselves presiding over a large, centralized academy between whose walls the greatest scholars of the generation had gathered to study and teach³⁸. These scholars of diverse backgrounds, represented the many different traditions that had developed over time at the various academies of Eretz Yisrael and Bavel, and were the bearers of a wealth of material from their native academies, some of it contradictory or inconsistent, and the time was ripe for a thorough review and organization of all this information. Abaye and Rava, as the leaders of the academy, saw the

35 During the first half of the 4th century.

36 II, pp. 366-372, 455-473

37 II, pp. 490-496

38 From p. 480

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confluence of events as indication of a divine mission to organize the Oral tradition, and their activity resulted in the basic form and much of the content of the current Babylonian Talmud. I will not discuss here the historical veracity of the reports Halevy took from R' Sherira Gaon³⁹ - as I stated earlier, Halevy considered R' Sherira's history sufficiently authoritative. Even on its own terms the picture presented by Halevy is somewhat speculative, but this is his opinion.

The above forms the historical evidence to Halevy's theory. As noted, there is little internal evidence to support his position. In two places, Halevy finds that statements made by the *stama de-gemara* are reported by later Amoraim as being the words of Abaye⁴⁰. Additionally, the Yerushalmi⁴¹ discusses a statement of *rabbanan de-tamma* - "the scholars from there (Bavel)" that is in fact recorded in the Bavli as the words of Abaye and Rava⁴². By attributing the words of Abaye and Rava to a generic source, the Yerushalmi may be indicating that Abaye and Rava are representatives of the entire community of Torah scholarship in Bavel and their words can be seen as the collective product of the academy, which would support the idea that the *stama de-gemara* in the Bavli originated with them as well⁴³. Such is the textual evidence for Abaye and Rava's roles as the compilers of the Talmud.⁴⁴ Furthermore, Halevy suggests that his

39 See Goodblatt, *op cit.* p. 37

40 II, pp. 566-567

41 *Ketubot* 8:7, *Shabbat* 19:3

42 *Ketubot* 79b, *Shabbat* 134b. See also on pp. 568-569, Halevy quotes the Gemara in *Gittin* 62a and its parallel in the Yerushalmi - anything in the Bavli that preceded Rava is quoted in the Yerushalmi by name; Rava's words are *stama*; and that which was added after Rava does not appear at all in the Yerushalmi.

43 II, p. 489-490, 554-555. One would need to explore the occurrences where Abaye and Rava are indeed quoted by name and explain why some statements are "*stama*" and some named.

44 Both Kaplan and Goodblatt suggest that perhaps Halevy felt that the sheer volume of material found in the Talmud in the name of Rava and Abaye indicates their editorial involvement. This is not explicitly stated anywhere by Halevy. See

theory explains the concept of “*havayot de-Abaye ve-Rava*”, a phrase used to refer generally to *sugyot* in the Gemara as “the discussions of Abaye and Rava”, and could be indicative of Abaye and Rava’s prominence – according to Halevy as editors or redactors of the Talmud⁴⁵.

According to Halevy’s theory, Abaye and Rava, along with their academies, took on the task of collecting, reviewing and organizing all the reports and materials carried by all the scholars of their generation. Their goal was to create a comprehensive encyclopedia of all the Torah scholarship accumulated since the formation of the Mishna, although it is not clear if the organization was for the academy’s own educational purposes or there was a greater, long term plan in mind⁴⁶. The product of this activity forms the vast majority of the Babylonian Talmud, and served as the basic template for all subsequent developments.

IV. “*Chatimat Ha-Talmud*” – R’ Ashi

The second stratum of the Talmud is comprised of the additions made by R’ Ashi and his generation⁴⁷, as well as their editorial emendations to the original formulation. This activity is referred to by Halevy as “*Chatimat Ha-Talmud*”. As discussed above, R’ Ashi was traditionally recognized as a key figure in the formation of the Talmud, and while Halevy explicitly rejects the traditional view that R’ Ashi alone is to be credited with authorship of the Talmud, his battle is to preserve tradition; not to undermine it. Regarding R’ Ashi and his role, Halevy devotes much of the discussion to attacking the

Kaplan (*op cit.* p. 21) for an alternative explanation of the frequency with which they are mentioned.

45 II, p. 490.

46 Kaplan (*op cit.* p. 19) writes that according to Halevy their goal was educational as opposed to R’ Ashi’s legal agenda.

47 Late 4th – early 5th century.

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theories of Graetz and Weiss, so much so that his own theory largely arises out of the rhetoric directed against them. I will not get into the theories of Graetz and Weiss beyond presenting the context of Halevy's discussion⁴⁸. According to Graetz and Weiss, at a very young age⁴⁹ R' Ashi reestablished the defunct academy at Sura⁵⁰, essentially opening his own academy and breaking away from the main body of Babylonian scholarship. The picture presented by Graetz and Weiss is that of a young man, a loner, almost a renegade, not yet learned enough to be thoroughly familiar with the tradition, nor old enough to have the respect of the generation. This man opened an academy, presumably gathered a following of some sort, and chose a topic to be covered at each of the bi-annual "*kalla*" sessions⁵¹ of the academy at Sura. The proceedings of these sessions were recorded and set down as the body of the Babylonian Talmud. R' Ashi's career as head of this academy lasted 30 years; two yearly sessions totals 60 sessions, corresponding to the 60 Tractates of the Talmud Bavli which were all covered.

Halevy understood that the approaches of Graetz and Weiss serve to entirely undermine the authority of the Talmud Bavli as the primary pillar of the Oral tradition. By casting R' Ashi as an independent actor, and his work as the private proceedings of his academy, unendorsed by his peers, they effectively severed the connection between the Oral tradition passed on from generation to generation and the Babylonian Talmud. Halevy sees as a recurrent theme in the work of

48 Graetz and Weiss developed their descriptions along similar, but not identical lines. I generalize here for the sake of staying within the parameters of our discussion.

49 The lowest estimates put him at 14 or 19.

50 It should be noted that according to R' Sherira Gaon the cities Sura and Mata Mechasia are one and the same.

51 The *Kalla* was a bi-annual convention during which many non-regular students would gather for a month to study in the academy and hear discourses from its leaders.

these historians an attempt disqualify the Talmud and the tradition it represents, and attacks this position with full vigor⁵².

First, he argues, it is inconceivable that R' Ashi would have been able to accomplish what he did under the conditions they describe. A young man who had not spent considerable time studying under the leaders of his generation would not have been in a position to put together all the material⁵³. He would have lacked much basic information as well as the background and sensitivities needed to put everything in its context. Further, from the sheer quantity of the information one must infer that he was operating with the cooperation of the other scholars of his generation, who assisted in the endeavor by sharing all their traditions and information.⁵⁴

The second component of Halevy's attack is simply all the internal and textual evidence testifying to a layer of the Gemara that existed prior to the generation of R' Ashi. Suggesting that R' Ashi created an entirely original text ignores all this evidence.

Following these arguments, Halevy goes on to explain R' Ashi's role, the conditions under which he operated, and the goal and cause of his work in an entirely different way. According to Halevy, R' Ashi in fact spent many years studying under the authorities of the previous generation, and thus accumulated a vast and thorough knowledge of the Oral Tradition. Upon attaining a position of stature himself, he now had the credibility and trust of the leaders of the generation to take on the task of editing the Talmud.

Let us recall that according to Halevy much of the material which comprises the Talmud was in place and organized already by Rava

52 See below for more on this.

53 According to their chronology, R' Ashi must have commenced his project during the lifetimes of R' Hunna, R' Pappa, and R' Kahana, the great Amoraim of Bavel. Starting a new academy would have been audacious enough, how much more so compiling a Talmud!

54 II, pp. 536-539

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and Abaye. What then was R' Ashi's role? Firstly, several decades had passed since the work of Rava and Abaye, and new material from later Amoraim had developed which needed to be incorporated into the Talmud. R' Ashi collected and organized this information. Secondly, although Rava and Abaye had collected the information and formed the main corpus, there still remained issues that were unresolved or unaddressed, and R' Ashi attempted to deal with these. Thirdly, he wanted to reconcile any contradictory reports or inconsistencies between traditions. Additionally, R' Ashi had the goal of creating a legal work to serve the nation for posterity. To that end it was insufficient to merely collect and organize the information; analysis leading to practical rulings and applications was necessary. The Talmud had to be a useful guide to practical daily life, not merely an academic encyclopedia of the proceeding of the Babylonian academies. All this, along with a general editing, perhaps to attain greater cohesiveness and uniformity, was included in the activities of R' Ashi.

Obviously, such a monumental feat could not be attempted alone. To realize his goals, R' Ashi commissioned a panel of scholars out of the greatest authorities of his time to work on the Talmud under his direction.

Furthermore, says Halevy, this activity should not be confused with the bi-annual "*kalla*". The perfection and editing of the Talmud was a separate project and the output of a group of scholars working full time. This point relates to an interesting side issue regarding the number of Tractates in the Talmud and which gives some support to Halevy's position. Both Talmuds, the Bavli and Yerushalmi, were formed as commentary on the Mishna, which is divided into six Orders, and subdivided into 60 Tractates. Yet the Babylonian Talmud that we have is missing the Orders of *Zeraim*, which deals with agriculture-related laws, and *Tabarot*, covering the laws governing ritual purity. (The exceptions are Tractates *Brachot* in *Zeraim* and *Nidda* in *Tabarot*, which are found in our Talmud.)

According to the schema presented by Graetz, Weiss, and others, whereby all 60 Tractates of the Talmud were covered in the bi-annual conventions of the academy over the course of 30 years, one needs to account for the missing sections of the Talmud. How is it that precisely those Tractates of the Talmud which are no longer relevant nowadays came to be missing from the Talmud? Most laws regarding agriculture are only applicable in Eretz Yisrael, and virtually all the laws of spiritual purity are relevant exclusively at times when the Temple is standing. According to Halevy's understanding that R' Ashi commissioned the work on the Talmud as a special project, this is easily explained: it is quite conceivable that he chose to focus only on the sections of the Talmud that were still pertinent to daily life in Bavel.⁵⁵

To support his position that R' Ashi was leading a large group of scholars in this work, Halevy points out that in many instances in the Gemara, R' Ashi is mentioned as a participant in a discussion, seemingly without rhyme or reason⁵⁶. Often, in contexts in which R' Ashi had not offered any opinion or been involved in any other way, we find Amoraim in the Gemara addressing R' Ashi: "So-and-so said to R' Ashi", or "So-and-so asked R' Ashi"⁵⁷. This phenomenon would make sense if, as the leader of the project, R' Ashi conducted proceedings aimed at resolving difficulties or ruling between opinions. In such a setting, many of the Amoraim would be

55 II, p. 524. The other historians, obviously aware of this difficulty, were forced to suggest that at some later point it was decided to remove the other Tractates or that the copiers stopped including these Tractates in their editions of the Talmud, perhaps due to lack of demand.

56 II, from p. 562.

57 Examples include: *Kiddushin* 6a, where Ravina attempts to resolve a question in the Gemara and addresses his remarks to R' Ashi with no apparent connection; *Yoma* 32b where R' Acha addresses his observation to R' Ashi; similarly *Menachot* 21b; *Bava Batra* 148b, and many others.

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addressing R' Ashi's regardless of his original involvement in a discussion⁵⁸.

I noted above that the popular view of R' Ashi as compiler of the Talmud is supported by the Gemara referring to R' Ashi as “*sof hora'ab*” and Rashi's commentary ad loc. It would appear in this context that Halevy, following R' Sherira Gaon, understood *hora'ab* to mean “halachic ruling” or “codifying”. The passage in the Gemara is stating that Ravina and R' Ashi were the final formulators of the main body of “halacha”, as their editorial activities involved ruling on all the remaining doubts and questions. This seems to have been the understanding of R' Sherira Gaon, who wrote that following R' Ashi's generation, “*hora'ab* was no longer, but there were *Savoraim* who were *mikrivi le-hora'ab*” – lit. “close to giving halachic ruling”, meaning that they retained enough authority, due to their generational proximity to R' Ashi and to the tradition, to codify halacha, at least on a minor scale. This brings us to the next stage of Halevy's theory – the *Savoraim*.

V. “*Istayim Talmuda*” and the *Savoraim*

Although R' Ashi and the scholars of his generation are to be credited, even according to Halevy, with the “sealing” of the Talmud, important activity took place in the generations to follow as well.

The editing of the Talmud continued after R' Ashi's death for fifty years by the scholars of his generation under the leadership of Rabba “*Tosfa'a*”. Although R' Ashi was responsible for most of the work, the additions made after his death were important, so much so that the individual in charge of these additions received the appellation “*Tosfa'a*” to his name. These additions included various illustrations or applications of rulings given in the Gemara, and other elucidations where necessary. Halevy notes that often the given *sugyot* –

58 See Kaplan, *op cit.* p. 42.

discussions of the Talmud - would be difficult to understand without these additions⁵⁹, yet he repeatedly stresses throughout his work that the “sealing” of the Talmud is to be formally attributed to R’ Ashi.

Next we come to the Savoraim. The historical records of this period are particularly vague, and even the Gaonic reports, which Halevy relied upon so heavily, are cryptic. For this reason Halevy diverges greatly from earlier historians, not only in chronicling the activities of the Savoraim, but even regarding the actual length of this period. Halevy contends that the Savoraic period spanned 4-5 generations - about 115 years⁶⁰ - and divides it into two with respect to the redaction of the Talmud. The Savoraim of the first generation are referred to by R’ Sherira Gaon as “close to *hora’ab*” and their additions to the Talmud are qualitatively similar to those of Amoraim. Their connection to the generation responsible for codifying Talmudic law allowed them to provide rulings on cases which had been left unresolved by the Amoraim, and draw upon Tannaic sources to do so. This activity is referred to by R’ Sherira Gaon as “all that had been left unresolved they explained”, and is authoritative on the same level as Amoraic rulings⁶¹. The Savoraim of this generation thus made a distinct contribution to the Talmud, significant enough to have their names introduced into the text; their words do not remain anonymous commentary or glosses⁶². After this point, when the distance from the generation of “*hora’ab*” had increased, no such additions were possible.

59 See III, from p. 36.

60 Beginning in the last quarter of the 5th century.

61 Halevy explains that one cannot possibly read the passage in R’ Sherira Gaon literally. There are many instances in the Gemara in which question are left ‘open’ and unanswered. Rather it means that in certain cases in which the Amoraim did not wish to set down their opinions due to lack of Tannaic support, the Savoraim decided to record those traditions and incorporate them into the Talmud.

62 E.g. R’ Sama barei de-Rava (*Chullin* 47b), R’ Acha bar Rav (*Chullin* 97b), R’ Rechumi (*Yoma* 78)

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Nonetheless, there was still work left for later Savoraim. During the following two generations, the Savoraim added various glosses to elaborate in places where the original text was overly terse. In addition, they added the short excerpt from the Mishna at the beginning of each section of Gemara that indicates what portion of the Mishna is being addressed. Though minor, this latter feature, which is unique to the Bavli, is particularly useful, and its absence in the Yerushalmi is among the factors that make the Yerushalmi so difficult to understand.⁶³

Halevy adds that in all likelihood the Talmud was committed to writing by the Savoraim of the first generation⁶⁴. As an aside Halevy adds that the minor tractates of the Talmud⁶⁵ – the “*masechtot ketanot*” – were formulated at this time⁶⁶. His reasoning is as follows: the Rosh points out that they must not have been written before the Talmud because they are never quoted in the Talmud. On the other hand, Halevy maintains that they could not have been written much later either, and the early Savoraic period is the latest time that could have seen something new added to the Talmud. The reason for this goes back to Halevy's general theory about the conditions that brought about the compilation of the Talmud. He had stated that the generations of Rava and Abaye as well as R' Ashi were periods of relative calm and peace for the Jews; this context enabled the scholars

63 III, pp. 36-37

64 III, p. 25. Halevy had thus far made no distinction between oral compilation and actual writing. It's not entirely clear what forces him to do so at this point. Halevy writes that he had proven that it could not have been written during R' Ashi's time, however all he had really proven through his analysis is that it could not have been written in its entirety as we have it. Theoretically, it would be equally possible to suggest that at each stage of the Talmud's development those responsible committed it to writing.

65 These are several short Tractates, found in the Babylonian Talmud at the end of *Seder Nezikin*, that deal with several topics that are not fully addressed in the Talmud, such as the laws mourning and the laws of *Tefillin*, *Mezuzaot*, and *Sifrei Torah*, among others.

66 III, p. 38.

to focus their energies on such a major project as the Talmud. Perhaps the most important factor, according to Halevy, was the existence of a single unified academy as the central Torah authority of the generation – in the first case, Pumbedita; in the second, Sura⁶⁷, and in the case of the Savoraim, Neharda’a. The Talmud, or any part of it, could not have been compiled, and certainly would not be considered authoritative, if the leading scholars of the generation had been scattered through several different centers of learning. The third generation of Savoraim was the last period to see the existence of one such central academy, and therefore was the latest possible time that any new parts could have been added to the Talmud.

The final stage of editing by the Savoraim – the third stratum of the Talmud - culminated with a consensus of the entire leadership⁶⁸ that no further additions would be made to the Talmud. R’ Sherira Gaon calls these events “*istayim talmuda*” – “the completion of the Talmud”⁶⁹.

VI. Summary

To summarize, the Talmud developed in the following stages: Abaye and Rava, the leaders of the fourth generation of Amoraim, collected all the material that comprised the Oral Tradition, in the form of reports from their colleagues regarding the traditions they received along with discussions about these traditions. In these discussions, positions were often challenged or supported; sometimes resulting in the rejection of a given opinion, in other cases forcing a resolution. All this “*shakla ve-tarya*” – “give and take”, or exchange of ideas, was recorded in this early form of the Talmud, and the basic structure and layout of the Talmud was thus prepared.

67 See III, p. 27.

68 Approximately at the end of the 5th century.

69 III, p. 26

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The second stage was performed by R' Ashi, of the sixth generation of Amoraim, at the academy in Sura. He established a special group of scholars to develop the work of Abaye and Rava, and create a corpus that would include all facets of the Tradition in a form that would be useful for coming generations. Under his guidance, these scholars gathered and edited all the new materials accumulated over the past 50 or so years, worked on resolving any open questions or inconsistencies, and formed practical rulings and applications out of the discussions in the Talmud. This activity did not cease with the death of R' Ashi, and his successor, Rabba "*Tosfa'a*", continued as its leader until the end of that generation.

The third and final major stage is that of the Savoraim, which is divided into two parts. The first generation was still close enough to the Amoraim to be able to imitate their work, and as such we find Savoraic statements in the Gemara giving rulings on questionable cases. The second and third generations could no longer do this, but they were still able to add glosses to clarify particularly terse statements, as well as the very useful feature of the notations indicating which part of the Mishna is being addressed by the Gemara.

Halevy is adamant that after this point, no changes or additions were intentionally made to the text of the Talmud. In support of this statement he quotes the words of R' Shmuel Ha-Nagid⁷⁰ that "in the days of R' Ashi and his associates the Talmud was sealed"⁷¹. The desired implication being that the Talmud as we see it was written by R' Ashi alone, and not R' Ashi with whomever else may have made an addition.⁷² The strong stance that Halevy takes is intended to uphold the integrity of the Talmud's origins, in the face of opinions

70 In his Introduction to the Talmud.

71 III, p. 22

72 Although it's hard to ignore the additional possible reading: that R' Ashi *alone* was responsible for compiling the Talmud, without the various stages and layers suggested by Halevy.

such as those expressed by Weiss, that the Talmud was in fact never sealed, but rather left fluid and open to the scholars of every generation. As a result, many additions and editions were made, be they mistaken or willful, and there is no inherent purity or authority to the work of the Amoraim and Savoraim⁷³.

Refuting such positions actually seems to have been one of the primary goals of *Dorot HaRishonim*, and strong rhetoric is quite prominent in Halevy's treatment of the redaction of the Talmud. Halevy felt that the approaches of Graetz and others challenged the integrity of the "*Mesorah*" – the continuous tradition of the Torah that has been handed down from generation to generation. To address this he wrote his own record of the Jewish history from a traditionalist point of view.

Specifically regarding the redaction of the Talmud, the conclusions reached by Graetz and others conjure up the image of a lone, almost renegade scholar producing the Talmud with little popular support and virtually no authority, formal or otherwise. Obviously the result of such work cannot be seen as authoritative in any way, let alone the untouchable basis of all contemporary Jewish life and scholarship. Halevy also quotes the views of S.Y. Rappaport, who writes that the Talmud was created to address the emergency situation that the community found itself in due to persecution, as opposed to the picture presented by Halevy of a premeditated, planned and concerted project, which was the product of, and made possible by, peaceful times for the Jewish community in Babylonia. Halevy saw in the words of these historians an attempt to undermine the foundation of the Jewish tradition, and he sought to combat this, albeit in his unique and scholarly fashion.

So, while Halevy's study does do damage to a popularly held view - that R' Ashi compiled the Talmud - it preserves the integrity and continuity of the Oral Tradition as a whole in face of the theories of

73 Quoted by Halevy in III, p. 140.

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Graetz and Weiss, which, in Halevy's view, entirely uproot the tradition. Nonetheless, it should be noted that Halevy's does attempt to preserve a unique role for R' Ashi in the history of the Talmud's development, and thus uphold the tradition of R' Ashi's authorship.

