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Oral Tradition seeks to provide a comparative and interdisciplinary focus for studies in oral literature and related fields by publishing research and scholarship on the creation, transmission, and interpretation of all forms of oral traditional expression. As well as essays treating certifiably oral traditions, *OT* presents investigations of the relationships between oral and written traditions, as well as brief accounts of important fieldwork, a Symposium section (in which scholars may reply at some length to prior essays), review articles, occasional transcriptions and translations of oral texts, a digest of work in progress, and a regular column for notices of conferences and other matters of interest. In addition, occasional issues will include an ongoing annotated bibliography of relevant research and the annual Albert Lord and Milman Parry Lectures on Oral Tradition. *OT* welcomes contributions on all oral literatures, on all literatures directly influenced by oral traditions, and on non-literary oral traditions. Submissions must follow the list-of reference format (style sheet available on request) and must be accompanied by a stamped, self-addressed envelope for return or for mailing of proofs; all quotations of primary materials must be made in the original language(s) with following English translations. Authors should submit two copies of all manuscripts. Most contributions will be reviewed by at least one specialist reader and one member of the editorial board before a final decision is reached. Review essays, announcements, and contributions to the Symposium section will be evaluated by the editor in consultation with the board.

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Editor's Column

The first number of volume 14 opens with a new emphasis for *Oral Tradition*. Devoted entirely to Jewish traditions, it examines the interplay of orality and text across the centuries from the foundation of sacred writings (and sayings) through to the present day.

The initial group of essays focuses on the Oral Torah, a problematic term that has received many contradictory explanations. Martin Jaffee sets the scene for this exchange, outlining the collective presentation in three sections. After a brief orientation to Rabbinic literature aimed at the diverse readership of *Oral Tradition*, he considers the symbolic value of orally transmitted learning in Rabbinic culture and moves toward a juxtaposition of current studies in oral tradition with extant Rabbinic texts.

Three colleagues then explore some of the specific directions that Jaffee maps out. Steven Fraade explains how literary composition and oral performance—Written and Oral Torahs—are not mutually exclusive but necessarily interactive. For his part, Yaakov Elman argues in favor of the oral composition and transmission of the Babylonian Talmud. Finally, Elizabeth Shanks Alexander explains how methodologies evolved in studies of other oral traditions can help to solve otherwise puzzling problems in the transmission and stability of the Mishnah.

Partnered to this small symposium is a rich and magisterial essay by Dan Ben-Amos on "Jewish Folk Literature." Taking as his subject nothing less than the broad and heterogeneous expanse of Jewish folklore from the Biblical period to the present, Ben-Amos patiently and carefully unravels a Gordian knot of research and scholarship, providing hundreds of references to sources in a variety of languages. This essay should prove a *locus classicus* for folklorists, literary specialists, and comparatists for many years to come, and we are proud to be publishing it in *Oral Tradition*.

Let me also take a moment to welcome aboard John Zemke, Associate Professor of Romance Languages, as assistant editor. A specialist in Hispanic and particularly in Sephardic oral traditions, Professor Zemke has been of enormous help in preparing the present issue and will be playing a prominent role in the editing of the journal from this point forward.

Forthcoming issues, primarily in the "miscellaneous" mode for the next year, will feature articles on areas as divergent as Coptic, Black English, ancient Greek, Persian romance, medieval English and French,

Japanese, Native American, Celtic folklore, and Toni Morrison's *Paradise*. In the works is a special issue on Contemporary Criticism and Studies in Oral Tradition (Mark Amodio, editor).

As ever, we welcome your submissions and your subscriptions with equal and genuine enthusiasm, and look forward to new and exciting developments within our shared field.

John Miles Foley, Editor

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Oral Tradition in the Writings of Rabbinic Oral Torah: On Theorizing Rabbinic Orality

Martin S. Jaffee

Introduction

By the tenth and eleventh centuries of the Common Era, Jewish communities of Christian Europe and the Islamic lands possessed a voluminous literature of extra-Scriptural religious teachings.[1] Preserved for the most part in codices, the literature was believed by its copyists and students to replicate, in writing, the orally transmitted sacred tradition of a family tree of inspired teachers. The prophet Moses was held to be the progenitor, himself receiving at Sinai, directly from the mouth of the Creator of the World, an oral supplement to the Written Torah of Scripture. Depositing the Written Torah for preservation in Israel's cultic shrine, he had transmitted the plenitude of the Oral Torah to his disciples, and they to theirs, onward in an unbroken chain of transmission. That chain had traversed the entire Biblical period, survived intact during Israel's subjection to the successive imperial regimes of Babylonia, Persia, Media, Greece, and Rome, and culminated in the teachings of the great Rabbinic sages of Byzantium and Sasanian Babylonia.

The diverse written recensions of the teachings of Oral Torah themselves enjoyed a rich oral life in the medieval Rabbinic culture that

[1] These broad chronological parameters merely represent the earliest point from which most surviving complete manuscripts of Rabbinic literature can be dated. At least one complete Rabbinic manuscript of Sifra, a midrashic commentary on the biblical book of Leviticus (MS Vatican 66), may come from as early as the eighth century. For a thorough discussion of Sifra from a perspective most congenial to the present discussion, see Naeh 1997. Fragmentary texts, written on scrolls, have survived from perhaps the seventh or eighth century. Many of these are known from an enormous cache of texts found in the late nineteenth century in a Cairene synagogue. These are commonly referred to as the "Cairo *genizah* (storage room) fragments." On the significance of such fragments, see Friedman 1995, Bregman 1983, and Reif 1996.

copied and studied them. Indeed, those familiar with the orality-oriented and mnemonically grounded literary culture of medieval Christian or Muslim scribes, authors, and readers will find a familiar picture among their Rabbinic contemporaries. But our primary concern in this essay is not with the oral life of the medieval Rabbinic codex (although we will touch upon it). Rather, our plan is to move behind the surviving codices themselves to the nature of the earlier literary tradition to which they give oblique testimony. This is the antecedent Rabbinic tradition of Greco-Roman and Sasanian Late Antiquity, from roughly the third through the seventh centuries of the Common Era. These centuries witnessed the origins of Rabbinic Judaism as a self-conscious communal form. Its circles of masters and disciples provided the social matrix for the formulation and transmission of the learned traditions whose literary yield is now preserved with greater or lesser reliability in the medieval codices.

The present paper and the three essays following, by Yaakov Elman, Steven Fraade, and Elizabeth Alexander, will explore specific problems in theorizing the relation of written composition and oral-performative text within the various genres of Rabbinic learned tradition of Late Antiquity. For my part, I intend only to offer some introductory comments on the Rabbinic literature in general and some further observations intended to contextualize the more text-centered contributions to follow.

The discussion unfolds in three parts. The first, an orientation for those unfamiliar with the Rabbinic literature, defines certain of its foundational generic aspects as these are attested from the medieval documentary recensions. The second focuses on the symbolic value that orally transmitted learning bore in medieval Rabbinic culture and traces very briefly some of the roots of the idea of an exclusively Oral Torah back to the literary sources themselves. The ancient and medieval understanding of Oral Torah as an unaltered, verbatim transmission of an original oral teaching through a series of tradents ("transmitters") is an ideological-apologetic construction that bears little relationship to conceptions of oral tradition currently shaping scholarly discussions outside of contemporary Rabbinic studies. But, as we shall see, its inertial presence continues to emerge in not a few modern discussions of Rabbinic literary sources.

The third unit, following from the conclusions of its predecessor, introduces basic issues in current discussions of oral tradition and its relation to written texts in Rabbinic Late Antiquity. It focuses on powerful theoretical paradigms proposed by a pair of major figures in contemporary Rabbinic studies, Jacob Neusner and Peter Schäfer. Aspects of their work attempt to illuminate the compositional intentions and strategies that best account for the literary peculiarities of the extant compilations and

recensions. Neither paradigm, we shall conclude, is entirely convincing. We shall see that "oral tradition," although conceived with greater nuance than we find in ancient and medieval Rabbinic circles, is still rather under-theorized in contemporary Rabbinic studies. In Neusner's paradigm it is appealed to at times as a crucial factor in the tradition's literary shaping; in Schäfer's, its impact is deemed negligible. I shall offer some closing comments intended to include what is useful from each scholar's paradigm while proposing another that takes into account developments long-discussed in classics, folkloristics, and other areas familiar to readers of *Oral Tradition*. In any event, this essay is only propaedeutic. Some of the most exciting recent work in this area is represented on the pages following my own in the contributions by Alexander, Fraade, and Elman.

Basic Generic Traits of Rabbinic Literature

In the medieval codices that constitute the primary material remains of classical Rabbinic teachings, the words of the sages were gathered into a variety of discrete literary compilations.[2] Nearly all of these compilations can be resolved into smaller units of literary tradition that exhibit one or more of three basic generic forms. While some documents are composed almost exclusively of traditions cast in a single basic form and its subgenres, others eclectically combine aspects of all three. Nevertheless, discrete compilations tend to exhibit a preponderance of a single generic transmissional form.[3]

The form called *mishnah* ("repeated tradition") consists primarily of brief legal rulings, narratives, and debates, normally ascribed to teachers who lived from the last century BCE though the early third century CE. A compilation of such opinions, itself referred to as the Mishnah, is believed to have received at least penultimate completion under the direction of a magisterial third-century CE Palestinian sage, Rabbi Judah the Patriarch. Its earliest complete manuscripts are no earlier than the thirteenth century

[2] The best current guide to the Rabbinic literature from the perspective of modern critical scholarship is Stemberger 1996. It includes historical and methodological overviews as well as surveys of all the major texts, their contents, the nature of the manuscript testimonies, histories of editions, commentaries, major translations, and extensive bibliographies.

[3] I follow Weiss Halivni (1986) in identifying these three basic generic forms. I do not, however, share his views regarding the historical priority of the midrashic form in particular, or his evolutionary plotting of the various genres.

(e.g., MS Kaufman), but many medieval authorities believed that its first appearance in writing occurred centuries earlier, not long after the editorial work of Rabbi Judah himself.

As early as the twelfth century (MS Erfurt) there circulated a manuscript compilation of mishnaic-style traditions entitled the Tosefta ("Supplement" or "Amplification"). Similar to the Mishnah in content and form, but larger in size, the Tosefta was commonly believed by medievals to be identical to a compilation of the same name edited, also in third-century Palestine, by a younger contemporary of Rabbi Judah. In fact, the relation of the extant Tosefta to whatever might have been called by that name in Late Antiquity remains a topic of ongoing debate.[4] In any event, the Mishnah and the Tosefta together constitute primary sources for the content of Rabbinic legal tradition as of the mid-third century CE.

A rather different generic form believed by medieval Rabbis to serve as a vessel for immemorial oral tradition is called *midrash* ("interpretive tradition"). Encompassing a wide variety of subgenres, the common denominator of this form is the linkage of a traditional Rabbinic lemma to a Scriptural testimony. The copula of this conjoining is the ubiquitous phrase, "as it is written." Midrashic discourse only episodically concerns itself with expounding the semantic content of a Scriptural passage in a straightforward exegetical mode. More usually, a given Scriptural verse functions in Rabbinic midrash as a kind of anchor that associatively chains diverse Rabbinic lemmata to a single textual location in Scripture. A given verse, therefore, can promiscuously lie with diverse Rabbinic lemmata, never exhausting its capacity to enter into further relationships with sayings devoted to an enormous range of themes.[5]

Between the mid-third and mid-seventh centuries, Rabbinic culture in Palestine in particular produced a rich and highly varied series of midrashic compilations. The dominant opinion among modern historians of Rabbinic literature is that most, if not all, of these compilations existed in written form from the point of their original compilation, although they may often preserve materials transmitted orally, in the form of sermonic or other homiletical presentations, until the point of redaction.[6] Many such

[4] Elman 1994:13-46 offers helpful documentation of the key issues.

[5] For three approaches to this phenomenon from rather different literary-theoretical perspectives, see Boyarin 1990:22-38, Fraade 1991:25-68, and D. Stern 1996:15-38.

[6] The English reader may consult Heinemann 1971 for form-critical discussion of the passage of certain midrashic literature from oral-sermonic to written-homiletic forms. In Hebrew, see Heinemann 1974:17-47. Cf. also Fraade's discussion in this issue.

compilations (probably the earliest) were organized as verse-by-verse commentaries on books of Scripture. These could have been produced anywhere from the third through the fifth centuries, although most of the authorities named within them are also known from the Mishnah and Tosefta and appear to have lived in the second and third centuries. Other compilations, produced throughout this period and afterward and containing the names of many post-third-century masters, were more loosely organized around Scriptural books. Yet others, of similar chronology, took their principle of organization from the passage of the liturgical year and its accompanying Scriptural leitmotifs. Medieval Rabbinic scholars possessed many copies of such midrashic compilations and routinely cited them by name while composing their own discursively exegetical commentaries to Scripture.

A third, and the most prestigious, generic form treasured as immemorial oral heritage in medieval Rabbinic culture was that known broadly as *talmud* or *gemara* ("learning," "analytical discourse"). The signature trait of this rather diffuse form was the intricately filigreed, multi-party conversation concerning legal, historical, or theological matters. Often generated by a passage of Mishnaic or Toseftan vintage (or one formulated in similar style) and frequently employing midrashic texts as part of its data or imitating midrashic style in its own discourse, talmud/gemara offers the most complex literary materials of the classical Rabbinic literature.[7] The original composers of materials in this genre had more in mind than to convey legal or theological information. Their concern was to transmit not only content but, perhaps even more importantly, a discursive process by which content could be intellectually mastered. Whether or not they composed in writing,[8] they clearly chose a rhetorical style that would reconstruct, and draw students into, the richly oral/aural world of the Rabbinic *bet midrash* ("study group"), *bay rav* ("disciple circle"), or *yeshivah* ("learning community").

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[7] Kraemer 1990:26-78 offers a helpful guide to the construction of these complex literary discussions in the Babylonian Talmud that, in contrast to the Palestinian predecessor, brings the genre of gemara to its literary apogee.

[8] I am inclined to assign a larger role for written composition in this genre than does my colleague, Yaakov Elman. (See his essay in this issue.) For a helpful recent effort to take account of both scribal and oral traits in interpreting the rhetorical structures characteristic of Talmudic discourse, see Rovner 1994:215-19. For the Hebrew reader, an important programmatic discussion of the distinction between the orally composed Talmud and its extant manuscript traditions may be consulted in Rosental 1987.

Medieval scholarship preserved two compilations dominated by this genre. The older one, known most widely as the Talmud Yerushalmi ("Jerusalem/Palestinian Talmud"), is available in manuscripts as early as the thirteenth century (MS Leiden). But it probably reached something approaching its extant medieval form by the late fourth century in Palestine and preserves teachings attributed to masters until that time. The younger, larger, and more authoritative version was the Talmud Bavli ("Babylonian Talmud"), parts of which are preserved in manuscripts as early as the twelfth century (MS Hamburg 165, MS Florence). This Talmud, compiled in at least preliminary form in the major fifth- through seventh-century Rabbinic academies of Mesopotamia, serves as the literary summa of the entire antecedent Rabbinic tradition. It was, according to its medieval students, the teleological unfolding and final explication of all authoritative Oral Torah entrusted to Rabbinic teachers up through the dawn of the Islamic conquests of the mid-seventh century. To this day, among most Jews the term "Talmud" connotes the Talmud Bavli.[9]

This sketch amounts to an overly schematic picture of Rabbinic generic forms and documentary genres. Stemberger's excellent handbook of Rabbinic literature (1996) will offer some crucial supplementation and nuance. Nevertheless, what has been said should suffice for a preliminary orientation to the following discussion, to which we now turn.

The Context of the Idea of Oral Torah

As suggested above, opinions of learned medieval Rabbinic scholars differed regarding how and when the various classical compilations of oral teaching came to be written down. But all agreed that the writings known to them in manuscript stemmed from, and, but for vagaries of scribal error and other sorts of natural corruption, faithfully reproduced teachings that for centuries had been inscribed only in the memories of scholars and transmitted solely in the oral instruction imparted by masters to their disciples. Taking its cue from a phrase scattered here and there in the post-third-century midrashic and Talmudic compilations in particular, medieval Jewish culture referred to these writings collectively as *torah shebeʿal peh*. "Oral Torah" is only the most common English rendering of a phrase that connotatively suggests such equivalents as "Torah Available in the Mouth" and "Memorized Torah." Existence in written form did not, for the medievals at least, preclude a text from falling into the category of Oral

[9] Stemberger 1996 devotes a rich section to all matters concerning each Talmud.

Torah; what made a text Oral Torah was neither the medium of its contemporary preservation nor the fact that mastery of the text involved the capacity to call its sources immediately to mind from the ark of memory.

Medieval Rabbis and their predecessors in Late Antiquity, after all, knew the Scriptures—Written Torah—by heart as well. Much like the Christian and Muslim literati with whom they shared common traits of literary culture, medieval Rabbinic scholars learned the written texts of Scripture and Oral Torah by meditating and memorizing them.[10] Like these same contemporaries, medieval Rabbinic intellectuals viewed the written copy of the memorized book—whether a Scriptural or Rabbinic codex—as an almost accidental existant, a material object whose most authentic being resided as spiritual possession in the memory of its student. It was, in fact, theory—not reading practice—that distinguished Oral from Written Torah in the medieval Rabbinic mind.

Medieval Rabbinic scholars believed that their commitment to memorization replicated in a fashion the ontogenesis of the original Sinaitic revelation, one that had been heard by all Israel amidst thunder and trumpet blasts prior to its reduction to written tablets and one that was read, still later, in the more ample scroll of the Written Torah. A crucial portion of that revelation had remained unwritten and had been necessarily committed to memory. To memorize now was to take one's place within millennia of memorized learning since the moment at which the Creator of Heaven and Earth disclosed his will to his prophet, Moses, in the Written Torah canonized in Scripture and in the Oral Torah. The manuscript of Oral Torah memorized now was the faithful rendering of text that was orally transmitted up until the moment of its first (and relatively recent) written redaction.[11]

The theorists of Oral Torah, particularly those of Islamic lands, were the first to provide systematic historical accounts of the history of the transformation of ancient Jewish oral tradition into written compilations.[12]

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[10] For introductory comments on the oral life of books in medieval Jewish culture, see Reif 1992.

[11] Readers will want to turn to Fraade's essay in this issue for a fuller discussion of other early sources relevant to the developing Rabbinic conception of Oral Torah.

[12] The most influential of these was cast in the form of a legal responsum by the tenth-century head of the Rabbinic academy in Pumbedita (Babylonia), Rav Sherira Gaon. No scholarly translation into English is available, but see the excellent German translation and commentary in Schlüter 1993. Early medieval European Jewish scholarship produced no systematic historical account of the Oral Torah in its entire sweep. But the presumption

But they did not invent the idea of primordial oral tradition going back to Moses. They found crucial anticipations of their basic views here and there in the manuscripts of Oral Torah themselves.

A prestigious collection of wisdom-sayings known as the "Sayings of the Founders" (*Pirqei Avot*), included in all collections of the Mishnah, offered a thumbnail sketch of the history of the transmission of Torah from Moses down to the second- and third-century sages credited with teaching the traditions of the Mishnah. In the Babylonian Talmud medieval scholars could read detailed accounts of how Moses taught the oral tradition to his disciples (B[abylonian]T[almud] Eruvin 54b). There they could learn as well that a contemporary of Moses, one Otniel b. Kenaz, used deductive logic alone to reconstruct for renewed transmission 1700 Sinaitic oral teachings forgotten by Israel in the shock that engulfed the people upon the death of Moses (BT Temurah 16b). Elsewhere, teachers like the third-century Palestinian sage Rabbi Joshua b. Levi affirmed that all traditions transmitted by his Rabbinic contemporaries had already been known to Moses (P[alestinian]T[almud] Pe'ah 17a and parallels). And his contemporary, Rabbi Yohanan, had pointed out that many laws transmitted orally to Moses at Sinai remained embedded in the extant body of memorized oral tradition (PT Pe'ah 17a).

In addition to a uniform image of the Mosaic origins of all Rabbinic teaching, the sources available to medieval scholars placed great emphasis on continuing the unwritten, exclusively oral nature of the tradition in the present. Rabbi Yohanan himself reasserted the absolute primacy of the orally managed text of Oral Torah, proscribing the study of Oral Torah from written copies (BT Gittin 60b/Temurah 14b). And throughout the thousands of manuscript pages of Oral Torah, generation upon generation of masters were described as "opening discourses" to their disciples, even as those disciples "sat and repeated" from memory before their masters. No sage in the entire corpus of Rabbinic literature was ever portrayed as consulting a book in order to verify his rendition of a teaching of early masters of the tradition, but many consulted professional memorizers (*tannaim*) who functioned as walking libraries.[13]

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of its essentially oral character until a relatively late date is spelled out by the major eleventh-century Franco-German Biblical and Talmudic exegete, Rabbi Shlomo Izhaki (Rashi). See, for example, his comments on the Babylonian Talmud's representation of the authorities standing behind various Rabbinic compilations (BT Bava Metzia 86a).

[13] A widely cited modern presentation, focused primarily on the question of the original oral nature of the Mishnah in particular, is that of Lieberman (1950:83-99). Safrai (1987:43-49) gives a useful summary of the classical Rabbinic sources that contributed to

So the medievals did not misrepresent the image of orally mastered learning that emerged from the manuscripts of Oral Torah. Their contribution was to give it systematic ideological articulation in light of a comprehensive examination of all the sources, buttressed by a chronological periodization foreign to the primary sources themselves. With the exception of some articulate skeptics in medieval Jewish circles, the conception of Oral Torah outlined above came to dominate images of oral tradition in medieval and modern Rabbinic cultures. It remained for modern academic critics to call the received view into question. Thus, since the nineteenth-century emergence of the critical study of ancient and medieval Judaism (in the same academic culture that produced the various critical schools of classical Biblical scholarship), it has been well remarked that the medieval picture of the exclusive orality of Oral Torah might require some revision.[14]

Many have observed that the medieval construction of the history of Rabbinic oral tradition needed to be assessed in light of the polemical settings in which its various theorists had contributed to its production. In Islamic lands in particular, Rabbinic leadership insisted on the purity and reliability of a solely oral tradition largely by way of defending Rabbinic authority against the attacks of anti-Rabbinic Jewish historians (such as the Karaite controversialist, Jacob al-Kirkisani) who regarded the entire extra-Scriptural Rabbinic literary corpus as a pious fraud, interpreting its claims to primordial orality as serving merely as a thinly disguised legitimation of Rabbinical privilege. In Christendom as well, the doctrine of an age-old oral tradition of revealed knowledge possessed solely by Israel served well in disputative encounters with Christian polemicists, convinced doctrinally of a congenital Jewish hermeneutical insufficiency in the interpretation of Israel's Scripture.

From the mid-nineteenth century until the present hour, then, critical historians of Judaism have attempted to move behind medieval ideological representations of a pristine Rabbinic oral tradition to a more empirically grounded account based upon literary analysis of the surviving Rabbinic material. The best of the modern and current work in this area is that which combs the medieval manuscripts of the Rabbinic literature of Late Antiquity for internal evidence of the means of its transmission, redaction, and composition. To what degree is it possible, working backwards from

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the medieval constructions of Oral Torah.

[14] The most balanced recent discussion of reasons for doubting the value of the classic Rabbinic descriptions of a purely oral tradition is offered by Stemberger (1996:31-44). See also, in Hebrew, Naeh 1997.

the medieval textual tradition, to reconstruct the oral and written literary culture of classical Rabbinic Judaism? Moreover, is the technology of the pen incidental to the surviving shape of that tradition or, to the contrary, essential to its formation as well as to its preservation? We attend now to some concrete approaches.

Rabbinic Compilations and their Oral Foundations

Contemporary work bearing on these matters focuses its literary-analytical lens at three different levels of inquiry, each level bringing into resolution a particular literary phenomenon. Without claiming any particular originality, I shall call these the "lemmatic," the "intermediate," and the "documentary" levels of textual focus.[15] Broadly speaking, the "lemmatic" focus brings into view the smallest whole units of Rabbinic literary tradition—its sentences; the "intermediate" focus attends to the composition of lemmatic material into transmissional units that transcend their incorporated lemmata yet have no intrinsic literary dependence upon other materials beyond their boundaries; and the "documentary" focus attempts to define the processes by which such intermediate units of tradition are compiled into the extant works themselves. Despite general agreement that discrete literary structures are discernible at each range of focus, there is much controversy surrounding their larger description and explanation. No "unified field theory" of Rabbinic textuality, accepted by broad segments of the scholarly community, accounts for all aspects of the Rabbinic text from lemma to documentary compilation.

The Lemmatic Range

We begin with the problems raised at the lemmatic range of focus. Here one finds in all genres of Rabbinic composition a fundamental literary building block: the individual statement of Rabbinic tradition, comprising at most a few sentences, transmitted anonymously or in the name of one or more sages. These may be formulated as brief narratives or *chreias*, that is, legal opinions or wisdom-sayings. Most contemporary scholars have departed from an earlier tendency to claim, with the great medieval historians of Oral Torah, that such lemmata reproduce verbatim the original

[15] My use of these terms is shaped by Jacob Neusner's many writings, although I apply them rather differently. See, for example, Neusner 1985:29-67 and 1989:9-18.

orally transmitted teachings of the sages in whose names they circulate. There is, rather, virtually universal recognition that the formalism of Rabbinic lemmata is the result of a transmissional prehistory that has erased the original language of the oral message in the service of preserving its substance for memorization and stable transmission.

But there remains much debate concerning how such lemmata preserve the character of Rabbinic oral traditions prior to the compositional efforts that produced larger intermediate units of tradition and—all the more so—entire documentary recensions. To phrase the question most sharply: do documents preserve the orally transmitted lemmata as they might have circulated prior to the creation of the larger literary units in which they are now preserved? A maximalist view regards lemmata found in early compositions such as the Mishnah, and even in the later midrashic works and the Talmuds, to be more or less faithful written renderings of the materials as they existed in an earlier oral stage of transmission.[16] The passage, that is, from oral to written transmission occasions in principle no substantial change in form or substance of the tradition, other than those produced by errors of hearing, understanding, or redactional transmission.

As David Weiss Halivni, an important maximalist has put it, the task of criticism, on this view, is to identify texts that reveal signs of such distortion. Employing what Weiss Halivni terms "dialectical criticism," the literary critic must ask how "the present text most often evolved from a different, preceding oral text and . . . point out and show how it happened" (1979:200). Such criticism is grounded in the premise that most oral traditions are preserved in relative purity. This premise alone is what enables the critic to interpret other texts as the result of the distortions introduced into them by later redactions or textual transmission.

By contrast, minimalists tend to question the possibility of ever moving from redacted texts to the preredactional form of the lemmata. The most theoretically articulate minimalist, Jacob Neusner, reshaped much of the scholarly discussion in the 1970s and 1980s by arguing that maximalist positions were grounded in fundamental misconceptions about the nature of memorization in the transmission of oral tradition in general. Taking his point of departure from the work of New Testament form-criticism and the work of Parry and Lord, Neusner recognized that oral tradition does not preserve the idiosyncratic "natural" speech of individuals, but rather the

[16] Among influential maximalist positions are those of Gerhardsson (1961:71-84), Safrai (1987:35-42), Zlotnick (1988:51-71), and Weiss Halivni (1979).

stereotypical formulaic discourse of communities.[17] Accordingly, he focused his research on identifying the generative formulas used in the transmission of Rabbinic lemmata.[18] He persuasively argued that the original forms of the lemmata in the Mishnah, Tosefta, and (by implication) early midrashic collections were no longer retrievable.

The reason: it was the editorial work of combining Rabbinic lemmata into larger units of tradition that had itself occasioned the creation of the formulas that govern the transmission of the lemmata. Maximalists had erred in two respects. First, they focused upon the lemma, rather than the redacted arrangement of lemmata into a complete unit, as the mnemonic foundation of oral tradition. Secondly, they employed a model of oral tradition that assumed an unchanging stability of oral material memorized verbatim and preserved intact (except in the case of error) throughout its history of oral transmission and transition to written form. By contrast, Neusner's model of Rabbinic oral tradition recognizes its formulaic character as a mnemonic artifice that simultaneously preserves and transforms the tradition at the expense of its "original" formulation.

Accordingly, whatever might have been transmitted as oral tradition in Rabbinic circles of the first and second centuries CE had been substantially erased by the mnemonically driven reformulations that were the price of their preservation. In short, the oral tradition behind Rabbinic lemmata was lost; what remained was the oral tradition preserved in and generated by the larger compositional units that had, from the second and third centuries, swallowed up the original forms of the tradition (e.g., Neusner 1987a:95).

Neusner by no means speaks for all minimalists. Indeed, further on we shall attend to some key criticisms. But no critic to date has proposed a testable method for moving behind received Rabbinic texts to the "original" form or content of Rabbinic oral tradition prior to the transformation of discrete lemmata into larger editorial units.[19] Rather, most working

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[17] See his programmatic essay: Neusner 1979 (espec. 64-66).

[18] With regard to the Mishnah, his most important discussion is found in Neusner 1977, summarized helpfully in Neusner 1985.

[19] Lapin (1995:35-117) has recently offered a penetrating account of the intermediate units and redactional techniques employed in the creation of a Mishnaic tractate. While he acknowledges few specific debts to Neusner, his approach and results seem to fit rather comfortably within the Neusner paradigm. Lapin, however, exhibits no particular interest in the question of the medium of pre-Mishnaic literary tradition and seems to assume that the tractate was produced by reworking received written texts.

scholars interested in reconstructing the oral matrix of the Rabbinic literary tradition in Late Antiquity currently focus upon the intermediate units of Rabbinic tradition and attempt to account for the way they are transformed in diverse documentary settings. It is this level of analysis that engages the possibility that written inscription and oral compositional performance each played roles in the shaping of the transmitted textual tradition of Oral Torah.[20]

The Intermediate and Documentary Ranges

As suggested earlier, there is little consensus on these matters in current scholarship. What might be useful now, therefore, is a sketch of two well articulated—yet diametrically opposed—models of how intermediate units are related to their documentary settings. Our observations regarding their strengths and weaknesses will focus upon the question of how each model imagines the place of oral-literary processes in the shaping of the extant texts. My own provisional effort to mediate between these two models will, I hope, serve as a point of departure for appreciating the newer developments represented in the essays that follow the present one.

Our first model is the position staked out by Jacob Neusner himself in a series of translations, monographs, and articles over the past two and one-half decades devoted to explaining the principles of literary and conceptual coherence behind diverse Rabbinic compilations. First articulated in reference to the Mishnah, the model has been honed and reiterated *mutatis mutandis* in Neusner's further studies of all the major Rabbinic compilations.[21]

In essence, he holds that Rabbinic documents within each major generic division display such particular traits of rhetoric, logic, and topic that each must have been composed by a supervising "authorship" or

[20] Elizabeth Alexander's contribution to the present issue is a major step forward with regard to the Mishnaic and Toseftan compilations. See also Fraade 1991:19, which likens Rabbinic midrashic texts in particular to "the literary face of an otherwise oral circulatory system of study and teaching." Israeli scholarship, written almost exclusively in Hebrew, has produced impressive manuscript studies that attempt to trace the impact of a parallel tradition of oral transmission. See, e.g., Zussman 1981 on Mishnaic texts, Shinan 1981 and Naeh 1997 on midrashic texts, and Friedman 1991 on Talmudic texts.

[21] Recent summaries of his positions on all documents in the Rabbinic canon can be consulted in Neusner 1994.

editorial team unique to each documentary genre. These authorships, anonymous collectivities, wielded a hegemonic literary hand. In sovereign control of their literary agenda, they self-consciously selected intermediate literary units from the preceding deposit of tradition, recast them for their own purposes, composed their own distinctive materials, and combined the whole into the larger compositional projects that yield Mishnaic tractates, midrashic compilations, and Talmudic commentaries on the Mishnah.

In Neusner's view, the ideological commitments of these several Rabbinic authorships, despite significant overlaps of shared symbolic idiom, were sharply distinct from each other. Indeed, the documents they composed can only with great caution be read in light of each other as evidence of a larger "Rabbinic Judaism" of which each represents a particular literary summary (1990:23):

> Documents reveal the system and structure of their authorships, and, in the case of religious writing, out of a document without named authors we may compose an account of the authorship's religion: a way of life, a worldview, a social entity meant to realize both. Read one by one, documents reveal the interiority of intellect of an authorship, and that inner-facing quality of mind inheres even when an authorship imagines it speaks outward, toward and about the world beyond. Even when set side by side, moreover, documents illuminate the minds of intersecting authorships, nothing more.

Each document in the eventual Rabbinic canon, therefore, represents its own specific Rabbinic "system"—to wit, an intellectual intersection of a sociologically distinct, historically specific community and the textual constructions through which it expresses a unique conception of what it means to be Israel.

A principal consequence of this systemic view is that any passage of a Rabbinic text must first be interpreted within the boundaries of its immediate system—its documentary setting—before it can be adduced as evidence for some larger, meta-documentary "Rabbinic Judaism." There is, in other words, no transtextual, synchronic *langue* that can be adduced hypothetically to explain the particular *parole* of this or that Rabbinic compilation.

This attempt to give a historical account of Rabbinic Judaism disciplined solely by the analysis of the agendas of particular authorships as they develop themes and symbols culled from early documents is driven by a laudable motive. Neusner seeks to disable what he perceives as a naive tendency among some scholars to treat all Rabbinic documents, early and late, as equally valuable testimony to a historically undifferentiated "normative" or "Rabbinic" Judaism obscuring crucial lines of fissure and

conflict.[22] But, for many in the field, Neusner has gone too far in confining accounts of Rabbinic Judaism to the rhetorical traits and topical plans of documents mapped against the sequence of their historical appearance (e.g., Fraade 1987 and Boyarin 1992).

Here we cannot focus on the historiographical issues, for these would take our discussion far afield from its primary purpose. Rather, in terms of our present concerns, we must probe more deeply into the conception of the relation between literary authorship and traditional oral-literary culture underlying Neusner's account of the creation of Rabbinic compilations.

The best place to begin is with a concept we encountered a moment ago, Neusner's idea of "an authorship." By this he means (1988:70-71):

> that collectivity—from one to an indeterminate number of persons, flourishing for from ten minutes to five hundred or a thousand years—[that] determined and then followed fixed and public rules of orderly discourse that govern a given book's rhetoric, logic, and topic. . . . That consensus derives not from an identifiable writer or even school but from the anonymous authorities behind the document as we have it.

The concept of "an authorship," then, attempts to convey the point that what gains expression in Rabbinic textual composition is the ethos and worldview of a social entity, rather than the creative imagination of a given individual.[23]

Neusner's concept of authorship is entirely appropriate as a way of expressing the idea that the ethos of a community, rather than an individual's creative imagination, serves as the generative matrix of Rabbinic textual production. Problems arise, however, when Neusner begins to specify the literary processes by which his authorships do their work. We do not find in his writing a Rabbinic weaver of oral lore analogous to the oral epic poet who, working with inherited verbal formulas and typical scenes recognized broadly within a specific cultural community, produces original compositions that remain intelligible as collective possessions by virtue of their setting in a larger framework of traditional oral performances. Rather, the terms Neusner employs to describe the process of literary creation employed by the Mishnah's authorship consistently commit him to models of literary production more

[22] For a statement of his ideas in the context of recent discussions of intertextuality, see Neusner 1987b:3-13.

[23] For a useful discussion of how personal and collective authorship are imagined in the Babylonian Talmud, see S. Stern 1995.

characteristic of individual writers working in isolation towards creative self-expression.

The ambiguity built into Neusner's concept of authorship appears most starkly in his discussions of the literary processes that yielded the Mishnah. Neusner frequently proposes that the Mishnah, in particular, was orally composed and published, a result of formulation and redaction by a collective Palestinian Rabbinic authorship spanning the late second and early third centuries CE (e.g., Neusner 1985:110-12; 1987a:74). When recommending this model of oral composition, he routinely refers to a work published in 1950 by his teacher in Rabbinics, Saul Lieberman. Perhaps the greatest twentieth-century exponent of critical Rabbinic studies, Lieberman described the publication of the Mishnah as the oral performance, in the social setting of a Rabbinic collegium, of a text that had been composed and edited from previously memorized oral traditions and reworked for further oral transmission. On this model, the written copies of the Mishnah presently extant are merely, as the medieval polemicists held, transcriptions of an orally composed performative text.[24]

This purely oral picture of Mishnaic composition is, however, only part of Neusner's entire portrait. For he at times expresses well grounded doubt about the exclusively oral character of the Mishnah's formulation (e.g., 1987a:72). He can even describe the orally composed Mishnah as "a document that is *written down* essentially in its penultimate and ultimate stages, taking shape within the redactional process" (1994:24; my italics). Thus a document composed orally on one account is composed of written materials on another. This is not an inconsequential inconsistency. The shift between describing the Mishnah's authorship as working orally but, then again, as also composed in writing bespeaks a theoretical unclarity that renders Neusner's account of Mishnaic composition most difficult to understand and assess.

This tendency toward imprecision regarding the media of the Mishnah's composition expresses itself as well in the hermeneutical tools Neusner brings to the interpretation of Mishnaic tractates. These tractates, sometimes conceived to have been composed orally out of orally transmitted materials, are nevertheless defined generically under the rubric of such individually authored, quintessentially writerly genres as "essays" or "philosophical treatises" (e.g., 1991). The boundaries and structures of

[24] For critical comments on Lieberman's depiction of the publication of the Mishnah, see Jaffee 1992:68-69. Readers of that article will note (on pages 70-71 in particular) a model of Rabbinic writing that requires much revision. I have attempted that revision in Jaffee 1994, 1997b, and 1998.

such oral compositions are conceived on the model of clearly delimited literary texts, meticulously crafted intellectual structures in which all parts are systematically made to explore a governing conceptual "generative problematic" (e.g., 1980:166ff.). Neusner can imagine Mishnaic tractates as orally composed works, yet this oral dimension plays little role in his account of the ways in which the compositional structures of Mishnaic tractates govern textual meaning. Rather, he applies to their interpretation a hermeneutic designed to divine a comprehensive authorial intentionality characteristic of written compositions.

At issue is whether that hermeneutic genuinely suits the literary character of the texts. Neusner's strongest arguments for authorial design in Rabbinic compilations are grounded in two claims regarding Mishnaic composition. The first is that the intermediate units of Mishnaic tractates are disciplined, formal constructions in which a given formulaic pattern is selected as a rhetorical framework for pursuing a given legal theme. Any change in formulaic pattern signals a thematic shift and any shift in theme will take up a new pattern of formulation (Neusner 1987a:65). The second, already noted, is that the composers of a given tractate organized their intermediate units to pursue a preplanned conceptual program exploring the "generative problematic" of a specific legal issue.

It must be said that Neusner's literary and conceptual analyses of nearly the entire Mishnah (e.g., 1974-77) have brought to light an enormous degree of previously unremarked formulaic consistency and programmatic thought in the Mishnaic corpus. But it is also the case that even the most elegantly arranged Mishnaic tractates are only occasionally as cogent in outline or as systematic in their intermediate units' conjoining of form and meaning as Neusner insists. Others seem rather chaotic in overall structure and episodic in their efforts to link content and literary form throughout their intermediate units. These tractates are perhaps "not quite" essays—or the model of essay is not entirely appropriate to their interpretation. We shall have more to say on this matter in the section on "A Compromise Model" below.

In any event, Neusner's views on the oral composition of the Mishnah are undermined by crucially mixed metaphors derived from both collective oral-literary tradition and individualistic authorial composition. No such confusion, however, mars his discussions of other Rabbinic works that, unlike the Mishnah, he regards as compositions produced through writing. But in these cases his passion for finding a comprehensive order and plan in Rabbinic composition continues to overcome the texts. Neusner claims for none of these the tight compositional discipline he finds in the Mishnah. Yet dozens of his literary-analytical studies of midrashic and

Talmudic compilations are committed to demonstrating the presence, behind any given Rabbinic compilation, of single-minded rhetorical, logical, or topical programs that impose their unified vision upon whatever comes to hand.[25] Like his Mishnaic commentaries, these studies have surely disclosed much more order in Rabbinic compilations than many had previously imagined. But they also tend to overstate it—postulating profoundly subtle order in what, to the uncommitted eye, often appears to be literary incoherence and random patchwork.[26]

Neusner's appeal to a systemic intentionality as the principle of hermeneutical coherence behind Rabbinic compilations appears to ignore, in the first place, the most obvious element of Rabbinic compilations: that one can begin reading a given compilation almost anywhere between its first and last sentence and lose rather little in terms of comprehensibility. His work shows that it is indeed possible to read some compilations as if they were plotted works whose composers wanted them to be read from beginning to end. But this order is less "in the text itself," as he commonly insists, than it is a reflection of Neusner's own hermeneutical premises regarding authorial intentionality (and the power of his own considerable intelligence in applying that hermeneutic). There are no Rabbinic compilations that demand to be read syntagmatically from beginning to middle to end in the way that, for example, a philosophical argument demands such a reading.

In sum, Neusner has contributed abiding insights into the formalism of the Rabbinic literature and, more than any other recent scholar, has called attention to the complexity of worldviews supported by its texts. But his enormous scholarly output on the question of the nature of the Rabbinic compilations has failed to sway a majority of those who work closely with the same literature. Indeed, it has inspired others to rethink the nature of the intentionality that stands behind Rabbinic compositions and, in some quarters, to call into question its very existence.

Here we may focus on only one such effort. The most radical model for comprehending the lack of comprehensive intentionality behind Rabbinic compositions was proposed a decade or so ago by Peter Schäfer (1988). His model was shaped during his editorial work on one of the most intractably diffuse genres of Judaic antiquity, a collection of loosely edited

[25] See his overviews of the documents of the Rabbinic canon (1994).

[26] For more temperate attempts to discern a governing literary hand behind the construction of complex units of tradition, see Fraade 1983 and Kraemer 1988; see also Jaffee 1996 in review of Bokser 1994.

compilations of esoterica commonly called the *Hekhalot* ("Heavenly Sanctuary") literature (Schäfer 1981). Whether or not this literature is classically Rabbinic in origin, its manuscripts were treasured in certain medieval Rabbinic circles as ancient esoteric wisdom of the sages. They enjoyed a particularly avid readership in twelfth-century Italy and the Rhineland. In any event, since finishing his work on these texts, Schäfer has applied his model to his ongoing edition of the conventionally Rabbinic Talmud Yerushalmi (Schäfer and Becker 1991). One of his students, Alberdina Houtman, has recently brought it to bear in most promising fashion upon the Mishnah and the Tosefta (1996).

In stark contrast to Neusner, Schäfer doubts there is much reason to view extant Rabbinic compilations as "works" with discernible documentary integrity, intentionality, or even identity (Schäfer 1986, 1989; cf. Milikowsky 1988). Noting the many major and minor discrepancies of content and redaction exhibited by diverse manuscripts circulating under the same title, Schäfer suggests that these titular rubrics are mere conventional designations for vaguely related clusters of previously circulated literary tradition. No pure "Ur-text" ever constituted the original version from which the present exemplars departed, and no author or authorship ever supervised the project of textual compilation at any comprehensive level. Rather, each compilation seems, in Schäfer's view, to have developed in an agglutinative process, circulating in various states of redactional coherence until the fifteenth- and sixteenth-century printers of Rabbinic literature arbitrarily canonized particular manuscript traditions as "the" text.

Attempting to do justice to what he sees as the chaos of versions, Schäfer has framed a pair of neologisms for describing the relationship of compilations to their constituent intermediate units. The latter are "microforms," protean clusters of traditional literary material. A given microform might consist of a narrative or other unit of tradition that is cycled and recycled in diverse textual versions and is placed in interlocking relationships with other microforms in a variety of documentary contexts. These documentary contexts are not "works," but "macroforms," a term denoting "both the fictional or imaginary single text, which we initially and by way of delimitation always refer to in scholarly literature . . . , as well as the often different manifestations of this text in various manuscripts" (Schäfer 1992:7).

Schäfer and Neusner might share some agreements regarding the protean character of intermediate units ("microforms") of which Rabbinic documents are composed. Indeed, Neusner's earliest scholarly contributions noted ways in which traditions about particular sages (transmitted in units that Schäfer would call microforms) are reshaped for use in diverse

documents. But it is obvious that Schäfer's "macroforms" could not be more different from Neusner's "essays." Neusner's model of a hegemonic editorial hand fine-tuning every compositional detail cannot be reconciled with Schäfer's conception of the Rabbinic document as a nearly random clustering of atoms into a literary molecule ready to combine with others in response to diverse changes in the literary-historical climate (see Neusner 1995).

A Compromise Model

As is common when entertaining theoretical extremes, it might be wise to carve out a median position. There is enough coherence in many Rabbinic compilations to justify the postulate of some sort of governing plan that informs the collection of intermediate units into larger documentary wholes (see Milikowsky 1988). Yet these wholes are just disjunctive enough in structure to caution us against subjecting them to hermeneutical torture in order to secure their confession of harboring some sort of comprehensive redactional intentionality. Perhaps, then, it is possible to propose a way of acknowledging both sets of observations by a small shift in perspective in thinking about the genres of Rabbinic compilations.

The most apt literary analogy for most Rabbinic compilations, I submit, is the anthology,[27] provided that we add one crucial proviso. Rabbinic anthologies must be distinguished from those composed in cultures that ascribe sovereign integrity to authored literary works or are engaged in the business of canonizing Scriptures. That is, Rabbinic compilations are anthologies whose compilers did not hesitate to alter the form and content of the anthologized materials, for the materials being gathered were never perceived as "works" in their own right.

The compilations are collections of materials—our previously mentioned intermediate units or Schäfer's microforms—known widely

[27] While crossing the last *t*'s and dotting the final *i*'s of this essay, I received from my colleague, Marc Bregman, a fax of portions of the Winter 1997 issue of the Jewish literary journal, *Prooftexts*, the entirety of which is devoted to "The Anthological Imagination in Jewish Literature." My selection of the genre of "anthology" as one most suitable for Rabbinic literature has been anticipated there by fine essays on midrashic literature (Bregman 1997) and the Babylonian Talmud (Segal 1997). I am relieved to note that Segal's essay in particular lends much nuance to some of the broad characterizations of the Talmud suggested here. I am even more relieved to discover that he has devoted no special attention to the question of the oral matrix of the Talmud's anthological project.

from antecedent tradition (whether oral or written one often cannot judge). They were brought together, after complex transmission histories of their own, in diverse new constellations depending upon the framework in which they were anthologized and the diverse degrees of redactional intervention employed by their compilers. The intermediate traditions were viewed by their literary handlers as elements in a larger kaleidoscope of tradition, what were generally known as authentic communal possessions. The documentary compilation is a kind of freeze-frame of that tradition, temporarily stilled by the intervention of the compilational activity itself. But such activity was not conceived as the production of a finished "work." It was, at best, a "work in progress," finished only at the point that the perceptions of its transmitters and users began to define the compilation as a text representing "tradition" itself rather than the ad hoc storage-place of tradition's texts.

Precisely how consciously any of these kaleidoscopic compilations was composed, or even the degree to which "composition" is an appropriate term for the literary wholes transmitted under specific titles, remains to be decided on a case-by-case basis. Speaking only impressionistically, we might suggest that Mishnaic or Toseftan tractates routinely stand on the "highly composed" end of the spectrum—more "work" and less "progress." By contrast, the *Hekhalot* corpus would stand close to the opposite, "uncomposed" pole in which the compilational process was conceived as an open-ended, agglutinative matter with no overall design other than that provided by the incorporated intermediate units. Various midrashic compilations and the Talmuds would fall at as yet unspecified points in between.

If the anthological model is a helpful way to make sense of compositional choices of Rabbinic compilations, we must still explain why this genre became the principal one for the preservation of Rabbinic literary culture. Despite the strong caveat of Schäfer himself,[28] it seems appropriate to point out that the anthological genre, as I have described it in its Rabbinic form, is a particularly apt compositional convention for a culture like that of classical Rabbinic Judaism. This culture cultivated a strong oral-performative tradition, as attested by the countless instances in

[28] Schäfer has rejected appeals to Rabbinic oral tradition as an uncritical *deus ex machina*. Oral tradition is adduced by scholars, in his view, primarily "to save the premise of firmly definable texts to which one can refer as self-contained unities, and at the same time to explain the incontestable phenomenon that works redacted later can contain 'an earlier formulation of a tradition-unit,' and works redacted earlier, 'an evolved version of the same tradition-unit'" (Schäfer 1989:91).

which disciples and masters are represented in Rabbinic literature as engaging in discourse over a publicly recited text. At the same time, this oral-performative tradition intermeshed in numerous ways with scribal practices in which written texts were memorized and oral conventions of diction and formulation shaped what was written.[29]

The crucial point is that Rabbinic oral-performative tradition must be imagined as a diverse phenomenon, incorporating aspects of rote-memorization of documents (fixed-text transmission) and more fluid oral-performative aspects (free-text transmission).[30] The former activity—whether grounded in written transcripts or exclusively oral transmission remains unclear—was eventually used for mastery of the Mishnaic tractates alone, with the possible exception of associated materials stemming from the generations of the Mishnaic sages. By contrast, I know of no claims in the Rabbinic literature that anyone ever set out to memorize a midrashic compilation or a Talmudic tract in its entirety. Such activities, characteristic of a later period, leave precious little trace in the classical sources.

Rather, the depictions of Rabbinic instruction in midrashic and Talmudic corpora suggest that it was quite crucial to have ready at hand the substance and themes of materials that now surface in writing as the intermediate units (macroforms) of Rabbinic tradition. These would include, for example, Scripturally oriented homiletical discourses or exegetical traditions common in midrashic texts and the specific discourses on Mishnaic materials around which complex Talmudic discussions were constructed. These would not be memorized verbatim, but could be retrieved for performance within the repertoire of mnemonically driven formulaic discourse that constituted the main oral-performative training of the disciple.

We may now use our recognition of both fixed-text and free-text Rabbinic oral transmissional styles to lend some nuance to our earlier effort to characterize the anthological character of the various types of Rabbinic compilations. In the case of the Mishnah and Tosefta, the anthological model helps, first of all, to account for the high degree of intertextual material shared in common between the comparable tractates in each

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[29] See Fraade 1991:69-121 and Fraade in this issue; see also Jaffee 1994 and 1998.

[30] This distinction corresponds in some respects to that proposed by Gerhardsson (1961:79-83) between the "oral text tradition" and the "interpretive tradition." But readers of Gerhardsson will find that I do not follow him in claiming a total absence of written textuality for either tradition.

collection (Neusner 1994:129-52; cf. Shanks in this issue). Their textual interpenetration—especially at the level of intermediate units—is not best explained, as Neusner and many others have sought to do, as a matter of one document serving as the basis for or depending upon the other in a text-commentary relationship (see Houtman 1996:219-37). Nor is it a question of random agglutination of parallel materials. Rather, as Houtman has recently proposed (224-28)—and as Alexander's contribution below might as well suggest—each compilation is best seen as representing the anthological tradition emerging out of related but distinct communal groups in the early Rabbinic world. Both draw upon a common pool of inherited intermediate units, reshaping them in distinctive ways to serve as organized curricula of canonized tradition for specific circles of masters and disciples.[31] The result is a convenient storage system for such free-text intermediate literary units known widely from the oral-performative tradition, one that transforms the constituent units into fixed-texts destined for rote mastery.[32] The resulting tractates are thematically guided anthologies that function both as mnemonic aids in the preservation of the material and as springboards for restoring textually fixed traditions to the aural/oral world of analysis and debate generated by the curriculum.

The midrashic and Talmudic compilations differ from the Mishnah and Tosefta primarily in their function—they serve as exegetical anthologies attached, respectively, to Scriptural or Mishnaic base-texts. Here, too, our anthological model is a helpful way of grasping the literary form of these compilations and the complex weave of oral and writerly traits richly present in all of them. Organizing diverse written traditions in tandem with an already memorized text, be it a Scriptural work (as in midrash) or a Mishnaic tractate (as in the Talmuds), creates a mnemonic back-up system for the oral-performative tradition. The memorized fixed-text (Scripture or Mishnah) serves as the hook or switch that guides memory to free-text traditional materials commonly associated in instructional settings with the "canonical" memorized passages. At the same time, the sequence of such extra-Scriptural or extra-Mishnaic texts, now preserved in a written compendium, calls to mind the richer array of versions and associated traditions already known largely from the aural/oral

[31] For further discussion of the master-disciple circle as the matrix for the shaping of the Mishnaic corpus in particular, see Fraade 1991:69-121 and Jaffee 1997a:214-23. More broadly, see also Byrskog 1994:137-39, 156-59, 171-75.

[32] The degree to which writing was employed in this process is difficult to assess. See Jaffee 1994, 1997b; and Alexander in this issue.

milieu. The written anthology serves, finally, as a point of departure for a return to orality, as the preserved text triggers other literary and conceptual associations drawn from previous experience in the aural/oral world of Rabbinic instruction.

Seen from the perspective of mnemonic function in a culture with a dual-track oral tradition of fixed-texts and free-texts, the Rabbinic compilation cannot be misinterpreted as an analogue to an authored work, an attempt to convey a larger concept or argument to a reader. It is not premised upon the attempt to communicate an authorial mind to an audience of one or many. Rather, the anthological compilation points attention away from itself to a world of speech in which there are no documents, but much discourse. It points to a literary culture in which the minds and intentions of authors are displaced by the *logos* that emerges among people engaged in mutual discourse over the shared text.

We may conclude with this point. The understanding, here outlined, of the aural/oral aesthetic underlying the preference for anthology has the merit of doing some justice to both of the two theoretical poles represented by Neusner and Schäfer. The editorial looseness of such anthologies, noted by Schäfer, bespeaks their function as text-storage sites rather than as structured compositions designed to preserve an invariant *logos*, the discernment of which constitutes the goal of textual study. The degree, correspondingly, to which larger documentary rhetorical and topical choices do in fact seem to be imposed upon the intermediate units need not contradict this observation.

As Neusner has argued, it is hard to dismiss evidence that a single intermediate unit migrating among a number of compilations has been persistently reshaped, from compilation to compilation, in accordance with editorial traits or rhetorical patterns distinctive to each compilation. Whether Neusner overestimates the degree to which this correspondence of intermediate unit to compilational style is uniform need not concern us here. The point is that—even if he were absolutely correct in this observation in each case—it would not serve as evidence of an original ideological conception designed for communication to the mind of a reader who would be unfamiliar with it or require indoctrination into it. A certain degree of rhetorical uniformity or topical agendas are more likely epiphenomena of local conventions in the particular community served by a given compilation. Texts shaped by such conventions express a shared literary sensibility that allows the user of the text to encounter in writing what is already familiar in the memory and anchor it yet more firmly through a new performative engagement with it.

Afterword

Despite a century and one-half of academic studies in Rabbinic literature, the relation of oral compositional and transmissional processes to the extant texts remains only partially understood. Neusner's work has proved enormously stimulating to the field as a whole, not only among those who accept selected aspects of his work but even among those who reject its methodological principles and concrete conclusions. Schäfer's model provides a corrective to a certain tendency to overestimate the self-consciousness of Rabbinic compositional practice but pays little attention to the aural/oral matrix in which written Rabbinic texts were shaped and which they reshaped in turn. But, as the essays to follow demonstrate, fresh models and perspectives have recently begun to have their own impact. The study of orality in the shaping of Rabbinic literature is—we may safely conclude—out of its infancy. The toddler is beginning to find its own distinctive powers of speech among the other oralist voices in the humanities and social sciences.

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Literary Composition and Oral Performance in Early Midrashim

Steven D. Fraade

Three converging factors make the early Rabbinic *midrashim* (scriptural commentaries) an appropriate place to begin an examination of the complex interplay of oral and textual registers of tradition and its transmission, so much the focus of recent study of other traditional cultures and so much the character of Rabbinic culture from antiquity to the present. First of all, recent scholarship of Rabbinic midrash has tended to vacillate between viewing it as the product of popular oral transmission and sophisticated literary composition. Second, it is in our earliest (so-called "halakhic" or "Tannaitic") midrashic collections that we find the first Rabbinic expressions of what will subsequently be more fully enunciated: the idea of a twofold revelation of Torah at Sinai and a twofold repertoire of its continuous performance and study: written and oral. Lastly, midrashic commentary, by its very structure and rhetoric, provides a glimpse of how Written and Oral Torahs are dialogically combined in a single performative, didactic medium. I shall address each of these in turn, with greatest attention to the second.

Oral/Early/Popular or Literary/Late/Elite?

A previous generation of scholars of Rabbinic midrash tended to emphasize the oral and popular aspects of midrashic creativity and its transmission. In contrast to the Rabbinic legal writings, whose domain was thought to be the more formal, scholarly academy, midrash (by which was usually meant aggadic, or nonlegal, midrash) was thought to inhabit the more public and popular domain of the synagogue, where either non-Rabbinic preachers and teachers expressed folk-traditional understandings of scriptural narratives and laws, or Rabbinic sages orally communicated their

wisdom in popularly accessible and responsive ways. Even if our extant texts represent the formalized end-products of Rabbinic study, according to this view their literary exteriors could be peeled away to reveal the more original and popular settings in which they were generated as live sermons. The fact that such exegeses exist in a variety of versions across the extant textual collections was considered evidence of the *oral* process of transmission by which these exegetical traditions were long broadcast before eventually settling into their later textual structures.[1]

The current generation of midrashic scholars has tended to emphasize, instead, that the formalized, literary structures and strategies of midrashic literature are not peripheral but central to defining the creative energies and rhetorical effects of midrashic exegesis as, first and foremost, an intramural Rabbinic enterprise of some literary sophistication. Such formal rhetorical structures as the Rabbinic *mashal* (parable), *petiḥta'* (proem), and the midrashic sermon should not, and perhaps cannot, be so easily stripped in search of underlying popular, oral layers of exegetical tradition. Rather, they need to be appreciated in their extant textual forms as unitary compositions of literary artistry and imagination, to which the models of contemporary literary criticism can be profitably applied. The varied forms that such exegetical creations take across Rabbinic documents reflect, therefore, not the vagaries of oral transmission, but the way successive Rabbinic "authors" or "editors" skillfully reshaped received traditions to different literary rhetorical effects.[2]

Although I have simplified these two scholarly approaches in order, heuristically, to contrast them as thesis and antithesis, they share a common assumption of a linear progression from oral to textual as primary modes of Rabbinic cultural creativity and transmission, whichever one they privilege. This is an assumption that had been, until recently, fairly common in the study of traditional cultures: that oral transmission precedes the advent of literacy, which in turn supplants orality as the primary mode of cultural transmission.[3] In the case of Rabbinic literature, it is an assumption that is

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[1] See, e.g., Heinemann 1974 with Sperber 1976. For further examples, especially the influential articles by Renée Bloch, see Fraade 1983:250, n. 13; 252-53, n. 16.

[2] See, e.g., Neusner 1994; Sarason 1981; Stern 1991, 1996; Fraenkel 1991; Heinemann 1971. My own earlier work (Fraade 1983, including 251, n. 14, for further bibliography) evidences something of this approach.

[3] Here, and in what follows, the terms "orality" and "textuality" simply denote the privileging, respectively, of oral or textual (written) modes of cultural transmission in a given social or historical context.

also predicated on a longstanding Rabbinic misreading: that the early Rabbis (and the Pharisees before them) exercised an absolute ban on the writing of Oral Torah, which was only later weakened by the necessity to preserve in written form what had previously been left to memory alone.[4]

The linearity of both of these assumptions has been called into question, almost simultaneously, by scholars of traditional cultures in general and by scholars of Rabbinic literature in particular. Among the former, it is now widely recognized that literary composition and oral performance dynamically *interface* with one another. Like chicken and egg, it is impossible, according to this view, to determine the primacy of one over the other: texts are composed so as to be socially (that is, orally) enacted, with the enactments in turn suffusing the process of their literary textualization, and so on. Thus the performative orality of a text lies as much before its literary face as behind it.[5] Similarly, among scholars of Rabbinic literature, the previously regnant assumption of the precedence and primacy of orality over textuality has yielded to a more dynamic understanding of their interrelation, in part because it is now understood that there was no unanimous or uniform early Rabbinic ban on the writing of Oral Torah, but rather on performatively enacting the Oral Torah from a text, as the Written Torah from memory.[6] Thus, as I have elsewhere

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[4] The presumption of such a ban was standard fare in older introductions to Rabbinic literature (see below, n. 6). For a recent restatement, note the following in an introduction to Jewish Law: "The literary sources of Jewish Law during this [Tannaitic] period are referred to as the Oral Law, since the act of writing down the law was originally forbidden. As a result the laws were taught and repeated orally until this period" (Segal 1996:114). The designation "Oral Law" for the Hebrew *torah shebeʿal peh* ("Oral Torah") is misleading, since the latter includes both law (*halakhah*) and narrative (*ʾaggadah*).

[5] The following have influenced my thinking in this regard: Foley 1995; Finnegan 1988; Gentili 1988; Goody 1987; Ong 1982; Svenbro 1988; Thomas 1992. For a useful review of several of these, see Murray 1989. Similarly, New Testament studies have been undergoing a shift from an older model that sharply differentiated between the earlier (more authentic) oral and the later literary layers of the New Testament. See the special issue of *Semeia*: *Orality and Textuality in Early Christian Literature* (1994); as well as Achtemeier 1990; Kelber 1983.

[6] For an excellent summary, with additional bibliography, see Stemberger 1996:31-44. Note in particular Stemberger's treatment (32-34) of BT Tem. 14b (partial parallel in BT Git 60b) and PT Meg. 4:1, 74d. See also Elon 1994:224 (with n. 160); Fraade 1991:19-20, 188-89, n. 69; Jaffee 1997; Naeh 1997; Rosenthal 1982:96; Shinan 1981; Sperber 1976; Swartz 1996:34-40. It should be noted that in early Rabbinic sources only the Babylonian Talmud, and not Palestinian Rabbinic sources, gives expression to the idea that the actual writing of *halakhot* (laws) was disallowed. This latter view is taught, in the

argued for Rabbinic Targum, while texts circulated and were countenanced, at least for private use, they were barred from the public performance of the *meturgeman* (synagogue translator/explainer).[7] Similarly, as Saul Lieberman has demonstrated, the Mishnah was to be enacted from memory, even as written Mishnaic notes (at a minimum) could be used in private study.[8] While our evidence for the existence and acceptance of written texts of midrash is somewhat later, we have no reason to suspect that they would have been treated very differently.[9] What emerges, then, is a more "circulatory" understanding of the interrelation of Rabbinic texts and their oral performative enactments: an orality that is grounded in a textuality that remains orally fluid.[10]

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name of the "school of R. Ishmael" (but without Tannaitic parallel), in BT Tem. 14b. Compare in this respect BT Git. 60a, b and BT Tem. 14a with partial parallels in PT Meg. 4:1, 74d; PT Peah 2:6, 17a. Note Elman's argument (1999) that there appear to be less literacy and use of written legal sources among the Babylonian *Amora'im* than among the Palestinian *Amora'im*. However, Naeh (1997) argues for an earlier penetration of written Rabbinic texts in Babylonia than in Palestine.

[7] See Fraade 1992:256-57. On T Shabb. 16:1 as requiring the rescue of scrolls of the Targum on the Sabbath, see Friedman 1993. In a number of Palestinian Rabbinic sources, the distinction between the performance of Oral and Written Torahs in their respective modes is specifically exemplified through the oral performance of Targum: PT *Meg*. 4:1, 74d; *Pesiq. R.* 5 (ed. Friedmann, 14a-b); *Tanḥ. Vayyera'* 5; *Tanḥ. Vayyera'* 6 (ed. Buber, 44a); *Tanḥ. Ki Tissa'* 34. Cf. *b.Meg*. 32a.

[8] See Lieberman 1962:87-88. For the existence among the Rabbinic sages of private scrolls or notebooks of laws, see discussion and sources cited in Stemberger 1996:36-37; Jaffee 1997; Elman 1999. On the likelihood of a more formal written edition of the Mishnah by the end of Talmudic times, see Naeh 1997:507, n. 112. For the use of the Talmudic terms *sifra'*, *sifre*, and *sifre deve rav* ("the book," "the books," and "the books of the teacher") for written collections of Rabbinic exegeses, see Fraade 1983:297; Naeh 1997:505. For the relation of the Tosefta to written sources, see Elman 1994.

[9] Note the frequent mention of possession of "books of aggadah" by third-century teachers in Palestine and fourth-century teachers in Babylonia. For sources, see Stemberger 1996:34, to which can be added BT *Git*. 60a and BT *B. Bat*. 52a. Naeh 1997 argues that the *Sifra*, the early Rabbinic legal commentary to the Book of Leviticus, was the first Rabbinic collection committed to writing, and that, in general, the writing of legal midrash preceded that of "laws" (*halakhot*), which is to say, the Mishnah.

[10] This is not to suggest that oral transmission is necessarily fluid whereas written transmission is fixed. Rather, Rabbinic tradition, in being transmitted simultaneously through both channels, acquires aspects of both—fixed and fluid, timeless and timely. For the "circulatory" metaphor, see Fraade 1991:19.

Early Midrashic Expressions of a Twofold, Written/Oral Revelation and their Historical Significance

Our earliest midrashic collections (middle to late third century CE) express the idea that the originary revelation of Torah at Mt. Sinai already comprised two parts, consigned to two distinct channels of communication: written and oral.[11] Although the designations of *torah shebikhtav* (Torah by writing) and *torah shebeʿal peh* (Torah by mouth) have not yet become standard, other designations—especially the more performative distinction between *miqraʾ* (that which is read/recited) and *mishnah* (that which is taught/repeated)—denote much the same idea. I shall limit myself to three familiar examples, each from a different early midrashic source:

1. Commenting on Moses' farewell summation "Torah" (Deut. 32) to the Israelites, the Sifre, our earliest Rabbinic commentary to the Book of Deuteronomy, observes:

> "May my discourse come down as rain" (Deut. 32:2): Just as rain falls on trees and infuses each type with its distinctive flavor—the grapevine with its flavor, the olive tree with its flavor, the fig tree with its flavor—so too words of Torah are all one, but they comprise *miqraʾ* and *mishnah*: [the latter including] *midrash* (exegesis), *halakhot* (laws), and *ʾaggadot* (narratives).

This curriculum of *oral* study is furthermore said to define the distinctive teaching of the Rabbinic disciple by which he may be recognized:

[11] Neusner 1979 has argued that the Rabbinic doctrine of the twofold Torah does not come into serious play until the time of the Babylonian Talmud as an anti-Karaite polemic. However, he underestimates its presence, even if less formulaically fixed, in our earliest midrashic sources. Elsewhere (1985:105) he gives a perfunctory and incomplete listing of occurrences of this doctrine in our earliest midrashic collections. Neusner is correct, as I will emphasize below, in differentiating between a distinctive Rabbinic doctrine of Oral Torah and the ubiquitous role of oral tradition more broadly. He is also correct that the idea of a twofold revelation becomes more terminologically fixed (*torah shebikhtav* and *torah shebeʿal peh*) and conceptually developed in later Rabbinic sources. See also Jaffee 1992.

> So too you cannot know a disciple of the sages until he orally teaches (*yishneh*): *mishnah*, *halakhot*, and *ʾaggadot*.[12]

2. Commenting on Lev. 26:46, and attending to the plural form *torot* ("teachings"), the Sifra, our earliest Rabbinic commentary to the Book of Leviticus, states:

> This teaches that two Torahs [two being the minimal plural] were given to Israel, one written (*bikhtav*) and one oral (*beʿal peh*).[13]

Although Rabbi Akiba asks whether only two, and not many more, Torahs were given to Israel, the commentary concludes by stating:

> The Torah and laws (*halakhot*), and fine points (*diqduqim*), and explications (*perushim*) were [all] given via Moses from Sinai.[14]

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[12] Sifre Deut. 306 (ed. Finkelstein, 339), interpreting Deut. 32:2, on which see Fraade 1991:96-99 and 244, n. 111 for other examples of this curriculum. Elsewhere, Sifre Deut. 351 (ed. Finkelstein, 408), interpreting Deut. 33:10, unambiguously states that "two Torahs were given to Israel, one oral and one written." For discussion, see Fraade 1991: 87-89.

[13] An almost identical formulation is found in Sifre Deut. 351, for which see the previous note.

[14] Sifra Beḥuqqotay *pereq* 8:12 (ed. Weiss, 112c). Although Weiss's edition has "its laws, its fine points, and its explications," presumably referring to the laws and interpretations that derived from each scriptural verse, the better witnesses (e.g., MS Vatican 31) have the text as I have presented it. The meaning, however, is most likely the same. Compare T *Qidd.* 5:21 (ed. Lieberman, 4:299), with variants, as well as *Sifre* 313 (ed. Finkelstein, 355): "'He instructed him' (Deut. 32:10): with the ten commandments. This teaches that when each divine utterance went forth from the mouth of the Holy One, blessed be He, Israel would observe it and would know how much midrash it contained, how many rules it contained, how many *a fortiori* arguments it contained, how many arguments by verbal analogy it contained." For text and discussion, see Fraade 1991:60-62. These characterizations of revelation most likely reflect a method of Rabbinic study whereby scriptural verses were studied together with the interpretations, laws, and narrative traditions said to derive from or to be associated with them. See *ʾAbot R. Nat.* A 14, B 12, B 28 (ed. Schechter, 57, 29, 58); BT *Sukk.* 28a; BT *B. Bat.* 134a; *Sop.* 16:6 (ed. Higger, 289). Note also the use of *ʿal ha-seder* ("in proper sequence") with the claim that God revealed to Moses Scripture together with *mishnah*, *talmud*, and *ʾaggadah*: Tanḥ. Ki Tissaʾ 17 (ed. Buber, 48b); Exod. Rab. 47:1. This most likely means that these types of Rabbinic teaching were revealed according to the Biblical order.

3. Commenting on Exod. 35:1 ("And he [Moses] said to them, These are the things that the Lord has commanded you to do [regarding the Sabbath]"), the Mekilta, our earliest Rabbinic commentary to the Book of Exodus, states:

> Rabbi [Judah the Patriarch] says: "This [formulation] includes the thirty-nine chief classes of labor [prohibited on the Sabbath] that Moses communicated to them orally (*ʿal peh*)."[15]

Thus, Moses communicated to the Israelites not just the legal principles of Sabbath observance as inscribed in the Written Torah, but an oral complement that included more detailed structures and strictures of observance. The thirty-nine classes of labor, first stated nonscripturally in the Mishnah (M *Shabb*. 7:2), are here said to have been orally communicated to Israel by Moses (and presumably to him by God). The midrashic commentary discloses this oral revelation from within the written words of Scripture.[16]

While from the hindsight of later Rabbinic tradition, these passages, with their enunciations of a twofold Torah revelation and study repertoire, might not seem particularly noteworthy,[17] when viewed against the backdrop of pre-Rabbinic varieties of Judaism, they are indeed remarkable. Although several antecedents to Rabbinic Judaism express the idea of a twofold revelation, not one differentiates between written and oral components. Thus, according to *4 Ezra* (14:5-6, 26, 45-48), God revealed through Moses at Sinai two sets of books, an exoteric set of twenty-four to all of Israel, the "worthy and the unworthy," and an esoteric set of seventy to the "wise" alone. A similarly twofold, exoteric-esoteric revelation is suggested by the book of Jubilees, itself constituting an esoteric, written

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[15] Mekilta de-Rabbi Ishmael Shabbeta 2 (ed. Lauterbach, 3:206).

[16] The Mekilta presumably locates the origins of the well-known thirty-nine categories of labor in the scriptural use of the verb "to say" for Moses' communication with the people. Later versions of this tradition base it on the numerical equivalent of the phrase "these are the things" (*ʾeleh ha-devarim*) as 39. The word *ʾeleh* equals 36 by the method of *gemaṭriah* and *devarim* equals two (the minimal plural), with the addition of the definite article (*ha-*) adding one. See BT *Shabb*. 70a, 97b, with Rashi's commentary in both places. For a slightly different reckoning, see PT *Shabb*. 7:2, 9b.

[17] For broader surveys of the idea of Written and Oral Torah in Rabbinic and subsequent Judaism, see Urbach 1979:286-315; Elon 1994:190-227; Schäfer 1978; Safrai 1987. I am told Yaakov Sussmann will have a comprehensive study of the topic in the forthcoming memorial volume to E. E. Urbach (*Meḥqere Talmud* 3).

revelation said to have been transcribed from heavenly tablets via angels to Moses (1:26ff.), as a supplement to the "first book of law" (6:22).[18] Philo, employing allegorical interpretation, finds within the text of the Torah a twofold revelation of physical and spiritual levels, but never suggests that one was transmitted any less textually than the other.[19] Similarly, Christianity eventually develops a twofold Scripture of "Old" and "New" Testaments, but without any distinction between them as to their textual mode of transmission. In many ways closer to the Rabbinic division is the Qumran study diet of the Mosaic Torah and the sect's laws (*mishpaṭ*)—the manifest (*nigleh*) and the hidden (*nistar*)—but nowhere is it suggested that the latter, as disclosed to the community alone, were any less written (on scrolls) than the former.[20]

More difficult to assess is Josephus' attribution to the Pharisees of "certain regulations handed down by former generations and not recorded in the Laws of Moses" and the Sadducees' rejection of the authority of those nonscriptural laws as being merely the "tradition of the forefathers" (ἡ

[18] See further Fraade 1993:66, n. 68. For the centrality of writing to the esoteric revelation of Jubilees, see Najman 1996.

[19] Philo's "unwritten law" (ἄγραφος νόμος) of the pre-Mosaic patriarchs is unrelated to the Rabbinic conception of Oral Torah, as correctly argued by Urbach 1979:291-92. Similarly, the Roman distinction between *ius scriptum* and *ius non scriptum* is unrelated; see Elon 1994:191.

[20] For details, see Fraade 1993:57 with n. 34, as well as Fraade 1998. Not only do the Dead Sea Scrolls identically cite what, from a later canonical view, could be distinguished as Scripture and Pseudepigrapha (Jubilees in CD 16.3; Test. of Levi in CD 4.15), but in at least one case (QMMT B38, on which see Qimron and Strugnell 1994: 141) a sectarian law is probably referred to with the passive participle *katuv* (it is written), usually reserved for scriptural citations or paraphrases. Assuming that Josephus' Essenes bear some relation to the Qumran community, we may note that in describing the Essenes he says that they not only displayed an "extraordinary interest in the writings of the ancients" (War 2.136), but that new members swore "to preserve carefully the books of the sect (2.142)." Note Baumgarten's conclusion (1977:18): "In sum, the Qumran literature provides concrete and abundant examples of written halakhic texts from the pre-Rabbinic period. It moreover lacks any trace of the distinction between Written Law and Oral Law which is characteristic of Rabbinic sources and which serves as the basis of the contrasting forms of transmission." However, there appear to be orthographic differences that distinguish the biblical from non-biblical and sectarian from non-sectarian scrolls at Qumran; see Tov 1986. On the attitude of the Sadducees to the status and writing of extra-biblical laws, the scholion to Megillat Ta'anit for 4 Tammuz, referring to a "book of decrees," is of too uncertain provenance to be of any historical value for pre-Rabbinic times; cf. Halivni 1986:38-41.

παράδοσις τῶν πατερῶν).[21] All we can establish for certain is that the Pharisees attributed divine authority to ancestral laws not written in the Torah, but not necessarily (although possibly) that they preserved or transmitted these laws orally,[22] and even less that they claimed an ultimate Sinaitic origin for them.[23]

I stress this contrast between our earliest Rabbinic midrashic sources and their closest antecedents so as to set their assertions of the distinction between written Scripture and oral Rabbinic teaching in sharper relief, since it has been somewhat common for scholars to "naturalize," and hence perhaps apologetically to deradicalize, this central Rabbinic fiction (by which term I intend no disrespect or denial of truth). Thus, it is often explained that the Written Torah, by its very nature and from its very beginning, must have demanded an oral accompaniment to fill its gaps and clarify its meanings. For example, we find in a recent survey of Rabbinic law:

> One may conclude from even a cursory examination that Biblical commandments and laws were accompanied by many explanations and detailed rules—given orally or preexisting in practice—which supplement and give meaning to what is written in the Torah. . . . If no Oral Law existed to explain and give content to these legal institutions, it would have been impossible in practice to carry out the provisions that are stated in the Scriptural passage.[24]

Similarly, it is claimed in a recent study of postbiblical narrative elaborations of biblical texts that since many of these traditions were widely shared among the varieties of postbiblical Judaism, they must constitute an

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[21] Ant. 13.297. Cf. Ant. 17.41; 18.12. Cf. Matt. 15:1-12 (=Mark 7:1-13), where Jesus accuses the Pharisees of following the merely human "tradition of the elders" (ἡ παράδοσις τῶν πρεσβυτερῶν) in opposition to the commandments of God.

[22] It is unclear from Josephus whether the Sadducees rejected Pharisaic law because it was not written in Scripture or because it was unwritten. See Baumgarten 1977:18-19.

[23] See Neusner 1979, 1985. I intentionally do not include here later Rabbinic stories that attribute the doctrine of Written and Oral Torahs to Hillel and Shammai: Avot deR. Natan A15 (ed. Schechter, 13a); BT *Shabb*. 31a. In those stories, unlike the midrashic passages quoted above, a gentile, or prospective convert, is asked to accept this doctrine on faith rather than by scriptural proof.

[24] Elon 1994:200-01. "Oral Law" here is a misleading rendering of "Oral Torah." See n. 4 above.

"Oral Torah" of sorts, pre-existent to the formalization of that term in Rabbinic literature, and described as follows:

> A corpus of methodological assumptions, as well as a good many specific interpretations, came to be shared even by the warring groups whose names and works we know from the end of this period. And it is this common inheritance—communicated orally, as suggested, perhaps through the instruction of children and/or the public reading and translation or exposition of Scripture—that is responsible for the common assumptions, and much common material, that we have seen to characterize the written sources that have survived from those early times.[25]

Whether viewed from the perspective of law or narrative, these claims for a postbiblical, yet pre-Rabbinic, Oral Torah beg our question in two regards. First of all, why assume that extrabiblical elucidations and expansions, as we know them only from written sources, were primarily oral in their mode of circulation, whether within or between groups? Certainly, the wealth of such materials now known from the Dead Sea Scrolls is only the tip of a much larger parabiblical *textual* iceberg. And second, even if we were to assume that such traditions of biblical elaboration did in fact circulate mainly by oral means, why is it only in our early Rabbinic midrashic sources that they are first *denoted by their orality*? Biblical Israelite and postbiblical Jewish cultures were undoubtedly suffused with oral traditions that accompanied written scriptures and parabiblical texts of many sorts, as is common in all traditional cultures. But to confuse such oral *tradition* with the Rabbinic fiction of Oral Torah is not only to produce terminological dilution, but to blur a critical ideological and performative distinction between the Rabbinic culture of Torah study and its antecedents.[26]

Thus, what is new in early Rabbinic teaching, already in our earliest midrashic collections, is neither the idea of a twofold revelation nor the presence of a ubiquitous and more broadly shared oral *tradition*, but rather the explicit elevation of orality to the ontological level of Oral *Torah* as a central element in the practice and ideology of the Rabbinic sage. Of course, this development is easier to describe than to explain. But before

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25 Kugel 1990:267. Kugel twice refers to this shared corpus of tradition as "Oral Torah," in both cases enclosing the phrase in quotation marks, thereby acknowledging, I assume, that this is not quite the same as the Rabbinic doctrine of the Oral Torah.

26 A similar point is made by Baumgarten 1977 and Neusner 1979.

providing some hints as to the latter, I would like to highlight several related features of early midrashic literature.

Elsewhere I have discussed at length the early midrashic "re-presentation of revelation" (1991:ch. 2). Striking in those Rabbinic accounts of what transpired at Sinai, of what constituted *mattan torah* (the "giving of the Torah"), is not the giving or receiving of the iconic scroll or continuous written text of the Torah, but the hearing (and seeing) by the Israelites of each of God's utterances (of the ten commandments) *prior* to its textual inscription (in stone). Thus, already at Sinai, we witness what Martin Jaffee terms the Rabbinic pedagogical "privileging of voice over page" (1997:528). Many images are employed to this end, but they share a sense of immediacy and intimacy (and also danger), as each divine utterance (*dibbur*) dynamically engages each Israelite's eyes, or ears, or mouth prior to its textual inscription. Thus, according to the Mekilta:

> "And all the people saw the thunderings and the lightnings" (Exod. 20:15): the thundering of thunders upon thunders and the lightning of lightnings upon lightnings. But how many thunderings were there and how many lightnings were there? It is simply this: They were *heard* by each person according to his capacity, as it is said: "The voice of the Lord [was heard according to] the strength [of each person]" (Ps. 29:4). Rabbi [Judah the Patriarch] says: This is to proclaim the excellence of the Israelites. For when they all stood before Mt. Sinai to receive the Torah they interpreted the divine utterance as soon as they *heard* it. For it is said: "He compassed it, he understood it, and he kept it as the apple of his eye" (Deut. 32:10), meaning: As soon as the utterance came forth [from God's mouth] they interpreted it.[27]

Thus, the Israelites are depicted not primarily as interpretive *readers* of a sacred written text, but as interpretive *auditors* of divine utterances. Oral interpretation is mythically conceived as being in origin coincidental with oral divine revelation and *prior* to revelatory inscription. It is clear,

[27] Mekilta de-Rabbi Ishmael Baḥodesh 9 (ed. Lauterbach, 2:266-67). For a more visual image, see Sifre Deut. 313 (ed. Finkelstein, 355), cited above, n. 14. Sifre Deut. 335 (ed. Finkelstein, 385) admonishes directing one's heart, eyes, and ears to the words of Torah; for text and discussion, see Fraade 1991:119-20. For other accounts of how each divine utterance (command) engaged each Israelite prior to its physical inscription, see Sifre Deut. 344 (ed. Finkelstein, 401); Mekilta Baḥodesh 2, 9 (ed. Lauterbach, 2:202, 269-70); Cant. Rab. 1:2, where, according to one view, an angel delivers each divine utterance and its exegetical potentiality to each Israelite, who upon accepting the utterance receives it through an angelic kiss to the mouth. According to another view, this oral revelation of the divine word and its exegetical potentiality is unmediated.

however, that this representation is not simply of a singular past event, but of a paradigmatic and ongoing experience, whether projected back onto Sinai from present Rabbinic practice or forward from Sinai into the present. As the Sifre comments to Deut. 32:11:

> "[You shall keep and you shall perform all the laws and rules] that I have set before you *this day*" (Deut. 32:11): Let them be as dear to you today as if you had received them today from Mt. Sinai; let them be as well-rehearsed in your *mouths* as if you had *heard* them today.[28]

The continuous experience of revelation is one of hearing, internalization through repetition, and rearticulation, all the hallmarks of oral teaching, even when grounded, as in this passage, in a scriptural text. This is how, we are told elsewhere, the Oral Torah was originally taught by God to Moses, by Moses to Aaron and his sons, and eventually to the whole people, and, by implication, how it is taught through the chain of masters and disciples to the present day and beyond.[29]

Note how the Sifre interprets the seemingly prosaic Deut. 6:7, "Impress [these teachings] upon your sons" (*veshinnantam levanekha*), playing on the verb's connection to the word for tooth (*shen*) and taking "sons" to denote "disciples":

> They should be so well honed within your *mouth* that when someone inquires of you concerning a teaching (*davar*) you will not hesitate (or, stutter) but will tell it to him immediately. Similarly, it says, "Say to wisdom, 'You are my sister,' and call understanding a kinswoman" (Prov. 7:4), and it says, "Bind them on your fingers; write them on the tablet of your heart" (Prov. 7:3).[30]

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[28] Sifre Deut. 58 (ed. Finkelstein, 124). For this use of "this day," as denoting the perpetual present of the latter-day students of Torah, see Fraade 1991:256, n. 196.

[29] See BT *Erub*. 54b, in a *barayta'*, where I take *mishnah* to refer not simply to the Mishnah of R. Judah the Patriarch, as it is often understood, but to *mishnah* as the orally taught Torah more generally, as contrasted to *miqra'* (Scripture) in the preceding text of the Talmud. As the talmudic text continues, this is to be a model for the oral teaching of master to disciple in general. On the Rabbinic myth and practice of oral revelation, see further Fishbane 1997.

[30] Sifre Deut. 34 (ed. Finkelstein, 60). For "sons" as "disciples," see the commentary's continuation (ed. Finkelstein, 61): "Disciples are in every [scriptural] place called 'sons.'" For the emphasis on memorization with regard to study and discipleship, see Fraade 1991:ch. 3, as well as 273, n. 92; Swartz 1996:33-43.

Thus, to become a Rabbinic master is to master the words of Torah, scriptural and oral, internalizing both in one's mouth and heart through the labors of repetition and recitation that eventually produce an intimate and seemingly effortless proficiency in those now-embodied utterances.

The performative study of the Oral Torah, intertwined as it is with the ritual recitation of the Written Torah, is a reenactment and extension of the originary revelation at Sinai. Just as that revelation is midrashically represented as an oral and aural encounter with the divine utterance prior to its textual inscription, so too its reenactment is a reversion of the written text of Scripture to a more intimate, interactive, and interpretive engagement with the polyphony of "words of Torah." To live Torah as a revealed tradition is not so much to read it, as to return it repeatedly to the plenitude of its orality of reception (*mishnah*), even while safeguarding its iconic text as Scripture (*miqra'*). Torah as written text is received, embodied, and transmitted within the circles of Rabbinic mastery and discipleship, through the master's modeling and the disciple's emulation of oral study as a living practice.[31]

The Performative Actualization of the "Myth" of the Oral Torah

In conclusion, I wish to emphasize that such oral discursive modeling is performed by our early Rabbinic texts of oral teaching (mishnah), including the midrashim themselves. They structure a dialectical relation between written (Scriptural) and oral (Rabbinic) words of Torah—formally differentiating between them while hermeneutically linking them. These Rabbinic texts, as we have seen, lift orality not only to the level of *ideology* in the idea of Oral Torah, but also to the level of *rhetoric* in their textual practices of Oral Torah as they dynamically engage their own readers/students. Those textual practices are suffused with the dialogical language of orality: "from whence do you say?" (*minnayin 'atah 'omer*),

[31] For a fuller explication of the ideological and social relationship between orality and discipleship, see Jaffee 1997, 1998; Fraade 1991:ch. 3. I have argued elsewhere (Fraade 1993) for the parallels between Qumran and Rabbinic studying communities, with the important difference (among others) that the Qumran community appears to have drawn no distinction between the Torah of Moses and their own laws in terms of their modes of performance and transmission. It might be a correlate to this difference that we find nothing resembling the master-disciple relationship at Qumran. Neophytes joined the community as a whole and advanced through its ranks, studying its texts and practicing its rules under the instruction of its priestly and levitical teachers, but with no indication of *individual* master-disciple relations or circles.

"you say (reason) . . ." (*ʾatah ʾomer*), "if you should say (reason) . . ." (*ʾim ʾamarta*), "I hear it to mean" (*shomeʿa ʾani*), and so forth.[32] However, given Rabbinic literature's "conceit" of orality, the oral elements of its rhetoric are signposts not so much of an oral stage that lies *behind* their extant textualities (cf. Jaffee 1994) as of the oral stage that lies before them, the stage upon which their Rabbinic scripts remain to be played, however improvisationally, by future casts of sages and their disciples, who will in turn recast those learned scripts of Oral Torah for subsequent cycles of oral-textual performance.

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[32] Similar rhetorical language of orality could be easily supplied from the other branches of the Rabbinic Oral Torah.

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Orality and the Redaction of the Babylonian Talmud

Yaakov Elman

Classic Rabbinic literature of the third and fourth centuries, both in its Palestinian and Babylonian exemplars, presents us with the elements of a theology of oral transmission that reflected, justified, and shaped the oral transmission of Rabbinic learning.[1] Despite the plethora of data indicating the privileged position of oral transmission, there has been a disinclination to acknowledge this possibility, if only because of the massive amount of material that had to be memorized—2711 folio pages—and the existence of alternative paradigms in Greco-Roman culture. In the following remarks, I shall attempt to marshal the data that point to the overwhelming likelihood that this legal material (about two-thirds of the total) was orally transmitted, and that the analytical and dialectical redactional layer, perhaps 55% of the Babylonian Talmud (hereafter: the Bavli), was also orally composed. This long period of oral transmission and composition took place against a background of what I shall term "pervasive orality" in Babylonia, as contrasted with the greater prevalence of written transmission in the Greco-Roman cultural sphere.

Study of the Bavli is potentially fruitful for understanding the effects of orality in light of three advances that have been made within the field of recent Talmudic study, each of which may affect our understanding of the interplay of oral and written texts in Rabbinic Babylonia. One relates to the history of Middle Hebrew, one to the question of oral transmission in Amoraic times (fourth-fifth centuries), and one to the dating of the anonymous, framing, or interpretive comments on the remaining attributed material, including large amounts of interpolated dialectic.

The discovery that Middle Hebrew texts can be dated linguistically allows us to trace the evolution of such texts, comparing, for example,

[1] My thanks to Martin Jaffee and John Miles Foley for stimulating comments on this paper, and to those participants in its original oral presentation at the Association for Jewish Studies convention in Boston in December, 1996.

Toseftan texts, which in their current form parallel the Mishnah and serve as a commentary and supplement to it, going back to written Palestinian exemplars of the third century, with parallel texts that circulated orally in the fourth and fifth centuries in both Palestine and Babylonia. Comparisons of this sort enable us to determine the effect of oral transmission of those texts.[2]

The second advance concerns a sharpened awareness of the essentially oral world of the Amoraim (Rabbis who lived between the third and sixth centuries), arguments for which I shall advance below. The fourth and fifth centuries constituted an era of "pervasive orality," in which reading literacy was certainly common, but writing considerably less so (Elman 1996b). Even the Rabbinic elite had little need for writing on a daily basis, and it did not play much of a part in their role as sages and scholars.

Finally, the discovery that most if not almost all of the anonymous material in the Bavli is post-Amoraic, that is, dating from the late fifth and perhaps sixth centuries, opens a window on an era that was hitherto impenetrable.[3] This was a period of taking stock, collecting, collating, reconstructing, and editing the material that had accumulated over the centuries. By all accounts, it was also an era during which huge amounts of dialectic material were added to that accumulation.

As noted above, I have in this paper attempted to marshal what evidence exists for the proposition that the Stammaim—the Bavli's redactors—also operated within an almost exclusively oral environment. Thus, the legal and theological analyses in dialectic form that are themselves the warp and woof of the Bavli may well have been carried out in an oral context; however, since Rabbinic exegetical skills were honed on the oral interpretation of written Biblical texts, this model served in turn for

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[2] See Elman 1994a:71-160 as well as Gerhardsson 1961:159, n.7 and the literature cited therein for earlier use of this argument.

[3] This paradigm change in Talmudic studies occurred under the influence of the work of Shamma Friedman and David Halivni Weiss in the early seventies; see Friedman 1977-78 and Halivni 1982:1-12.

Some would enlarge that range of possibility to the seventh century, that is, the late Sabboraic period, according to the late dating of Sefer ha-Qabbalah. On the identification of the anonymous layer(s) of the Talmud with the Sabboraim, see Kalmin 1989 and Lightstone 1994:272-81.

On the dating of the Sabboraic period itself, see Lewin 1921:97-98 and Cohen 1967:45, 196-202, 211. Cohen's decipherment of the symbolic and schematic dates that undergird Ibn Daud's chronology make this date quite uncertain; see also Ephrati 1973.

the oral exegesis of orally transmitted Rabbinic texts.[4] Even in our chirographically conditioned age, many traditional Talmud scholars carry huge amounts of such material in their heads, to be deployed when necessary at a moment's notice.

Pervasive Orality

Birger Gerhardsson suggests that "teachers and pupils, practised in the art of writing, were naturally unable to avoid enlisting the help of the pen in their efforts to master the rapidly expanding oral doctrinal material which was so important to them" (1961:160). He views the writing tablets (*pinqasayot*) and "scrolls of secrets" (*megillot setarim*) as such. However, his references, few as they are, relate mostly to a Palestinian provenance or refer to Palestinian sages, and not to Amoraic Babylonia.[5] As we shall see, the Persian Sassanian world differed markedly from the Greco-Roman in this respect.

Indeed, even the most widely known written text of the period—Scripture—was itself often quoted from memory, despite strictures to the contrary;[6] Amoraic masters are hardly ever depicted as having had recourse to written texts with which they were not already intimately familiar. While in some respects this situation may resemble the description of the medieval cultivation and training of memory described by Mary Carruthers,[7] her deconstruction of the polarity of literacy and orality, though it may serve in medieval contexts, cannot do so for early Rabbinic culture because the Rabbis held to an ideology of oral transmission that denied the validity of written transmission for Rabbinic legal texts: "Words

[4] See PT Peah 2:6 (17a), where texts "expounded from oral traditions" are juxtaposed to those "expounded from written texts."

[5] See PT Maas 2:4, which is Palestinian. Babylonian sources also refer to a Palestinian background: BT Men 70a refers to the Palestinian Amora Ilfa, BT Shab 156a refers to the Palestinian R. Yehoshua b. Levi and the Palestinian-Babylonian (R.) Ze'iri. The private scroll (*megillat setarim*) that Rav found in R. Hiyya's house (note that Gerhardsson's references Shab 6b, 96b, B.M. 92a are in reality a single one, since the very same quotation appears in the three places) was also in Palestine.

[6] This fact was already noted by the medieval commentators, the Tosafists, who thus explained the existence of conflated and spurious verses in the Talmud; see Elman 1994a:47-48. For the strictures against quoting Scripture from memory, see Git 60a.

[7] See in particular her opening remarks in Carruthers 1990:10-11.

orally transmitted (*devarim she-be-ʿal peh*) you may not write" (Git 60a). And while I myself have argued that some texts were reduced to written form sometime before the middle of the fourth century, I have also shown that these written exemplars had no influence on Amoraic texts originating from that era.[8] Thus, though some circles may not have held to this absolute standard of orality, from all appearances the Rabbis who are responsible for the Babylonian Talmud did.

Though the Rabbinic class was certainly literate, the place of written texts in Rabbinic society was sharply limited. The following text will shed a good deal of light on the question. The second-generation Amora and founder of the Pumbeditha yeshiva, R. Yehuda b. Yehezkel, reported in the name of his master, Rav, that a scholar must learn (*tzarikh lilmod*) the arts of script (*ketav*), ritual slaughter, and circumcision (Hul 9a). Script was thus considered on a par with the other two skills, which were technical rituals requiring both a knowledge of the relevant laws (quite complex in the case of slaughter) and manual dexterity. These were accomplishments that, although not entirely given over to specialists as they are today, were evidently not common.

That this condition was not restricted to the first two of the seven Amoraic generations is indicated by the redactional discussion. When another list of accomplishments required of a scholar is reported in Rav's name—the ability to make the knots for the straps of the phylacteries (*tefillin*), the winding and knotting of *tzitzit* ("ritual fringes"), and knowledge of the Bridegroom's Blessing (recited upon the consummation of a marriage)—the anonymous redactor responds that these latter abilities may be considered common, and thus R. Yehuda need not have passed along Rav's advice on the matter.

In this context, we may well understand Rashi's definition of *ketav*, "writing," which sets a minimal standard indeed: "[A scholar] should know how to sign his name in case he is called to serve on a judicial panel or as a witness"! As we shall see below, there are very few cases in which a scholar is called upon to write, or is described in the act of writing, any legal document. There are hardly any cases in which legal texts are described as existing in writing in Babylonia.[9]

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[8] See Elman 1994a:278-81 and Lieberman 1955:14 (in the Hebrew numbering).

[9] Indeed, this minimal standard is all the more likely (and minimal!) in the light of the traditions preserved in B. B. 161a regarding the semipictographic nature of famous Rabbinic signatures. This practice indicates that even if the Rabbis themselves were not uncomfortable with the written word, they functioned in a society that was, or at least one in which literacy was not to be taken for granted. The fact that someone is reported to have

Moreover, we hardly ever find the Babylonian sages depicted as writing; scribes produced legal documents, not sages. It is noteworthy that, in contrast to the situation in Palestine, where stories and claims of the scribal abilities of the Tanna R. Meir, or those of the Amoraim R. Ishmael b. R. Yose and R. Hiyya Rabba (PT Meg 74d), were preserved, we do not find such stories told of any Babylonian Amora. In the Palestinian Talmud, several Amoraim are given the appellation *katova*, "scribe" (R. Hanina Katova [PT Sanh 19d=PT Hor 14a], R. Yitzah b. R. Hiyya Katova, [PT Ber 6a, Ter 46b, Pes 28b, and elsewhere]), a phenomenon notably absent in the Bavli. Again, as we shall see, variant versions both of legal traditions and of attributions can almost always be attributed to the problematics of oral transmission. In such a context, the choice of oral over written transmission was thus axiomatic, almost unconscious. Whether because of cultural and religious conservatism, the cost of writing materials, or a combination of these and other factors, it is clear that the period was one in which written transmission was not available as a practical choice.

Despite this lack of availability, however, there may have been one exception, the case of the "book of the aggadah," that is, non-legal material. One such is reported to have been in the *be rav* ("the house of Rav") (Sanh 57a); R. Nahman had one (Ber 23b)—though he himself hardly ever proffers an aggadic comment. There was one called by the names of R. Hisda and Rabbah b. R. Huna (Shab 89a), though whether they had owned it or whether it was a collection of their own aggadic comments is unclear. The latter sage was a prolific aggadist, and while the former also made his contribution to that field, he is primarily known as a halakhist (legal authority). R. Hisda directed R. Tahlifa b. Avina to record something in his *aggadata* (Hul 60b). But the insistence on the oral transmission of legal texts would seem to have retained its force, at least in Babylonia.[10]

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forged Rava's signature (B. B. 167a)—even if his signature was not of the semigraphic type—is no proof, since we may assume that the inhabitants of Mehoza, Rava's hometown and the seat of the exilarch, which was located across the Tigris from Ktesiphon, the Persian capital, were more educated than others.

Nonetheless, this latter piece of evidence alone is insufficient to prove the point, since Palestinaian sages too are included in that list, and, as we shall see, matters were different there. Perhaps their pictographic nature should be ascribed to other reasons—for example, the need for efficiency and speed (as witness the large number of acronyms in medieval and later Rabbinic literature).

[10] Nahman Danzig has recently expressed the same opinion, without the analysis just presented; see his magisterial work in Danzig 1992-93:5, n.13.

The Post-Sabboraic Period

In the Geonic period, from the eighth century on, however, oral transmission of the Babylonian Talmud was a conscious choice, given the prevalence of book culture in Islamic Iraq.[11] Moreover, as far as the transmission of the Babylonian Talmud is concerned, oral transmission was privileged in the Geonic period; when questions arose regarding a reading, the Geonim had recourse to oral reciters—*garsanim*—rather than written texts. Indeed, the Geonim seem to have authorized the making of written copies only in extenuating circumstances.[12] Evidence for written texts of the Babylonian Talmud points to the mid-eighth century as the beginning of our written tradition, though the recent discovery of a large fragment of a scroll of Tractate Hullin must be dated earlier (see below). But even after such texts began to appear, oral transmission was clearly privileged. In the words of a tenth-century authority, R. Aaron Hakohen Sargado: "Our whole yeshiva, of which it is known that its version [of the Talmud] is from *the mouths of the great ones*,[13] and most of them [i.e, the members of the yeshiva] do not know anything of a book."[14] Indeed, S. D. Goitein has noted the relative paucity of Talmudic manuscripts in Geniza collections (1962:151-53, 164). Thus, the Talmud continued to be transmitted orally as late as the tenth century, some four or five centuries after its redaction. In all probability, this situation continued to the close of the Geonic yeshivot in the next century—despite the overwhelming influence of Islamic "book culture" and the writing of Geonic halakhic (legal) responsa and compendia as well as many other genres. In this period, then, unlike the preceding one, the specialization of oral transmission for, and its limitation to, the Talmudic text was anything but unconscious. The choice of abandoning orality was always present—and yet consistently rejected for centuries.

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[11] The Geonim were the heads of the Rabbinical schools in Iraq and Palestine during the early Islamic period, approximately from the sixth century to the twelfth. In Iraq, especially, they maintained and represented the authoritative interpretative tradition of the Babylonian masters of the third through the sixth centuries, whose *magnum opus*, the Babylonian Talmud, became widely accepted as the supreme religious text.

[12] See Ben-Sason 1989; see my comments regarding the provenance of the important Hullin fragment below.

[13] The expression is exact; the responsum in which this declaration occurs deals precisely with the question of the proper *oral* punctuation of a passage.

[14] See Lewin 1935-36: n.170; see also Brody 1990 (espec. 241-43).

The centuries between the close of the Amoraic period, say with the death of Ravina II in 500, and the opening of the Geonic period circa 589 (or 689) is the time during which the Babylonian Talmud took much the form it now has. There is no reason to doubt that in the pre-Islamic period literacy for the Rabbinic elite within the context of higher cultural activities referred primarily to the ability to read and interpret Scripture as Holy Writ and perhaps the ability to read certain Rabbinic texts—the book of *aggadah* and Megillat Taanit ("the Scroll of Fasts"), and, perhaps occasionally, the Mishnah. As to the latter, I have demonstrated on linguistic grounds that the Mishnah must have been reduced to writing before the middle of the fourth century, since it is then that the changeover from Middle Hebrew I to Middle Hebrew II took place (1991:16-19). Had the Mishnah been written down after that point, it would have reflected the changes that took place in Middle Hebrew as it went from a dying language to an academic one—but it does not. The same goes for Tosefta.

However, as noted above, though Tosefta must have been in existence as a written compilation in Amoraic times, it is virtually certain that it was unknown in Babylonia as such before the time of the Geonim in the seventh or eighth centuries.[15] Whatever parallel baraitot were available to the sages of the talmud, both Amoraim and post-Amoraim—whether we call them Stammaim or Sabboraim—must have come to them through oral tradition. And indeed, whenever we have a report of the actual transmission of a baraita, it often comes in the form of "a reciter recited before R. X" or the like. At any rate, it would thus seem that even a rabbi could function fairly well without frequent recourse to written texts. It may well be that only scribes, judges, and perhaps some of the exilarch's bureaucrats had to deal on a daily basis with texts with which they were not already intimately familiar.

It has been suggested, on purely Ongian grounds, that the very formation of the Babylonian Talmud as a coherent compilation in this post-Amoraic period was a process that depended on the use of writing for the earlier Amoraic material. Walter Ong suggested more than a decade ago that writing distances the writer from the source of the information and thus aids analysis.[16] However, in light of the picture I have just drawn, we must

[15] See Elman 1994a:278-81 and Lieberman 1955:14.

[16] Ong 1982:45-46 and 1967. Ong's work has been criticized for not giving sufficient weight to such considerations as the more limited place of orality within a mixed oral/written environment, which Rabbinic culture eminently was; see, for example, Finnegan 1988:140-64 and 1977:160-69. For a summary of her views and the implications for future research, see Finnegan 1991 as well as Kraemer 1990:115 and my review essay

remember that the Rabbis' analytical skills would have been honed on Scripture, at least, and possibly the Mishnah as well. Furthermore, Kraemer's own estimate for attributed dialogical/dialectical material in the Bavli that predates its redaction runs to two thousand cases from the middle generations alone.[17] While this amount does not compare in magnitude to that of later, redactional analysis, it still constitutes an impressive body of analysis in its own right. The dating of the materials from a time during which Rabbinic society was incontestably pervasively oral would constitute a powerful counter-Ongian argument—using Kraemer's own figures.

Moreover, the texts of Toseftan baraitot in the Babylonian Talmud vary much less than that of the argumentation surrounding them. This situation suggests that though normative legal decisions may have been reduced to written form by the seventh and eighth centuries, towards the end of which period written texts of the Bavli certainly existed, the bulk of the Talmud—its dialectic—had not.[18] I assume that even aggressive scribal intervention in the text would not go so far as to reformulate dialectic in this way, even taking the recent work of Shamma Friedman and Malachi Beit-Arié on medieval scribal practices into account.[19] On the other hand, the limited variation of these baraitot may merely indicate their privileged status as legal texts.

While it is clear from studies of oral literature in other cultures that we cannot assume that the patterning typical of oral composition (formulaic language, mnemonics as part of the text, ring-cycles, chiastic structures of various sorts, the use of the number "three" as an organizing principle, and so on) invariably indicates oral transmission. This assertion applies all the more to the period immediately after the reduction of an oral literature to written form, and the Bavli differs in that we have a fully realized ideology of orality both before and after the period of redaction. Can these two periods of orality, one in which the ideology of orality referred to the "Oral Torah" in general and one in which it was limited to the transmission of the Bavli, have been interrupted by a 75- or 175-year interregnum of written composition? It seems unlikely. However, since some copying was done,

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(Elman 1993-94).

[17] Kraemer 1990:68; see my review of Kraemer (Elman 1993-94:266-68).

[18] See Danzig 1992-93:8-16.

[19] See Friedman 1991 and the ground-breaking introduction to the first volume of *Talmud Arukh* (Friedman 1996:1-98); see also Beit-Arié 1993 and 1996.

at least for foreign consumption, we may assume that some copies were available for domestic use as well.

There is some indirect evidence that writing down Rabbinic oral teachings was conceivable (but not practical) even in Amoraic times. In the first half of the fourth century, when Rava, in emphasizing the importance of such teachings even as against the authority of Scripture, anticipates a question as to why, if Rabbinic teachings are so important, they are not written down. His answer is not that it is forbidden, as the Palestinian tradition would have it,[20] but that it is simply impossible (Eruv 21b), suggesting that when such writing became technically feasible, it could be done. Of course, it is unlikely that Rava himself seriously considered this possibility, but it is also arguable that his answer was conditioned by the need to respond to a certain anti-Rabbinic tendency in the capital city-metropolis of whose Jewish community he was spiritual leader.[21]

There is another factor that must be considered. The redactors not only gathered together some 45,000 attributed traditions, but approximately doubled the size of the nascent Babylonian Talmud in their (perhaps) 75 years of activity. Could such an increase in material to be memorized have encouraged or inspired a certain amount of reduction to writing, or, at least, private written notes or *aide-mémoires*? Such a possibility is certainly conceivable, despite the absence of supporting evidence; in any case, even the existence of such notes would not mitigate the overwhelming oral character of the resulting Babylonian talmud.

Though not by themselves necessarily indicative of oral composition, the oral characteristics of sugyot ("dialectal essays in dialogue form") noted

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[20] That is, "matters (lit., 'words') of oral [teachings] you may not write down." See bGit 60a, all of whose tradents are Palestinian. Note the difference between this concern and the statement recorded in the name of R. Simon b. Gamaliel in BT Shab 13b in response to an anonymous statement that the authors of *Megillat Taanit* "loved"—embraced—"troubles." (*Megillat Taanit* is a listing of days on which fasting is forbidden. It was compiled and written down in Aramaic, apparently in Second Temple times—before 70 CE.) According to Rashi, this embracing of adversity marks their wish to remember the miracles that ended the troubles, though there is more than a hint of the possibilities of atonement that they bring. R. Simon b. Gamaliel, in a later generation, notes ruefully that "we too love troubles [as a means of atonement], but what can we do: if we came to write them, we would not be able to (*ein anu maspiqin*)." The latter implies the lack of technical capability rather than the will or energy. This *topos*, which in this case relates to the rather short *Megillat Taanit*, should be distinguished from the practical consideration that lies at the heart of Rava's response in BT Eruv 21b; the latter passage will be discussed in detail below.

[21] On the challenges to Rabbinic authority that he faced, cf. Elman 1998.

above, which are in part the literary residue or reconstruction of Amoraic discussions, must be weighed in the light of the extensive evidence that does exist concerning the pervasive orality of Babylonian Rabbinic culture, in both conscious and unconscious ways. Moreover, the very fact that the redactors chose to cast their compilation in the form of dialogues cannot be ignored.

Furthermore, oral redaction can hardly be separated from the workings of memory. While the use of patterning structures as mnemonic devices does not necessarily denote oral transmission, the use of mnemonics does. The *simanim*, lists of key words that indicate the basic structure of the discussion to come, ubiquitous even in our printed texts of the Babylonian Talmud and even more widespread in the manuscripts, point to oral transmission of whole discussions. While it is not impossible that oral transmission of these sugyot began only after written redaction, as Kraemer in fact suggests,[22] this scenario can hardly be a likely one, especially in light of the considerations noted above.

The Redactional Registry of Variants

The inclusion of differing types of variants within the text of the Bavli by redactional hands also points to an oral provenance. Since these variants relate to the earlier Amoraic traditions incorporated within the nascent Bavli, the data that they contain are clearly of Amoraic provenance, but their registry is in part redactional. I say "in part" because, as we shall see, there is evidence that some of these variants were already collated during the late Amoraic period, say the late fourth century.

The dictum that "one who says something in the name of the one who stated it brings redemption to the world"[23] motivated the collection of variant attributions and other traditions. The Bavli contains over 750 cases in which alternate attributions are given. These are introduced by the terms *ve'i-t'eima* ("and if you [will], you may say"), *ve-amri lah* ("and [some] say it"), and, occasionally, *ika de-amri* ("there are [those] who say");

[22] Kraemer 1990:115; see also Elman 1993-94.

[23] M Avot 6:6=BT Meg 15a=Hul 104b=Nid 19b=Kallah 1:1=Kallah 8:1. The religious importance of exact oral transmission and accuracy of attibution may be explained by the pronouncement that when one repeats a teaching in the name of the one who "said it," the latter's "lips murmur in the grave" (BT Yeb 97a=Sanh 90b=Bek 31b). For the Palestinian version, see PT Ber 2 (4b, ed. Vilna 13a)=Sheq 2:7 (47a, ed. Vilna 11a)=M. Q. 3:7 (83c, ed. Vilna 18b).

sometimes these terms are linked in chains when there are competing variants: "X or Y or Z." They are all anonymous and are thus presumably redactional. And nearly all of them point to an origin within the orbit of oral rather than written transmission.

In the case of the *ve'i-t'eima* formula, the variant attributions can often be understood as possibilities arising from the vagaries of association, where the Amoraic statement is attributed to contemporaries who are closely associated, as in the case of R. Yohanan and his close disciple, R. Abbahu (Pes 100a), or when the two names can easily be aurally confused, as in the case of R. Abin and R. Abina (Ber 7a) or R. Ahali and R. Yehiel (Erub 12a), or when one element of a name is common to both, as in the case of R. Yose b. Abin and R. Yose b. Zevida (Ber 13a) or R. Levi b. Hamma and R. Hamma b. Hanina (Suk 47a). These alternatives are such as might have occurred either in the process of oral transmission, or there is reason to believe that one authority had actually quoted the other.

The formula *ve-'amri lah* shares some of these characteristics. For example, note the variants R. Yose ha-Kohen and R. Yose he-Hasid (Shab 19a). Likewise, variants are recorded in the matter of who made a certain statement to whom: did R. Yemar b. Shalmia ask Mar Zutra a certain question, or did the question originate with Mar Zutra in speaking to R. Yemar b. Shalmia (Ber 53b)? Or note the three variants of Ber 62b, when a question is asked of Rava by either R. Papa, Ravina, or R. Ada b. Mattana, all disciples or associates of Rava. At times *ve-'amri lah* serves in place of a third *ve'i-t'eima* (Ber 33a, Ar 16b), or when the variant attribution is to a baraita (Ber 59b, 61a, 62a). In contrast to *ve'i-t'eima*, however, *ve-'amri lah* can also serve to record variants in the detail of a story, as in Ber 58b (whether the disciples scattered or gathered), or Shab 13a (whether Ula kissed his sisters on their chests (*abei hadeihu*) or their hands (*abei yadeihu*), though substantive variants or variations such as the latter are usually introduced by *ika de-amri*.

Variants in legal traditions are usually introduced by *ika de-amri*. On occasion, a variant in attribution is included under this rubric, as when doubt arises as to whether A said X to B, or whether B said it to A (see Arak 16b), similar to the case noted above in regard to *amri lah*. It is noteworthy that this overlapping terminology exists; in the eyes of the redactors, variations of attribution are tantamount to legal variants, that is, variants regarding halakhic (legal) detail. This phenomenon is precisely what we might have expected, since the authority of a tradition or statement often rested with the Amora to whom it was attributed. This case would also explain why most variants are recorded in connection with major

authorities and their associates and, furthermore, indicates that the variants stem from the same universe of discourse as the rest of the Bavli.

To return to the use of *ve-'amri lah*. When this term is not used as a third member in a chain of variant attributions *ve'i-t'eima*, *ve-'amri lah* most often introduces halakhic variants, as in the case of the uncertainty as to the details of a certain view. For example, M Shab 1:11 permits roasting outside the Temple on a fire that was begun before the Sabbath, if there is time for the fire to take hold of the greater part of a log. It was reported that Rav had interpreted this passage to mean that the fire had ignited either the greater part of the log's thickness or its circumference (BT Shab 20a); it would seem that Rav had merely indicated that the "greater part" must be ignited, and in the course of time the uncertainty arose as to the definition of this term.

Of particular interest is the fact that the fifth-generation (late fourth century) Amora, R. Papa, ruled that in this case of doubt the fire must have spread to the greater part of the log's diameter and circumference. This pair of variants thus dates before R. Papa—somewhere between the first and fifth generations, that is, somewhere between the 220s and the 360s. This usage of *ve-'amri lah* may thus not be redactional. However, since R. Papa's comment on this report of variant versions of Rav's remark is the only indication of its Amoraic rather than redactional provenance, we must consider that some or even all other such variants may date back to the Amoraic period. Still, the impressive fact that none of these variants is ever attributed to a named authority indicates that it is likely that most are redactional.

Nevertheless, since the traditions themselves had been orally transmitted anytime from the third through the early fifth centuries, reaching the redactors in the late fifth or sixth century, we must consider that many of them arose in the earlier, Amoraic period. The likelihood that most of these variant attributions were registered and juxtaposed before the redactional period relates to the broader question of the nature of redactional activity before the sixth century. Since the Stammaitic redactional program of the sixth century was far more comprehensive than any earlier attempts, which seem to have been far more limited, such a registry makes more sense at that time. In the end, however, it is still possible that these variants, which are certainly the fruit of earlier oral transmission, were registered in the course of written redaction. Several considerations make this case only a remote possibility rather than a likelihood.

As noted above, on the assumption that the redactors did their work in writing, we may well wonder how, sociologically speaking, such a short

period of written activity was sandwiched between the pervasive orality of the Amoraic and early post-Amoraic period on the one hand, and the following Geonic period during which the transmission of the Bavli continued orally despite the far greater availability of writing and the adoption of signal parts of the surrounding Islamic book culture. Could there have been less than a century of written transmission spanning (or separating) the much longer periods of oral transmission? It seems hardly likely.

The Absence of the Characteristics of "Book Culture"

Let me present a few statistics, courtesy of the Bar Ilan Responsa project, which will put in perspective the question of orality and literacy as it pertains to the Rabbinic society reflected in the Babylonian Talmud. The root *katav* ("to write") in all its forms appears some 11,976 times in the Bavli, of which 8,465 are variants of the passive *ketiv*, "it is written," and refer to what is written in Scripture. An additional 348 appear in the phrase *katav Rahmana*, "the Merciful One wrote [in Scripture]." Of the remaining 3,163, some relate to the writing of scriptural passages in ritual contexts (*tefillin*, *mezuzot*, *sifrei Torah*), and some few appear in discussions regarding the prohibition of writing two Hebrew consonants on the Sabbath and festivals. Three other usages are worthy of mention: the writing of a Tannaitic listing of days on which fasting is prohibited, called *Megillat Taanit* (Shab 13b); the writing of amulets (Shab 61a-b, Pes 111b); and the form of the writing on the tablets that Moses brought down from Mount Sinai (Shab 104a). Nearly all the rest refer to the writing of deeds or other documents of a legal nature, but for an exceedingly small corpus of letters (see for example Shab 19a).[24]

In contrast, the root *amar* ("say") appears close to 70,000 times. In the masculine singular and without prefixes it occurs some 41,049 times; with prefixes this form alone appears some additional 5,384 times, not counting the term *she-ne'emar*, which introduces scriptural proof-texts and

[24] See Epstein 1963-64:698-702 on the writing of halakhic letters. However, the prominence of the *nehotei*, the "travelers," who brought Palestinian halakhic traditions to Babylonia indicates that letters were a minor medium of transmission. Indeed, though letters are mentioned, comparatively few are quoted, in contrast to the traditions of Ula, Rabin, R. Dimi, and others, such as R. Zera, who served the same function but were not regular travelers.

is attested some 3,422 times. The progressive *omer*, in singular and plural occurs 11,524 times.[25]

Martin Jaffee has noted that, even within chirographic cultures, the expression "I say" may refer to a written text.[26] Again, let us not forget that *she-ne'emer*, "as it is said," refers to a scriptural and hence written citation. However, that usage is of Palestinian origin, and I have already noted that the situation in Palestine was different. Moreover, despite the loose employment of the verb "to say" for written texts even in chirographic cultures, the distribution of terms for writing and saying certainly would not be as lopsided as are the statistics we have just cited for the Bavli. We would have a good deal more mention of writing in non-specialized contexts.

The various forms of the word *katav*, "write," appear about 3,000 times in the Babylonian Talmud, as noted above, nearly always in reference to the writing of legal documents or in the form *ketiv*, "it is written," in regard to Biblical texts. One of the very few exceptions to this rule proves my point (see further immediately below).

Lack of Nomenclature for Editing

Perhaps even more important, neither the Amoraic nor post-Amoraic layers of the Talmud betray one of the signal characteristics of book culture: the creation of a terminology for copying, arranging, editing, and redaction. It is almost impossible to imagine that the redactors, aware as they must have been of the ground-breaking nature of the activity to which they were devoting themselves, would not have adapted or devised some terminology to describe the activity in which they were engaged.

A baraita in B. B. 14b provides a list of the order of the Biblical books. This list is followed on 14b-15a by a baraita that enumerates the authors of the various Biblical books, an enumeration followed by anonymous objections and debate. For example, the baraita lists Joshua as the author of his book: the anonymous comment on this attribution points out that Joshua's death is recorded in his book; who then was the author of the end of the book? Similar objections are raised regarding the attribution of the books of Samuel to Samuel and of the Pentateuch to Moses.

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[25] This number does not include the form *va-omer* (459 times) and the phrase *atah omer* (374), which are used as midrashic technical terms.

[26] Oral communication with Martin Jaffee.

However, when it comes to the attribution of the "writing" of the books of Isaiah, Proverbs, Song of Songs, and Ecclesiastes to King Hezekiah and his associates (who are mentioned in Prov 25:1), and the books of Ezekiel, the Minor Prophets, Daniel, Esther, and Ezra to the men of the Great Synagogue, there is no attempt to define more closely the activities in which these groups engaged. Did the men of the Great Synagogue record the prophecies of Ezekiel and the Minor Prophets from oral tradition? Did they collect, arrange, or edit them in some way? What activities are covered by the term "write" in this passage?

This omission points to the absence of any terminology for editing. As I noted above, to argue for the redactors' reduction to writing of a hitherto orally transmitted body of tradition creates the expectation that they devised terms for their own highly self-conscious and precedent-breaking activity. But the primary contrast is between texts that are written and those that are not. The verb *sadder*, "to arrange," which in medieval times came to be used in the sense of "to edit," is in classical Rabbinic literature (i.e., the period of which we speak) employed in regard to ritual order, including the "arranging" and *recitation* of passages of the Pentateuch or of Rabbinic texts. This meaning seems to be the import of the oft-cited self-description of the fourth-generation Amora, R. Nahman b. Yitzhak, as a *sadrana*, an "arranger" (Pesahim 108b)—"I am not sage (*hakima*) nor a prophet (*hoza'a*) but a transmitter (*gamrana*) and an arranger (*sadrana*) [of traditions]." Despite various attempts, this statement does not refer to any large-scale arranging or editing, or even small-scale editing in written form. Another term suggested for "literary fixing" is *qava'*,[27] but its exact signification is uncertain; it could just as easily refer to the incorporation of a given tradition within the tradent's oral corpus, or its determination as legally binding.

When the term *sadder* is employed in regard to texts, as opposed to material objects (ritual objects, beams, and so on), it refers to oral recitation or, in the case of schoolchildren, the reading of those texts that was carried out "in the presence of" a teacher or other authority—similar, one would imagine, to the process of obtaining *i'jaza* in later Muslim culture (see Ber 10a, Shab 12b, Yom 38b, Tan 8a). "Resh Laqish would recite his Mishnah forty times . . . and then appear before R. Yohanan [his teacher]. R. Ada b. Ahavah would recite it twenty-four times . . . and appear before Rava" (Tan 8a). Its context is clearly one that obtains in an oral culture. *'Arakh*, another verb pressed into textual service in later periods, has a similar, non-literary, semantic range in the Amoraic period.

[27] See Weiss 1954:66-70.

While both terms, *sadder* and *ʿarakh,* eventually came to include various nuances of editing, this development did not take place until the medieval period. Their absence is all the more telling given the ease with which *sadder* later came to be used for something resembling "redaction." Clearly, redaction of written texts was not something that would occur to the anonymous redactors themselves!

Indeed, even later, in the Geonic period, when R. Sherira wishes to describe the activities of Rabbi Judah the Prince in redacting the Mishnah, he uses an Aramaic verb, *taratz*, that has no written referent.[28] Its *qal* form has the meaning, as Alexander Kohut glossed it in his *Arukh Completum*, "ebnen, gerade sein,"[29] with the extended meaning of "to solve a difficulty." Indeed, the question of whether R. Sherira Gaon held that the Mishnah was written down at this point or only later derives in large measure from the ambiguity inherent in this statement,[30] which itself derives from a Talmudic comment in Yeb 64b that employs the verb *taqqen*, "to promulgate"[31] or "to improve."[32] Indeed, in Hor 13b we find a combined usage; *taqqen* is used in the sense of "promulgating a mishnah." The only verbs used in conjunction with the Mishnah or a mishnah are *taqqen*[33] or *satam*, "to teach anonymously."[34] Thus, the Talmud does not even speak of redaction in an oral sense when it comes to the Mishnah, certainly a text that the Amoraim would have recognized as redacted.[35]

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[28] See Lewin 1921:58-59.

[29] See Kohut 1928:viii, 286b; s.v. *teratz.*

[30] See Schlüter 1993:322-25.

[31] See BT Git 36b (4x), 75a, B.Q. 81b, B.B. 90b, Men 68b (2x).

[32] See BT Tam 27b.

[33] BT Yeb 64b.

[34] See BT Bez 2b.

[35] This deficiency extends to the earlier Tannaitic literature of the second century as well. Jacob N. Epstein's collection of texts summarizing R. Akiva's redactional activities before the Bar Kokhba revolt (that is, before 132 CE) is likewise notable for its lack of specifically redactional or literary terminology (1957:72-87.) The closest approximation is metaphorical: R. Judah the Prince, some two generations later, compared R. Akiva to a "worker who takes his basket and goes out; he finds wheat and places it therein, barley and places it therein . . . . Once he enters his house he separates the wheat. . . ." (Avot deRabbi Natan 18; see Epstein 1957:72). Of course, the *oral* collection and arrangement of oral traditions without heavy redactional intervention is but a short step

Such reticence may best be understood against the background of oral redaction, which to those involved might not have seemed as great a departure from the normal collection, arrangement, and transmission of oral literature as it does to us, who see the overpowering results of their work. Were their work to have included the reduction of those traditions to writing, we might well suppose that such reticence would have been more difficult to maintain.

An intriguing redactional misinterpretation of an originally Palestinian source indicates that the size of the oral Bavli as an ongoing project was not comprehended by the redactors, and certainly not the compiled Bavli as a whole. The Palestinian source, now in the Yerushalmi (Peah 2:6 [17a]), reports that R. Zera in the name of R. Eleazar expounded the Biblical verse "Will I write most of My Torah for him?" (Hosea 1:8) as follows: "And is the majority of Torah [then] written? Rather: Those [matters] expounded from Writing [= teachings derived from Scripture] are more numerous than those expounded from the Mouth [= teachings derived from formal oral teachings such as the Mishnah]." This restatement of the verse is still subject to objection, this time from the Palestinian redactors: "Is this [really] so? Rather: Matters expounded from the Mouth are more precious than matters expounded from Writing." Whatever the state and amount of Talmudic lore in Palestine in the third Amoraic generation (late third century), it is clear that even the redactors were in no doubt that the accumulation, when reduced to writing, would have exceeded the mass of Biblical texts—Scripture. A rough count of the number of words in the Munich manuscript of the complete Bavli, obtained by casting off,[36] excluding those pages that contain only mishnahs (in a larger letter size), yields 26 x 80 x 990=2,059,200. This figure should be modified further by deducting perhaps 25% for the amount of Mishnah text (in larger letter

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from the usual activity of any tradent of oral literature and would not necessarily call for the invention of a new term to describe it. The heavy involvement of the Bavli's redactors in the texts they edited is quite another matter.

[36] A fairly straightforward technique employed in the publishing industry to calculate the number of words in a manuscript: the average number of words per line and number of lines per page are obtained, and the estimate is made. With the increased prevalence of computers, this technique is used less and less, but despite several projects that have put the text of the Bavli on CD, figures like this are unfortunately not available, at least according to the computer experts associated with these projects.

size) per page[37] (though ultimately, that text too must be included within the rubric of the "Oral Torah," which is made up of Mishnah and Talmud), and perhaps another 3-4% for paragraphing and chapter separations. Add to this approximately 16,000 acronyms.[38] A conservative estimate would be then to deduct 30%, a process that yields something on the order of 1,452,440 words in the Babylonian Talmud, exclusive of the Mishnah text. In contrast, the Hebrew Bible (as represented by the Koren one-volume edition) has approximately 315,500 words.[39]

Again, casting off the number of words in the one-volume reprint of the 1522 edition of the Yerushalmi, we find approximately 897,600 words, including the Mishnah text, for which the publisher used the same font as the Talmud. The number of acronyms runs to 12,043.[40] The total is thus something around 909,600 words. Even accounting for the redactional layers and the later accretions of Amoraic material after the second through third generations—that is, roughly the second half of the third century and the first quarter of the fourth—there is little doubt that the "Oral Torah" was greater in size than Scripture at that time.

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[37] I arrived at this estimate by computing the size of the rectangular spaces devoted to the Mishnah text in various pages. A full page in the Makor facsimile runs 77 sq. in., and the amount devoted to the Mishnah texts runs from about 15 sq. in. to as much as 27.5 sq. in. (in a few cases, where the ratio of Talmud to Mishnah is relatively low, as in some chapters of Tractate Keritot). I omitted Tractate Middot altogether because of the relatively small amount of Talmudic material on the Mishnah. Only a small number of folios correspond to those in Keritot; the correction should then be closer to 20% than 35%.

[38] My actual count is 15,944 and comes from the computer-generated count of words and word-units in the Davka program. This count is only an estimate, because this list refers specifically to the printed Vilna edition of the Bavli; the number of acronyms for any manuscript is likely to be higher. But even if such an assumption errs by a factor of 2 or 3 or even more, the results are not affected by much, given the large numbers involved.

[39] This estimate was arrived at by taking the number of words in the Pentateuch, whose count is available in traditional Hebrew texts (79,976), and extrapolating that figure for the whole Hebrew Bible by calculating the fraction of Pentateuch pages in the Koren Tanakh (327) over the whole of the Koren Bible, which contains 1290 pages. The exact figure is 315,501.

[40] Obtained in the same way as for the Bavli, with, unfortunately, the same proviso. Davka's text is that of the Vilna edition, and not the Venice. Venice is likely to be higher, but the total should not be affected very much, certainly not beyond the limits of error involved in the process of casting off.

Again, even were we to deduct 10% for the Yerushalmi's redactional layer (which is much smaller than the Bavli's more than 55%)[41], and divide the remaining Amoraic material evenly among five generations[42]—when it is clear that the contribution of R. Yohanan and his disciples (second through third generation) is much greater than any other generation, we come out with two- to three-fifths of 897,600, less ten per cent, or somewhere between 323,136 to 482,904 words. Allowing for the greater contribution of R. Yohanan and his disciples, approximately half of the redacted Yerushalmi (less the redactional contribution) would have been included in this oral teaching—say, 400-450,000 words. This number would of course include the relevant Mishnah tractates and chapters. However, we must add to this figure the amount of Mishnah text not commented on in the Palestinian Talmud—approximately half of the total, about 63,000 words.[43] The total for the "Oral Torah" in the time of the second Palestinian Amoraic generation would then be somewhere between 463,000 and 513,000 words. If we include the Tosefta within the rubric of "Oral Torah," though it does not seem to have been included in the curriculum at this date,[44] we would have to add approximately 248,000 to 330,000 words to this total, certainly far in excess of the "Written Torah."[45]

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[41] An indication of the relative size of the redactional layers in the two talmuds may be gauged from the following statistic. While the much larger Bavli has approximately 45,000 attributions, the smaller Yerushalmi has only 30,760.

[42] See, for example, the table of numbers of active Palestinian Amoraim by generation in Levine 1989:67. While the first two generations had 47-48 members, the fourth had 82, and the fifth 55; the third generation, most of whom were disciples of R. Yohanan, numbered 135, by far the largest contingent either in Palestine or Babylonia.

[43] MS Kaufman runs two columns per page, with 27-30 lines per column, and 4-7 words per line—say, an average of 5, so as to take into account those lines that contain only "chapter headings." The total number of words would then run somewhere between 154,170 and 171,300. Of its 571 pages, about 221 contain the orders of Qodashim and Toharot, of which only the first four chapters of Niddah have Palestinian Talmudic material—about a page and a half of MS Kaufman, 38.5% of the total, or about between 59,355 and 65,950, or, let us say, 63,000.

[44] See Elman 1994a:2-3 and 1999.

[45] Zuckermandel's one-volume edition (1970) has approximately 12 words per line and 30-40 lines per page, depending on the size of the critical apparatus, yielding something on the order of 248,040 to 330,720 words for its 689 pages.

The Bavli (Gittin 60b) records this discussion in an entirely different form, as a dispute between R. Eleazar and his predecessor as head of the yeshiva in Tiberias, his colleague and teacher R. Yohanan. According to the first, "most of the Torah is in writing, and the smaller part in oral [transmission];" while according to the latter the reverse is the case. Thus, the Babylonian redactors had the form of R. Eleazar's statement that the Palestinian redactors immediately rejected as inconceivable and that the latter emended. In Babylonia, the text was not emended; instead, the opposing view is attributed to R. Yohanan, with whom R. Eleazar was often at odds. The upshot is that an opinion is attributed to R. Eleazar—that most of the Torah is in writing—that is difficult to credit.[46]

Now, while the Babylonian redactors were at pains to derive each position from an appropriate scriptural verse, they apparently gave no thought to the question of whether the written Bible can truly be conceived as larger than the mass of oral teachings that had accumulated by the fifth century (the seventh Amoraic generation) in Babylonia. Anyone familiar with the mass of Amoraic material—excluding for the moment the redactional accretions and additions, which all but double that amount—could hardly be in doubt that R. Eleazar's view is the one most in accord with the Babylonian reality. Indeed, the balance must have been tipped in the early third century, with the redaction of the Mishnah and the Tosefta in Palestine. Note that the Palestinian Talmud does not record any opinion that corresponds to this Babylonian version of R. Yohanan's view. Since, as I have shown elsewhere, there were archival copies of the written Mishnah and Tosefta in Palestine (1991), no such view could have been maintained there. Indeed, the extant redacted "Oral Torah" may already have included the earliest *midreshei halakhah* (collections of legal

[46] Note that Rashi ad loc., *s.v. rov bi-ketav*, achieves by reinterpretation the same effect as the Palestinian redactors' emendation. According to him, most of the [Oral] Torah is dependent on the Written one in fairly direct ways. However, given the large amount of Rabbinic law that is not so dependent, as, for example, the Sabbath laws or the laws of blessings, or purities, this proportion is still difficult to maintain. See Maharsha ad loc. for a different objection: according to Rashi it is difficult to understand R. Yohanan's disagreement. In any case, it is clear that any redefinition of "oral teaching" that would provide a satisfactory understanding of the Bavli's version of R. Eleazar's view would make R. Yohanan's untenable, unless their dispute centers around precisely this issue: the proper categorization of "oral teaching." However, if so, this fact should have been stated explicitly.

expositions of Biblical texts), namely the Sifra on Leviticus[47] and Mekilta on Exodus.[48]

The situation was quite different in Babylonia. Both in the Amoraic period and the later redactional one, even Babylonian elite society was primarily oral, and the only authoritative written text generally available was the Bible, the "Written Torah." The Mishnah circulated orally for the most part, and Tosefta was not available as a redacted compilation, let alone a written one, and the same may be said of the *midreshei halakha* with the possible exception of the Sifra.[49] It is little wonder then that the Babylonian redactors could entertain the possibility that the Oral Torah might actually be smaller in size than the Written one.

There is another equally important point to consider as well. As Malachi Beit-Arié pointed out in his Panizzi Lectures, "the earliest reference to the codex form in Jewish literature does not date before the end of the eighth century or the beginning of the ninth century, [and] the earliest term designating a codex was borrowed from Arabic and persisted in the Orient for a long time" (1992:11). Indeed, his discussion of this point deserves to be quoted in full (*idem*):

> This late adoption of the much more convenient, capacious, durable, easy to store, carry about, open and refer to book form can be explained by assuming that the Jews adhered to the rollbook in order to differ from the Christians, who first used the codex for disseminating the New Testament and the translated Old Testament. Indeed, the Sefer Tora, the Pentateuch used for liturgical readings in synagogues, and some other biblical books, are written to this day on scrolls. But the late employment of the codex may very well reflect the basically oral nature of the transmission of Hebrew post-biblical, talmudic and midrashic literature, which is explicitly testified by some sources, and implied by the literary structures and patterns, mnemonic devices and diversified versions of this literature.

Indeed, he goes on to point out that the earliest explicitly dated Hebrew codices were written still later, at the beginning of the tenth century. How then could sixth- and possibly seventh-century redactors have

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[47] See BT Yev 72b and Elman 1994b:87-94.

[48] I include this text only on the ground of date; I discuss the relative dates of the two Mekiltas in Elman 1994c.

[49] See Elman 1994a, Albeck 1969:58-72, 106-43; also Albeck 1927 and Na'eh 1997.

produced a written text that far exceeds anything we know from the Middle East at that time?

This point was not lost on the Amoraim themselves, even if the redactors missed the point in the one instance just analyzed. When the influential fourth-century Amora (d. 352) Rava[50] wished to emphasize the greater severity attendant upon the violation of Rabbinic norms over Biblical ones, he felt the need to deal with the question: "if they are indeed valid (*yesh lahen mammash*), why are they not written?" (Erub 21b). Ideally, thus, to Rava, written form is the proper venue for the transmission of authoritative, codified law, though not, it should be noted, the extended analyses that make up the bulk of the Babylonian Talmud. Rava responds to this problem by quoting Eccl. 12:12: "Of the making of books there is no end," that is, Rabbinic law is too voluminous to be reduced to writing. I should note in passing that this reference implies, as noted in several contexts above, that the Mishnah too did not circulate in written form in Babylonia.

The question of a written redaction of the Bavli can hardly be divorced from the burgeoning study of the "materiality of text," as it has come to be known. Indeed, in a recent study of the oral/written interface of Biblical texts, Susan Niditch devotes an important chapter to what she terms the "logistics of literacy." Among the queries she lists are the following: "What sort of materials are available in adequate quantities and to whom?" "How easy was it to find one's place in a written text?" "Do ancient examples of Israelite writing conform in any ways to our notion of a 'book,' the term so often used to translate the Hebrew *seper*?" (1996:71) And, we should add, the term is also used to translate the Aramaic *sifra*.

Indeed, even much later, in the European manuscript age, despite the dozens of codices of tractates of the Babylonian Talmud, only one complete copy of the whole—MS Munich 95—survives. The expense and difficulty of producing a complete copy of this massive work ought not be minimized. It was almost, as Rava stated, easier to arrange for its memorization.

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[50] While Shamma Friedman (1977-78) has quite rightly stressed the importance of revisiting the question of the interchange of the third-generation Rabbah (*rash-bet-heh*) and the fourth-generation Rava (*resh-bet-alef*), this attribution is almost certainly correct; cf. Elman 1998.

One last point. If the redactional portions of the Bavli run about 55%,[51] or about 800,000 words for a 75-year period, the redactors must have produced about 10,000-11,000 words per year, not an impossible sum. Of course, if the period were longer, the rate could have been lower.[52]

Given the statistics set out above, we may also estimate how many scrolls, each the size of a Torah scroll, would have been required to copy down the whole Bavli. Since the number of words in a Torah scroll runs to just under 80,000, the entire Bavli would have taken about 18 scrolls of that size, though it is possible that each tractate would have been copied separately.

However, the discovery of two scroll-fragments of tractates of the Oral Torah allows us to estimate more precisely the size such a scroll would have had in the seventh or early eighth century. The Geniza remnants of the scroll of Avot deRabbi Nathan identified by Marc Bregman a decade and a half ago, and his more recent discovery of a large remnant (corresponding to five double-sided folio pages in current editions) of Tractate Hullin, indicate that some copying of parts of the Oral Torah took place before the middle of eighth century, indeed, perhaps before the eighth century itself, that is, before the adoption of the codex-form by the Jews.[53]

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[51] I arrived at this figure by calculating the approximate number of statements attributed to authorities of the second through the fifth centuries—that is, the number of times that the titles of *rav* and *rabbi* appear—approximately 45,000. We may eliminate about a thousand that appear in phrases such as "this helps R. X because R. X said . . ." and the like, in which the sage's name and title are repeated. If we allow something on the order of 10-15 words per statement, we have 440,000-660,000 words in attributed sayings. We must add another 3,000-5,000 anonymous statements in baraitot, which are not redactional, thus yielding 473,000-735,000 words. Beyond that there are approximately 7,000 scriptural citations in these attributed sayings; again, calculating about 5-10 words per quote on the average, we have 35,000-70,000 words—yielding a range of 500,000-800,000 words, about 35%-55%. Anyone familiar with the Bavli would pick something closer to the higher figure.

[52] Note that one of the by-products of oral transmission, the phenomenon of condensation and focusing (as opposed to the "additive" effect of written transmission; see Elman 1994a:81-92), refers of course to the unconscious side effects of oral transmission, not to a highly self-reflective redactional process. Moreover, here we deal with a period of compilation and composition, not merely transmission.

[53] See Bregman 1983:201-22 and the bibliography included in n.1 of Bregman's article. Technically, it would have been possible to halve that number by writing on both sides of the scroll (see Haran 1981:85-87), but there is no evidence of that practice on a large scale; indeed, the Hullin fragment indicates that this was not the practice. As to the Hullin fragment, see Friedman 1995. The entire tractate runs to about 136 folio pages in

Moreover, if the scribal omission of the verb *havah* in c. 1, l. 13 and its later correction indicates that the scribe copied his text from another manuscript (since it is difficult to explain such an omission as occurring during the course of transcription from oral recitation), there may be evidence for a still earlier written prototype.[54] Again, the mnemonic that appears on 102a in current editions is lacking in this early manuscript.[55]

Since the script need not have fulfilled the legal requirements for ritual use of Torah scrolls, much more text could be fitted into a column. The Hullin fragment has 47 to 49 lines per column and about 12 words per line, far in excess of a Torah scroll's standard 42 lines per column.[56] At 576 words per column,[57] the entire Bavli would have taken 2,522 columns, or about ten and a half scrolls of 245 columns—the number in a Torah scroll. It may be, of course, that individual tractates were copied onto smaller scrolls. Alternately, the scrolls might have been still larger. All in all, it must be admitted, copying the entire Babylonian Talmud onto scrolls seems not to have been a feat beyond the capability of the scribal art of the time. But it would not have been easy.

It should be noted that both of these fragments were found in the Geniza, and thus were presumably sent to or copied in Egypt. That is, the scroll could well have been copied in Babylonia (from oral recitation) to be sent to Egypt in order to maintain (or establish) the supremacy of the

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current editions, but that amount includes the space taken up by massive commentaries. The fragment contains parts of four columns, each running 80 lines; each column is thus much larger than the MS Munich 95, which is in codex form. The entire tractate would have run something over 100 columns.

[54] These matters of course await the codicological treatment of the fragment by Bregman; see Friedman 1995:22.

[55] The close relation of the text of this large fragment to current editions precludes the possibility that this represents another version of the Bavli, preserved in writing from an early stage, while the current edition stems from oral transmission. Still, an assiduous scribe who wished to make maximum use of his parchment might omit such mnemonics. The lack of any acronyms to save space might be due solely to their unconventional nature at this date. As to the latter, another possibility is that, though this manuscript does not stem from direct dictation, its *Vorlage* did.

[56] As evidenced by the continuous text from the bottom of one column to the top of the next.

[57] A count of the text in the current edition corresponding to the first three columns of the fragment, which are more or less well preserved, runs to 1672 words, or 557 per column, an error of about 3%.

Babylonian Talmud there. Oral transmission remained the norm in Babylonia.[58]

However, this early fragment represents the Bavli text after redaction—perhaps as much as two centuries afterwards. Nevertheless, the fact that a copy of this important tractate was available in writing at such an early date must be taken into account. However, we have no way of knowing when and how this copy reached Egypt. Was it originally produced for foreign consumption, as I suggested above? Or was it taken to Egypt a few centuries after it was copied? Once Iraq was incorporated into the Islamic empire in the 630s, there would have been no impediment to transporting it there, though it would have taken time for Egyptian Jewry to have established contact with the Babylonian Gaonate. Thus, in the end, this fragment, important as it is, cannot help decide the question of domestic written transmission within Iraq itself. Indeed, even if the scroll was produced for domestic consumption, we are still perhaps as much as two centuries away from the Bavli's redaction.

Emending an Oral Text

Despite the absence of a redactional terminology, the Bavli does contain a rich vocabulary for various methods of emendation, as does, to a lesser extent, the Yerushalmi (the Palestinian Talmud). Among these are *eima* ("I will say"), *teni* ("recite [as follows]"), *hakhi qa-amar* ("this is what he [means to] say"), *hakhi qa-tani* ("this is what he [means to] recite"), *eipokh* ("reverse [the opinions]") or *muhlefet ha-shittah* ("the principle is reversed"), *h|asurei mih|assara* ("[something] is certainly missing"), *kerokh u-teni* ("wrap [together] and recite"), *samei mi-kan* ("remove from here"), *apeik ve-ayeil* ("add"), *li-tzedadin qa-tani* ("he recited it chiastically"), and in the Yerushalmi, *leit kan* ("there is not here"), *ein kan* ("there is not here"), and *keini matnita* ("is the teaching [really] thus?").

Space does not permit a detailed analysis of the types of emendation each of these terms covers. However, it is noteworthy that most of them refer to wholesale interpretive handling of a text; only *eima* and *teni* on occasion refer to the type of emendation that might apply to a written text.[59] But even here there are cases in the Bavli where it is beyond doubt

[58] See Ephrat and Elman 2000.

[59] See Epstein 1963-64:439.

that oral emendation was intended, as when someone (usually a first- or second-generation Amora) orders a *tanna*, a reciter of traditions, to emend his text.[60] Unfortunately, a study of the nature of these emendations in cases where the oral "Sitz im Leben" is not indicated is still a desideratum, but my impression is that most are of the same sort; often they involve the change of prepositions or conjunctions.

In an unpublished 1987 Yeshiva University dissertation, Moshe Joseph Yeres examined the use and distribution of five of these terms, *kerokh u-teni*, *samei mi-kan*, *apeik ve-ayeil*, *li-tzedadin qa-tani*, as well as the phrase *einah mishnah*. In brief, these five terms appear some 62 times in the Bavli, 43 times in the name of various Babylonian or Palestinian Amoraim and 19 times anonymously.[61] I might add that of the 43 Amoraic attestations, some 16 are in the name of Palestinian sages, but in only one case is the exact emendation confirmed by a parallel Yerushalmi (Nid 13b, see PT Nid 2:1 [49d]);[62] there are two other cases in which there is a Palestinian emendation of the text, but not the same as the parallel Babylonian one.[63]

Most important for our concerns, most of these terms are of Amoraic provenance; that is, they arose in the Amoraic period, which, as noted above, was a time of pervasive orality in Babylonia. However, since many of them were imported from Palestine, where conditions were different, it may be that some did refer to the emendation of written texts. Still, though private notes may have existed there, it is clear that Mishnah texts and the like were transmitted orally in Palestine as well (see below), and so the situation was not so markedly different in the two centers.

None of these terms is an invention of the post-Amoraic, redactional era; *samei mi-kan*, *apeq . . . ve-ayeil*, and *li-tzedadin qa-tani* appear in both attributed and anonymous comments, while two of them never appear anonymously: *kerokh ve-tani* and *einah* Mishnah. Yeres' sample indicates that these terms, which were originally Amoraic and were used of texts in oral transmission, continued to be used by the redactors in the post-Amoraic period. Moreover, while the post-Amoraic redactors continued the Amoraic practice of emendation, their terminology became somewhat more

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[60] See Ket 45b, B. Q. 4a, Sanh 71b, Mak 15b, A. Z. 61b, Tem 25a.

[61] See Yeres 1987:64-68.

[62] *Ibid.*:78.

[63] *Ibid.*:84.

limited—not all terms continued in use, and the use of those that were employed diminished.

While it may be claimed that these terms were carried over into an era of written texts, we may well wonder why these emendations were proposed but not carried out on these conjectural written texts themselves, especially since these proposed emendations are almost always accepted. Indeed, a telling comparison with the parallel practice in the manuscript age of French Jewry points up the more usual practice. The great twelfth-century Rabbinic authority, R. Jacob Tam, had to protest in the strongest terms the scribal practice of emending the Talmudic text while effacing the original; he suggested placing the emendations in the margins.[64] Despite his overwhelming authority in most legal matters, in this insistence he was not to prevail, and to this day modern editions of the Babylonian Talmud incorporate his grandfather Rashi's emendations as their text rather than as emendations in the margin.[65]

If it is argued that the diminution in use indicates that emendations were made but not noted precisely because the texts were now in written form, we may wonder at the cases in which they were recorded. However, as we shall see, the strongest argument against such an analysis is that emendations continue apace, and even increase, but that the terminology changes (see below).

How then are we to understand the function of these forms of emendation in the Bavli in both Amoraic and post-Amoraic times? In nearly all cases, the emendations concern either the deletion[66] or addition of words or phrases to the text, or the reinterpretation of the text. Thus, few of the emendations examined by Yeres in his dissertation need relate to a written text.

However, Yeres did not examine all types of emendations, and there are some that may relate to such a text. Unfortunately, as noted above, we have as yet no study of the most common emendatory term in the Bavli,

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[64] Schlesinger 1974:9.

[65] In this connection, note the recent work in Spiegel 1996. The interested reader will find a wealth of material on emendatory practices throughout the history of post-Biblical Jewish literature; the sacredness of text—Scripture aside—was to be honored more in the breach than in the observance. On Rabbenu Tam, who was sovereign in his reinterpretations but not his emendations, see 116-42.

[66] See Epstein 1963-64:701, where he asserts that deletions must involve a written text. Although the term may originally have referred to a written deletion, it could easily be adapted to the oral environment of Babylonia.

eima, which appears some 1970 times, not counting its use in phrases such as *i/baʿit eima* or *eima lakh* and the like. This term is overwhelmingly redactional. Another term that he did not examine is *teni*, which often relates to the Mishnah and is used by Amoraim after the fourth generation, when the text to which it refers may well have been available in written form.

Indeed, it was on the basis of some eight emendations suggested by Amoraim that Y. N. Epstein concluded that the Mishnah and baraitot were available in written form in Amoraic times in Babylonia.[67] However, we should note at the outset that within such a huge corpus as the Bavli, these eight cases constitute a small sample indeed. Moreover, of them, two or three are hardly convincing, since they may be explained as aural errors. For example, M Meʿil 4:2: *hlamishah devarim ba-olah mitztarfin zeh im zeh*, while in BT Meʿil 15a R. Huna quotes this mishnah as containing the word *ʿolam* rather than *ʿolah*. However, since the next word, *mitztarfin*, begins with a *mem*, this inconsistency can easily be construed as an aural error: *ʿolah mitztarfim* > *ʿolam mitztarfim*. Similarly, the cases he cites at B.Q. 104b, where the variants *yesh talmud* and *yishtalmun* are recorded, or at Ar 13b re M Ar 2:6, *tzoʿarei/soʿarei* may be explained as aural and not scribal errors. Other cited examples may more likely be parsed as scribal errors, but may still be attributed to aural error. One such example is the variant recorded in M.Q. 5b in regard to M Oh 18:4: *sedeh kukhin versus sedeh bokhin*, which involves the confusion of a *bet* with a *kef*, a common phenomenon. Both variants make sense in the context, and it is conceivable that one was (aurally) confused with the other. Moreover, the first is actually a non-Mishnaic variant, and does not appear in the Bavli at all, but in Tosefta (T Oh 17:12), a compilation that certainly was not available either to the Babylonian Amoraim or the redactors of the Bavli, even though it was in all likelihood reduced to writing in the third or fourth century.[68] Why Epstein insists that this Toseftan variant should teach us anything about the Bavli is difficult to understand.

Still, we are left with a residue of likely scribal errors, such as R. Yosef's emendation of the phrase *sakhei shemesh* of M Bek 7:3 to *sanei shemesh* in Bek 44a. The substitution of a *nun* for a *khaf* can hardly be aural. If the attribution is reliable, and there is no reason to doubt it, the emendation should in all likelihood be dated to the third generation, indicating that R. Yosef may have had a written Mishnah text alongside his

[67] See Epstein 1963-64:705-6.

[68] See Elman 1994a:275-81.

Scripture.[69] But even if so, this scenario hardly alters the basic picture of a primarily oral elite culture.

It is conceivable that the Mishnah was known in written form, despite the fact that the sages of the Talmud, Amoraic or post-Amoraic, never resort to a scroll of the Mishnah.[70] But how then do we understand the reports we have of the recitation of *mishnayot*, along with the evidence of clearly aural variants within the Mishnah text? These variants are introduced by the formula *man de tani* X *lo mishtabbesh*, *man de-tani* Y *lo mishtabbesh* ("whoever recites X is not mistaken; whoever recites Y is not mistaken"). They include BT Erub 61a (re 5:8: *anshei*, *ein anshei*), Suk 50b (re 5:1: *shoʿevah*, *ḥashuvah*), Betza 35b (re 5:1: *mashḥilin*, *meshilin*, *meshirin*, *mashnirin*), Yeb 17a (re 2:1: *rishonah* [*li-nefilah*], *sheniyah* [*le-nissu'in*]), B.Q. 60a (re 6:4: *libbah*, *nibbah*), 116b (re m10:5: *mesiqin*, *metziqin*), A.Z. (re 1:1: *eid*, *ʿeid*) 2a—all clearly of aural nature. If these notes are merely historical and refer to a time in which the Mishnah was transmitted orally, why are all of them clearly of oral origin? Why are no written variants included under this rubric? Again, the mostly redactional argument that the "mishnah-text did not move from its place" (Yeb 30a, 32a, Qid 25a, Shev 4a, A.Z. 35b, Men 88b, Hul 32b, 116b) even when superseded indicates that it was transmitted orally. It may be that the text of the Mishnah was available to some and not to others. Again, however, even if some copies of the Mishnah did exist in Babylonia, they seem not to have had much influence on either the transmission or study of the Mishnah, even on the redactors of the Bavli. And more to the point, these few texts, if they existed, hardly alter my characterization of Babylonian Rabbinic culture as pervasively oral, both in Amoraic and post-Amoraic times.

The situation does not seem to have been much different in Palestine in regard to the Mishnah. Variants are regularly introduced (some 524 times) by the phrase *ve-/it tannayei tani* ("there are reciters who recite"), and some of these are clearly aural in nature; see for example PT Shab 5:2 (7b), where the variant is *sheḥuzot*/*shuzot*. While Y. N. Epstein insisted that these were not so much variants within the Mishnah text as variants among different recensions (1963-64), since the Yerushalmi at times recognizes one variant as belonging to a different collection of mishnahs, the essential

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[69] See Elman 1991; however, cf. Henshke 1997.

[70] See n. 8 above, and associated text. See also the recent work of David Henshke referred to in the previous note, especially 219, n.14. His generalization is based on but one medieval variant and cannot overcome the weight of the evidence adduced here.

point of interest to us is that both the mishnah variant and the extra-Mishnaic one in the baraita were orally transmitted. Thus in Palestine, too, while a written Mishnah text was in existence, it was not employed in the schools; recitation was the norm.

In sum, therefore, it would seem that the ideological justification for oral transmission, together with technical limitations of the scribal art and a certain inherent conservatism, encouraged the oral transmission, compilation, editing, and redaction of the mass of material that in the end became what is now known as the "Babylonian Talmud." Some written elements, such as aggadic texts and perhaps some court decisions, were also incorporated into the final mix, but the overwhelming amount of incorporation and redaction was accomplished orally.

Babylonian Orality and the Formula

Anyone even superficially familiar with the styles in which classic Rabbinic texts (Mishnah, Tosefta, both talmuds) are composed would be impressed by their formulaic character. Though the style varies somewhat, its pervasiveness remains characteristic of the literature as a whole.

In analyses above I have argued that this pervasive style is merely a reflection of the underlying social and intellectual environment in which these texts were compiled, and that this case is particularly true of the Babylonian Talmud. The Babylonian Rabbinic elite—unlike their colleagues in Palestine—operated in a climate in which written texts played a very small role; even though literacy was valued, most of their work took place without much recourse to writing, with the exception of legal documents and, to a small extent, the (written) compilation of non-legal teachings. This environmental factor was buttressed by an ideology of oral transmission that forbade written transmission of such texts, an ideology that held sway from the third century until late in the tenth, long after writing became the predominant mode for the composition of new texts.

In this portion of the paper, I would like to apply this insight to a specific text, one in which a comparison with the Palestinian parallel is possible and one, furthermore, in which the oral instincts of the Babylonian redactors can easily be observed.

The huge dialectical part of the Babylonian Talmud—most if not nearly all of which is redactional—is made up in large measure of common phrases that recur again and again and *carry* the argument. Each form of argument has its characteristic formulaic introduction *and wording* that indicate the relationship of the argument about to be presented to its text

and often to the discussion as a whole;[71] moreover, each has its own particular formulaic expression.

This formulaic dialectic of the redactional layer of the Bavli is not to be confused with the formulaic nature of the Tannaitic texts embedded in the Bavli, which in the main set forth Rabbinic rules without their supporting justification.[72] These date from an earlier period and may even have existed in writing, as did the Mishnah, though recitation remained the order of the day. Here I refer specifically to the redactional layers of the Bavli.

Though it may be argued that the *introductory* terms (*ve-ha tanya/tenan* ["did we not learn"], *metivei* ["they responded" (= objected)], *ta shema* ["come, hear"], *i baʿit eima* ["if you want, I can say" (= answer)], and so on) could easily have been added by scribes to an existing written text, this argument can hardly be made for those phrases that constitute the warp and woof of such dialectic: *dayqa* ("derive exactly"), *peligei* ("they disagree"), *bi-shlama . . . mai ika lemeimar* ("it is well [if X] . . . [but if Y,] what is there to say?"), *hakhi qa-amar* ("this [is what he means to] say"), *ke-man dami* ("who is this like?"), *mani matnitin* ("[according to] whom is our mishnah?"), *mahu de-teima/hava amina . . . qa mashmaʿ lan* ("I would think . . . [therefore] he/it informs us"), *hakha be-mai as*[*i*]*qinan* ("with what are we dealing here?"), *mai shena . . . u-/mai shena* ("what is the difference between X and Y?"), *shani hatam* ("there it is different"), to name just a few. So pervasive is this formulaic language that even Palestinian Amoraim are quoted as employing it, though it is beyond doubt that they did not speak Babylonian Aramaic. The "Westerners" had their own terminology, of course, much of which was borrowed by the Babylonians and converted to their own dialect. Indeed, while some few examples of Palestinian Aramaic and, more precisely, Aramaic terminology characteristic of the Palestinian Talmud do exist in the Bavli, they are very, very few. For example, *ya'ut* appears only four times (Ned 22a, Git 38a, Sanh 47b, A.Z. 62b, confirmed by MSS in each case), and the formula *kol atar*, which appears some thirty times in the Yerushalmi, shows up only once in the Bavli (Zeb 9b).

Now, while Shamma Friedman's study of the two branches of Neziqin (MS Florence-Munich and MS Hamburg and Geniza fragments, the latter of which lack some of the additions, and hence uniformity, of the

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[71] Again, note that the Palestinian Talmud is somewhat different in this regard, though it would seem to be more a matter of degree than of kind.

[72] See Halivni 1986:59-65 *et passim*.

former) indicates that some of this uniformity may be attributed to scribal activity, an examination of MS Hamburg reveals that it too shows enough uniformity to validate my point. Indeed, using Bava Qamma as a test case, I estimate that only some 10-15% of the cases have additions in the vulgate text as against MS Hamburg. Moreover, as Friedman himself notes, the Hamburg-Geniza branch is itself not without pluses when compared to the Florence-Munich one. Thus, despite the probable earlier date of the tradition represented by the Hamburg-Geniza branch of the manuscript tradition, both branches in fact share a large body of such formulaic terminology and thus date from a time *after* the redaction of the sugyot with their distinctive formulas. Medieval scribes did not invent that body of terminology; they did not even modify it. They merely made its use more common and consistent by adding pertinent terms where they belonged, or substituting more explicit terms for more ambiguous ones in order to make the structure and argumentation clearer. The terminology itself dates back to an earlier era.[73] Furthermore, even if the relative uniformity of formulaic language is due in part to medieval scribal activity, its *formulaic nature* is not; indeed, judging from MS Hamburg, these scribal additions, while noteworthy, were not so numerous in the aggregate as to have changed the formulaic nature of the Bavli's style in any significant way.

As a short demonstration on just how pervasive and how fixed such stereotypical—formulaic—language is, let me briefly cite some statistics regarding that commonplace of Talmudic dialectic, *mahu de-teima*/*hava amina . . . qa mashmaʿ lan* ("I would have thought . . . he/it informs us"). The conclusion is hardly ever spelled out; the student is expected to know that the original reasoning is to be reversed in the conclusion, a fact indicated by the phrase *qa mashmaʿ lan*.

This latter phrase appears some 1,492 times in the Bavli. Now, the conjectural interpretation that is to be rejected is most commonly introduced by either *mahu de-teima*[74] or *hava amina*, or, less commonly, *ve-*/*eima*. The first appears some 571 times, the second some 433 times, and the last some 193 times.[75] Thus, these three variants account for 1,197 pairings out of 1,492 occurences. That is, 80% of the occurrences are accounted for by these three combinations of stereotyped phrases. The actual percentage is

[73] These observations are drawn from Friedman's introduction to the first volume of his Talmud Arukh (1996); my sincere thanks to him for sending me the galleys of this landmark study before its publication.

[74] *U-mahu de-teima* occurs only once and has not been counted.

[75] Five of which are in the form *ve-eima*.

even higher, since some of the remaining attestations of the concluding phrase, *qa mashmaʿ lan*, involve its more idiomatic, less technical use. Other introductory phrases such as *salqa daʿtakh amina*, *ve-/de-i ashmaʿinan*, *leima*, *ve-/neima* or *yehei* are much rarer. The first is attested 81 times; the second, 33; the third and fourth, which are variants of *eima*, occur 21 times; and the fifth appears only twice. It is interesting to note that when the reversal is explicitly stated, the introductory phrase is *mai qa mashmaʿ lan*, a combination that appears some 24 times.

I have no way of knowing whether Joseph Duggan's rule for the *Song of Roland* and other Old French narrative poems applies to the Bavli, that is, "when the formula density exceeds 20 per cent, it is strong evidence of oral composition, and the probability rises as the figure increases over 20 per cent" (1973:29).[76] But if we subtract the citations of earlier texts that are embedded in the Bavli, and concentrate on the anonymous framing dialectic, the density far exceeds that 20 percent threshold.

Moreover, the "literary structures" of the sugya itself show a decided preference for arranging matters in set patterns of threes, sixes, and so on, as Shamma Friedman showed over twenty years ago (1977-78 and 1979) and as David Weiss Halivni pointed out for smaller structures (*shemaʿ minah telat*) more than thirty years ago (1968:271-72).[77] Indeed, the phenomenon of Tannaitic and Amoraic "collections" of fixed numbers of items was examined by Avraham Weiss almost 40 years ago (1962-63:176-208). However, from our perspective, perhaps the most striking thing about the Bavli is its nature as a continual and unending *dialogue*, from beginning to end—its *agonistic* nature—so typical of oral societies, as Walter Ong noted (1982:43-44). The struggle in the Talmuds, however, is almost always purely intellectual. Were it not for the massive redactional interventions, we might well imagine, as many generations of students did, that we have before us a stenographic record of the debates within the Amoraic schools.

Among the reasons to reject such a simplistic assumption is the formulaic and literary character of the text. The character of the Bavli's prose, as well as that of its sources, while hardly poetic, is certainly formulaic. While this observation is intuitively obvious to anyone familiar with the Bavli, we must more precisely define what it is about the Bavli's prose that allows us to apply insights gained from the Oral-Formulaic

[76] Cited in Foley 1988:96.

[77] For a discussion of this topos, see also Elman 1996a: espec. 272-74.

Theory to a text that is so different in genre and type from the epics that are its usual analytic fare.

The repeated use of technical terms is to be expected in any text devoted to the explication and analysis of esoteric subjects, and certainly that of a law and ritual; such use does not mark the Bavli as formulaic. It is rather the more extended and extensive use of formulaic language to enunciate or verbalize the argumentation that forms the woof and warp of the Bavli's sugyot. There are few phrases indeed that betray any individuality, though some few are more typical of one Amora or another.[78] In large measure a sugya, which may be defined as an oral essay in dialogue form, is an ordered complex of such phrases, intermixed with technical terms characteristic of the particular subject at hand. Indeed, we may compare these phrases to the South Slavic *guslars*' definition of a word "not as a lexeme or chirographically distinct item, but rather as a unit of utterance in performance." The minimal "atom" in their compositional idiom was the poetic line, a ten-syllable increment (Foley 1995:2).

Before we go further, however, we ought to consider the dual questions of "oral composition" and its venue "in performance." As far as the first goes, what evidence we have indicates that the Bavli's Tannaitic *sources* were recited by *tanna'im*, even when the texts were perfectly well known to the *rosh yeshiva*, the head of the study circle and lecturer (Elman 1996b). But what of these larger units? What relation do the sugyot before us have to something resembling that "stenographic record"? Unfortunately, space does not permit me to present my reconstruction of a *shi*^{c}*ur*, or lecture given by the fourth-generation Amora Rava on the first mishnah of tractate Bava Qamma, the elements of which have been transmitted piecemeal both in his name and by his disciples, and have now been subsumed into a more elaborate sugya. What we have before us now are reconstituted lectures, which, in some cases, carry forward the work of individual teachers of the fourth century onwards but go beyond their own discoveries.[79] The small corpus of phrases and sentences that bear the imprint of individual Amoraim indicates that not only the technical terminology but also some of the formulaic phrases descriptive of Amoraic argumentation have also been incorporated into the sugyot that now make

[78] For example, Rava's repeated use of the phrase *hakha me-inyana di-qera . . . hatam me-inyana di-qera* ("Here it follows the context . . . [and] there it follows the context")—some nine times—or *mah she-amarti lakhem emesh ta'ut hayetah bi-ydi* ("What I said to you last night was in error").

[79] See the chart at Elman 1993-94:267, which indicates the huge increase of argumentation attributed to fourth-generation Amoraim over earlier generations.

up the Bavli. But we cannot, at this point, work our way back to the actual wording of these lectures, which, we may assume, were less cryptically stenographic or formulaic. Nonetheless, in the example I will present below, we will have the opportunity of comparing a Babylonian sugya with its original Palestinian version. From that comparison we may gain some understanding of the changes wrought by the Babylonian redactors, their "recreation" of the Palestinian sugya.

As to the second characteristic, literary structure, the sugyot before us are often highly organized; we find ring structures,[80] large-scale chiastic structures,[81] ordering of segments by threes and sixes, by sevens,[82] and by fives and tens.[83] But the very choice of this agonistic style by the redactors is itself indicative of the oral culture in which they worked. Indeed, the very word "redactors" in describing their activity is misleading, since they created a good deal—though not all—of the material that makes up the Bavli. Even by a conservative estimate, if they are responsible for three-quarters of the anonymous 55% of the Bavli, some 40% of the Bavli may be attributed to them. Moreover, a good deal of dialogical material dates from the Amoraic period, which was certainly a period of pervasive orality.

It may be argued that these "redactors" may be compared to A. N. Doane's Anglo-Saxon scribes who emulated an oral performance in writing (1991:80-81):[84]

> Whenever scribes who are part of the oral traditional culture write or copy traditional oral works, they do not merely mechanically hand them down; they rehear them, "mouth" them, "reperform" them in the act of writing in such a way that the text may change but remain authentic, just as a completely oral poet's text changes from performance to performance without losing authenticity.

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[80] See Pes 22a-23b, which I employ in an example below.

[81] See Ber 7a-b, for example.

[82] See Rosenthal 1984:7-9.

[83] See Pes 22a-23b and the analysis below.

[84] Cited in Foley 1995:74-75.

I would argue that we have here a model for understanding the scribal changes that Beit-Arié and Friedman describe,[85] but not one for the redactional activity of the Stammaim. Doane's scribes are writing or copying traditional works, but not composing them. The Stammaim of the fifth and sixth centuries, and the Sabboraim of the sixth and perhaps seventh, coming on the heels of the pervasively oral culture of the Amoraic period and continuing, as we have seen, the same Amoraic mind-set, are *creating*, and not copying, an oral literature. As I noted earlier, the ideology of oral transmission of the Babylonian Talmud continued into the book culture of the Geonic period, as late as the tenth century. Why then assume a period of written composition or compilation in Babylonia for which there is absolutely no evidence?

Nevertheless, the existence of large-scale Palestinian structures within the Bavli may point to some written transmission; we have already seen that the evidence for written texts of the Amoraic period is Palestinian in provenance. Nevertheless, there is little doubt, as modern scholarship has maintained for the last century, that the Bavli's redactors did not have the redacted Yerushalmi before them. Nevertheless, it would seem that some more elaborate Palestinian texts reached them, beyond the relatively short *memrot* that are explicitly attributed to (usually early) Palestinian Amoraim.

Let us now examine a Babylonian reworking of an originally Palestinian text, one that is also an example of the structural and formulaic nature of the Babylonian sugya. I have chosen the case of BT Pes 22a-23b and PT Pes 2:1 (28c).

The original Palestinian sugya contained a core of five segments together with additional material relevant to the subject but which had not been incorporated into that core; in the Yerushalmi it remains formally and structurally distinct. Most important for our purposes, the Palestinian version of the sugya must be dated, at the latest, to 375, while the Babylonian version must be in all probability at least a century later.

In the Bavli, all this originally Palestinian material, both the core and the supplements, was *reformulated into a ring structure* containing ten segments, all uniformly arranged in basic accordance with the original core of five segments but with additional structural elements otherwise characteristic of Babylonian style. Though this basic structure was later expanded with yet additional argumentation, these additions left the original Babylonian structure and coloration more or less intact (for example, the attributions). Of particular interest is the way in which the Babylonian

[85] See the literature cited in n. 19.

sugya homogenized all the heterogenous Palestinian materials, as well as rearranged the arguments into well defined segments.

The sugya in the Bavli is the first part of a complex of sugyot, beginning on Pes 21a. All of them deal with the question of whether the Biblical phrase *lo y/te'akhel* ("it shall not be eaten") and the like imply a prohibition of deriving benefit from substances forbidden for consumption. As might be expected from the sugya's placement in a tractate devoted to the laws of Passover, the first prohibited substance considered is *hametz*, leavening. The "discussion" hinges on a dispute between two Palestinian sages who almost certainly never met, Hezekiah (first half of the third century) and R. Abbahu (second half of the third century), as to whether *lo ye'akhel* of Exod 13:3 includes the prohibition of deriving benefit or not. The coupling of these two Palestinian Amoraim, one from the first and one from the third generation, respectively, indicates a fairly late origin for the sugya even in the Yerushalmi. According to R. Abbahu, the semantic range of the verb *akhal*, "eating," includes other forms of deriving benefit; according to Hezekiah, it does not.

The sugya in both Talmuds then proceeds systematically to study the implication of the Biblical phrase *lo y/te'akhel* in regard to prohibited substances. In the Babylonian version ten objections are raised: from the sciatic nerve, blood, a limb torn from a living animal, the meat of an ox executed for goring, *orlah* (fruit from a tree during its first three years), *terumah* (the part of the crop given by the farmer to the priest, which is forbidden for lay Israelites), wine for a Nazirite, *hadash* (newly sprouted grain that has not reached a third of its growth by 16 Nisan, when the Omer offering was brought to the Temple), dead creeping things; the sugya then turns to the subject of leaven on Passover.

The method is uniform. In each case a Biblical phrase containing one of the disputed verbs is paired with a Rabbinic teaching indicating that the wider prohibition is not in force. In response, R. Abbahu, or the redactors responding for him, explain these cases as anomalous for one reason or another. Each stage of the argumentation has a distinct place in the structure, and each is signaled by an introductory term or phrase.

Note that the sugya seems to have an independent existence as a self-contained study of ten. The sugya, which need not necessarily have been compiled around the subject of leaven, is now attached to a Mishnaic teaching that involves that prohibition, and its placement at the end clearly provides a climax for the sugya. We may well assume that the redactor who chose this work as a tractate of Pesahim is also responsible for the current placement. By contrast, leaven never does gain an independent segment for itself in the Palestinian version; it is merely mentioned in

passing in a Tannaitic teaching and never becomes an issue. In other words, the Palestinian redactor(s) did not really incorporate leaven into their sugya but merely hinted at its relevance by placing it in tractate Pesahim and adjacent to the same mishnah as the Bavli does, naturally the one dealing with the prohibition of deriving benefit from leaven on Passover.

Note also that, in the Babylonian version, the first four segments in the series (the sciatic nerve, blood, a limb torn from a living animal, the meat of an ox executed for goring) consist of prohibitions involving meat, while the next four (*orlah*, *terumah*, wine for a Nazirite, *hadash*) involve vegetables. The ninth, *sheretz*, creeping things, is somewhat anomalous, though ultimately equivalent to meat, halakhically speaking, while the last, as noted, concludes the prohibition of leaven on Passover. In the Yerushalmi, the first three segments contain prohibitions involving meat, and the rest alternate or combine prohibitions involving meat and vegetables.

It is precisely when we examine the parallel sugya in the Yerushalmi that we begin to see more clearly the choices the Babylonian redactor(s) made. First of all, the Palestinian list of five plus four prohibitions has been expanded to ten. Moreover, while five of the segments in the Yerushalmi have a uniform structure, *all ten* of the segments in the Babylonian version are uniformly structured at the beginning but have been expanded in the direction of providing exegetical justification for each view presented in the attributed materials. In the Yerushalmi version, the first five cases and the seventh cite the relevant Biblical proof text with an introductory phrase, *veha ketiv*, "is it not written?", followed by an explanation of why the Biblical verb cannot be understood in its expanded semantic range, namely, including the prohibition of deriving benefit. This explanation is introduced by the phrase *shanya hi*, "it is different." The test cases are thus directed against Hezekiah's position. In the sixth segment, an Amoraic teaching citing R. Abbahu in the name of R. Yohanan is added to this basic structure and in a sense takes the place of a test case. The response is ambiguous and so apparently supports neither position.

In the Babylonian sugya, however, *every* segment opens with the phrase *ve-harei* X *de-Rahmana amar*, "but behold X, regarding which Scripture says,"[86] (equivalent to the Yerushalmi's *veha-ketiv*), and all are

[86] The one variant is the third, which in the printed editions replaces "regarding which Scripture says" with "regarding which it is written" (*di-khetiv*), but nearly all manuscripts have the regular form. These include MSS Munich 45; Oxford 366; Vatican 125, 136, and 146; Valmadonna (formerly Sassoon 594); and Enelow 271. Unfortunately, all of these manuscripts belong to the "Vulgate" tradition (see Rosenthal's introduction to

followed by a proof text. Again, each proof text is followed by a Tannaitic teaching, either a mishna or a baraita, which seeks to undermine R. Abbahu's position, introduced by the appropriate term (*u-tenan*, *ve-tanya*) and followed in turn by a response that explains the difficulty as anomalous, either in itself (usually for exegetical reasons) or because R. Abbahu himself admits the exception. In six cases these explanations are introduced with the phrase *shani de-amar qera*, "[it is] different, because the verse says" (the Babylonian Aramaic *shani* is equivalent and cognate to the Palestinian *shanya hi*), while in the other cases either R. Abbahu is quoted directly or the redactor(s) speak for him. It is striking that the term appears when Babylonian Amoraim are quoted, but not when Palestinian ones are. It is also noteworthy that the Babylonian redactors speak for R. Abbahu in his response to the sciatic nerve argument instead of quoting him directly; apparently their version of the Palestinian sugya did not have the attribution that the current Palestinian version does or they did not have the response at all. Of this issue, more below.

There is another striking anomaly. In the case of the segments regarding the meat of an ox stoned for goring and for *ʿorlah*, the phrase *shani de-amar qera*, "[it is] different, because the verse says," is replaced with *taʿama de-katav Rahmana*, "the reason is because Scripture wrote."[87] It is precisely these two segments that come from the "additional material" in the Yerushalmi version, both from the same baraita. This divergent reading is found in all manuscripts, in both the Vulgate and the Oriental branch of Bavli Pesahim, as evidenced by the reading of MS Munich 6.

The Yerushalmi *memra* also mentions leaven in passing, but leaven in the Babylonian sugya has undergone a thorough conversion (and huge supplementation) in order to prepare it for the role it was to play as the climax of the ten-step argument, returning the sugya to the original topic of the mishnah, and, of course, to the tractate of which it is part. The return to the more regular *shani* rather than *taʿama de-katav Rahmana* is thus understandable. Another divergence should be noted. This *memra* contrasts

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the facsimile of MS Valmadonna, 1984:5-6), while MS Columbia X893-T141, which Rosenthal assigns to the Oriental branch, lacks folios 21b to 28b; however, Munich 6, which also belongs to that branch, also supports the reading. MS Adler 850 does not contain the section.

[87] This reading is confirmed by all available manuscripts of the Vulgate tradition. Again, MS Columbia lacks the entire section. But even if the Oriental branch retains uniform terminology throughout, this phenomenon could easily be explained by its penchant for such uniformity; see Rosenthal 1984:7-13, where the sugya of Pes 2a-3a is analyzed. The diversity of the Vulgate is brought into striking uniformity in the Oriental version.

an ox that has been stoned for having killed a human being, whose flesh cannot be used but whose prohibition is not "clear," with *killa'im*, "mixed kinds," whose prohibition involves the punishment of stripes. *Killa'im* is the only prohibition listed by the Yershalmi that does not play a role in the Babylonian sugya at all. The reason is clear. While benefit is prohibited, the prohibition is derived from the Biblical phrase *pen tuqdash*, and not one of the phrases involving the verb *akhal* that serves as the essential subject of the Babylonian sugya. It thus cannot serve as the kernel of an additional segment.

Now, while the Babylonian sugya retains the tight structure outlined above throughout the ten segments, it also contains additions not particularly necessary for the development of the argument. These involve attempts to explain Hezekiah's position in the light of the foregoing response by or for R. Abbahu, or for the positions of any Tannaim mentioned in the course of the argument. All these features are in consonance with the Bavli's usual predilection for definition and justification of all sides in a dispute.

Let us return to the question of the relation of the structure of this sugya in both Talmuds. The Bavli itself contains many reports of the "travelers," Ula, R. Dimi, and Rabin, who transmitted specific Palestinian traditions—*memrot*—to Babylonia. But of the transmission of larger compilations we have not a word. Yet our sugya is hardly unique; at some point these larger units reached Babylonia. The latest Amora mentioned in the Yerushalmi's parallel sugya is Abba Mari ahoi de-R. Yose, a fourth-through fifth-generation sage (second half of the fourth century), and the latest Amora mentioned in the Bavli's core sugya is R. Papa, the most prominent fifth-generation sage. Though the sixth-generation Amora R. Ashi plays a role, his comment is part of the additional explicatory material rather than part of the core sugya.

If the core Yerushalmi sugya thus dates from not earlier than the fifth generation, we are not far from the *terminus ad quem* of the Yerushalmi's redaction. Now, the fifth generation provides us with no names of "travelers," but there is evidence, as I note in a forthcoming paper, of the transfer of Palestinian *memrot* into the Bavli with hardly a change of phrase, complete with Palestinian Aramaic terminology.[88] Could this transfer have taken place in written form? Such a situation might explain the unusual retention of the Palestinian Jewish Aramaic forms. But we know too little of the process to do more than speculate. In any case, the Babylonian redactors, in conformity with their own ideology of oral

[88] See Elman 1997.

transmission, transformed the core sugya *and* its addenda—whether in written form or not—into the ten-segment ring structure now found in the Bavli. However, we noted above that the two segments (*shor ha-nisqal* and *orlah*) that were created from the Yerushalmi addendum had a slightly different terminology in the Babylonian sugya than the rest of the sugya. Here too we can do little more than speculate, but such a detailed correspondence in *inconsequential terminology* may bespeak a written exemplar. On the other hand, the Babylonian redactional attempt to reconstruct R. Abbahu's response to the objection from the prohibition of the sciatic nerve, in contrast to the Yerushalmi's direct quote, would indicate oral transmission for that part of the sugya.

The Bavli contains hundreds of sugyot whose form does not lend itself to such analysis and whose structure is much more diffuse. In light of the emphasis on the importance of oral transmission and the impermissibility of the writing down of oral traditions, it seems likely that many scholars insisted on memorization, and even those who might permit private notes (of which we have no evidence for Babylonia, as noted above) would have memorized a good deal of text for everyday use. Such use would have included teaching, of course, and so these oral traditions would have remained oral. Still, the difficulty of redacting an oral text orally and then memorizing the ensuing amalgam should not be minimized, even for one raised in a pervasively oral culture.

An example of an originally Babylonian sugya, to which were added parallel materials from Palestine, will illustrate the point. Niddah 21a-b contains two alternate versions of a sugya. The second shorter and, it would seem, earlier one contains a discussion of the view transmitted by the prominent second-generation Amora, R. Yehuda, in the name of his master, Samuel, and attempts to coordinate that view with earlier, Tannaitic sources. In the later version, the view of the second-generation Palestinian master, R. Yohanan, is *intermixed* with the discussion of R. Yehuda's view. Ordinarily, Palestinian views are relegated to the end of the sugya in the Bavli, as are Babylonian views in the Yerushalmi. The "home-town boys" are given their innings first, so to speak, and their views are "tacked on" at the end, thus making memorization easier. Here the two traditions are integrated. Nevertheless, the very existence of the earlier sugya, which has been incorporated *in toto* into the later version, seems to indicate that both were orally transmitted. Why else retain the obsolete version?

In sum, though the history of the Bavli's redaction is likely to have been complex and to have involved the confluence of both oral and written

texts,[89] the weight of evidence points to its essential oral nature. But some written components may well have played a role in the ultimate form it took.

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[89] See Shinan 1981:44-45, who suggests that we must allow for the possibility that both written texts and oral traditions circulated contemporaneously. There is also the phenomenon of transfers, where a long or short part of one sugya is incorporated into another, thus on occasion acquiring a different meaning in its new context. Since the transferred section is incorporated wholesale with little or no change in wording, this transfer could have taken place either during oral transmission or within a written text (though we may ask where the scribe found room for really long sequences). Still, some evidence exists for the latter possibility. Shamma Friedman's study of the two branches of the written transmisson of Neziqin, that of MS Florence-Munich and that of MS Hamburg and some Geniza fragments, indicates that transfers present in one branch but not in the other may have taken place in a written context; see also Friedman 1991.

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The Fixing of the Oral Mishnah and the Displacement of Meaning

Elizabeth Shanks Alexander

This contribution is located at the intersection of orality studies and Rabbinic studies.[1] On one hand, I hope to be able to show how methodologies employed in the field of orality studies can further our understanding of Rabbinic materials. At the same time, I hope to introduce colleagues from orality studies to a noteworthy phenomenon in Rabbinic literature and suggest how attention to this phenomenon may be able to contribute to theories already current within the field.

As a student of Rabbinic literature, I have long been curious about the way that ancient students of the Mishnah, a third-century legal handbook, failed to note and respond to the Mishnah's *prima facie* straightforward meaning. The Amoraim, a generation of scholars who lived approximately 100-150 years after the Mishnah's consolidation,[2] often assessed the significance of Mishnaic rulings in ways that ignore prominent textual data in the Mishnah and contradict corroborating evidence of contemporary parallels to the Mishnah. It is clear that the latter-day

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[1] This paper has been adapted from chapter 3 of my dissertation, "Study Practices That Made the Mishnah: The Evolution of a Tradition of Exegesis" (1998). I wish to thank Steven Fraade, Christine Hayes, Marty Jaffee, Bernadette Brooten, Reuven Kimmelman, Naomi Jacobson, Ruth Langer, and other members of the Brandeis Seminar on Early Judaism and Ancient Christianity who read and commented on earlier drafts. I accept full responsibility for errors or shortcomings that remain.

[2] I prefer to allude to a process of textual consolidation rather than using the more common term *redaction*, which suggests a literary model of textual production. It is unclear precisely what process accounts for the consolidation of various textual traditions into the highly structured, well organized, and mnemonically encoded text of the Mishnah. There are reasons to doubt the text was fixed solely as a result of R. Judah's editorial work in 200 (Shanks 1996).

Amoraim understood the legal significance of Mishnaic materials differently than had the previous generation of scholars, the Tannaim, who collectively produced the Mishnah. Even more radical is the fact that Amoraic interpretations, rather than Tannaitic understandings that we can reconstruct from literary cues and parallel texts, were transmitted to future generations as the officially sanctioned interpretations of the materials. Though the Tannaitic understandings might be more deserving of communal sanction and widespread dissemination on account of the Tannaitic claim to Mishnaic composition, the canons of Rabbinic learning did not grant them this place. This paper tries to explain 1) how it happened that the Amoraim assessed the legal significance of Mishnaic materials differently than the Tannaim had and 2) why their understanding became the authoritative one. Attention to how Mishnaic materials were composed and transmitted in oral performative settings, and to how meaning is communicated and grasped in such settings, can clarify how this displacement of meaning occurred.

I aim at construing the displacement of meaning as a part of the natural course of events rather than as an exceptional or problematic occurrence. In Rabbinic scholarship, the difference in Tannaitic and Amoraic interpretation of Mishnaic materials has commonly been explained by an assertion that the original meanings associated with the materials were lost and/or corrupted in the course of transmission. David Weiss Halivni (1968, 1975, 1993) is the major proponent of this view. He represents the shift in meaning as an aberration in the transmissional process. By focusing on how meaning was constructed, I hope in the current discussion to open up the possibility of seeing the displacement of meaning as an inherent part of the transmissional process, rather than as a breakdown. One can find the Amoraim assigning curious meanings to Mishnaic materials throughout the Talmud. Though Halivni has tried to explain this phenomenon by assuming a high proportion of problematic and exceptional cases, a comprehensive theory has appeal. I examine a small sample of textual examples from the tractate on oaths (Shevu'ot) in the hope that the observed phenomena have relevance for other parts of the talmudic corpus as well.

Summary of the Argument

Common Recitational Strategies, Different Meanings

Throughout both the Tannaitic and Amoraic eras, oral recitation of Mishnaic materials was an important mode of legal study. As will be

demonstrated in the body of this paper, one aspect of oral recitation consisted of juxtaposing hypothetical scenarios, each with a corresponding ruling. Structural and linguistic parallels in the juxtaposed scenarios drew them into an implicit comparison. Broader principles underlying the individual rulings rose to the surface from the exercise of comparison. It was implicitly understood that these principles might have wider application in the legal system at large. Thus the repeated recitation of juxtaposed scenarios—and the written counterparts of such recitations—provided a method of recording within the communal consciousness the basic legal principles and general rules that undergirded the entire legal system.

In both the Tannaitic and Amoraic eras, this exercise was prominent. However, between the two eras the mechanics of generating comparison differed, in ways to be explored in detail below. My working hypothesis is that the evolving status of Mishnaic material—from a loosely configured set of traditions in the Tannaitic era to a more firmly consolidated text in the Amoraic era—caused different mechanics to be employed during the two eras.[3] Between the two eras there is an appreciable difference in attention to detail when reproducing Mishnaic materials. While in the Tannaitic period Mishnaic materials are reproduced with a high degree of variability, in the Amoraic period far greater precision is found. I attribute this change in citational patterns to the consolidation of Mishnaic text. The Amoraim reproduce the text more consistently because it was available to them in a more fixed form.

The evolving status of Mishnaic materials has implications for the relationship between the materials and the legal principles that they were understood to represent. In the Tannaitic era, there was a dialectic between the general principles, a set of compositional building blocks, and the literal text that was produced in the process of oral recitation. The general principles were a foregone conclusion. They acted as a constraint on the oral recitation of scenarios. Compositional building blocks were worked into overarching structures to construct juxtaposed scenarios. The recitational exercises might produce variant literal text from recitation to recitation, but the relationships between scenarios remained consistent. Thus, in the Tannaitic era, stability was independent of the precise literal text that might be performed in any single compositional exercise.[4] The

[3] Elsewhere I have documented this transition in status (Alexander 1998:27-64).

[4] This result corresponds to similar observations made about variability in oral and oral-derived texts in other cultures. See Ong 1982:16-30 and Foley 1988, 1990.

contrast to be highlighted through comparison was predetermined, while the precise text that might express the comparison was subject to change.

In the Amoraic era the locus of constraint and freedom in the recitational exercises shifted. The Amoraim inherited a fixed Mishnaic text. They were not free to work variant compositional building blocks into predetermined relationships. Instead, they manipulated fixed fragments of text, which themselves contained many structural and linguistic parallels because of the recitation process by which they were produced. The structural and linguistic parallels already fixed into the Mishnaic text became the basis for new comparisons. The relationships that emerged from the new juxtapositions were quite different from the ones that had constrained Tannaitic oral recitations. New paradigms of order were revealed to lie behind Mishnaic materials. New principles and rules emerged from the Amoraic exercises of oral recitation. The balance of what was fixed and what was fluid had shifted. In the Tannaitic era, the literal text produced by the recitational exercises had been variable, though it had been constrained by fixed extratextual legal principles. In the Amoraic era, the literal text of the Mishnah was fixed. The extratextual legal principles were more fluid. As a consequence, the legal principles highlighted in oral recitation shifted when Mishnaic materials became fixed.

By reconstructing the process of oral recitation from the written records that remain, we can see how legal principles were recorded in the Rabbinic collective consciousness. A major portion of the present article is concerned with this reconstruction. The Mishnah is an important place to begin the reconstructions, since it stood at the center of the Rabbinic study curriculum. The Tosefta, a supplementary compendium from the same period that records many parallel traditions using similar syntactical conventions, will also be used, along with other parallel texts from the Tannaitic era. Oral recitation and study techniques of the Amoraim will be reconstructed on the basis of the written records of the Amoraim as found in the Palestinian Talmud, the Yerushalmi.

Overlapping Registers in the Amoraic Period

Beyond causing a shift in the perception of their legal significance, the fixing of Mishnaic materials had an additional effect on how legal principles were correlated with individual Mishnaic pericopes. When the text of the materials was variable and fluid, the materials embodied their own meaning. The juxtaposed scenarios in and of themselves served as a textual record of broader legal principles. Mishnaic materials had no

significance other than the principles that they embodied through this method. However, when the materials became fixed, an inquiry began as to what they meant. In other words, fixing Mishnaic materials initiated the task of commentary. The endeavor of commentary, however, began in a study environment that was articulating new legal principles, rather than reflecting on those that were embodied by Tannaitic composition. The principles newly revealed in the course of Amoraic recitations carried greater weight and held more intrigue. The greatest irony in the transmission of Mishnaic materials is that the authoritative interpretations that were transmitted alongside them invariably disregarded the meanings that were embodied by the materials in their composition.

The shifting sands of Mishnaic meaning in the Amoraic era and the persistence of Amoraic interpretations over and against the implicit understanding exhibited in Tannaitic texts constitute a noteworthy phenomenon from the perspective of orality studies, as well as Rabbinic studies. The construction of Mishnaic meaning during the Amoraic era further exemplifies how a theory of overlapping oral and written registers may be more useful than the previous Great Divide theory of orality versus literacy (see also Finnegan 1988; Stock 1983). In our materials, the oral register can be identified in terms of an oral hermeneutic articulated by John Foley. In his book *Immanent Art* (1991), Foley argues that the meaning of oral texts and oral-derived texts should be evaluated against the backdrop of a network of associations (the "tradition"). He demonstrates that a broad tradition of themes, motifs, and storyline implicates itself in its every performed rendition of epic poetry. The broad tradition that lies beyond the strict boundaries of the text or performance always impinges. The broad tradition, however, consists of nothing more than the cumulative effect of many individual performances. For the Rabbis, this hermeneutic explains how the legal significance of Mishnaic materials is stabilized by an extratextual body of legal principles. Such principles, however, are nothing more than an accumulated storehouse of juxtapositions produced in oral recitation. This model of constructing Mishnaic meaning originates in the Tannaitic era, when the text is truly fluid. It persists, however, into the Amoraic period, even after the text is fixed.

The written register shows itself in the impetus to record meaning. Only after Mishnaic materials were fixed did the work of commentary begin. Only then were the materials conceptualized as distinct texts whose meaning needed articulation. In the Tannaitic era the materials did not have a corresponding meaning that was transmittable, since they themselves embodied their meaning. Their legal significance amounted to the principles encoded by the juxtaposed scenarios. The materials themselves

transmitted the relationships necessary for communicating the legal system's important principles. The odd dynamic whereby Amoraic rather than Tannaitic meanings were transmitted to future generations results directly from the overlapping and competing effects of oral and written registers during the Amoraic era. Even though the text's fixity provided an impulse for commentary, meaning was still assessed as if the text were fluid. The fact that the text had become fixed was enough to provoke interest in recording its meaning. Yet the residual oral character of the materials led the Amoraim to grasp meaning through oral recitation exercises, a practice that invariably yielded meanings quite different from those implicitly communicated by the Tannaitic composers.

The insight to consider the distorting effect of mixing oral and written registers in a single interpretive act comes from the work of Walter Ong.[5] In his well-known book, *Orality and Literacy* (1982: espec. 14-16), Ong makes the observation that we literates in print culture have a hard time imagining what it is to apprehend knowledge orally. Unless we work hard to train ourselves otherwise, we will apply a set of criteria to oral literature that fails to unlock its full meaning. We will apply literary categories to oral textual materials, and not surprisingly we will find the analysis falling short in its descriptions. That is, when the construction of meaning and the interpretation of meaning draw on conventions from both oral and written registers, the resulting statement of meaning is distorted. This raises a pertinent question: if we can misapply literary conventions to oral materials with odd results in today's world, why could the same misapplication not have happened in antiquity? Perhaps the Amoraim missed the significance of Mishnaic materials as it had been implicitly grasped by the Tannaim because they constructed meaning while functioning within both oral and written registers. In describing how the fixing of Mishnaic materials causes a displacement of meaning, then, I wish to add my observations about this interesting phenomenon to the growing body of material on the overlap between oral and written registers. The first section below establishes the patterns of oral recitation and strategies employed during the Tannaitic era. The second section traces the continued use of the same patterns and strategies in the Amoraic era, with their unusual results.

[5] See also Stock 1983.

Tannaitic Oral Exercises: Mishnaic Meaning in Process

In order to address the question of how the legal significance is encoded in Mishnaic materials while the text is still fluid, it is important that we first understand what is meant by a "fluid text." If the verbal content of Mishnaic materials varies from rendition to rendition, as can be seen in the relationship between the Mishnah and its contemporary parallels, how can we talk about meaning? At this stage in the transmissional history of Mishnaic materials, "meaning" is not a distinct body of teachings associated with a textual entity.[6] At the fluid stage, the meaning of the "text" resides in the process whereby compositional elements are interchangeably combined and recombined into different formulations, rather than in the textual product that results at the end of the process. Herein lies the true methodological challenge of discussing meaning during the fluid stage. The only way to access the meaning that emerges in the course of the compositional, performative process is to reconstruct it ourselves. Oddly enough, we must deconstruct the text into its original composite parts, so that we may reconstruct them as they were originally arranged in the process of oral composition.[7] Though the texts do preserve signs of the oral compositional process that produced them, the best we can hope for is a flawed approximation.

The process of oral composition was generated on the most basic level by plugging fixed textual elements (words or phrases) into overarching rhetorical structures in order to explore a number of conceptual concerns. Each arrangement of compositional building blocks constituted a

[6] Here I distinguish myself from an earlier group of scholars who understood the earliest Mishnaic materials to be fixed, and consequently understood "meaning" to be equally fixed. According to this earlier school of thought, meaning was associatively linked with the otherwise cryptic materials. This meaning was taught in the academies, but not preserved in written form in the gemara until much later. See Gerhardsson 1961; Klein 1947, 1953, 1960; Kaplan 1933; and Halivni 1986. Halivni (1968, 1975, 1993) adds the caveat that these associative meanings could be corrupted or lost in the course of transmission.

[7] Because Rabbinic texts so often engender a reading process, they require even the dispassionate scholar to implicate himself or herself in a reading process in order to conduct the secondary task of analysis. Steven D. Fraade (1991:20) discusses a similar methodological complexity in his analysis of Tannaitic midrash, which like the Mishnah calls upon the reader to synthesize patterns into meaning. Speaking more broadly about the study of oral-derived texts, John Miles Foley also discusses the scholarly responsibility to the original performative context (1991:53-56).

single formulation, but individual formulations did not stand alone by themselves. Essential to the process of oral composition was a relationship established between the different formulations. In the process of oral composition, one variable from among the different plug-in elements would change from formulation to formulation. This single shift established a relationship of easy comparability among the different formulations. From this relationship, the legal significance of any single formulation could readily be synthesized.

For the purposes of understanding how meaning exists during the fluid stage, this process of oral composition has two important implications. First, individual formulations were always contextualized in a matrix of other formulations, which we will call a *performative series*.[8] Second, legal significance was never stated outright, but rather was implied in the contrast. The performer or listener would grasp meaning by synthesizing and rationalizing the differences between the juxtaposed formulations.

In many instances, the relationships from which meaning can be synthesized are preserved in the Mishnah. For example, in the following pericope, meaning flows from the relationship between the two formulations:

> M Shev. 3:2
>
> 3:2a. [If a person took] an oath, [saying "I swear] I will not eat," and then he ate wheat bread, barley bread, and spelt bread—he is only liable on one count.
>
> 3:2b. [If a person took] an oath, [saying "I swear] that I will not eat wheat bread, barley bread, and spelt bread," and then he ate [them]—he is liable on each and every count.

The same elements are plugged into each formulation. The basic elements are: "an oath that I will not eat," "and he ate" and "wheat bread, barley bread, and spelt bread." The basic order of events is also stable between the two formulations: first an oath is articulated, then it is violated. The only variable that changes between the two formulations is *where* the plug-in element concerning bread ("wheat bread, barley bread, and spelt bread,") appears. In the first formulation this plug-in element is included as a part

[8] Elsewhere such groupings have been called "associative clusters" and "intermediate units." For other work on the links between early groupings of Tannaitic materials and an oral performative context, see Elman 1994; Lapin 1995:59-82; and Neusner 1977:245-52.

of the violating actions ("and he ate wheat bread, barley bread, and spelt bread"), whereas in the second formulation it is included as part of the oath ("I swear I will not eat wheat bread, barley bread, and spelt bread"). In the second formulation, the plug-in element is actually implied in the violating action ("and then he ate [them]"), but it is *not* stated explicitly. This example demonstrates how the transition from one formulation to the next in the process of oral composition is propelled by shifting a single plug-in element.

Shifting the single textual element sets up a contrast between one scenario and the other. Whatever meaning is conveyed by these two formulations is located in the relationship between them. In the first instance, when the oath is stated generally, the oathtaker is liable on only one count, irrespective of the number of times he actually ate. In the second instance, when the oathtaker specifies certain foods he intends not to eat, he is held accountable for everything that he specified. The higher degree of culpability can be attributed to the degree of articulation in the oath. However, this meaning only emerges as a result of the contrast between the first scenario and the second scenario. This method of encoding meaning is intrinsically tied to the oral performative process of interchanging plug-in elements, and arranging them in differing configurations. The literary form of two contrasting cases appears in tractate Shevu'ot a total of 38 times, comprising a full third of the text. Where present, it preserves traces of the oral compositional process at work and provides access to the earliest meaning of Mishnaic pericopes.

The Mishnaic configuration of two contrasting cases is not the only "authentic" record of early meaning conveyed through a performative process. Other Tannaitic sources also record performative series that likewise preserve the compositional process of working plug-in elements into varied configurations. What is particularly interesting is that the same formulation can be worked into different performative series that are generated by changing different variables. Even when the same formulation is generated in a different context—with attention to the interchange of different plug-in elements—the formulation appears to have the same meaning. Consider the following passage from the Sifra, which includes a parallel to our Mishnaic pericope. Even though this passage is generated by interchanging altogether different variables than were used to generate the Mishnaic passage, the parallel seems to have the same (or at least a complementary) meaning (Sifra, d'Hova, Perek 16):

A. And from where do we [know] that he brings one [sacrifice] for multiple [transgressions]?
Scripture says, **One** (Lev. 5:5), **for his sin that he sinned** (Lev. 5:6).[9]

B. How so?
B.1. [If a person took] an oath, [saying I swear] I will not drink, and then he drank many drinks,
From where [do we know] that he is only liable on one count? Scripture says, **For his sin**.
B.2. **[If a person took] an oath, [saying I swear] I will not eat, and then he ate many foods,** [parallel to M Shev. 3:2a]
From where [do we know] that **he is only liable on one count**? Scripture says, **For his sin**.

C. Perhaps this leniency—that he is only liable on one count—applies because [these examples] are declarative oaths,[10] where the intentional violation is treated differently than the unintentional violation [which is likewise lenient].
However, perhaps in the case of testimonial oaths,[11] where the unintentional violation is regarded just like the intentional violation [which is more stringent], he is liable on each and every count [for multiple transgressions, which is likewise more stringent]?
Scripture says, **One** (Lev. 5:5), **for his sin that he sinned** (Lev. 5:6).

D. How so?
If one man was suing another, and he said to [a potential witness]: Come and testify for me that Mr. So and So has my wheat that I left in his possession yesterday and the day before yesterday.
If [the potential witness] says, I swear I know no evidence on your behalf, from where [do we know] that he is only liable on one count [if it was a false oath]? Scripture says, **For his sin**.

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[9] The biblical text upon which this midrashic passage comments is indicated by the use of bold.

[10] The category of declarative oaths includes all oaths that declare the intent to refrain from or perform a certain action. The classic example of a declarative oath is "I swear I will not eat."

[11] A testimonial oath is imposed upon a potential witness. Though the litigant in a certain case believes that the potential witness knows some evidence that will support his case, the potential witness denies that he does. In this case, the court asks that the potential witness swear that he knows no testimony on behalf of the litigant. The classic form of the testimonial oath is "I swear I know no evidence on your behalf."

E. Perhaps [the lenient ruling of "only liable on one count" is offered above] because the oath was made about a single species [of grain].

From where [do we know that the lenient ruling applies] even if he said: Come and testify on my behalf that Mr. So and So has my wheat, barley, and spelt in his possession.
If [the potential witness] says, I swear I know no evidence on your behalf, from where [do we know] that he is only liable on one count [if it was a false oath]?[12] Scripture says, **For his sin**.

F. Perhaps [the lenient ruling of "only liable on one count" is offered above] because this was only a single kind of claim being waged.
From where [do we know that the lenient ruling applies] even if he said: Come and testify on my behalf that Mr. So and So has a deposit of mine in his possession, and he stuck his hands in my property, and it was stolen while in his possession and he lost my property.[13]
If [the potential witness] says, I swear I know no evidence on your behalf, from where [do we know] that he is only liable on one count [if it was a false oath]?[14] Scripture says, **For his sin**.

G. Perhaps [the lenient ruling of "only liable on one count" is offered above] because this was only a single man waging the claim.
From where [do we know that the lenient ruling applies] even if five people said to [a potential witness]: Come and testify on our behalf that Mr. So and So has a deposit of ours in his possession, and he stuck his hands in our property, and our property was stolen while in his possession and he lost our property.
If [the potential witness] says, I swear I know no evidence on your collective behalf,

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[12] Much of para. E is parallel to M Shev. 4:5c:

> [If a man said to two potential witnesses:] I adjure you to testify on my behalf that Mr. So and So has my wheat, barley, and spelt in his possession.
> [And they replied:] We know no testimony on your behalf—
> They are only liable on one count.

[13] Each of these is considered a different kind of claim.

[14] Much of para. F is parallel to M Shev. 4:5a:

> [If a man said to two potential witnesses:] "I adjure you to swear that you know no testimony about the fact that Mr. So and So has a deposit of mine in his possession, and he stuck his hands in my property, and my property was stolen while in his possession, and he lost my property."
> [And the potential witnesses said:] "We swear we know no testimony on your behalf."
> They are only liable on one count.

from where [do we know] that he is only liable on one count, [if it was a false oath]?[15]
Scripture says, **For his sin**.

In spite of its wordiness and length, the midrashic passage represents legal significance in much the same manner that the Mishnah does. In many other respects, of course, the two sources are quite different. Most importantly, they represent different kinds of intellectual exercises with different kinds of pedagogical goals.

They resemble each other specifically in the mechanics of representing meaning. As in the Mishnaic passage discussed above, this midrashic passage contains several scenarios with similar elements and structural parallels. The repeated elements are: 1) a multifaceted transgression ("he drank many drinks," "he ate many foods," "he falsely swore that he knew no evidence for multiple species, claims, or litigants"); 2) a generally stated oath ("I swear I will not drink," "I swear I will not eat," "I swear I know no testimony"); and 3) the invocation of Lev. 5:5-6 to support the general rule that he should only be liable on one count. In each paragraph the reciter expresses surprise that the multifaceted transgression yields only a single count of culpability. The exercise proceeds as the reciter explains away the single count of culpability in the preceding example, and then brings an additional example that he imagines will fittingly yield multiple counts of culpability for the multifaceted transgression. As in the Mishnaic passage, the exercise proceeds as a single variable shifts from one scenario to the next. The shifting variable is the condition under which the multifaceted transgression is committed. In para. B it is committed as a declarative oath. In para. D it is committed as a testimonial oath, about something that happened over the course of several

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[15] A partial parallel to para. G exists in M Shev. 5:3, where the same compositional building blocks are used: five litigants and many kinds of claims. In M Shev. 5:3, however, the kind of oath being discussed is the "oath of deposit," rather than the testimonial oath found here.

M Shev 5:3:
If there were five people suing him, and they said to him: ". . . Give us the deposit of ours that is in your possession, and the property in which you stuck your hands, and [the money that is due from] our property that was stolen while in your possession, and [the money that is due from] our property that you lost."

[If the accused man said:] "I swear that you had no property in my possession—"
He is only liable on one count [if he swore falsely].

days. In para. E it is committed as a testimonial oath over several varieties of grain. In para. F it is committed as a testimonial oath over several types of claims. Finally, in para. G it is committed as a testimonial oath over types of claims made by several litigants.

The extent to which the interchange of compositional elements produces this series is more obscure than in the Mishnaic passage because the consistent element—a multifaceted transgression—is presented in a variety of contexts. Therefore the transgression keeps changing its form and is consequently expressed in different linguistic terms. Though there is no reiteration of literal text from one scenario to the next, the structural parallels between the paragraphs are strong. At each stage in the exercise (B, C-D, E, F, and G) a feature of the previously cited multifaceted transgression is identified in order to account for the unanticipated single count of culpability. A new example, which lacks this feature, is then brought forward. Nonetheless, the invocation of Scripture reveals that, in this new case as well, only a single count of culpability is conferred. The cumulative effect is to affirm the truth behind the scriptural prooftext, namely, that only one count of culpability should be conferred regardless of the domain of the example. Though the compositional process is slightly more obscure in the midrashic passage, the series here (just like the Mishnaic series) is generated by changing one variable in each formulation and establishing a set of relationships between the formulations from which meaning can be synthesized. Up to this point, the two sources share a means of constructing and communicating meaning.

But here the similarity ends. While in the Mishnaic passage each new variable brings a corresponding difference in the degree of culpability, in the midrashic passage the same degree of culpability is maintained throughout the series ("liable on only one count"). Thus, the relationships from which meaning is constructed are of a different nature than they are in the Mishnaic passage. In the Mishnah meaning is experienced on the basis of a *contrast*; in the midrashic passage, however, it is experienced on the basis of *consistency*. The relationship between the different scenarios in the Sifra demonstrates that despite the degree of multiplicity latent in the situation in which an oath is made, as long as the oath is stated in general terms the midrashic oathtaker is liable on only one count. We deduce this rule from the fact that in each case the oath was stated in general terms ("I swear I will not eat, I swear I will not drink, I swear I know no evidence"). The continued invocation of Biblical Scripture stabilizes this principle. As with the Mishnaic case, however, the rule is deduced by the relationship between the different scenarios—and, also as with the Mishnaic passage, meaning is *latent* in the juxtapositions rather than explicitly stated.

In examining the relationship between these two sources (the Sifra and the Mishnah), I am most interested in what we can learn from the parallel (M Shev. 3:2a and Sifra, d'Hova, Perek 16, B.2) that appears in the two different performative series. In the performative context the literal text of the formulations is not stable. (This is reflected by the fact that the text of our parallels is not the same on a strictly literal level).[16] The text of each formulation is propelled by an unstable element within the performative series—the shifting variable. In the Sifra, the shifting variable is conceptual (the situation in which the multifaceted transgression is committed). In the Mishnah the shifting variable is the position of the phrase: "wheat bread, barley bread, and spelt bread." So how is it that the same scenario emerges in different performative series, with attention to different shifting variables? This comparison seems to suggest that the performative process was not necessarily an open-ended one in which a speaker might produce any number of unknown, previously unformulated configurations of the compositional building blocks. Rather, there was an extent to which the performative process was circumscribed. On a purely theoretical level, one might even speculate as to what configurations of compositional elements would be likely to emerge.

Let us pursue this path further. I would like to suggest that even though the performative process produced *fluid* text, the process had underlying features that conferred stability.[17] The stable features were a set of preordained relationships between the compositional elements. The performative process drew upon these relationships in its movement from one formulation to the next. The variables that shifted between the different formulations were not at all random. If anything, they represent a more stable aspect of the performative tradition than the literal text found in any single performative series. Returning to our passage from the Sifra, we can see the established relationships behind the shifting variables (Sifra, d'Hova, Perek 16):

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[16] Literal inconsistency lies in the use of the phrase "many foods" in the Tosefta versus "wheat bread, barley bread, and spelt bread" in the Mishnah.

[17] The notion of a stable broad tradition, against which the meaning of individual performative renditions is manifest, can be found in various studies of traditional literature. John Miles Foley discusses the ancient Homeric performative context, modern Christian and Moslem oral epic poets in the former Yugoslavia, and medieval English epic tradition (1991). Brian Stock discusses related phenomena in medieval Christian Europe (1983), and Werner Kelber treats ancient Christian performative renditions of the gospels (1990, 1995).

> B.1. [If a person took] an oath, [saying I swear] I will not **drink**, and then he **drank** many **drinks**,
> From where [do we know] that he is only liable on one count? Scripture says, **For his sin** (Lev. 5:6).
>
> B.2. [If a person took] an oath, [saying I swear] I will not **eat**, and then he **ate** many **foods**,
> From where [do we know] that he is only liable on one count? Scripture says, **For his sin** (Lev. 5:6).

In the transition from B.1 to B.2 a single variable changes. The most basic version of the plug-in elements shifts from drinking to eating. This shift indicates that in the broad scope of tradition, the opposition between drinking and eating was an established relationship. In fact, this opposition is central to the composition of many other Tannaitic sources.[18] Likewise, para. C of the Sifra—which explains the rationale for the transition between para. B about declarative oaths to para. D about testimonial oaths—attests to the fact that within the broad scope of tradition the opposition between declarative oaths and testimonial oaths was an established relationship. This relationship is also attested elsewhere in Tannaitic literature.[19] In addition, the two contrasting cases in the Mishnah (M Shev. 3:2) portray a relationship that is well documented in other performative series. There the contrast is between a generally stated oath and an oath articulated with a higher degree of specificity. This contrast is also found in a number of other constructions.[20]

Having pointed to an element of underlying stability in the performative tradition, let us now return to the question of how the same formulation can appear in these two very different performative series. Each performative series provides a different refraction of the meaning that might be said to belong to the broader performative tradition because it focuses on a different aspect of the tradition. Each performative series focuses on a different set of relationships as the basis for establishing meaning. However, the two refractions of the broader tradition (in the Sifra and in the Mishnah) are complementary, rather than contradictory. Ironically, even though meaning must be constructed in each source—

[18] See, for example, M Yoma 8:3, M Ma'aser Sheni 2:1, M Shev. 3:1c, and T Shev. 2:1-2 discussed below.

[19] See M Shev. 3:10, 3:11, 4:1, 5:1 and T Shev. 4:2.

[20] See M Shev. 3:1c (discussed below), M Shev. 3:3, M Shev. 4:5, M Shev. 5:3 and Sifra d'Hova, Perek 16-17.

leading us to think that meaning might not be stable—the complementarity of the two sources teaches us that indeterminacy does not negate meaning. The fact that different performative series could produce the same formulations shows the extent to which meaning was stable, even if it consisted more of a process than a product.

Knowing that different performative events were mutually complementary, even if they provided varying emphases, helps us to assess the early meaning of certain isolated Mishnaic pericopes. Many consist of two contrasting cases that encode a set of relationships intrinsic to their meaning. However, other Mishnaic pericopes stand alone in the fixed Mishnah before us today, stripped of the resonances with related configurations of compositional elements that could establish their early meaning. In these cases, Tannaitic parallels can be very helpful, since they often do preserve a matrix of formulations. From this matrix one can deduce the relationships within which early Mishnaic meaning was experienced. Partially because the other Tannaitic collections were located on the periphery of the Rabbinic curriculum, they were not subject to as much literary editing and polishing as the Mishnah.[21] Thus, the other Tannaitic collections often preserve longer fragments of text that record the oral performative and compositional process of interchanging plug-in elements, even where the Mishnah does not.[22]

The following Mishnaic selection does not provide any clues regarding the oral recitation exercise of which it might have been a part. Without seeing its context in a performative series, it is difficult to evaluate its full legal significance. Even though the current context does communicate something of the Mishnah's early meaning, it does not reveal the basis for the dispute between the anonymous sages and R. Shimon:

M Shev 3:4

[21] Elman (1994) dates the Toseftan materials in their early groupings as Tannaitic in origin, even though he finds the redacted collection as a whole to be quite late, that is, post-talmudic.

[22] The literary superstructure of M Shev. chapter 3 shows the extent to which the redacted Mishnaic text has been reworked. The overall structure of the chapter downplays the oral compositional resonances between pericopes. By way of contrast, the entire tractate of T Shev. consists of segments of text, anywhere from 4 to 10 lines long, that preserve the resonances within the oral performative process.

> 3:4a. [If a person took] an oath [saying I swear] I will not eat, and then he ate substances not generally eaten, or he drank substances not generally drunk—such a one is exempt.
> 3:4b. [If a person took] an oath [saying I swear] I will not eat, and then he ate carrion or torn flesh, crawling vermin or creeping things—such a one is liable. R. Shimon exempts [him].

Disregarding for a moment the final phrase that records R. Shimon's contrary view, this selection does reveal an established relationship upon which the oral composer drew. Both formulations begin with the common oath not to eat. Both contain a violation of the oath that defies the conventional understanding of eating. The contrast between the two formulations concerns the character of this unconventional act of eating: is it unconventional in an absolutely categorical sense (3:4a) or is it unconventional in a strictly Jewish sense (3:4b)? In the first formulation, the violating action involves eating something no human would consider edible.[23] In the second formulation, the oathtaker violates his oath by eating something generally considered edible, but prohibited by Jewish law. From the contrast between the two rulings (exempt versus liable) we learn that the anonymous sages distinguished between substances generally not eaten, but theoretically edible (i.e., the prohibited foods), and those that even theoretically were inedible (i.e., dust). The contrast between the two cases teaches us something concerning the opinion of the sages but fails to provide sufficient information about the opinion of R. Shimon or about the dispute between him and the sages. While the sages felt that "eating" prohibited foods had enough in common with the general concept of "eating" to be considered a true violation of the oath, "eating" nonedibles did not.

Central to this short performative series is the contrast between Jewishly unconventional and those absolutely unconventional. Interestingly enough, this selection also employs another established relationship in its composition, though it has little bearing on meaning. The first half (M Shev. 3:4a) offers two illustrative examples of violating actions: eating substances not generally eaten and drinking substances not generally drunk. The oral composer spun out two examples even though one might have sufficed. Presumably, the established relationship between eating and drinking led him from the first example to the second. Had the final phrase of the Mishnaic pericope presenting the ruling been stated as "counts of culpability," the multiplication of violating actions might have had some

[23] The Amoraim give the example of dust; see b. Shev. 22b, 24a.

bearing for meaning. However, since the final phrase is concerned only with establishing liability versus exemption, the multiplication of examples appears to stem from the oral compositional process, instigated by the associative link between eating and drinking. Even though the established relationship between eating and drinking has little relevance for meaning, it points to the exercise of oral recitation that lies behind the text. It also confirms a link with the exercise of oral recitation that lies behind a related passage in the Tosefta.

Turning to the Toseftan passage, it is important to clarify the ways in which the Mishnaic and Toseftan sources grow out of a common performative tradition. Having established the common basis, we can then explore the value of the Toseftan passage in establishing early Mishnaic meaning:

> T Shev. 2:1-2
>
> A. **[If a person took] an oath, [saying, I swear] I will not eat, and then he ate prohibited foods—sacrificial meat disqualified by improper intention, for not having been eaten in the proper time, or by impurity,**
>
> B. [If a person took] an oath [saying, I swear] I will not drink, and then he drank prohibited liquids—wine from a newly planted vineyard in its first three years or from a vineyard containing diverse species—
> **such a one is liable**.
> **R. Shimon exempts [him]** [parallel to M Shev. 3:4b].
>
> C. [If a person took] an oath, [saying, I swear] I will eat, and then he ate prohibited foods—sacrificial meat disqualified by improper intention, disqualified for not having been eaten in the proper time, or disqualified by impurity,
>
> D. [If a person took] an oath, [saying, I swear] I will drink, and then he drank prohibited liquids—wine from a newly planted vineyard in its first three years or from a vineyard containing diverse species—
> such a one is exempt.
> R. Shimon considers [him] culpable.

This Tannaitic parallel to the Mishnah, like the last one discussed, is longer than the Mishnaic passage. As with the other pair of sources we discussed, each is produced by shifting *different* variables. Though each source preserves a different refraction of the larger performative tradition, they are complementary.

The Toseftan passage draws on some of the same oppositions that were in evidence in the Mishnaic passage: eating versus drinking, and sages versus R. Shimon. Each scenario played out with respect to "eating" is likewise played out with respect to "drinking" (A is followed by B; C is followed by D). This is presumably because of the associative link within the tradition between eating and drinking noted in our discussion of the Mishnah above. Also, in every instance where the anonymous sages rule, R. Shimon presents an opposing ruling.[24] In addition to the common oppositions, each source also draws upon *different* oppositions. The Mishnah cites the opposition between absolutely versus Jewishly inedible food. This opposition has no place in the Toseftan passage. On the other hand, the Toseftan passage draws upon the opposition between positively stated oaths and negatively stated oaths—which played no role in the Mishnaic composition. Changing the oath from negative to positive means that the act of "eating" has different implications for the oath. When the oath is negative ("I swear I will not eat"), eating indicates failure to observe the oath. Conversely, when the oath is positive ("I swear I will eat"), eating indicates that the oath has been fulfilled! In presenting these two different scenarios (positively and negatively framed), the Tosefta provides additional perspective on the ways in which eating forbidden foods might relate to oaths.

The two sources also use a common set of compositional building blocks: an oath not to eat and eating prohibited foods. (As we found above, the common building block can be as much conceptual as literal: "he ate prohibited foods—sacrificial meat disqualified by improper intention, for not having been eaten in the proper time, or by impurity" in the Tosefta versus "he ate carrion or torn flesh, crawling vermin or creeping things" in the Mishnah). However, in each source, the use of these building blocks is occasioned by changing the different variables. It seems to matter little for the Tosefta whether or not the illustrative example is stated using an "oath not to eat" or an "oath not to drink." Thus, one element that was stable for the Mishnah (the sphere of the example) fluctuates in the Tosefta. The most instructive interchange of compositional elements in the Tosefta comes when the two oaths turn positive by simply excluding the term "not" ("I swear **I will eat** and then he ate prohibited foods"). Lines C and D offer a clear contrast to lines A and B, from which meaning can be synthesized.

[24] Hayim Lapin discusses the extent to which the stated words in a given sage's opinion correspond to his actual words. Lapin concludes that the mill of the performative tradition reworks the original sage's expressions (1995:101-15, espec. 115). I am inclined to agree with him.

Whereas lines A and B test the extent to which eating prohibited foods bears upon oaths *not* to eat, lines C and D test the extent to which eating prohibited foods bears upon oaths *to* eat. The contrast between the two makes it clear that the sages consistently consider "eating prohibited foods" to count as "eating." (This corresponds to the information we gleaned about the sages in our discussion of the Mishnah above). R. Shimon, on the other hand, consistently does not consider "eating prohibited foods" to count as "eating." We might summarize this difference by saying that the sages and R. Shimon each see the act of forbidden eating through a different theoretical prism.[25] Whereas the sages view the act from a pragmatic perspective (in a physical sense: one is eating, after all!), R. Shimon views the act from the ideal, legal perspective of Jewish law. The rationale for the both the sages' and R. Shimon's opinions lies at the intersection between these two contrasting formulations. The Tosefta can play an important role in helping us to reconstruct the stakes in the Mishnaic debate, since it preserves a different refraction of the larger tradition.

In a final example, the Mishnah in its current redacted context gives us little information about the set of established relationships that underlie and compel its composition:

> M Shev. 3:7
>
> [If a person took an oath saying,] "I swear I will not eat this loaf," "I swear I will not eat it," "I swear I will not eat it," and he ate it—
> He is only liable on one count.

Outside of a matrix of different formulations (each generated by changing a different variable), one has no access to the backdrop of the broader tradition or the established relationships against which this single formulation resonated. The significance of this single formulation is elusive when viewed in isolation.

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[25] The mode of inquiry that compels this Mishnaic example and its Toseftan parallel is quite typical in Tannaitic performative series. The exercise brings into conflict competing categories: in this case, pragmatic versus ideal. It is not surprising that more than one resolution to the conundrum is preserved. I have casually observed that the more theoretically complex the inquiry behind the performative exercise, the more different answers are preserved. See, for example, M Shev. 3:9 and T Shev. 2:4 that provide different answers to the same question; see also the conflict between M Shev. 3:8 and T Ned. 2:1.

A Toseftan parallel will give us a better view of the backdrop of tradition—and of the relevant fixed relationships that might have conferred meaning upon our Mishnaic passage. I have numbered the three elements of the overarching structure to help the reader follow the interchange of elements integral to this performative series. The overarching structure includes: 1) an initial clause that introduces the parameters of the oaths; 2) a clause that complicates the issue of culpability; and 3) a clause that resolves the matter of culpability.

T Shev. 2:3-4

A. (1) [If a person took an oath saying] "I swear I will not eat" and (2) then he came back and said, "I swear I will eat." And then he ate—
(3) For the latter ones—[he is liable immediately, so] they administer stripes immediately.
For the former ones—if he ate, he is liable; if he did not eat, he is exempt.

B. (1) [If a person took an oath saying] "I swear I will eat" and (2) then he came back and said, "I swear I will not eat," and "I swear I will not eat," and "I swear I will not eat."
(3) For the latter ones—[he is liable immediately, so] they administer stripes immediately.
For the former ones—if he ate, he is exempt; if he did not eat, he is liable.

C. (1) **[If a person took an oath saying] "I swear I will not eat" and (2) "[I swear] I will not eat" and "[I swear] I will not eat." And he ate—**
(3) He is only liable on one count [parallel to M Shev. 3:7],
since he only stated the latter ones to reinforce the former ones.

D. (1) [If a person took an oath saying] "I swear I did not eat," and (2) "[I swear] I did not eat" and "[I swear] I did not eat." [And it turns out he did, in fact, eat]—
(3) He is liable on each and every count.
This is more severe concerning the past than the future.

Perhaps more than any other performative series that we have looked at, this Toseftan passage shows how the interchange of compositional elements leads from one formulation to the next. An abstract of the different compositional elements clarifies the process to an even greater extent:

A. Future: Negative/positive	(plug-in elements)
contradictory oaths	(composite issue)
B. Future: Positive/Negative/Negative	(plug-in elements)
1st two oaths, contradictory	(composite issue)

latter oaths, mutually confirming	
C. Future: Negative/Negative	(plug-in elements)
mutually confirming oaths	(composite issue)
D. Past: Negative/Negative	(plug-in elements)
mutually confirming oaths	(composite issue)

As in other instances of performative series discussed, the process of oral composition draws on a set of fixed relationships. The performative series contains a number of contrasts: positive versus negative, past versus future, and confirming versus contradictory oaths. Some of these contrasts are fixed oppositions between compositional elements (positive versus negative, past versus future). In other cases, the contrasts emerge only from the composite configuration of elements (mutually confirming versus contradictory).

As with fixed relationships we have seen in other passages, these relationships are preserved elsewhere. This is particularly true for the established contrasts between compositional elements. See, for example, the first pericope of the tractate:

M Shev. 1:1 (= 3:1)

There are two kinds of oaths, which are actually four:
[I swear] I will eat and I will not eat,
I ate and I did not eat.

Even though this Mishnaic pericope uses a completely different rhetorical framework, the same basic relationships between past and future and between negative and positive provide an overarching structure.

The additional opposition in the Toseftan passage between contradictory oaths (sections A and B) and mutually confirming oaths (sections C and D) is not the product of a fixed relationship between the compositional elements themselves. Rather it emerges from the patterns used to arrange the compositional elements. Repeating the same element leads to mutually confirming oaths. Juxtaposing negative and positive elements in the same formulation leads to contradictory oaths. Thus, the interchange of compositional elements not only highlights fixed relationships between compositional elements but also creates contrasts at the composite level (that is, mutually confirming versus contradictory or positive first versus negative first).

As in the other performative series, a single variable shifts from formulation to formulation. While the shifting variable is integrally connected with the interchange of compositional elements, the contrast that

results can occur on the composite level or it can draw on an established contrast between compositional elements. In the transition from lines A and B the *order* of the negatively framed and positively framed oaths is reversed by shifting the position of the term "not." Line B also contains an element of repetition, as the second plug-in element ("I swear I will not eat") is appended several times to the end of the formulation. Here, adding—and presumably subtracting—plug-in elements is also a means of shifting a variable from formulation to formulation. In this case, the repetition should probably be seen as a flourish in the compositional process, since the repetition does not deepen the contrast with line A. However, the flourish does appear to occasion (or stimulate) the transition to the next line. The next formulation is configured by *dropping* the initial oath ("I swear I will eat"). The resulting formulation contains the thrice-repeated element "I swear I will not eat." The new configuration thus changes the underlying concern from the question of how contradiction affects culpability to how repetition affects culpability. Finally, the last formulation draws on a fixed opposition between past and future. A contrast is established in how repetition affects oaths concerning the past versus oaths concerning the future. There is a higher degree of culpability for oaths concerning the past (see line D3).

The legal significance of our Mishnaic passage (which is parallel to line C) comes to light against the backdrop of the Tosefta. The relationships that the Tosefta preserves show us that the ruling in the Mishnaic passage most likely can be ascribed to the fact that the oaths are *future*-oriented (as opposed to past, as in Toseftan scenario D) and mutually confirming (as opposed to contradictory, as in Toseftan scenarios A and B). The Mishnah in its present redactional format has separated this pericope (M Shev. 3:7) from others that highlight these relationships. The independence of M Shev. 3:7 from its original performative series is particularly noteworthy since M Shev. chapter three contains another passage that could be seen as a part of that original performative series. The following Mishnaic pericope corresponds in its arrangement of compositional elements to scenario A of the Toseftan performative series:

> M Shev. 3:9
>
> (1) [If a person took] an oath [saying, I swear] I will not eat this loaf, (2) I swear I will eat it, and he ate it—

(3) The first one is a declarative oath,
And the second one is a false oath.[26]
If he ate it, he violated the false oath,
If he didn't eat, he violated the declarative oath.

Like scenario A of the Tosefta, this pericope is composed by configuring positive and negative elements in a contradictory arrangement. I would like to suggest that M Shev. 3:7 and M Shev. 3:9 were originally products of the same performative series. In addition to the evidence presented thus far, one additional commonality between the two Mishnaic pericopes supports this claim. The basic compositional elements are strikingly similar. In both M Shev. 3:7 and 3:9, the basic version of the compositional element is "I swear I will not eat **this loaf**." In the Toseftan performative series a more basic version is used: "I swear I will not eat." Additionally, in M Shev. 3:7 and 3:9, the repeated oath is invoked by a full restatement of the oath ("**I swear** I will not eat this loaf, I **swear** I will not eat it"). In the Toseftan version, the repeated element is abbreviated and does not include a full restatement of the oath. Only the content of the oath is repeated in the Tosefta text. There is an implicit assumption that the formulaic aspect of the oath is also repeated ("I swear that I will not eat, . . . that I will not eat").

Given the consistency between the two Mishnaic pericopes on the level of oral compositional elements, I argue that they were originally part of the same performative series, even though the current redaction does not highlight this fact. I want to suggest additionally that the performative series from which these two Mishnaic pericopes derived must have closely resembled the one preserved in the Tosefta, even if it was not the same in all of its particulars.[27] As we have found, it is often inevitable that different performative renditions will provide different emphases, and refract the larger tradition through a slightly different lens. The differing emphases, however, do not negate the usefulness of the Tosefta in establishing early Mishnaic meaning.

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[26] It is false because it contradicts "what is known to be the case," namely that there is already an earlier oath in place forbidding the act. See M Shev. 3:8 for a fuller definition of the false oath with multiple examples.

[27] I feel no need to establish a priority between the Toseftan passage and the reconstructed Mishnaic performative series, that is, to determine which came first. As products of the same performative tradition, the question of priority is not within our ability to establish. My analysis puts the emphasis on the shared historical context of the two sets of materials.

Summary

Understanding how meaning was constructed when Mishnaic materials were still fluid requires a sensitivity to relationships developed between formulations in the compositional process. These relationships and oppositions were perhaps the most stable element of the broad performative tradition. Sometimes these relationships are preserved in the Mishnah itself through the rhetorical structure of two contrasting cases. In addition, such relationships can be seen in the Tannaitic parallels that use them to generate their own performative series. Whether we see the broader spectrum of concerns that make up the performative tradition through the relationships preserved in the Mishnah or elsewhere, it is important to realize that the earliest sets of Mishnaic meanings were produced against the backdrop of the larger performative tradition. Though we cannot recreate the full richness of the larger performative tradition, we can see glimpses of it. Early Mishnaic meanings were not subject to transmission because they were not a coherent body of teachings associated with a fixed and stable textual product. Rather, they were grasped in the exercise of oral recitation, an exercise that invoked established relationships from the broad tradition. Even so, the broader tradition itself was nothing more than the sum total of relationships that emerged as compositional elements were continually combined and recombined in different performative settings.[28]

Amoraic Imitation: Resonances between Fragments of Fixed Text

Though the Mishnaic text of the Amoraic period was fixed, the Amoraic rabbis continued to relate to it according to sensibilities developed when the text was still fluid. This behavior can be discerned in the Yerushalmi, or Palestinian Talmud, which cryptically records the Amoraic discussions about the Mishnah. There one can find the legal significance of Mishnaic materials established through juxtapositions that imitate the same kinds of juxtapositions found in Tannaitic sources. However, the Amoraim manipulate fragments of fixed text—rather than compositional building

[28] A fluid relationship between the broad tradition that gives meaning to individual performative renditions and the myriad of performative events that make up the broad tradition is characteristic of various oral performative traditions. See further Foley 1991:6-10, espec. 10.

blocks. This subtle shift has important implications. The Amoraim establish new relationships from which meaning is to be synthesized and ignore the relationships at work in the broad performative tradition that produced the materials. New meanings are inevitably produced. The displacement of what might be called "original" meaning arises from the fact that the Amoraim treat fixed fragments of text *as if* they were compositional building blocks. Amoraic oral recitation is modeled after what I called the Tannaitic performative series, that is, a series of juxtaposed formulations produced by shifting a single variable from one formulation to the next. In the Tannaitic era, oral recitation leads to text production, and the performative series discussed in the previous section is produced in the course of an oral exercise. In the Amoraic era, however, the oral exercise of juxtaposing scenarios is not intrinsically linked with text production. By way of contrast, the Amoraim manipulate pre-existing textual fragments. Their oral performative practices exercise the performer's grasp of diverse topics through the medium of the known text. In order to highlight the derivative character of the Amoraic recitations, I refer to them as **performative exercises**. I intend this term to differentiate them from the **performative series** of the Tannaim on which they are modeled, where text production is integrated with oral performance.

As with the construction of meaning at the fluid stage, juxtapositions are central to Amoraic construction of meaning. Juxtapositions might build on either *consistencies* or *contrasts* between scenarios. The following performative exercise in the Yerushalmi highlights consistency. As we will see, the focus on the fragments of text (rather on than the compositional building blocks) obscures the role that the established relationships from the broad Tannaitic tradition played in structuring meaning.

First, turning to the Mishnaic pericope upon which the performative exercise is based, we can see how the composer who worked compositional elements into this formulation did indeed draw upon an established relationship in the broad performative tradition:[29]

> M Shev. 3:1c
>
> [If a person took] an oath, [saying I swear] I will not eat, and then he ate and drank—he is only liable on one count.
> [If a person took] an oath, [saying I swear] I will not eat and drink, and then he ate and drank—he is liable on two counts.

[29] The numbering is drawn from the popular edition of the Mishnah, following the Babylonian tradition. In the Palestinian manuscript tradition, the cited text constitutes an entire pericope (M Shev. 3:2).

This performative series is generated by arranging the terms **eating** and **drinking** into different configurations. The consistent elements between the two formulations are: 1) the order of events (the statement of an oath, followed by a violation of the oath); 2) the inclusion of the term "eating" in the oath; and 3) a violating action consisting of *both* eating and drinking ("and then he ate and drank"). The shifting variable between the two formulations is the inclusion or exclusion of the term "drinking" in the statement of the oath. In the first formulation, the term "drinking" is excluded from the oath, and in the second formulation it is included. The relationship established between these two formulations fits into a pattern found in the broad performative tradition. The relationship turns on an opposition between broadly stated oaths and oaths articulated with a higher degree of specificity.[30] As with the Mishnaic example of two contrasting cases discussed in the previous section, this performative unit encodes its meaning in the contrast between the two scenarios. From the contrast, we learn that highly articulated oaths carry a higher degree of culpability.

The Yerushalmi atomizes the text and disregards the relationship between the two formulations as a basis for meaning. The Yerushalmi inquires into the meaning of the first half of the Mishnaic pericope, irrespective of its relationship with the second half. The first half reads:

> M Shev. 3:1c
>
> [If a person took] an oath, [saying I swear] I will not eat, and then he **ate and drank—he is only liable on one** count.

When viewed in isolation from its partner formulation, *different* elements in the formulation come to the fore as fodder for interpretation. The Yerushalmi focuses on particular features of the text—1) the violation involving eating and drinking and 2) the single count of culpability—and identifies resonances with another fixed fragment of Mishnaic text:

[30] See M Shev. 3:2 (discussed above), M Shev. 3:3, M Shev. 4:5, M Shev. 5:3 and Sifra d'Hova, Perek 16-17.

M Yoma 8:3

[If a person] **ate and drank** [on Yom Kippur, when these acts are prohibited,] in a single moment of forgetting [the law]—**he is only liable** for **one** sin offering.[31]

The common elements between these two fixed fragments are 1) a transgression that includes both eating and drinking (even the same literal text is used, "ate and drank") and 2) a lenient ruling of only one count of culpability. The variable between the two is the sphere of law from which the example is drawn (fasting on Yom Kippur versus declarative oaths).

The Yerushalmi synthesizes meaning on the basis of a *consistency* between the two scenarios. When these two scenarios are juxtaposed, their commonalities are highlighted. In both cases eating and drinking function as a unity for the purposes of conferring counts of culpability. They are not treated as separate actions. The Yerushalmi offers a linguistic explanation for this phenomenon:

PT Shev. 34b, line 59

Drinking is implied by the term eating, but eating is not implied by the term drinking.

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[31] In juxtaposing the above pericope to this one from Yoma, the Yerushalmi again only partially cites the pericope. The full text—which preserves traces of its compositional process—reads:

M Yoma 8:3

[If a person] ate and **drank** [on Yom Kippur, when these acts are prohibited] in a single moment of forgetting [the law]—he is only liable one sin offering.

[If a person] ate and did work [on Yom Kippur, when these acts are prohibited] in a single moment of forgetting [the law]—he is liable two sin offerings.

Here the key variable is a shift from "drinking" to "did work." This textual version is attested in all Palestinian mss., as well as by Maimonides. The interpretive tradition that emphasizes the unified character of eating and drinking (see discussion below) is incorporated into the later Babylonian recension of the text:

[If a person] **ate and drank** [on Yom Kippur, when these acts are prohibited] in a single moment of forgetting [the law]—he is only liable one sin offering.

[If a person] **ate, drank**, and **did work** [on Yom Kippur, when these acts are prohibited] in a single moment of forgetting [the law]—he liable on two counts.

That is, when the term "eating" appears, its proper referent is *both* eating and drinking. Having established the relationship between these two fragmented Mishnaic pericopes, and having identified the principle governing the relationship, we can point to yet another fragment of Mishnaic text, M Ma'aser Sheni 2:1, that is worked into the Yerushalmi's performative exercise. In this case, the relationship between this passage and our base text, M Shev. 3:1c, is not structurally apparent, as was the case above. However, this ruling can be understood to fuse eating and drinking into a single entity, which was the conceptual feature highlighted by M Shev. 3:1c in its fragmented form. Thus the resonances with this mishnah, M Ma'aser Sheni 2:1, are conceptual rather than structural. M Ma'aser Sheni 2:1 reads:

> M Ma'aser Sheni 2:1
>
> The second tithe[32] is set aside for [subsequent] **eating**, **drinking**, and anointing.
>
> "For eating"—that which is usually eaten.
>
> "For anointing"—that which is usually anointed.[33]

The Yerushalmi astutely notices that in this text eating and drinking are also treated as a unity. Though the first line of the Mishnah states that the second tithe applies to products that can be eaten, drunk, or anointed, the explanatory portion of the pericope specifies only eating and anointing. The Yerushalmi presumes that the Mishnah does not elaborate on drinking, since eating and drinking function as a unity. The elaboration of "eating" alone suffices to draw out the rules for drinking as well. This Mishnaic fragment easily finds its place in this performative exercise, which invokes fragments that cumulatively reinforce the notion that eating and drinking function as a unity.

The initial fragment of Mishnaic text (M Shev. 3:1c) with which we began this exercise has an altogether different meaning when examined in relationship to these other Mishnaic fragments than when viewed in its original performative context. The meaning shifts from the arena of oaths (and the relationship between the degrees of articulation and culpability) to

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[32] The basis for the Rabbinic institution of the second tithe is found in Dt. 14:22-26. After the first tithe has been set aside for the priests, an additional tithe is separated out from one's produce and herds, and set aside to be consumed or used in Jerusalem.

[33] I.e., oils and salves.

the arena of linguistics (the term "eating" accounts for instances of "eating" *and* "drinking").

It is important to notice several typical behaviors on the part of the Yerushalmi that force this shift in meaning from the original performative context. First, the local textual relationships that preserved traces of the oral compositional process are abandoned as a point of reference in the reconstruction of meaning. If anything, meaning that follows from the Yerushalmi's performative exercise violates the earliest meaning of the pericope. As noted in the previous section, the opposition between drinking and eating was an established relationship in the broad performative tradition. Against that original backdrop, eating and drinking were distinctly not viewed as a unity.[34] The performative exercise in the Yerushalmi is able to ignore the resonances with the original performative tradition because it treats *disembodied* fragments of text. Since the oral compositional process is no longer being practiced, the fixed oppositions that were a central part of this process may no longer have been an integral part of the transmitted tradition. As attention turns from practicing a performative tradition of oral composition to transmitting fixed fragments of text, the tools that played a central role in the compositional process were not transmitted. It appears that the fixed relationships between compositional elements were readily replaced by other relationships established in new performative exercises.

Second, the atomized character of the textual fragments necessarily severs the resonances with other configurations of the compositional elements. The relationships from the original performative tradition are even further obscured as new relationships come to the fore, relating our Mishnaic fragment to others with a similar theme. Notably, the common theme between the Mishnaic fragments—the linguistic unity of eating and drinking—is recognized not only in structural parallels between the Mishnaic fragments but also in more abstract parallels (as in the case of the third fragment, M Ma'aser Sheni 2:1). The fact that legal significance can be drawn from this more abstract kind of parallel demonstrates the extent to which the Yerushalmi is mimicking the earlier performative tradition rather than participating in it. The process of relating fixed fragments to each other is not governed by the same strict patterns that regulated the interchange of compositional elements in a Tannaitic performative series. In the Tannaitic series, strict structural parallels govern the relationship between scenarios in a given performative series.

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[34] This opposition can be found in M Shev. 3:2-3:4, Sifra, d'Hova, Perek 16-17, T Shev. 2:1-2.

The Yerushalmi does not record the performative exercise in the manner that I have reconstructed here. It begins by stating the general principle about the relationship between the terms "eating" and "drinking,"[35] and then cites various rabbis who all say that they learned the principle from a different one of our sources:

> PT Shev. 34b, lines 59-69
>
> Drinking is implied by the term eating, but eating is not implied by the term drinking. . . .
> . . . .
> R. Yona tried again, and learned it from the following:
> [Should the distance be too great for you, should you be unable to transport them[36]. . . , you may convert them into money. . . .]
> Spend the money on anything you want—cattle, sheep [i.e., **edibles**], wine or other intoxicants [i.e., **drinkables**]
> [And you shall **eat** them before the Lord.] (Dt. 14:24-26).[37] (parallel to M Ma'aser Sheni 2:1)
> . . . .
> R. Yose learned them all[38] from here:
> [If a person took] an oath, [saying I swear] I will not eat, and then **he ate and drank**—he is **only liable on one count**. (M Shev. 3:1c)
> . . . .

[35] It is noteworthy that the Yerushalmi begins its sugya (a coherent unit of argumentation) by citing the newly derived principle. It is as if the Yerushalmi replaces the backdrop of the early performative tradition with a new backdrop comprising a different set of general principles. It appears that the Yerushalmi wants to reinforce the primary position of its articulated principles over and against the earlier Tannaitic tradition of legal principles, against which these mishnayot resonated in their earlier Tannaitic performative contexts.

[36] That is, the products set aside for the second tithe.

[37] Though the Yerushalmi does not cite the Mishnaic pericope from tractate Ma'aser Sheni in the sugya, the citation of these Biblical verses relates the exercise to the laws of the second tithe in a similar manner. The verses cited here outline the rules for converting one's second tithe into money, with the purpose of buying similar goods in Jerusalem to be consumed there. Like M Ma'aser Sheni 2:1, this Biblical verse has one phrase that enumerates both drinkables and edibles and another verse that only specifies eating. This verse performs the same function in the performative exercise as M Ma'aser Sheni 2:1 might have, since it makes the same point in the same manner.

[38] "All" refers to *all of the examples* that instantiate the general rule: drinking is implied by the term eating, but eating is not implied by the term drinking.

> R. Ba learned them all from here:
> [If a person] **ate and drank** [on Yom Kippur, when these acts are prohibited] in a single moment of forgetting [the law]—he is **only liable on one count**. (M Yoma 8:3)

The sugya gives the impression that the principle exists independently of the relationship among these three different spheres of law (second tithes, oaths, and Yom Kippur). However, the fact that the sugya appears in its full form in each of these three tractates (PT Shev. 34b-c, PT Ma'aser Sheni 53b, and PT Yoma 45a) indicates that the sugya was formulated at the study or performative intersection of these three Mishnaic texts. Each version of the sugya has its own significant text-critical idiosyncrasies, indicating that each version has its own transmissional history independent of the others. The presence of the same sugya in all three locations cannot be explained by saying that it was composed in one context and then transferred to the others. Were that to be the case, one would expect to find greater textual congruency among the parallel versions. The sugya was apparently performed independently in each of these three study settings, each of which was an equally authentic milieu. I submit that each setting was equally authentic because the Amoraim who produced this sugya studied the sources by juxtaposing them. I further submit that the general principle, here presented as an *a priori* element of the tradition, emerged in light of the juxtaposition between the three mishnayot.

The practice of juxtaposing cases from different spheres of law to discover the consistencies that lie at their intersection is well documented in our Tannaitic sources. This practice was central to the oral exercises that produced Mishnaic materials themselves (Alexander 1998:71-76). That this practice appears here confirms the extent to which the Amoraim whose work lies behind this sugya were still using many of the same study practices used by the Tannaim. The Amoraic understanding of the materials was shaped by an inherited mode of intellectual inquiry. While the Tannaim had probed the intersection of different spheres of law in the process of oral composition, the Amoraim did so in an *ersatz* process of oral composition, that is, when they were manipulating fixed fragments of text.

We may presume that the new meaning that was produced in this exercise initially existed only insofar as the relationship between these three Mishnaic texts was affirmed—just as Tannaitic meaning was ephemeral in the context of oral composition. However, it is striking that the Yerushalmi presents the results of its performative exercise such that meaning is subject to transmission. By way of contrast, our Tannaitic sources preserve only the relationships that were a part of the process. Legal significance is rarely

objectified and stated outright in Tannaitic sources, and certainly not in the sources presented in the previous section. I attribute this phenomenon to the materials themselves not being perceived as a consolidated entity when the Tannaitic performative series were produced. However, by the time the Amoraim of the Yerushalmi were doing their exegetical work, Mishnaic materials were fixed. Fixed materials could be understood to have "Meaning" with a capital "M"—that is, an interpretive tradition that was itself a concrete body of teachings. Such a body of teachings is infinitely more transmittable than the ephemeral legal significance encoded in the relationship between juxtaposed scenarios. The great irony is that the meaning that was subject to transmission (because there was a concrete text to which the meaning corresponded) almost invariably disregarded the meaning conveyed in the original compositional process.[39]

In our next example, the Yerushalmi again adopts a pattern of interrelating formulations. Here contrast is the operative relationship from which meaning is synthesized. The passage under analysis reads as follows:

> M Shev. 3:7
>
> [If a person took] an oath [saying, I swear] I will not eat this loaf, I swear I will not eat it, I swear I will not eat it, and then he ate it—he is only liable on one count.

As we noted in the previous section, this Mishnaic pericope stands alone in the Mishnah's redacted chapter. It is stripped of any resonances with other formulations from the same elements that might alert readers to the compositional process that produced this particular configuration of elements. The isolated textual context affords the Yerushalmi great liberty in choosing which details to relate to as central. When a pericope is preserved in a performative series, or even an abbreviated performative series like two contrasting cases, the features of the text that are juxtaposed in a relationship—and that are the basis for synthesis of meaning—are already determined. However, when the text is fixed independent of a performative series, the interpreter may use his or her own discretion in

[39] Halivni (1968:7-19) has noted that many of the meanings transmitted alongside Mishnaic materials violate "literal" or "original" meaning. I would like to suggest a possible explanation for the fact that the non-literal meanings (rather than meanings more faithful to the original) enter the stream of transmitted teachings. Meaning was subject to transmission only after the materials were already fixed. However, the meanings that were produced in the performative exercises of fixed fragments of texts often violated the sense of the materials established in the context of oral composition.

focusing on particular features of the text. Features that might have been arbitrary in the process of oral composition can be highlighted as new juxtapositions become the basis for new meaning.

Building on our analysis in the previous section, we can observe that certain features of this Mishnaic pericope can be said to be incidental and others more essential to the process of oral composition. In the previous section we concluded that this passage and M Shev. 3:9 were originally part of a performative series that resembled T Shev. 2:3-4. In our discussion we noted that each of the sources used slightly different basic elements, though the pattern by which they were interchanged was similar. In the Mishnaic sources, the basic compositional element included both a statement of the oath and a reference to a particular loaf:

> M Shev. 3:7
>
> **I swear** I will not eat **this loaf**, **I swear** I will not eat **it**, **I swear** I will not eat **it**.
>
> M Shev. 3:9
>
> **I swear** I will not eat **this loaf**, **I swear** I will eat **it**.

By way of contrast, in the Toseftan passage the basic compositional elements did not include a restatement of the oath, nor did they include a reference to any particular object as the subject of the oath. The Toseftan passage included an additional element ("and he came back") not present in the Mishnaic sources.

> T Shev. 2:3-4
>
> I swear I will not eat, and **then he came back** and said [I swear] I will eat.
>
> I swear I will eat, and **then he came back** and said [I swear] I will not eat, and [I swear] I will not eat, and [I swear] I will not eat . . . .
>
> I swear I will not eat, and [I swear] I will not eat, and [I swear] I will not eat.

The Toseftan version does not explicitly renarrate the statement of the oath, though it is implied in each restatement of the oath's content. Though I have included the restatement of the words "I swear" in brackets for clarity's sake, in the original Hebrew these words do not appear. In spite of the fact that the two sources use slightly different versions of the basic

compositional elements, the pattern by which the basic elements are interchanged is consistent. Though proceeding in a different order, both sources move from one formulation to the next by switching the order of the oaths, by including or excluding a positively stated oath, and by repeating the negatively stated oath. Essential, then, to the compositional process is the order between the oaths, the relation between positive and negative oaths, and the repetition of oaths. The exact words by which these relationships are encoded are incidental. There may even be a degree of randomness in the fact that the oral performer did or did not restate the oath ("I swear"), did or did not include a linking phrase ("then he came back"), and did or did not expand the content of the oath ("this loaf").

The Yerushalmi, however, encounters this pericope as a fixed fragment, devoid of the resonances that differentiate between essential and arbitrary textual features. Consequently, the Yerushalmi adduces the Mishnaic text's legal significance by highlighting features that we have identified as incidental. When the single Mishnaic formulation is viewed outside of the matrix of related formulations, every detail of the text is equally weighted with respect to its potential for meaning. Only the newly established contrast will determine which details of the text will be meaningful. The performative exercise that the Yerushalmi records reads as follows:

> PT Shev. 34d, lines 13-16
>
> A. R. Yose asked: [If a person said] "I swear, I swear, I swear I will not eat," what is the ruling?
> B. R. Yose b. R. Bun said: We learn the answer from this:
> C. **[If a person took an oath saying] "I swear I will not eat this loaf," "I swear I will not eat it," "I swear I will not eat it," and he ate it—he is liable on one count.** (M Shev. 3:7)
> D. [The reason here is] because he mentioned [the content of the oath] in each instance.
> E. Therefore, if he did not mention the content of the oath—he should be liable on each and every count. [And this is the ruling in the question case brought by R. Yose above].

R. Yose's question case (line A: "I swear, I swear, I swear I will not eat") stands in contrast to our mishnah, and becomes the basis for determining its legal significance. In many ways, the process of synthesizing meaning from the contrast between these two cases is very similar to the process we reconstructed in many of the Tannaitic sources. The two scenarios have common features (the thrice repeated "I swear," and the basic oath not to

eat). A single point of difference establishes the comparability between them. In R. Yose's question scenario the content of the oath is not repeated ("**I swear**, **I swear**, **I swear** I will not eat"), whereas in the Mishnaic scenario the content of the oath *is* repeated ("I swear **I will not eat this loaf**, I swear **I will not eat it**, I swear **I will not eat it**"). The Amoraic interpreter, R. Yose b. R. Bun, presumes that the Mishnaic case rules "a single count of culpability" on the basis of its distinctiveness from the other case. The compare and contrast exercise with R. Yose's question case reveals its distinction: in M Shev. 3:7, the content of the oath was repeated each time the intent to swear was repeated. The Yerushalmi's interpretation emphasizes this fact to the exclusion of other features of the Mishnaic formulation. The Amoraic interpreter understands the legal significance of M Shev. 3:7 as follows: in the Mishnaic case, the oathtaker was liable to a limited extent (only one count of culpability) because of the fact that he repeated the content of the oath. Thus, in other potential cases where the content of the oath is not repeated (like R. Yose's question case, line A), multiple counts of culpability should be conferred.

As in the Tannaitic sources, the two contrasting cases seem to be composed from the same compositional building blocks. The same words appear ("I swear I will not eat") and are arranged in the same thrice-repeated pattern. The single variable between the two cases might easily be the product of an oral composer interchanging compositional elements. In one scenario, the content of the oath is repeated while in the other it is not. From an oral compositional perspective, this variable turns on the inclusion or exclusion of the words "I will not eat it." This kind of variable is characteristic of what oral composition can produce. Furthermore, the distinction between the two scenarios taps into an established relationship in the broader tradition: generally stated oaths versus oaths stated with a high degree of specificity. However, in the broad tradition of the Tannaitic era, generally stated oaths carry a lower degree of culpability than oaths stated with a high degree of specificity.[40] Here the opposite has happened! R. Yose's scenario of a generally stated oath carries a *higher* degree of culpability ("Therefore, if he did not mention the content of the oath—he should be liable on each and every count"). The Mishnaic scenario—which presumably contains oaths stated with a higher degree of specificity—carries only one count of culpability. By working the Mishnah into this interpretive structure, the Yerushalmi has ignored an established relationship from the Tannaitic tradition. Even though the Yerushalmi shares

[40] For example M Shev. 3:2 (discussed above) and M Shev. 3:3.

meaning-conferring paradigms and strategies with its Tannaitic antecedents, it violates the conditions under which the Tannaim employed them.

How did it happen that the Yerushalmi essentially reversed an established relationship of the broad Tannaitic tradition in its interpretation of this Mishnah? This reversal (which is followed by a requisite reversal in meaning) comes about because the Yerushalmi manipulates fixed fragments of text as if they were configurations of compositional elements. However, fixed fragments of text are far less yielding in the context of the performative exercises than compositional elements are in the context of a performative series. In the Tannaitic sources, the resulting formulations were really the product of two equal forces: 1) the shifting variable and 2) an established relationship that suggested how the elements might be interchanged. In the Yerushalmi, however, the variable that distinguishes the two scenarios has no connection to an established relationship in the broader Tannaitic tradition. As we suggested above, once the usefulness of these relationships in the act of oral composition subsided, it appears they were not transmitted as a part of the tradition. The contrast that emerges between the two scenarios in the Yerushalmi is actually a false one from the perspective of the broad Tannaitic tradition within which Mishnaic materials were composed.

I want to argue that the Yerushalmi displaced the earlier Mishnaic meaning in this case because it emphasized a different feature of the text than the oral composer did. The Yerushalmi drew attention to a feature of the text that was not pivotal in the oral exercise that produced it. This feature only stood out as fodder for interpretation when the fixed linear text was pulled out of matrix of relationships central to oral composition. As a fixed fragment of text, any detail of the text is equally relevant to the interpreter. Earlier I suggested that use of particular compositional building blocks rather than others ("I swear I will not eat this loaf" in the Mishnah versus "I will not eat" in the Tosefta) was to a certain extent an arbitrary accident of circumstance. In the Tannaitic context, the repetition of the content of the oath would have had no import. However, the Yershalmi built its interpretation of this pericope upon the inclusion of the words "I swear I **will not eat it**" in each repetition of the oath. The Yerushalmi located significance in fixed literal text, and not just in the established relationships of the broad tradition. Even though the Yerushalmi found meaning in a contrast between scenarios, particular words in fixed fragments of text were the fodder for its exercises. Because it manipulated fixed fragments of text—rather than compositional building blocks—in its performative exercises, the Yerushalmi was not able to accommodate the established relationships so central to early Mishnaic meaning. The

Yerushalmi located points of contrast and continuity between fixed fragments of text, but these inevitably obscured the earlier ones, offering new meanings in place of the old.

Conclusion

During both the Tannaitic and Amoraic periods the meaning of Mishnaic materials was established in the context of oral performance. The performative practice juxtaposed different formulations, highlighting larger patterns from which meaning could be synthesized. The technology for producing meaning remained essentially consistent. All that changed by the end of the Amoraic period was the status of the materials. Remarkably, the familiar techniques that had been used all along had radically different results once the materials became fixed. When the materials were still fluid, fixity within the tradition constrained what might otherwise be an open-ended process of oral composition. However, the fixed features of the fluid tradition were hidden from the eye and scope of the Yerushalmi, since they lay outside of the text proper. The Yerushalmi was able to highlight arbitrary features of the textual fragments when they appeared relevant in relationship to other fixed fragments or other parallel formulations. Through a strange fluke of history, the meanings articulated during the Amoraic period were transmitted to later generations. Ironically, only after the materials were fixed was it possible to transmit a parallel body of teachings that were considered to be "their meaning." Yet, as we have noted, the meanings that were articulated once the materials were fixed invariably disregarded the earliest set of Mishnaic meanings.

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Jewish Folk Literature

Dan Ben-Amos

For Batsheva

Four interrelated qualities distinguish Jewish folk literature: (a) historical depth, (b) continuous interdependence between orality and literacy, (c) national dispersion, and (d) linguistic diversity. In spite of these diverging factors, the folklore of most Jewish communities clearly shares a number of features.

The Jews, as a people, maintain a collective memory that extends well into the second millennium BCE. Although literacy undoubtedly figured in the preservation of the Jewish cultural heritage to a great extent, at each period it was complemented by orality. The reciprocal relations between the two thus enlarged the thematic, formal, and social bases of Jewish folklore. The dispersion of the Jews among the nations through forced exiles and natural migrations further expanded the themes and forms of their folklore. In most countries Jews developed new languages in which they spoke, performed, and later wrote down their folklore.

As a people living in diaspora, Jews incorporated the folklore of other nations while simultaneously spreading their own internationally known themes among the same nations. Although this reciprocal process is basic to the transmission of folklore among all nations, it occurred more intensely among the Jews, even when they lived in antiquity in the Land of Israel. Consequently there is no single period, no single country, nor any single language that can claim to represent the authentic composite Jewish folklore. The earliest known periods of Jewish folklore are no more genuine, in fact, than the later periods, with the result that no specific Jewish ethnic group's traditions can be considered more ancient or more

authentic than those of any of the others.[1]

The Biblical and Post-Biblical Periods

Folklore in the Hebrew Bible

Descriptions of Storytelling and Singing

The Hebrew Bible describes both the spontaneous and the institutionalized commemoration of historical events. In victory women such as Miriam (Exodus 15) and Deborah (Judges 5) spontaneously welcomed their warriors home. This was the custom among other peoples in the region as well (2 Samuel 1:20). In defeat women, as well as men, lamented the deaths of their heroes (2 Samuel 1:19-27; Jeremiah 9:16). Both forms reveal the stylistic earmarks of oral poetry.

The preservation of historical events in a national collective memory requires the institutionalization of a ritual narration of history. This process is evident in the biblical instructions for the commemoration of the exodus from Egypt: "You shall say to your children, 'We were slaves to Pharaoh in Egypt and the Lord freed us from Egypt with a mighty hand'" (Deuteronomy 6:21; see also Exodus 13:8).[2] The ritual observance of the transmission of historical narratives became known as *leil shimurim* ("night of vigil," Exodus 12:42), a term that likely refers to all-night storytelling. Evidently the ritual narration was not only a religious command but also a practice. The Book of Judges, in Gideon's reply to the angel of the Lord, refers to it: "Please, my lord, if the Lord is with us, why has all this befallen us? Where are all His wondrous deeds about which our fathers told us, saying, 'Truly the Lord brought us from Egypt?'" (Judges 6:13). Such formal occasions for storytelling extend throughout history.

In the biblical period there were speakers and singers who specialized

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[1] Implicitly this statement refers to two propositions that students of folklore have addressed in the past, though at present very few agree with them. The first is that in the diaspora Jews do not have their own genuine folklore (see, e.g., Berger 1938:12; T. Gaster 1950:981; J. Jacobs 1903b). The second proposition is that the folklore of one Jewish group can be of greater authenticity than that of another. Patai (1960) has argued against the first proposition, and M. I. Berdyczewski (bin-Gorion) has vigorously opposed the second (see Ben-Amos 1990a).

[2] Unless otherwise noted, all biblical quotations are made according to *Tanakh: The Holy Scripture: The New JPS Translation According to the Traditional Hebrew Text* (Philadelphia: Jewish Publication Society, 1988).

in certain genres of oral literature. The *moshlim* were those who spoke in parables ("bards," Numbers 21:27; "riddlemonglers," Ezekiel 21:5). Jeremiah (9:16) refers to the *meqonenot* ("mourning women") and the *hakhamot* ("wise women") as paired female wailers. Male and female singers, *sharim* and *sharot* respectively, were part of the royal entourage of entertainers (1 Samuel 19:36), and post-exilic texts refer to the singers' role in the cultic worship in the Temple (Ezra 2:41; Nehemiah 12:28).

Quotations from Oral Literature

The Hebrew Bible includes direct quotations of oral proverbs.[3] For example, when the young David confronts King Saul and proclaims his innocence of any desire to usurp the throne, he concludes his speech by saying, "As the ancient proverb has it: 'Wicked deeds come from wicked men!'" (1 Samuel 24:14). He cites the proverb in conclusion to his statement in much the same way that people living in current oral societies do. When the prophets Jeremiah and Ezekiel wish to proclaim a new moral order for the land, they quote the same proverb (Ezekiel 18:2):

> The word of the Lord came to me: "What do you mean by quoting this proverb upon the soil of Israel: Parents eat sour grapes and their children's teeth are blunted? As I live—declares the Lord God—this proverb shall no longer be current among you in Israel."[4]

Biblical Repetitions

The clearest evidence of oral tradition in the Hebrew Bible is the repetition of a theme or a story in multiple and sometimes contradictory versions. There are numerous examples of this phenomenon. For example, the story of the creation of woman appears in two contradictory verses. First, the Bible states that "male and female He created them" (Genesis 1:27), but later we read that the "Lord God cast a deep sleep upon the man; and while he slept, He took one of his ribs and closed up the flesh at that spot. And the Lord God fashioned the rib that He had taken from the man into a woman" (Genesis 2:21-22).

The defeat of Goliath serves as the origin-story of the Davidistic

[3] For an analysis of quotation in the Hebrew Bible, see Schultz 1989.

[4] Cf. Jeremiah 31:29.

dynasty (1 Samuel 17), but another tradition, albeit an obscure one, proclaims that "Elḥanan son of Jaare-oregim the Bethlehemite killed Goliath the Gittite" (2 Samuel 21:19; cf. 1 Chronicles 20:5).

The story of Sarai, Abram's wife, in the Pharaoh's palace (Genesis 12:10-20) is repeated in the biblical biography of Isaac. His wife Rebecca is taken to the court of Abimelech, king of the Philistines, just as Sarai had been taken to the court of the Pharaoh (Genesis 26:1-11).

The story of Saul's ascension to the throne appears in three successive versions. The first centers around the search for the lost asses (1 Samuel 9:1-10:16), the second around Saul's competing qualities of humility and stature (1 Samuel 10:17-27), the third on his success in defeating the Ammonites (1 Samuel 11).

The introduction of young David to Saul appears in two versions that establish David's twin images as both psalmist and hero. In the first he is a musician who relieves the king of his depression (1 Samuel 16:17-23); in the second he is the unexpected victor over the Philistines (1 Samuel 17).

The motif of barrenness (M444 "Curse of Childlessness") is repeated in the life histories of several biblical figures.[5] Two of the matriarchs, Sarah (Genesis 17:1-18:15, 21:1-8) and Rachel (Genesis 29:31; 30:1-2, 22-24), conceive after prolonged barrenness, as do the mothers of Samson (Judges 13:2-25) and Samuel (1 Samuel 1:5-28). Repetitions such as these demonstrate the vagaries of oral tradition rather than the inaccuracies of historical reports.

Comparative Analysis

Several biblical themes recur in the ancient traditions of the Near East, while others have enjoyed a worldwide distribution. For example, the flood story (Genesis 6:9-8:14) bears a remarkable similarity to the creation narratives of many peoples.[6] The story of Joseph and Potiphar's wife (Genesis 39) relates the very common tale of the seduction of a younger man by an older woman; the Egyptian tale of the "Two Brothers" is a parallel.[7] The above-mentioned story of David and Goliath follows the fairy-tale pattern of the youngest son who, upon killing a monster, is

[5] The term *motif*, when followed in parentheses by a capital letter, a number, and a phrase in quotation marks, refers throughout to Thompson 1955-58.

[6] See, for examples, Bailey 1989 and Dundes 1988.

[7] See Hollis 1990.

rewarded with marriage to the king's beautiful daughter (in this case, Michal: 1 Samuel 17-18). Tales of rainmaking, healing, and providing food are at the core of the Elijah and Elisha narrative cycles (1 Kings 17-19:6; 2 Kings 2:19-22, 4-5); such tales recur in many traditions, and often feature holy men who are very much like these prophets.

Poetic Style and Formulas

Biblical prophecy, as well as biblical poetry, both display stylistic features typical of oral poetry: parallelism, paired words, and repeated formulaic phrases. The recurrence of such pairs as earth and dust (Psalms 7:6), lips and mouth (Psalms 66:14), tents and dwellings (Numbers 24:5)—or such formulaic phrases as "he lifted up his eyes and looked" (Genesis 18:2)—can serve as a turning point in the narrative and therewith suggest oral origins for biblical poetic and narrative art. Among others, these poetic devices are found in the texts of neighboring peoples, a fact that suggests a shared currency in the literary traditions of the entire region.[8]

Folklore in the Apocrypha and Pseudepigrapha

The Apocrypha, the Pseudepigrapha, and Oral Tradition

Originally "Apocrypha," from the Greek ajpovkrufo~ ("hidden"), meant secret books. It now refers to a set of thirteen books that appeared in the codices of the Septuagint but not in the Hebrew Bible. These books are: the Epistle of Jeremiah, Tobit, Judith, Third Ezra (1 Esdras), Additions to Esther, Prayer of Azariah, Susanna, Bel and the Dragon, 1 Baruch, Ben-Sira, Wisdom of Solomon, 1 Maccabees, and 2 Maccabees. Extant in Greek, these books were originally written in Hebrew during the last two centuries BCE, with the exception of Tobit, which was written down earlier.

The Pseudepigrapha ("with false superscription") are books whose authorship was attributed to various ideal figures in the Hebrew Bible.

[8] There is a rich scholarly literature of different approaches and schools of thought regarding the folkloristic study of the Hebrew Bible. For a survey see Ben-Amos 1992b, as well as selected works and discussions in Avishur 1984, Fontaine 1982, Kirkpatrick 1988, Niditch 1987 and 1995, Rogerson 1974 and 1979.

They are extant in Aramaic, Armenian, Ethiopic (Ge'ez), Greek, Hebrew, Latin, Old Slavonic, and Syriac; their original languages vary and are the object of scholarly inquiry. Most of these books date from 200 BCE to 200 CE; the prominent exception is the book of Aḥiqar, which likely dates from the seventh or the sixth century BCE and whose Aramaic language is likely a translation from an Akkadian original.[9]

The rabbis considered the apocryphal and the pseudepigraphic books to be "outside the Jewish canon," *sefarim ḥizonim*. A statement attributed to Rabbi Akiva (second century) pronounces that anybody who reads them forfeits his share in the world to come (JT, *Sanhedrin* 10:1).[10] Because these books are not canonical, they include, by definition, ideas and narratives that escaped the control of the Jewish religious leadership. They contain sectarian views, and appear to have been oral traditions that enjoyed a general currency in society even though they had not obtained rabbinical approval. Quite likely some were written in Jewish communities outside the Land of Israel; consequently, the Apocrypha and the Pseudepigrapha provide documention for what were, in part, folk traditions of the emerging Jewish diaspora.

Literacy played a role in the transmission of the apocryphal and pseudepigraphic books, which are replete with references to a literate, rather
than an oral, tradition. For example, God commands Enoch

> to give them the books in your own handwritings, and they will read them and they will acknowledge me as the Creator of everything. And they will understand that there is no other God except myself. And let them distribute the books in your handwriting, children to children and family to family and kinsfolk to kinsfolk" (2 Enoch [J] 33:8-9; see also 48:7).

Each testament of the Testaments of the Twelve Patriarchs, the Sons of Jacob the Patriarch, begins with a formula that alludes to the scriptural nature of the text: "A copy of the testament of. . . ." Literacy afforded these early writers the choice to make their texts either secret or public, as the Fourth Book of Ezra makes clear (14:45-48):

> And when the forty days were ended, the Most High spoke to me, saying, "Make public the twenty-four books that you wrote first and let the worthy and the unworthy read them; but keep the seventy that were written last, in

[9] For a recent translation and analytical introduction, see Charlesworth 1983; for a survey of this literature, see Nickelsburg 1981.

[10] JT=Jerusalemean Talmud; BT=Babylonian Talmud; MR=Midrash Rabbah.

> order to give them to the wise among the people. For in them is the spring of understanding, the fountain of wisdom, and the river of knowledge." And I did so.

Within an oral tradition such control over knowledge is all but impossible unless the listeners swear to secrecy. Furthermore, oral transmission does not serve these writers as a source of verification or confirmation, nor does it provide a sanction for ideas, laws, or narratives. Yet the presence of oral traditions is evident in the apocryphal and the pseudepigraphic literature as well. The cosmological views, the visions of heaven, and the apocalyptic descriptions in books such as Enoch, Baruch, and the Apocalypses of Abraham, Adam, Daniel, Elijah, Sedrach, and Zephania each bear the stamp of cultural or sectarian ideas that share a broad social basis; they cannot, therefore, be grounded in the imagination of a single author.

Narrative Expansions of Biblical Tales

Several narratives that drew upon oral tradition recur independently in later rabbinical literature. These traditions expand the biblical narrative, record certain folk legends of the Second Temple period, and even contain fictive folk tales. In the Apocrypha and the Pseudepigrapha, the narrative expansion of the Hebrew Bible focuses on particular biblical figures rather than elaborates on scriptural text. The tales supplement the biblical narrative with causation compatible with Jewish culture, collective memory, and worldview. For example, the pseudepigraphic romance of Joseph and Aseneth explains the apparent incongruity in Joseph's biblical biography: in Jewish tradition Joseph is a model of piety and virtue, yet he marries a foreign Hamitic girl, the daughter of Potiphera (Genesis 41:45). In an attempt to reconcile this contradiction, the romance sees Aseneth fall in love with him, destroy her idols, and embrace Joseph's religion before their marriage. Several years after the wedding, the Pharaoh's son, whom Aseneth had earlier rejected, sees her, and his prior infatuation returns. He tries to secure the help of Joseph's brothers in order to kidnap her but fails and later dies. Joseph ascends to the throne and thereafter rules over Egypt for forty-eight years.

Jewish oral tradition associated geographical landmarks such as trees and tombs with biblical figures. A unique book that draws upon such local legends is The Lives of the Prophets. Although written by a Palestinian Jew in the first century CE, it was known primarily in Christian circles. The writer records the story of the martyrdom of the Prophet Isaiah, who

was cut in two on the order of King Manasseh (1:1). This story appeared in another pseudepigraphic book of the first century (The Martyrdom and Ascension of Isaiah 5) and remained a part of the local oral tradition; it was later included in the Jerusalemean Talmud (JT, *Sanhedrin* 10:2, 28c). Another legend expands the account of the slaying of the prophesying priest Zecharaia, son of Jehoiada, whom King Joash killed near the altar (2 Chronicles 24:20-22; The Lives of the Prophets 23:1). Rabbinical oral tradition considered this incident to be the cause of the great carnage among the Judeans during Nebuchadnezzar's siege of Jerusalem. It vividly describes how, after his death, Zecharaia's blood pulsated until Nebuzaradan, the army captain, avenged him (MR, Lamentations, "Introductions" 23; Ecclesiastics 3:16, 10:4; BT, *Gittin* 57b; and JT, *Ta'anit* 4:5).[11]

The apocryphal book of Susanna supplements Daniel's biography and depicts him playing the role of the wise child. He is able to confound the testimonies of two old men who have sexually harassed Susanna, herself an extraordinarily beautiful woman. Susanna had not acquiesced to their demands, however, and thus to cover their own acts they charged her with adultery, which was at that time a crime punishable by death. Her innocence then comes to light through Daniel's inquiry, and the two old men are punished. The same story recurs in later rabbinical tradition (BT, *Sanhedrin* 93a). Daniel plays the narrative role that the figure of Solomon fulfills in later Jewish medieval folklore.[12]

Contemporaneous Legends

The two books of the Maccabees chronicle the revolt of the Maccabees against the Seleucid Empire (166-160 BCE). The second book, a summary of five books written in Alexandria by Jason of Cyrany (latter second century BCE), contains several narratives of a distinctly legendary

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[11] If we follow the suggestion of Yassif (1999:55-57), it is possible to consider the book a travel guide to Judea, a kind of Palestinean Pausanias, that follows the prophets' tomb sites. For text and a study, see Torrey 1946 and Satran 1995; for analysis of the pulsating blood legend, see Blank 1937-38; and for the prophet-martyr biographical patterns, see Fischel 1946-47.

[12] Whenever applicable, bin-Gorion 1990 serves as a reference for further bibliographical information about individual tales. For the literature about Susanna and about the child Solomon, see bin-Gorion 1990:28-29, 32-36 [nos. 17, 20-22], 79-81 [no. 42].

character. Prominent among them is the martyrdom story of the mother whose seven sons choose to die rather than worship foreign gods. After their death she throws herself from the rooftop (2 Maccabees 7). This legend reverberates in later rabbinical oral tradition (BT, *Gittin* 57b; MR, Lamentations 1:50) and in medieval and modern Jewish folklore. Contrasted with such martyrdom legends are the tales of divine retribution in which an oppressor suffers. Such is the story of Heliodorus, who comes to confiscate the Temple treasures and is mysteriously punished (2 Maccabees 3:7-40). This narrative pattern is common in later Jewish folk tradition.[13]

Fictive Folktales

In ancient Jewish folklore, fictive folktales are rather scarce. Whenever they appear, the writers historicize them in terms of the Jewish national past. The similarity between the basic folktale morphology and the story of the origin of the Davidistic dynasty was mentioned above. The apocryphal book of 1 Esdras (3:1-4:63) cites another story (tale type 2031A, "The Esdras Chain: stronger and strongest, wine, king, woman, truth"), therewith providing a basis for the renewal of the Davidistic leadership among the returning exiles. Zerubbabel, a scion of the House of David and the head of the repatriates, is a young guardsman of the Persian king Darius. In a contest held among the king's three guardsmen to name what is strongest, Zerubbabel selects a woman (in her several roles as mother, wife, and lover), while the other two guardsmen choose a king and wine, respectively. The king rewards Zerubbabel's honesty with permission to return to Jerusalem.

The apocryphal Book of Tobit is a version of a classic international fictive folktale. Completely detached from Jewish history, it is known as the complex of tale types 505-508, "The Grateful Dead." Stylistically it deviates from the fairy-tale form. The characters' names are allegorical: the names of the father and son, Tobit son of Tobiel and Tobias, respectively, resonate with kindheartedness (*tov*[*b*], "good"). The action takes place not "once upon a time" but in a specific time and place, yet follows a fictive pattern. The father, a righteous man, engages in the burial of the dead, often risking his life in defiance of the king's decree against it, and thereafter is blinded by a bird's dropping. Impoverished, he sends his son to recover a sum of money that he had left with a relative in Madai.

[13] See bin-Gorion 1990:109-11 [no. 51], 148-51, 275-79 [nos. 148-51].

The angel Raphael, disguised as a man, accompanies him on his journey. On the way Raphael saves the son, who is swimming in the river, from a fish that is about to swallow him. After dissecting the fish, they preserve its heart, liver, and gall for future magical use. Raphael then leads the son to the house of his relative Raguel, whose daughter Sarah is depressed and suicidal as the result of the deaths of her seven previous bridegrooms in the nuptial chamber, all of whom were stricken by a demon. As Tobias readies himself to marry Sarah, he burns, on Raphael's instructions, certain parts of the fish's heart and liver—the smoke of which then chases the demon away. They consummate the marriage, and upon returning home the father is cured by the son, who conjures the magical healing power of the fish's gall. Like other tales in the Apocrypha, this story recurs in later Jewish oral tradition.[14]

Oral Tradition and Jewish Folklore

The Cultural Idea of the Orality of Tradition

The literary-religious creativity during the first six or seven centuries CE in Jewish societies in the Land of Israel and in Babylon, including the books that preserve it, are known as the oral Torah (*torah she-be-al-peh*). This contrasts with the term for the written Torah (*torah she-bi-khtav*), which designates the Hebrew Bible. And although these terms, singularly and as a contrasting pair, occur in relatively late sources, the rabbis attribute their use to earlier prominent figures of the period. The following narrative attributes these terms to Shammai and Hillel the Elder (first century BCE), the last pair in the chain of the Torah's transmission, the human origin of which began, of course, with Moses (Mishnah, *Avot* 1):

> A certain man once stood before Shammai and said to him: "Master, how many Torahs have you?"
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> "Two," Shammai replied, "one written and one oral."
>
> Said the man: "The written one I am prepared to accept, the oral one I am not prepared to accept."
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> Shammai rebuked him and dismissed him in a huff. He came before Hillel and said to him: "Master, how many Torahs were given?"
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> "Two," Hillel replied, "one written and one oral."
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> Said the man: "The written one I am prepared to accept, the oral one I am not prepared to accept."

[14] See bin-Gorion 1990:81-85 [no. 43], 74-77 [no. 40].

> "My son," Hillel said to him, "sit down." He wrote out the alphabet for him and (pointing to one of the letters) asked him: "What is this?"
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> "It is *'aleph*," the man replied.
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> Said Hillel: "This is not *'aleph* but *bet*. What is that?" he continued.
>
> The man answered: "It is *bet*."
>
> "This is not *bet*," said Hillel, "but *gimmel*."
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> (In the end) Hillel said to him: "How dost thou know that this is *'aleph* and this *bet* and this *gimmel*? Only because so our ancestors of old handed it down to us that this *'aleph* and this *bet* and this *gimmel*. Even as thou hast taken this in good faith, so take the other in good faith."[15]

Consistent with this amusing anecdote, the rabbis articulated the distinction between the two Torahs primarily in conversations with non-Jews.[16] Awareness of this distinction dominated Jewish social and religious life. The written Torah consisted of twenty-four books that comprised the Holy Scriptures, but the oral Torah was a comprehensive entity that encompassed Jewish culture as a whole. It spoke in a dialogic voice. The language of the marketplace and the language of the academy, the language of the synagogue and the language of politics, the revered Hebrew and the daily Aramaic—each interacted with the other within a social and cultural discourse.

The Babylonian and Jerusalemean Talmuds, as well as the midrashic books from this period, furthermore, make up a unique record of oral discourse concerning social life, theological ideas, supernatural beliefs, and historical accounts. Taken in their entirety, these books represent the orality in Jewish culture at that time. However, the narratives, parables, proverbs, and metaphors contained in these books were drawn from the wider context of the Jewish folklore of the period. The religious and legal context of these documented oral deliberations contributed to the exclusion

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[15] Taken from Goldin 1955:80. The compilation of this source, known by its Hebrew title as *'Abot de-Rabbi Natan*, likely dates from a period between the seventh and ninth centuries, though, on the basis of its language and the authorities cited, its traditions probably date back to the third or fourth century.

[16] In another version of this anecdote (BT *Shabbat* 31a) it is indeed a proselyte who approaches the two rabbis. Rabban Gamliel (second century), a descendant of Hillel the Elder, replies to Agnitus the *hegemon* that the Jews have two Torahs, "one in the mouth and one in writing" (Sifrei, *Deuteronomy* 33:10, § 351, p. 145a). Another version (Midrash ha-Gadol, *Deuteronomy,* p. 764) ascribes a similar encounter to Rabbi Yohanan ben Zakkai (first century CE), the youngest of Hillel the Elder's disciples, and Agrippa. In the *Pesikta de-Rab Kahana* (102b), a midrash of the seventh century, Rabbi Yodah (fourth century) interprets the biblical image of "two-edged swords" (Psalms 149:6) as a metaphor for the two aspects of the Torah.

of some oral genres such as songs, children's rhymes, and even fictive tales, since neither the rabbis nor the editors had deemed them appropriate or relevant.[17]

The literate sections of the Jewish society were quite obviously responsible for preserving the oral discourse in writing. Yet their learning did not separate them from the peasants, the craftsmen, and the urban traders. They were intellectual commoners within a society of limited literacy. In such a historical context the distinction between the popular and the learned classes, as far as the performance and transmission of tradition are concerned, is of limited value. Knowledge of popular culture does not depend on reported contacts in which sages learned from commoners' biblical interpretations (MR, Genesis 78:12) nor on folk medical cures that the rabbis applied (BT, *Shabbat* 66b-67a). Nor do the legendary biographical traditions of several rabbis, such as Rabbi Akiba (BT, *Ketubbot* 62b-63a), who had been a shepherd in his youth, and Rabbi Yoḥanan (second century), a shoemaker by trade, provide the necessary indicators of class relations in post-biblical Jewish society. Rather than class, the crucial factor was the principle of orality, which at that time was prevalent to varying degrees throughout Jewish culture.[18] The entire oral, imaginary, mythical, and historical creativity of the culture has always constituted an integral part of the verbal art of post-biblical Jewish society.

The distinction between the written and the oral Torahs also had pragmatic implications. In order to avoid confusion between the two, a clear proposition states, "You shall not deliver/transmit sayings [transmitted] in writing orally; you shall not deliver/transmit sayings [transmitted] orally in writing" (BT, *Gittin* 60b; *Temurah* 14b);[19] this proposition thus affirmed the selfsame boundaries that the rabbis had apparently transgressed. Worried as they were about the demise of those traditions through forgetfulness, Rabbi Yohanan and Resh Lakish—both of whom were leading sages of the third century who at one time headed the academy in Tiberias—wrote down oral traditions. Other rabbis did so for

[17] The issue of distinguishing folklore within a largely historical oral culture is simlar to the problem modern anthropologists face in the study of non-literate societies; see Bascom 1953 and 1955.

[18] See BT, *Shabbat* 66b-67a; *Gittin* 57b; MR, *Genesis* 78:11.

[19] For other statements of such a distinction, see MR, Exodus 47:4 and BT, *Megillah* 18b.

mnemonic purposes.[20]

At the same time, both in ritualistic and in learning contexts, there were professional memorizers known as *meturgemanim* and *tannaim* who committed to memory large portions of the written scripture and who also went on to apply the same skill to the oral Torah itself. In all likelihood, oral recitation of the oral Torah continued long after it had been committed to writing.[21]

Oral Tradition and the Hebrew Bible

The interdependence of orality and literacy in the post-biblical literature opened new venues for oral tradition. Interpreters, translators, preachers, and teachers articulated the unwritten knowledge that they had inferred from, or referred to, the Hebrew Bible. Through wordplay and poetic associations in which personalities, localities, and dates form symbolic paradigms, the oral tradition projected an imagined and imaginative order onto a past that was receding into the crevices of mythic memory. By bridging textual gaps and proposing causes for various actions, the Jewish oral tradition expanded the biblical narrative by means of verbal performances in the synagogues and academies, as well as in privately told tales.

In his monumental work *The Legends of the Jews* (1909-39), Louis Ginzberg synthesized the oral traditions swirling about the Hebrew Bible. He considered these traditions to be the fundamental traditional knowledge of Jewish society and disregarded as accidental the historical period of their literary articulation. An extreme example of his method is the incorporation of an Oedipal story into the legendary biography of Joshua, son of Nun. This tale, which involves patricide and a barely avoided instance of maternal incest, did not appear in writing until the eighteenth

[20] See BT, *Hullin* 60b; *Shabbat* 6b, 89a, 96b. For a discussion of the relationship between orality and literacy in the rabbinical period, see Gerhardsson 1961.

[21] Saul Lieberman (1955-88, vol. 1:14) cites a response of Rav Natronai bar Hilai (ninth century CE) that includes testimony about the role of the *tannaim* in the academic study of traditional texts. See Y. Epstein 1948:688-91 for additional references and quotations from the *responsa* literature, which records rabbinical answers to questions of law; for Gerhardsson's suggestion that the *tannaim* were "purely and simply living *books*: textbooks and concordances," see Gerhardsson 1961:98-99.

century.[22] Theoretically, it could have been known orally in Jewish societies earlier, yet, significantly, it is nowhere mentioned. Its omission from print could be due to rabbinical censorship or simply a result of its absence from Jewish tradition. In ahistorical synthesis, however, Ginzberg could include it as part of the oral tradition about the Hebrew Bible, thereby implicitly suggesting the timelessness of the narrative.

Another example involves the construction of the figure of King Solomon in *The Legends of the Jews*. Oral tradition portrays King Solomon as a wise man (BT, *Berakhot* 57b), as a magician (BT, *Gittin* 68a-68b; JT, *Sanhedrin* 2:2), and later, in the *Tales of Ben-Sira* (tenth century CE), as a clever lover who seduces the Queen of Sheba.[23] But his image as a prodigiously wise child, like Daniel in the apocryphal book of Susanna and Ben-Sira in his own book, becomes apparent only in an early sixteenth-century pamphlet entitled "Parables of King Solomon."[24] This presentation of oral narrative in synthetic form blurs historical contexts and misses the dynamics between orality and literacy in the tradition.

No doubt the discovery of the respective historical periods of these narratives, interpretations, and metaphors is an extremely difficult and all too Sisyphean task. Yet only such an analysis could cast light upon their place in the historical context, as well as upon their internal literary developments. While Ginzberg's synthesis often obscures historical contexts, it must be recognized that his comprehensive annotation laid the foundation for modern scholarship.[25]

The specific modes of interdependence between orality and literacy in the interpretation of the Hebrew Bible have been the subject of numerous studies. They have brought into focus a complex system of textual exegesis. For the sake of simplification it is possible to delineate three modes of oral exposition of the written text that, it should be noted, are not mutually exclusive: the interpretive, the expansive, and the associative.

In the interpretive mode, speakers often clarify obscurities and

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[22] It is possible that this tale became part of Jewish tradition in the Middle Ages or even later in the sixteenth and seventeenth centuries. For a bibliographical discussion, see bin-Gorion 1990:25-26 [no. 15].

[23] See Yassif 1984a:50-59; Lassner 1993; Pritchard 1974; Stern and Mirsky 1990:180.

[24] See bibliographical references in bin-Gorion 1990:28-73 [nos. 17-39].

[25] For programmatic proposals and studies of midrashic narratives and metaphors, see Bloch 1978, J. Heinemann 1974, and Vermes 1961.

inconsistencies and propose causes or motivations for actions. The oral interpretation completes a missing segment in the biblical text. For example, there is a textual omission in the Hebrew Bible's description of the quarrel between Cain and Abel. At Genesis 4:8 the text reads, "Cain said to his brother Abel," and does not specify what he said. The Septuagint and other translations complete it with the phrase, "Come, let us go into the field," which is quite plausible. But for the oral interpreters this omission is fertile ground for exegetical narrative (MR, *Genesis* 22:7):

> *And Cain spoke unto Abel his brother* (4:8). About what did they quarrel? "Come," said they, "let us divide the world." One took the land and the other the movables. The former said, "The land you stand on is mine," while the latter retorted, "What you are wearing is mine." One said: "Strip," the other retorted: "Fly [off the ground]." Out of this quarrel, *Cain rose up against his brother Abel*, etc.
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> R. Joshua of Siknin said in R. Levi's name: Both took the land and both took movables, but about what did they quarrel? One said, "The Temple must be built in my area," while the other claimed, "It must be built in mine." For thus it is written, *And it came to pass, when they were in the field*: now *field* refers to nothing but the Temple, as you read, *Zion* [i.e. the Temple] *shall be plowed as a field* (Micah 3:12). Out of this argument, *Cain rose up against his brother Abel*, etc.
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> Judah b. Rabbi said: Their quarrel was about the first Eve [Lilith]. Said R. Aibu: The first Eve had returned to dust. Then about what was their quarrel? Said R. Huna: An additional twin was born with Abel, and each claimed her. The one claimed: "I will have her, because I am the firstborn;" while the other maintained: "I must have her, because she was born with me."

The rabbis to whom the editors attribute these interpretations are from the third and fourth centuries. Midrash *Genesis Rabbah* itself dates back to the end of the fourth century. Yet allusions to some of these ideas appear already in the Septuagint (third century BCE), a fact that suggests their antiquity in oral tradition.

In the expansive mode narrators employ a received tradition or creative interpretation. Such a mode explains the tale of Abraham in the furnace. The Hebrew Bible hardly accounts for Abraham's discovery of a monotheistic faith in the midst of a pagan world—as if *in medias res* the biblical narrator introduces God's command, which Abraham obeys, to continue the migration to Canaan that his father Terah had begun (Genesis 11:31-12:5). Hence, it was up to oral narrators both to fill in the missing episodes and to describe Abraham's awakening to a faith in a single God. The earliest evidence for such a tradition dates from the second century

BCE in Jubilees 12:12-13:

> In the sixtieth year of the life of Abram, i.e. the fourth week, in its fourth year, Abram arose in the night and burned the house of idols. And he burned everything in the house. And there was no man who knew. And they rose up in the night, and they wanted to save their gods from the midst of the fire.

The crime of arson deserves a like punishment. However, the book of Jubilees reports nothing of it. Only an oral tradition attributed to narrators of the second century CE claims Abraham as a potential martyr. During a time when the Romans were persecuting the Jews, the biblical interpreters made Abraham, the founder of the religion, into a model for behavior and hope. King Nimrod put him in a burning furnace, a scenario that recalls the biblical story of Daniel, Hananiah, Mishael, and Azariah (Daniel 3:13-30); God, however, saves Abraham from death (MR, *Genesis* 38:28, 44:6-7).[26]

During the Hadrianic persecutions that followed the crush of the Bar-Kokhva rebellion (132-35 CE), leading rabbis died at the stake. In their search for reason in history, sages in the fourth century applied to these events an ancient expansion of biblical narrative that dates to at least the second century BCE. In the Testaments of the Twelve Patriarchs, Zebulon contends, "I had no share in the price received for Joseph, my children. But Simeon, Gad, and our other brothers accepted the money, bought shoes for themselves, their wives, and other children" (Zebulon 3:1-2). Oral interpreters associated the verse "Because they sold the righteous for money and the needy for a pair of shoes" (Amos 2:6) with this tradition. The prophet's allusion in this verse is obscure, but the following interpretation would be a possibility. Since Joseph, who resisted seduction (Genesis 39), is considered the model of a righteous man, the ancient interpreters applied the verse to him, considering his sale to be the primordial sin in Jewish history, the one for which the rabbis atoned with their own deaths.[27]

The application of prophetic verses to Pentateuch stories is also fundamental to the associative mode of interpretation. Poetic in nature, this mode of association relates textually remote biblical verses to one another, forming models and drawing analogies between individuals, places, times, and actions. Interpreters conceived of the entire Scripture as a closed system, and projected into it their own traditional associations. A feature,

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[26] Many interpreters repeat and allude to the tale; see Ginzberg 1909-39, v:218. For an analysis of the historical significance of the legend, see Urbach 1960.

[27] See also bin-Gorion 1990:156-62 [no. 81].

an object, a place, and a time each unite unrelated persons and chronologically remote actions. By employing the associative mode the ancient interpreters proposed that thirteen persons were born circumcised, a sign of perfection: Job, Adam, Seth, Noah, Shem, Jacob, Joseph, Moses, Balak, Samuel, David, Jeremiah, and Zerubbabel. They earned this distinction not only by their actions but often also by their textual association with the word for perfection, *tam*, in the scripture.[28]

In the liminal twilight hour of the first Sabbath Eve, God created ten supernatural things (Mishnah, *Avot* 5:6):

> The mouth of the earth [that swallowed Korah and his confederates (Numbers 16:30)], the mouth of the well [which Moses opened by striking the rock (Numbers 20:7-11), or the mouth of the Well of Miriam which followed the Israelites in their wandering (Numbers 21:16-18)], the mouth of the she-ass [of Balaam (Numbers 22:28)], the rainbow, the manna, the rod [of Moses], the shamir [herb, worm, or insect], the text, the writing, and the tables. And some say: also the sepulcher of Moses, our teacher, and the ram of Abraham, our father, and some say: also the destroying [spirits], and tongs too, made with tongs.[29]

Traditions about Moses' rod—its origins and successive owners—appear in *Yalkut Shim 'oni* (*Exodus* §168), a medieval midrashic anthology that was edited, at the earliest, in the eleventh and twelfth centuries. According to this tradition, Adam took the rod with him when God expelled him from Paradise, and subsequently it was passed on to Noah, Shem, Abraham, Isaac, Jacob, Joseph, and finally Jethro, who planted it in his garden, whence Moses plucked it. The verse "The Lord will stretch forth from Zion your mighty scepter" (Psalms 110:2) serves as a basis for a different list of users: Jacob, Judah, Moses, Aaron, King David, and every successive king in David's dynasty until the destruction of the Temple. Then, "it was hidden and will be given to the Messiah upon his appearance" (*Yalkut Shim 'oni*; *Psalms* §869; MR, *Numbers* 18:23). Moses' rod therefore effectively associates figures who embrace a national and universal history spanning the creation of the world through slavery, liberation, and destruction, to eternal salvation.[30]

Both opposition and analogy are principles of temporal association, as in the following verse: "On the day that they descended into Egypt, they

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[28] See Goldin 1955:23, ch. 2; Ginzberg 1909-39, vii:87.

[29] See Ginzberg 1909-39, v:109, n. 99.

[30] Cf. Kushelevsky 1992.

departed therefrom. On that same day, too, Joseph was released from captivity" (MR, *Exodus* 18:11). The cyclical nature of the calendar qualifies specific days as paradigmatic for either auspicious or ominous events. The date of the destruction of the first Temple in 586 BCE has become such a day. Its precise identification depends upon oral rather than written tradition. The Hebrew Bible contains two different dates for the destruction of the Temple—the seventh (2 Kings 25:8) and the tenth (Jeremiah 52:12-13) of the month of Av—but rabbinical oral tradition fixed the ninth of this month as the paradigm for disaster. On that day God decreed that the Children of Israel would not enter the Promised Land, and on that day the Temple was destroyed for both the first and second time. Also on that same day, Bethar, the last stronghold of the leader of the second-century rebellion against the Romans, was captured (135 CE), and a year later Jerusalem was ploughed up (Mishnah, *Ta'anit* 4:6; cf. BT, *Ta'anit* 26a-b; JT, *Ta'anit* 4:5).

The association between contrasting events becomes apparent in this passage (MR, *Lamentations* 1:51; JT, *Berakhot* 2:4, 17a-17b):

> The following story supports what R. Judan said in the name of R. Aibu: It happened that a man was ploughing, when one of his oxen lowed. An Arab passed by and asked, "What are you?" He answered, "I am a Jew." He said to him, "Unharness your ox and untie your plough" [as a mark of mourning]. "Why?" he asked. "Because the Temple of the Jews was destroyed." He inquired, "From where do you know this?" He answered, "I know it from the lowing of your ox." While he was conversing with him, the ox lowed again. The Arab said to him, "Harness your ox and tie up your plough, because the deliverer of the Jews is born." "What is his name?" he asked; and he answered, "His name is 'Comforter.'" "What is his father's name?" He answered, "Hezekiah." "Where do they live?" He answered, "In Birath'Arba in Bethlehem of Judah."

Locations such as the *axis mundi* have a similar associative function. When David dug the foundations of the Temple, he sought to reach the primordial waters of the depth. Instead he came upon a potsherd informing him that, in fact, it had been in this same location from the moment that God revealed Himself to the Israelites on Mount Sinai. David removed it with the result that the primordial water threatened to destroy the world. Only after the name of God was rewritten on the sherd and it was replaced did the water subside (JT, *Sanhedrin* 10:2).[31]

The rabbis interpreted the ambiguous Hebrew term *even shtiyyah*,

[31] See M. Gaster 1924:113-14 [no. 155] and J. Heinemann 1974:17-26.

which can mean either "drinking stone" or "foundation stone," to refer to the cornerstone of creation. It becomes, in turn, the center of the Temple and the stone upon which the world rests (Tanḥuma B. *Kedoshim* §10). The location is central both cosmologically and religiously. According to the rabbinical conception, the altar upon which the Israelites placed their offerings to God was located in the very same place that Cain and Abel, Noah, and, somewhat later, Abraham erected their altars (*Pirkei de Rabbi Eliezer* 31). Oral tradition generally identifies Mount Moriah with the Temple Mount. As a result, location then associates offerings to God with national and universal history. And while these associations defy logic and chronological and narrative order, they nevertheless demonstrate the poetic imagination that emerges through the application of orality to a written text.[32]

Oral Tradition of the Rabbinical Period

The Talmuds and the Midrashic Books

The Talmuds and the midrashic books include many narratives about post-biblical events and figures as well as examples of the proverbial speech of that era. These traditions appear in quotative speech: when such speech is not anonymous, its transmitters specify their sources, thereby validating the veracity of the tales they consider to be historical. Mostly the *amoraim*, the rabbis who lived between the third and the sixth centuries, tell these tales about the *tannaim*, the rabbis and holy men of the first and second centuries. The language of the *amoraim* was Aramaic—the vernacular language of the Jewish communities in Babylon and Palestine.

There is also a geographical gap between the narrators and their subjects. The traditions in the Babylonian Talmud are mostly concerned with Palestinian events and personalities. Filled with longing and nostalgia, they represent exilic traditions about the Land of Israel. Frequently these narratives can be found in parallel versions contained in the Palestinian midrashic books and in the Jerusalemean Talmud. In both traditions it is possible to delineate narrative roles, thematic patterns, and folklore genres.

Narrative Roles

[32] I. Heinemann articulated these aggadic principles (1954:15-74).

There are three major narrative roles in Jewish oral literature: holy men, rabbis, and martyrs. Alongside these there are several minor roles such as the young student, the obedient son, and the faithful wife. The holy men— both pious personalities, *ḥasidim*, and miracle workers, *anshei ma'aseh*— figure in tales about extraordinary occurrences that have an effect on themselves or on their communities. Such was Ḥaninaanina ben Dosa (first century CE), a poor but pious man whose prayer was pure. He put his heel over the hole of a lizard that had injured other people previously, and when it came out to bite Ḥaninaanina, it died (BT, *Berakhot* 33a). When Ḥaninaanina's wife urged him to pray for relief from their poverty, a heavenly hand reached out and gave him the leg of a golden table. In a dream he saw that this leg was of his heavenly table, which would henceforth be defective. Receiving his wife's consent, he prayed to restore the leg to his table in paradise (BT, *Ta'anit* 25a). Examples of other holy men are Ḥaninaoni the Circle Drawer (second century BCE) and Nakdimon ben Gurion, both of whom were rainmakers (Mishnah, *Ta'anit* 3:8; BT, *Ta'anit* 19b-20a, 23a). These men figure exclusively in stories about healing and rainmaking; the tradition does not contain any biographical tales about their birth, their childhood, or their death.[33]

In contrast to the narratives about holy men, oral narrators told episodic biographical narratives about rabbis, concentrating on their own childhoods, adulthoods, and, occasionally, even their own deaths. There are, interestingly, no tales about the rabbis' mothers and their difficulties with conception—a tribulation that some biblical mothers experienced. The biographical narrative begins with the rabbis' youth and their struggle to acquire knowledge. When Hillel the Elder (first century CE), for example, was barred from the house of learning because of his poverty, he climbed up to the window in order to hear the teacher. Sitting there, he was covered by snow and was not found by the rabbis until the next morning (BT, *Yoma* 35b). Rabbi Akiba (second century), the leading rabbi of his time, was an illiterate shepherd until the age of forty and even then began his studies only at the urging of his fiancée (BT, *Ketubbot* 62b-63a). When a rabbi is traditionally known to have come from a wealthy family, as in the case of Rabbi Eliezer ben Hyrcanus (first century), the narrators would adjust the biography to fit the pattern. His story begins with an episode in which the father refuses to support his son's desire to study, thereby reducing him to poverty. Only later, after Rabbi Eliezer has become a shining student, does

[33] For selected studies about these figures, see Ben-Amos 1994, Boxer 1985, and Sarfatti 1956.

his father have a change of heart (*Avot de Rabbi Nathan* 6).[34]

A cycle of martyrdom stories, focusing exclusively on rabbis, emerged after the Hadrianic persecutions of the second century.[35] The rabbis' learning and charisma appear to be mutually exclusive in their relationship to martyrdom in Jewish tradition. When a rabbinical figure straddles both categories, as Rabbi Simeon Bar Yoḥai did, traditional narratives do not accord him the martyr role, although historically speaking, he lived during a period of religious persecutions. Narrators instead wove a story about his life in seclusion, about how he hid in a cave together with his son (BT, *Shabbat* 33b). In this instance we can see that the earlier pattern of the prophet-martyr differs from the rabbinical-martyr role. While prophet-priests like Zecharaia son of Jehoiada, together with the prophet Isaiah, were killed by their own people,[36] the rabbis, later known by a formulaic number as the Ten Martyrs, were executed by an alien force.[37]

Miracle workers, sages, and martyrs became named figures within the oral tradition, as historical narratives require. Anonymous characters fulfill other narrative roles, most often appearing in moralistic tales that advocate the importance of cultural values. Stories about the student who seeks sexual favors from prostitutes (BT, *Menaḥot* 44a) serve to condemn such behavior. In contrast, tales about the faithful wife, such as the unnamed wife of Ḥaninaanina ben Dosa who endures her husband's poverty, and Rachel, the wife of Rabbi Akiba, who possesses great tolerance and understanding for her husband's studies, set a rabbinical model for female behavior by means of their exemplary conduct.[38] Unlike the wise women in the Hebrew Bible who enjoy independent identities (see, for example, 2 Samuel

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[34] Further discussions and bibliographical references related to these figures and narrative cycles may be found in Ben-Amos 1980:62-66 and in bin-Gorion 1990:128-33 [nos. 60-62]. Yassif (1999:6-20) offers a different interpretation of the biographical legends, one structured upon the biographical pattern of the hero that Lord Raglan (1934) formulated and that Noy (1967b) modified and adapted to biographical narratives about rabbis.

[35] See, e.g., BT, *Berakhot* 61b; *Sanhedrin* 14a; *Avodah Zarah* 18a.

[36] On Zecharaia see MR, *Lamentation*, "Introductions" 23; *Ecclesiastics* 3:16, 10:4; BT, *Gittin* 57b; and JT, *Ta'anit* 4:5. On Isaiah see BT, *Sanhedrin* 103b and *Yevamot* 49b.

[37] See bin-Gorion 1990:156-62 [no. 81]; Blank 1937-38; Fischel 1946-47; Satran 1995; and Yassif 1994a:64-68.

[38] See bin-Gorion 1990:131-33, 136-37 [nos. 62, 66].

14:2-20 and Jeremiah 9:16), rabbinical oral literature defines women as dependent upon their holy or learned husbands (although rare, and for that reason significant, exceptions do occur).

Unique among the traditional personalities is the character of Elijah the Prophet. As a biblical figure who did not perish but rather "went up to heaven in a whirlwind" (2 Kings 2:11), he crosses the boundary between the mythical *cum* biblical and the oral traditional periods as well as the boundary between heaven and earth. As a divine figure in the garb of an earthling, he appears to people in person and in disguise, as well as in dreams, visions, and daily life. He guides the perplexed and puzzles the confident, hurts the haughty and supports the needy. In his many roles he has continued to be the most popular narrative figure in the Jewish folklore of many communities, even down to the present day.[39]

Historical Tales

In the Jewish tradition narrators do not distinguish between fictive and historical tales, the one exception being sheer tall tales. From the narrators' perspectives all stories, the biographical as well as the miraculous, are true. The narrative interpretation, expansion, and association of biblical events and figures take the biblical text as evidence for their veracity, and therefore they too are true.

Within the oral tradition, however, there are accounts referring to major political events of a particular period. These accounts relate history that other sources do, in fact, corroborate, yet unlike Josephus, who, in the tradition of Hellenistic historiography, wrote the history of the Jews and their wars, the oral narrators of oral tradition described wars and catastrophes and focused on commoners rather than political leaders.[40] Whenever the speakers offer commentary they do so succinctly, employing proverbial or literary language. Rabbi Yoḥanan (third century) said, "The destruction of Jerusalem came through a Kamtza and a Bar Kamtza." He follows this statement with a tale about divisiveness and political rivalry in the embattled city (BT, *Gittin* 55b-56a). Other narrators treat the beseiged Jerusalem by describing the famine and its effects on individuals (MR,

[39] For a psychological study of the figure of Elijah, see A. Wiener 1978; bin-Gorion (1990:427-40 [nos. 219-26]) includes further texts of stories about Elijah as well as bibliographical references to other studies of him.

[40] See Josephus 1926-65, Villalba i Varneda 1986, and Feldman and Hata 1987.

Lamentation 1:48):

> It is related of Miriam, the daughter of Nakdimon, that the Rabbis allowed her five hundred gold dinars daily to be spent on her store of perfumes. Nevertheless, she stood up and cursed them, saying, "Make such a [paltry] allowance for your own daughters!" R. Aha said: "We responded with Amen!" R. Eleazar said: "May I not live to behold the consolation [of Zion] if I did not see her gathering barley from beneath horses' hoofs in Acco. . . ."

Or (MR, *Lamentation* 1:51):

> It is related that Doeg b. Joseph died and left a young son to his mother, who used to measure him by handbreadths and give his weight in gold to the Temple every year. When, however, the besieging army surrounded Jerusalem, his mother slaughtered him and ate him.

The stories about Bar Kokhba, the leader of the second-century rebellion against the Romans, remark upon the supernatural strength of his recruits (MR, *Lamentation* 2:4). The descriptions of his defeat and the fall of Bethar, his last fortress, are similar in their metaphoric intensity to the descriptions of the destruction of Jerusalem (BT, *Gittin* 58a; MR, *Lamentation* 2:4).[41]

Fictive Forms, Metaphoric Parables, and Proverbs

Religion and history notwithstanding, the compilations of oral tradition also include humorous tales, parables, and proverbs. Furthermore, the oral tradition illuminates their currency, use, and function in society. Rabbah, for example, did not begin a lesson without telling jokes (BT, *Shabbat* 30b). Sources reveal that people often engaged in humorous exchanges, and that these exchanges, furthermore, often crossed boundaries of age, nation, and locality. Such anecdotes function as joking relationships do—by easing, or even averting, social tension. The wise men of Athens said to Rabbi Joshua ben Ḥaninaanania (second century) (BT, *Bekhorot* 8b):

> "Tell us some stories [*milei de-bdayyah*]."
> He said to them: "There was a mule which gave birth, and round its neck

[41] For an analysis of the description of daily life, see Hasan-Rokem 1996. For historical and archaeological studies about the Bar Kokhva revolt, see Marks 1994, Oppenheimer and Rapaport 1984, and Yadin 1971.

> was a document in which was written, 'there is a claim against my father's house of [one hundred] thousand *zuz*.'"
> They asked him: "Can a mule give birth?"
> He answered them: "This is one of these stories."

This is a "catch" tale that derives its humor from its inherent contradiction. Most other humorous narratives are tall tales (*divrei guzma*) whose narrator was, according to tradition, Rabba Bar Bar Ḥaninaana (fourth century). He traveled between Babylon and Palestine, and in each location exaggerated his or other travelers' adventures.

The art of telling these tall tales required that narrators present them as truths that should not, however, be mistaken for reality: an exaggeration that proclaims its own falsehood is a contradiction in terms. The tall tale must mask as fact but constantly point to the existence of the mask. For example (BT, *Bava Batra* 74a):

> Rabbah Bar Bar Ḥaninaana further stated:
> "We traveled once on board a ship, and the ship sailed between one fin of the fish and the other for three days and three nights; it [swimming] upwards and we [floating] downwards. And if you think the ship did not sail fast enough, R. Dimi, when he came, stated that it covered sixty parasangs in the time it takes to warm a kettle of water. When a horseman shot an arrow [the ship] outstripped it. And R. Ashi said, 'That was one of the small sea monsters which have [only] two fins.'"

This collective narration accumulates exaggerations in order to ensure that the listeners would not mistake fiction for reality and thereby miss its humor. Rabba Bar Bar Ḥaninaana told stories about the distant seas and deserts he had crossed, the far lands from which he had come, and the "olden days" before the destruction of Jerusalem. The editors assembled these talmudic tall tales into specific tractates of the Babylonian Talmud (*Bava Batra* 73a-74b; *Eruvin* 30a; *Gittin* 57b-58a; *Ketubbot* 111b-12a; *Shabbat* 21a; *Ta'anit* 22b) and the Jerusalemean Talmud (*Pe'a* 7:3-4).[42]

In contrast, the parable (*mashal*) is a widely used form interspersed in discourse and written texts. The formula *mashal le-mah ha-davar domeh, le*. . . ("A parable: what is the matter like? It is like. . .") opens the parable, establishing it as an analogy to a given situation, and the word *kakh* ("it is like") closes the metaphoric description and serves as a transition to its application. An abbreviated introduction, *mashal le* . . . ("A parable: It is

[42] For further analysis and additional bibliographical references, see Ben-Amos 1976 and Yassif 1999:182-91.

like . . ."), is also common. Occasionally the opening formula is omitted. The parables draw their figurative language from the domains of plant, animal, and social worlds, and in particular from the royal court. These latter parables illustrate situations by means of analogies to a generic king, "king of flesh and blood" (*melekh basar va-dam*), implicitly contrasting him with God, the divine king of the universe.

The interpretive use of the fable offers a dramatic, and sometimes ironic, presentation of scripture. Commenting upon the verse "Looking up, Jacob saw Esau coming, accompanied by four hundred men" (Genesis 33:1), Rabbi Levi (late third to early fourth centuries) drew an analogy between the biblical scene—in which Jacob divided his household into two camps as they approached Esau—and the fable about the appeasement delegation that the animals had sent to the lion. The animals had initially appointed the fox as their leader, but, when it approached the lion, the fox actually withdrew from the head to the end of the line (MR, *Genesis* 78:7).[43]

The political use of parables often depends upon the linguistic codes of the period. In Jewish speech, references to the biblical Edomites alluded to the Roman armies of the post-biblical era. The analogy draws upon the red flags of the Roman legions and the name "Edom," which, with slight vowel change, becomes the Hebrew *adom* ("red"). With this cultural information in mind, the apparently innocent interpretive use of a parable becomes politically charged. Thus in his interpretation of the list of the clans of the Edomites (Genesis 36:40-43), Rabbi Levi inserts the following parable (MR, *Genesis* 83:5):

> The wheat, the straw, and the stubble engaged in a controversy. The wheat said: "For my sake has the field been sown" and the stubble maintained: "For my sake was the field sown." Said the wheat to them: "When the hour comes, you will see." When harvest time came, the farmer took the stubble and burnt it, scattered the straw, and piled up the wheat into a stack, and everybody kissed it. In like manner Israel and the nations have a controversy, each asserting: "For our sake was the world created." Says Israel: "The hour will come in the Messianic future and you will see how Thou shalt fan them, and the wind shall carry them away (Isaiah 41:16); but as for Israel—And thou shalt rejoice in the Lord, thou shalt glory in the Holy One of Israel."

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[43] From a literary point of view this is a unique fable. In this literature the term for animal fables is "fox-fables" (*mishlei shu'alim)*, so named for the animal that appears most commonly in them. However, in this text the fox becomes both the subject and the narrator of fables. He volunteers to head the animal delegation because he knows, as has been said about several rabbis, three hundred fables with which he plans to appease the lion.

In context, the meaning of the parable gives hope for a better future to an oppressed Jewish community.

The moral application of parables does not require the codified language of politics (BT, *Bava Kamma* 60b):

> To what is this like? To a man who has had two wives, one young and one old. The young one used to pluck out his white hair, whereas the old one used to pluck out his black hair. He thus finally remained bald on both sides.

Oral tradition also provides reports of rabbis who knew Aesopic fables. Hillel the Elder (first century), Rabbi Yoḥanan ben Zakkai (first century), and Rabbi Meir (second century) were famous for their special expertise in fables (Tractate *Sofrim* 17:9; BT, *Sukkah* 28a; *Bava Batra* 38b, 134a). According to later accounts, Rabbi Joshua ben Ḥaninaananiah (late first to second centuries CE) used the fable of "The Wolf and the Heron"[44] to calm a crowd demonstrating against the ruler, Hadrian, who had gone back on his promise to rebuild the Temple (MR, *Genesis* 64:10); Rabbi Akiba (second century) once told a fable about a fox who tried to lure fish onto dry land in order to escape from the fishermen (BT, *Berakhot* 61b).[45] The popular fable "The Fox with the Swollen Belly" interprets the Ecclesiastic verse "As he came out of his mother's womb, so must he depart at last, naked as he came" (Ecclesiastics 5:14; MR, *Ecclesiastics* 5:14).[46]

Royalty, in contrast, often modeled after provincial rulers, serve as parabolic metaphors. The rabbis drew an analogy between a given biblical situation and the hypothetical acts of a generic king (*The Fathers According to Rabbi Nathan* 21):

> As it is said, *And I took hold of the two tablets, and cast them out of my hands, and broke them* (Deuteronomy 9:17).
>
> Rabbi Yose the Galilean says: "I shall tell thee a parable; to what may this be likened? To a king of flesh and blood who said to his steward, 'Go and betroth unto me a beautiful and pious maiden, of seemly conduct.'

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[44] See B. Perry 1952:no. 156; B. Perry 1965:nos. 8, 94.

[45] An analysis of this fable is in Schwarzbaum 1979:25-47. The fox has this narrative role in the Aesopic fables; see B. Perry 1952:415, 419 [nos. 241, 252] and B. Perry 1965:470, 472.

[46] See Schwarzbaum 1979:210-18 [no. 35]; B. Perry 1952:331 [no. 24] and B. Perry 1965:107 [no. 86].

> That steward went and betrothed her. After he had betrothed her, he went and discovered that she played the harlot with another man. Forthwith, of his own accord, he made the following inference; said he, 'If I now go ahead and give her the marriage deed, she will be liable to the penalty of death, and thus we shall have separated her from my master forever.'
>
> So too did Moses the righteous make an inference of his own accord. He said: 'How shall I give these tables to Israel? I shall be obligating them to major commandments and make them liable to the penalty of death, for thus is it written in the tablets, *He that sacrificeth unto the gods, save unto the Lord only, shall be utterly destroyed* (Exodus 22:19). Rather, I shall take hold of them and break them, and bring Israel back to good conduct.'"

These parables often occurred in learned contexts, involving textual disputations between sages and non-Jews. Just as frequent as parables in oral tradition are quotations of proverbs. These serve to validate an authoritative position. The speakers introduce such proverbs with the Aramaic formula *ki-de-amrie inshei* ("As people say") or *mashal hediot omer* ("A commoner's proverb says"). Rhetorically, the sages thus evoked with proverbs the authority of the oral tradition of the people. This authority was weaker than that of the written scripture, but still powerful in its own right.[47]

The Institutions and the Performers of Oral Tradition

Jewish society in the post-biblical period established formal institutions and had informal occasions for the performance of oral tradition. The formal institutions centered around the synagogue (*beit knesset*) and the school (*beit midrash*). Informally, the narration of tales, the citation of proverbs, and the interpretation of written texts took place in personal conversations and during public celebrations. Oral performances in private had to become the subjects of oral accounts in public before their inclusion in the edited compilations.

The reading of biblical texts became a social institution upon the return of the exiles to Jerusalem, beginning in 538 BCE. Then Ezra assembled them, as Nehemiah 8:1-2 reports:

> When the seventh month arrived—the Israelites being [settled] in their

[47] For a comprehensive study of the parables in the talmudic-midrashic literature, see Stern 1991, as well as Meir 1974 and Ziegler 1903.

> towns—the entire people assembled as one in the square before the Water Gate, and they asked Ezra the scribe to bring the scroll of the Teaching of Moses with which the Lord had charged Israel. On the first day of the seventh month, Ezra the priest brought the Teaching before the congregation, men and women and all who could listen with understanding.

The report then alludes to oral interpretation and translation, which became an integral part of the later reading: "The Levites explained the Teaching to the people, while the people stood in their places. They read from the scroll of the Teaching of God, translating it and giving the sense; so they understood the reading" (Nehemiah 8:7-8). This description of a model assembly succinctly summarizes the community's bilingualism and its effects on the ritual reading. The returning peoples were the second and third generation of the exiles. After fifty years in Babylon they had acquired the local language and customs. For them, pre-exilic Hebrew texts required translation and interpretation, two acts that contributed to the articulation of the oral tradition.

After the destruction of the Second Temple in 70 CE the synagogue emerged as the central location for communal life. The public reading of the scripture became a regular feature of the service, accompanied by a translation, interpretation, and sermon. Initially there were historical, perhaps even regional, variations in the time of the sermons, ranging from the Sabbath Eve to the next day at noon (JT, *Sotah* 1:4; BT, *Gittin* 38b). Later the preacher's homily, which took place after the scriptural readings, became an integral part of the synagogue ritual. In this context the distinction between reading and oral delivery seems most appropriate, as a dictum states, "The words which are written thou art not at liberty to say by heart, and the words transmitted orally thou art not at liberty to recite from writing" (BT, *Gittin* 60b). In another passage the statement is: ". . . matters received as oral traditions you are not permitted to recite from writing and . . . written things [biblical passages] you are not permitted to recite from memory" (BT, *Temurah* 14b). During the sermon the preacher moved his audience (MR, *Genesis* 33:5), but at other times turned them off, with the result that they dozed (MR, *Genesis* 58:3; *Song of Songs* 1:15, iii) or even left the synagogue altogether (BT, *Bezah* 15b).

The preacher (*darshan*, *doresh*, or in the Aramaic, *derusha*) had an assistant (*meturggeman* or *amora*) who repeated his message to the public.[48] The earliest teachers whom tradition considers to be *darshanim* (pl.) were

[48] See further Kosovsky 1959.

the first-century BCE sages Shemaiah and Avtalyon (BT, *Pesaḥim* 70b). Later preachers developed expertise in the two main branches of oral tradition: some specialized in law and were known as *ba'alei halakhah*, while others specialized in lore and were known as *ba'alei aggadah*. In the records of the oral tradition there is a trace of a slighting attitude toward the latter, whose talent was in verbal entertainment (MR, *Genesis* 12:10, 40 (41); BT, *Sotah* 40a). Nevertheless, the tradition attributes extensive knowledge of primarily oral genres such as parables to some of the most distinguished rabbis, men such as Hillel the Elder, Rabbi Yoḥanan ben Zakkai, and Rabbi Meir (Tractate *Sofrim* 17:9; BT, *Sukkah* 28a; *Bava Batra* 38b, 134a). Parables served not only religious but also political purposes, as demonstrated by the speech of Rabbi Joshua ben Hlananiah (MR, *Genesis* 64:10).

In modern scholarship there is an ongoing debate concerning the contexts of performance of the extant folk-literary texts. Some argue that the literary records of oral tradition preserve the public sermons of the synagogue service, while others contend that these exegetical texts, since they exhibit learned literary qualities, are the products of those who possessed some formal education.[49] This is no doubt an important distinction; however, from current folkloristic perspectives both the school and the synagogue were contexts in which orality and literacy interacted with each other. Therefore, both contexts provide a framework for the exposition and articulation of oral tradition in Jewish society.

In addition to the formal social institutions, daily and annual events occasioned the performance of oral tradition. Rabbis engaged in the casual exchange of tales (BT, *Gittin* 57a):

> Once when R. Manyumi b. Ḥaninaelkiah and R. Ḥaninaelkiah b. Tobiah and R. Hluna b. Hliyya were sitting together they said: "If anyone knows anything about Kefar Sekania of Egypt, let him say." One of them thereupon said: "Once a betrothed couple [from there] were carried off by heathens who married them to one another. The woman said: 'I beg of you

[49] There is a vast scholarship on the midrash that addresses this issue directly and indirectly. The main current proponent of the approach that considers the midrashic literature as a product of formal education is Fraenkel (1991). The other approach, which regards this literature as a representation of public sermons and more popular literature, is implied in Neuman 1954. The latter approach is also discussed in, among others, J. Heinemann 1971 and Hirshman 1991, 1992. For general studies, see Boyarin 1990; Fishbane 1985, 1993; I. Jacobs 1995; and Stemberger 1996. See also the bibliography in Rafeld and Tabori 1992.

> not to touch me, as I have no *Kethubah* from you.'[50] So he did not touch her till his dying day. When he died, she said: 'Mourn for this man who has kept his passions in check more than Joseph, because Joseph was exposed to temptation only a short time, but this man every day.' Joseph was not in one bed with the woman but this man was; in Joseph's case she was not his wife, but here she was." The next then began and said: "On one occasion forty bushels [of corn] were selling for a denar, and the number went down one, and they investigated and found that a man and his son had had intercourse with a betrothed maiden on the Day of Atonement, so they brought them to the Beth din and they stoned them and the original price was restored." The third then began and said: "There was a man who wanted to divorce his wife, but hesitated because she had a big marriage settlement. He accordingly invited his friends and gave them a good feast and made them drunk and put them all in one bed. He then brought the white of an egg and scattered it among them and brought witnesses and appealed to Beth din. There was a certain elder there of the disciples of Shammai the Elder, named Baba b. Buta, who said: 'This is what I have been taught by Shammai the Elder, that the white of an egg contracts when brought near the fire, but semen becomes faint from the fire.' They tested it and found that it was so, and they brought the man to the Beth din and flogged him and made him pay her *Kethubah*."

Rabbis also reported the scriptural interpretations and popular medicine that they had learned from common people (MR, *Genesis* 78; BT, *Shabbat* 66b-67a), and sometimes stated in conversations with narrators that their reliability depends upon their age (BT, *Gittin* 57b). In a few cases, such storytelling became a subject of narration, as in the following description of the feast that Rabbi Judah made for his son's wedding (MR, *Ecclesiastics* 1:3):

> . . .He invited the Rabbis, but forgot to extend an invitation to Bar Kappara (who was his student). The latter went and wrote above the door [of the banqueting hall], "After all your rejoicing is death, so what is the use of rejoicing?" Rabbi inquired, "Who has done this to us?" They said, "It was Bar Kappara whom you forgot to invite. He was concerned about himself." He thereupon arranged another banquet to which he invited all the Rabbis including Bar Kappara. At every course which was placed before them Bar Kappara related three hundred fox-fables, which were so much enjoyed by the guests that they let the food become cold and did not taste it. Rabbi

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[50] *Kethubah* (also *ketubbah*) is a marriage contract that specifies the financial obligations of the husband toward his wife. According to law, it is forbidden for the bridegroom to live together with his bride until he has written and delivered the *kethubah* to her.

> asked his waiters, "Why do our courses go in and out without the guests partaking of them?" They answered, "Because of an old man who sits there, and when a course is brought in he relates three hundred fox-fables; and on that account the food becomes cold and they eat none of it." Rabbi went up to him and said, "Why do you act in this manner? Let the guest eat!" He replied, "So that you should not think that I came for your dinner but because you did not invite me with my colleagues."[51]

The Genres of Oral Tradition

Jewish oral tradition includes some classical forms of folk narratives such as: the historical, local, and hagiographic legend; the exemplum and fable; the tall tale; and the personal narrative. The texts of the talmudic-midrashic literature are replete with proverbs; in contrast, the standard fairy-tale is rather rare. The language of the rabbis includes an abundance of terms for the description of speaking as well as for the description of genres of speech. After all, public discourse was one of the rabbis' major preoccupations, and, not surprisingly, they amassed a vocabulary of verbs and nouns in order to describe it. This vocabulary encompassed fine rhetorical distinctions that from today's standpoint reflect generic categorization. The scholar Wilhelm Bacher described these terms and identified their uses and sources in a still-indispensable dictionary (1965).

Torah she-be-al peh ("Torah of the mouth") is the most comprehensive term that describes the entire literature of the period; *aggadah*, the Babylonian form, or *haggadah*, in the Palestinian pronunciation, refers to those utterances that have no religious or judicial regulatory significance. Initially *aggadah* included exegetical narrative acts that employ verbal play; in later years the meaning of the term was extended to encompass all the nonjudicial elements in the oral tradition, in contrast to the *halakhah*, which refers to law and religiously sanctioned customs.

The term "midrash" modifies both *halakhah* and *aggadah*. Midrash is an exegetical method that follows specific principles for the derivation of meanings from scriptural text. *Midrashei halakhah* are concerned with regulatory principles, while *midrashei aggadah*, themselves poetic in nature, interpret narrative and poetic texts. The term *ma'aseh*, on the other hand, occurs in both halakhic and aggadic contexts. In judicial discussions *ma'aseh* refers to acts or judgments that establish precedent, although in the

[51] Cf. MR, *Leviticus* 28:2.

aggadah the same word signifies a tale about the lives and experiences of the rabbis. The *ma'aseh* (pl. *ma'asim*) is a narrative of events that both the teller and his audience assume presents an actual occurrence, even if, and sometimes specifically because, the narrative includes divine intervention and the performance of miracles. Quite common in this context is the opening formula *ma'aseh be* ("A tale about"), which introduces most of the legendary, biographical, and martyrological tales.

In contrast to *ma'aseh*, the rare terms *dvar bedai* ("false word") and the Aramaic *beduta* refer to the untruthfulness of a story. *Guzmah* means "exaggeration" and designates tall tales. Narratives that function as poetic and metaphoric examples are *meshalim* (sing. *mashal*). Fables, parables, and animal tales are called *mishlei shu'alim* ("fox-fables"), and thereby single out the trickster featured in the repertoire of the Hellenistic world. The term *mashal* also refers to the proverb, a genre designated as well by the Aramaic term *pitgam*.

These terms do not comprehend all appellations for the speech genres of the oral tradition. Many more occur, operating in historical and regional variations, and appear as modifiers of the terms *milah* and *davar* ("word") and *lashon* and *saphah* ("tongue" and "language," respectively). *Ma'aseh* is by far the most common generic term, one that is current both as a category and as an opening formula in this literature, and one that established the texts as true accounts of the events of the period.

The Medieval Period

Introduction

Historical periodization of oral literature is often misleading. First, the writing down of an oral tradition lags behind its performance in society. Second, textualization is a prolonged process subject to writing, editing, and copying. In each stage the text is subjected to change. Furthermore, the relationship between the original utterances and the extant versions thus gives rise to extensive research and numerous subsequent revisions. Third, literacy does not terminate oral performance, nor does it remove recourse to memorization; consequently, literate practice does not necessarily stabilize the text, nor does it eliminate variations in its later renditions.

The Arab conquest in the seventh century marks the end of the talmudic-midrashic period in Jewish literature, and opens the beginning of the medieval period. Interestingly, the composition and editing of oral traditional texts continued well into the late Middle Ages by drawing on

both oral and written sources. Prominent among the books from this period are the midrashim of Exodus, Numbers, and Deuteronomy, as well as the *Tanḥuma*, all of which date to a period between the second half of the seventh and tenth centuries. Like earlier midrashim, these are scripture-dependent traditions. Their forms of presentation remained viable up to the thirteenth century and beyond, when editors such as Simeon ha-Darshan ("the Preacher," probably of Frankfurt) compiled the *Yalkut Shim'oni*, while David ben Amram Adani of Yemen edited the *Midrash ha-Gadol*. While both midrashim draw upon earlier sources (both extinct and extant), they also include texts from oral tradition. The epithet of the *Yalkut Shim'oni*'s editor suggests the text may have served as a preacher's handbook in a manner similar to *The Golden Legend* of Jacques de Voragine (d. 1298).

Scholars occasionally elucidated post-biblical texts by drawing upon narratives that they had learned through oral tradition. For example, in the Babylonian Talmud (*Ta'anit* 8a) there is a cryptic allusion to the story of "The Weasel and the Pit," but only the medieval interpreters Rashi (1040-1105) and Nathan ben Jehiel of Rome (1035-c.1110) offered in their commentary a version of the story of the neglected bride and the death of the bridegroom's offspring to which the talmudic phrase refers.[52]

Such an interdependence of written text and oral information was an integral part of the editorial process. The completion of a book did not put an end to possible additions, emendations, and elucidation. According to tradition (BT, *Bava Meẓia* 86a), Rav Ashi, the head of the academy of Mata Meḥasya (352-427), and Ravina, the head of the academy in Sura (d. 500), both put the final touches on the editing of the Babylonian Talmud. But later rabbis continued to add to it until the time of the Arabic conquest. Even later, rabbis and copyists added to the canon of oral tradition, often by including narratives that might have been, and later definitely became, an integral part of Jewish folklore. For example, *The Fathers According to Rabbi Nathan* was added to the talmudic-midrashic canon, even when in text, style, and personalities the book belongs to the tannaitic era. The story of "Rabbi Akiba and the Dead Man," which tells of a redemptive prayer that saves a dead man from his punishment in Hell, appeared in the minor tractate of the Babylonian Talmud (*Kallah Rabbati* 52a), itself dated to the seventh and ninth centuries. Later in the Middle Ages this tale sanctioned the institution of the *kaddish*, the prayer for the dead.[53]

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[52] See bin-Gorion 1990:170-72 [no. 87].

[53] See bin-Gorion 1990:202-3 [no. 112], Kushelevsky 1994, and Lerner 1988.

The medieval period, in sum, marks a change in the transmission of tradition in Jewish society. At the same time that certain older modes of transmission persisted, new ones began to emerge. The retelling of tradition involved decentralization, individualization, linguistic diversity, generic and thematic expansion, and the adaptation of new literary modes of presentation. Let us explore each of these in turn.

Decentralization

During the talmudic-midrashic period Jewish literary activity was centered in the Land of Israel, and later shifted to Babylonia (modern Iraq). In the Middle Ages, and even earlier, Jewish populations dispersed to Asia, where viable communities emerged in Iran, Afghanistan, and Yemen; to southern and central Europe, in particular to Italy, France, Spain, and the Rhine valley; and to North Africa, that is, to Egypt, Libya, Tunisia, and, further west, to Algeria and Morocco. The Jewish communities in each of these countries sustained a literary activity that involved, among other things, the recording of oral traditions as well as the composition of books that themselves drew upon and incorporated folklore forms. Many of these books entered the medieval manuscript tradition.

Babylonia continued to be a center in which writers and editors, often anonymously, composed books that contained folk-literary texts. The *Midrash on the Ten Commandments* (*Midrash ʻaseret ha-dibrot*) and the *Alphabet of Ben-Sira* are two major tale collections that likely originated in Babylonia. The first of these dates from no earlier than the seventh but no later than the eleventh century, while the second can be dated to the tenth century. During roughly the same period, the leading Tunisian rabbi in Kairuan, Rabbi Nissim ben Jacob ibn Shahin (c. 990-1062), wrote a collection of tales in Judeo-Arabic known as *An Elegant Composition Concerning Relief after Adversity* (*Ḥibbur Yafe me-ha-Yeshuʻah*). In subsequent years this text was translated into Hebrew and still later, in the sixteenth century, it became a very popular folkbook and was circulated widely throughout Jewish communities.

The Jewish community of Kairouan was also the source for the oral tradition and written dissemination of epistolary literature concerning the legend of the "Ten Lost Tribes," which became one of the most significant stories in Jewish folklore. Eldad ha-Dani, a traveler who claimed to have arrived from the land of the ten lost tribes, reached this community in the ninth century. Weaving together several themes already current in oral tradition, he created a utopian fantasy that not only inspired folk and

literary narratives but also motivated travelers hoping to discover the tribes.[54]

The narrative collections that emerged from Near Eastern and Mediterranean communities still drew upon talmudic-midrashic sources. By comparison, the *Book of the Pietists* (*Sefer Hasidim*) reflects a dramatic change in orientation. Rabbi Judah he-Ḥaninaasid ("the Pietist") of Regensburg (d. 1217), who wrote most of the book as an ethical guide for communities of Jewish pietists in the Rhineland towns of Speyer, Worms, and Mainz, drew heavily upon the medieval German folk belief system. The stories about demons, witches, and werewolves were steeped in European folk traditions.[55]

Not only prominent religious leaders but also professional scribes compiled records of Jewish folk literature in the Middle Ages, posting by their labor milestones that indicated the spread of tales through either oral or manuscript cultures. For example, Ms. No. 135, now found in the Oriental collection of the Bodleian Library at Oxford, contains several medieval narrative and fable collections such as *Alphabet of Ben-Sira*, *The Mishle Shu'alim* ("Fox-Fables") *of Rabbi Berechiah ha-Nakdan*, *Tales of Sendebar*, *A Chronicle of Moses*, *Midrash of the Ten Commandments*, and *Midrash va-Yosha*. In addition, this manuscript includes a collection of sixty-one tales, twenty-four of which draw upon the talmudic-midrashic literature, while nineteen have parallels in other Jewish medieval collections; eighteen more are newly recorded. The scribe wrote the manuscript in the northern Champagne region of France during the second quarter of the thirteenth century, but no later than 1250.[56]

Individualization

The oral tradition of the talmudic-midrashic period is a communal literature in a literal sense. Its editors used two methods of source-attribution: (a) they either cited as their source the collective body of previous rabbis, employing the formula *tanu rabannan*, or else deliberately implied its anonymity, which amounts to communal authority as well, or (b) they traced the history of a tale or a proverb by proposing either a real

[54] See bin-Gorion 1990:217-22 [nos. 119-20] and Morag 1997.

[55] See Alexander-Frizer 1991; bin-Gorion 1990:441-47 [nos. 227-34]; Dan 1968, 1971, 1974:162-88; Marcus 1981; Yassif 1994.

[56] See Beit Arié 1985 and Yassif 1984c.

or a fictional line of transmission that *ipso facto* represented the community. In addition, the editors introduced propositions into which they wove narratives through dialogues with a community of listeners. Hence the Jewish oral tradition became a dialogic literature of multiple voices.

The rise of a manuscript culture in Jewish society shifted the responsibility for the text from the community to the individual editor or scribe. The direct consequence of this process was a relaxation of collective control over the preservation of tradition. *The Alphabet of Ben-Sira*, for example, begins with a bawdy incest narrative (shocking even to modern scholars) that explains how Ben-Sira and his mother were both the children of the prophet Jeremaiah.[57] The basis for this narrative assertion is the traditional exegetical principle of *gematria*, according to which there is an affinity between two persons whose names are written with letters sharing the same numerical value. In Hebrew the names Sira and Jeremiah both equal 271. The book also includes a narrative about the sexual relationship between King Solomon and the Queen of Sheba that rarely appears in other Jewish sources.[58] Thus an individual scribe could record tales that a community preserved by oral means, even when such tales had been censored from the written record of its collective memory.

The writer of the *Alphabet of Ben-Sira* preferred to maintain the cloak of anonymity. Others, however, including later scribes who copied his works, came forth to claim their literary presence. Such was Elazar son of Rabbi Asher, a scribe who lived in the Rhine valley at the end of the thirteenth century and at the beginning of the fourteenth century, who copied *The Chronicles of Jerahmeel*. For him, and for others, individualization was a conscious process whereby they made their presence known. At the same time they disavowed any possible perception of their labor as self-promotion, rather offering their maintenance of tradition as a community service.[59]

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[57] Although Joseph Dan refuses to mention the bawdy episode in his analysis (1974:71), modern translators of the text have not censored it. See Stern and Mirsky 1990:169.

[58] See bin-Gorion 1990:39-43 [no. 25]; Stern and Mirsky 1990:180; and Lassner 1993. Cf. also Stein 1993.

[59] Elazar son of Rabbi Asher's statement of purpose is instructive: ". . . I, Elazar son of R. Asher, the Levite, have set my mind upon writing from precious and valuable secular books, for my spirit bore me aloft and filled me with enthusiasm in the days of my youth, when I was easygoing and keen-witted. For I saw many books scattered and

Linguistic Diversity

Hebrew served as the normative literary and religious language of the Jews in the diaspora, but in speech new languages combining Hebrew with local languages emerged. Speakers of these new hybrid languages maintained the Hebrew alphabet, as if, as some contend, deliberately to maintain an ethnic barrier, or perhaps because visual linguistic habits are harder to break than oral ones. In their respective Jewish communities, Judeo-Arabic, Judeo-Berber, Judeo-Greek, Judeo-Italian, Judeo-Persian, Judeo-Spanish, Yiddish, and perhaps Judeo-French, not to mention the many varieties of these languages, became the languages of folk literature. Indeed, Rabbi Nissim ben Jacob ibn Shahin of Kairouan wrote one of the earliest medieval collections of talmudic-midrashic tales in Judeo-Arabic, titled *An Elegant Composition Concerning Relief after Adversity* (*Ḥibbur yafe me-ha-yeshu'ah*).[60]

In poetry, the *qissa* was a genre that combined biblical narratives, praise for saintly men, and recitations on occasions of joy and sorrow. It was sung primarily by women. The written Judeo-Arabic texts followed their performance in oral tradition. Though no medieval manuscripts are extant, some later manuscripts indicate that the roots of the *qissa* are in the oral literature of the twelfth century.[61] The songs and tales in Judeo-Berber that emerged in neighboring North African countries apparently remained

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dispersed here and there. I then resolved to collect them and unite them in one book. I then made a collection of the words of the wise and their aphorisms, and wrote them down in a book for the use of those who love parable and history, and for wise men generally who are not otherwise occupied, in order that they may reflect upon those things, so that they may see, understand, and know the truth concerning a few of the events which have taken place under the sun, and of a few of the troubles and afflictions which our ancestors endured in their exile, and what vicissitudes they underwent when the tempest swept over them, so that they may not be forgotten by their seed. Therefore I called this book the 'Book of Chronicles,' wherein may be recorded many varied events. For I have collected in this book records of all events and incidents which have happened from the creation of the world until the present day as it is written in this book, and as I found, so I copied, and I have deftly woven the materials to form one book. Nor did I write them to make myself a great name, but to the glory of my Creator, who truly knows, and so that this book should be a memorial for future generations; and whoever chooses to add to this book may add, and may blessing fall upon him. . ." (M. Gaster 1971:1-2).

[60] See further Abramson 1965, Nissim 1977, and Obermann 1933.

[61] See Chetrit 1994.

exclusively within the oral tradition.

In present-day Iran, Jews spoke Persian long before the Arab conquest (651 CE), and the Judeo-Persian literature that emerged there in the Middle Ages incorporated aggadic material into biblical translations and prayer books; later such narratives appeared in several midrashic books in Judeo-Persian. The most prominent works in Judeo-Persian offering a literary rendition of Jewish and non-Jewish oral themes were the epic poems of Mawlana Shahin of Shiraz, the leading Judeo-Persian poet. His *Musa-Nameh* (c.1327), modeled after Firdowsi's *Shah Nameh*, retells Exodus, Leviticus, Numbers, and Deteuronomy in poetic form. In this epic Moses engages in combat against monstrous beasts. In *Ardashir-Nameh* (c.1332) he retells the stories of the Book of Esther, and his poetic rendition of the book of Genesis (c.1358) includes several classical tales from Jewish biblical and oral traditions.[62]

The documents of oral tradition in Yiddish, like the epic poems of Mawlana Shahin, date back to the fourteenth century. The Yiddish language itself emerged around the tenth century among the Jewish communities in Lotharingia in the Rhine valley; from there it spread to northern Italy, northern France, and Holland. Old Yiddish (1250-1500) was primarily a spoken language, and served not only for daily communication but also for tales, proverbs, and songs. The earliest document of literary activity in Yiddish, known as "The Cambridge Codex," was discovered in a cachet of manuscripts (a *genizah*) in Cairo. It dates from 1382 and includes poetic renditions of biblical themes; these renditions incorporate some of the oral elaboration discussed earlier.[63] The documentary evidence from this period does not include talmudic-midrashic narratives, but their ready availability in later centuries suggests that, at least by oral means, the Yiddish speakers told and retold these stories within their communities.

Sparse linguistic evidence indicates—and sheer logic suggests—that Jews spoke Judeo-Spanish in the Iberian peninsula before their expulsion in 1492.[64] The literary use of Judeo-Spanish is evident from a fifteenth-

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[62] See Marzolph 1992 and Moreen 1991a, 1991b, 1994a.

[63] See especially Fuks 1957 and Hakkarainen 1967-73. For further discussion see Baumgarten 1993:163-200; Shmeruk 1978:117-36; Turniansky 1982; Zinberg 1975, vii:49-118.

[64] For an important study of the documentary evidence for the language used by the Jews before the expulsion, see Minervini 1992. As is the case with so many other publications concerning Judeo-Spanish folklore, I owe my awareness of this study to

century text, written in Spanish with Hebrew letters, of Santob de Carrión (alias Shem Tov ben Ardutiel, c.1290-c.1369) entitled *Proverbios morales*, or *Consejos y documentos al rey don Pedro*. The text is a collection of versified proverbs that likely occurred in daily speech.[65] Once the Jews were out of Spain they restored and therewith preserved the language that they had earlier spoken; they clung to their oral poetic and proverbial tradition and furthermore retained the ballads, *romances*, that were popular in Spain at the turn of the sixteenth century. Judeo-Spanish became a viable, dynamic language that absorbed new elements from Greek, Arabic, and Turkish, and at the same time retained medieval Spanish forms that have long since disappeared from the Iberian peninsula.[66]

Generic and Thematic Expansion

Jewish medieval folk literature expands the documentation of oral tradition in three areas: (a) the international folktale tradition; (b) translations from folk literatures in other languages; and (c) medieval, family, local, and general Jewish history.

International Folktale Tradition

In the talmudic midrashic period, Jews knew and orally told stories of other nations, but only sparingly wrote them down. For example, in a midrash attributed to a fourth century rabbi *Tanhuma* (*Haazinu* 8), there is a rabbinical version of tale types 505-508, "The Grateful Dead," that is at variance with the Apocryphal version of the Book of Tobit.[67] Similarly the talmudic allusion to tale type 1510 "The Matron of Ephesus (Vidua)" (BT *Kiddushin* 80b), that medieaval interpreters elucidated, demonstrates that Jews accepted such tales into their repertoire even though they rejected them

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Professor Samuel Armistead.

[65] See Klausner 1965; Kleinerman 1969; T. Perry 1986, 1987; and Shepard 1986.

[66] Currently there is a very active scholarship in Judeo-Spanish studies that encompasses language, culture, history, and folklore. For bibliographical references see Armistead 1979, 1994; Bunis 1981; Haboucha 1992; Sala 1976; and Stillman and Stillman 1999.

[67] See bin-Gorion 1990:74-77 [no. 40] and Friedman 1990.

from their canon.[68]

In the Middle Ages the gatekeepers of literacy could no longer keep out the secular, even bawdy, stories told by Jews, and such stories appear in texts in Hebrew and other Jewish languages. For example, the Parma manuscript of the *Midrash of the Ten Commandments*, codex 473, includes Hebrew renditions of tale types 670 ("The Animal Languages"), 899 ("Alcestis"), 938 ("Placidas"), and 976 ("Which Was the Noblest Act?").[69] In *The Alphabet of Ben-Sira*, a child is the tricking figure found in tale type 860 ("Nuts of Ay Ay Ay"). In addition, animal tales such as tale types 91 ("Monkey [Cat] Who Left His Heart at Home"), 200 ("The Dog's Certificate"), and 967 ("The Man Saved by a Spider Web"), as well as anecdotes such as tale types 830C ("If God Wills") and 670 ("Animal Language") appear in the book.[70]

Medieval manuscripts of earlier midrashic books also include new tales that internationalize the narration of biblical stories. For example, *Tanḥuma* is a midrashic book that includes biblical exegesis by rabbis of the late fourth and early fifth centuries, although its editing took place between 750 and 900. In 1883 Solomon Buber published an edition based on nine medieval manuscripts, and in the one designated by him as the third manuscript, now in the Bodleian Library, he came across a tale about King Solomon and his daughter, which is a Jewish version of tale types 310 ("The Maiden in the Tower [Rapunzel]") and 930A ("The Predestined Wife").[71]

Similarly, manuscripts of new books demonstrated this tendency toward internationalism in medieval Jewish folk literature. Codex 135 of the Bodleian Library, mentioned above, contains, among other things, a collection of sixty-one tales. Some are taken from talmudic-midrashic literature, others from earlier medieval collections such as the *Midrash of the Ten Commandments* or *An Elegant Composition Concerning Relief after Adversity*; still others are novelistic tales that often combine tale types such as 531 ("Ferdinand the True and Ferdinand the False") and 554 ("The Grateful Animals"), 653 ("The Four Skillful Brothers"), 712 ("Crescentia"), 883A ("The Innocent Slandered Maiden"), and 910K ("The Precepts and the Uriah Letter"). In these versions the internationally known

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[68] See bin-Gorion 1990:395 [no. 205].

[69] See Noy 1968, 1971; cf. Lerner 1990.

[70] See Yassif 1984a.

[71] See bin-Gorion 1990:70-72 [no. 38].

tale types acquired the thematic and stylistic features of Jewish folktales.[72]

Translations from Folk Literatures in Other Languages

The expansion of Jewish folklore also occurred through the direct translation of books that included the oral and semi-oral traditions of other nations. Scholars and writers translated these books mostly into Hebrew rather than into the Jewish vernacular languages. The fictional or historical narrative frames suggest that some tale collections achieved a degree of popularity in oral tradition even before their translation. For example, the story that frames the Hebrew translation of the Indian *Panchatantra* suggests that the book was known outside of India. The Sasanian king Khusraw Anüsharän (531-79), who had apparently heard about these tales, sent his physician Burzöe to India to obtain the book and translate it. Burzöe translated the book into Pahlavi, and two centuries later ‘Abd Allah b. al-Mukaffa (b. c.725) translated it into Arabic. It was this Arabic translation, known as *Kalila and Dimna* (after the two principal characters, two jackals named Karataka and Damanaka), that the poet, philosopher, and grammarian Jacob ben Eleazar of Toledo (twelfth-thirteenth centuries) translated into rhymed Hebrew prose. At the same time Rabbi Joel, about whom nothing save his name is known, also translated it into non-metrical Hebrew. Even before the known Hebrew versions of *Kalila and Dimna*, the Jewish poet and scholar Abraham ibn Ezra (1089-1164) had already mentioned it in his writings as a book of fables, the translation of which was surrounded by legend.

Scholars sometimes confused *Kalila and Dimna* with the Hebrew translation of the *Tales of Sendebar*. In both books the name of the wise man and, in manuscript no. 1282 in the Bibliothèque Nationale in Paris, the name of the translator, Rabbi Joel, appear to be the same.[73] *Tales of Sendebar* is a frame narrative that belongs to a group of medieval books known in the East as the *Book of Sindibad*, and in the West as the *Seven Sages of Rome*. It contains several tales on the wiles of women, a popular theme in antiquity and in Jewish medieval folklore and literature.[74]

These translations follow a common pattern that is found in other books as well. They repeat familiar themes and sets of figures, expanding

[72] See Yassif 1984, 1999:345-46.

[73] M. Epstein (1967:363-69) untangles this confusion.

[74] See bin-Gorion 1990:395, 404-8 [nos. 205, 208].

them with new tales or with new versions of older stories. Such is the case with the twelfth-century translation of the *Romance of Alexander*. Alexander the Great appears in talmudic-midrashic sources as a type of universal monarch (BT, *Tamid* 31b-32a; *Pirkei de Rabbi Eliezer*, pp. 80-83). The medieval Hebrew translations draw upon either the anonymous third-century *Pseudo-Callisthenes*, the tenth-century Latin *Historia de Preliis Alexander Magni*, or an Arabic translation of the latter.[75] These Hebrew books expand the Alexander traditions in Jewish folklore, transforming them from the historical into the fantastic.

Treading between translation and original writing, Rabbi Berechiah ben Natronai ha-Nakdan (twelfth or thirteenth century), who likely lived in Provence or northern France, composed a collection of animal fables, *Mishlei Shu'alim* ("Fox-Fables"), in rhymed Hebrew prose that for the first time in Jewish literature presented the corpus of this genre in a single collection. While several medieval books—Marie de France's *Lais* or various medieval versions of Avianus' *Fables*—could have served as his source or inspiration, this does not seem to have been the case. He drew instead on the general medieval Aesopic tradition, and only two percent of his fables remain without parallels.[76]

Medieval, Family, Local, and General Jewish History

Reports about historical events have always been an integral part of the talmudic-midrashic tradition. Although some of these accounts are no more than incidental and anecdotal matters, for the most part they concern events of national significance, even if they are presented from personal perspectives. In the transition to medieval historical writings, such accounts shift their focus to the regional, the communal, and even the familial. The documents that survived represent a narrower and yet more diversified perspective, even when they are framed within a universal history. For example, Abraham ibn Daud of Toledo (c.1110-81) starts his book *Sefer Ha-Qabbala* ("The Book of Tradition") with a chronology of a transmission chain that has Adam as its universal starting point. He continues by singling out biblical and talmudic figures as links in this chain, but when he reaches the Middle Ages he resorts to the oral history of his own time and tells the story of the Four Captives:

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[75] See bin-Gorion 1990:89-104 [nos. 44-48] and Bekkum 1992.

[76] See Schwarzbaum 1979 and Gutenberg 1997.

> Prior to that, it was brought about by the Lord that the income of the academies which used to come from Spain, the land of the Maghreb, Ifriqiya, Egypt, and the Holy Land was discontinued. The following were the circumstances that brought this about.
>
> The commander of a fleet, whose name was Ibn Rumahis, left Cordova, having been sent by the Muslim king of Spain ‘Abd ar-Rahman an-Nasir. This commander of a mighty fleet set out to capture the ships of the Christians and the towns that were close to the coast. They sailed as far as the coast of Palestine and swung about to the Greek sea and the islands therein. [Here] they encountered a ship carrying four great scholars, who were traveling from the city of Bari to a city called Sefastin, and who were on their way to a Kallah convention. Ibn Rumahis captured the ship and took the sages prisoner. One of them was R. Hushiel, the father of Rabbenu Hananel; another was R. Moses, the father of R. Hanok, who was taken prisoner with his wife and his son, R. Hanok (who at the time was but a young lad); the third was R. Shemariah b. R. Elhanan. As for the fourth, I do not know his name. The commander wanted to violate R. Moses’ wife, inasmuch as she was exceedingly beautiful. Thereupon, she cried out in Hebrew to her husband, R. Moses, and asked him whether or not those who drown in the sea will be quickened at the time of the resurrection of the dead. He replied unto her, “The Lord said: I will bring them from the Bashan; I will bring them back from the depths of the sea.” Having heard his reply, she cast herself into the sea and drowned.[77]

He continues this account by describing the transition of the center of Jewish learning from Babylonia to the countries of the Mediterranean. Though presented as historical fact, the story is replete with traditional themes.

A century earlier, Aḥimaaz ben Paltiel set out to trace his family roots back to Jerusalem, whence his forefathers left following the destruction of the city in 70 CE. They came to the River Po as exiles and later moved to Oria in southern Italy. His book *Sefer Yuḥasin* (“A Book of Genealogy”), better known as *Megillat Aḥimaaz* (“The Scroll of Aḥimaaz”), is a family chronology written in rhymed prose in 1054. The figures he mentions function as characters in the events that became part of his family saga. He writes about Rabbi Aaron of Baghdad, who once harnessed a lion to millstones, rescued a lad from the spell of a witch who had transformed him into a donkey, and recognized a dead man trying to pray in a synagogue together with the living. His concept of the past is sometimes anachronistic; he imagines, for example, an academy in Jerusalem as a medieval house of learning. He also weaves into the story

[77] Cohen 1967:63-64; 1961. See also bin-Gorion 1990:232-33 [no. 124].

of his family's economic and social rise certain narratives concerning the living dead and demonic possession. These are themes that were an integral part of European medieval narrative traditions and were later to become a distinct strain of Jewish folklore. Aḥimaaz ben Paltiel's stories were part of a tradition transmitted within the intimate quarters of a family, and in spite of their poetic rendition and their common supernatural motifs, they represent a historical oral tradition that previously was not available.[78]

New Literary Modes of Presentation

The primary shift in the mode of presentation of Jewish folklore involves a transition from textual dependency to framed narratives. Medieval editors and writers were free to abandon the interpretive function of narrative and free to put the texts to ethical and aesthetic use. The departure from textual dependency implied that biblical books, or other phenomena such as the annual ritual cycle, no longer served as the organizational frame for tradition: authors were now at liberty to use literary devices such as narrative frames.

Scholars consider the anonymous *Midrash 'aseret ha-dibrot* ("Midrash on the Ten Commandments") to be a transitional text that moves away from traditional, scripture-dependent exegesis toward serial, independent tales. Each commandment, still a biblical verse, serves as a thematic framing principle around which the editor clustered the tales. The book itself is of uncertain date, but external references suggest the seventh century as the earliest and the eleventh century as the latest date of composition. It probably originated in present-day Iraq, but later it circulated widely in manuscript form. It ranged in size from seventeen to forty-four tales; the theme of the seventh commandment, "You shall not commit adultery" (Exodus 20:13), attracted the largest number of tales.

The frame of *The Alphabet of Ben-Sira* (an anonymous Hebrew book written likely in Iraq between the ninth and the tenth centuries) is essentially a narrative, although, as its title implies, its structure depends upon the number of letters (twenty-two) in the Hebrew alphabet. Rhetorically speaking, biblical verses do serve as proof text, but their function is stylistic rather than structural. The book has three parts, each alphabetically dependent. The first part consists of the birth story of Ben-Sira and twenty-two proverbs, arranged in alphabetical order, each of which Ben-Sira explicates and by doing so reveals his precocious wisdom. In the

[78] See further Benin 1984-85; Yassif 1983, 1984b, 1999:318-19.

second part, King Nebuchadnezzar learns about the prodigious child and summons him to his court. His wise men, jealous of the boy, put before him twenty-two questions to which he responds with narrative answers. The third part consists of twenty-two proverbs, only some of which have narrative answers. In both *Midrash on the Ten Commandments* and *The Alphabet of Ben-Sira*, numbers replace scriptural text as a framing, ordering, and mnemonic device.[79]

In the eleventh century, the leading Tunisian rabbi in Kairuan, Rabbi Nissim ben Jacob ibn Shahin (c.990-1062), wrote in Judeo-Arabic a collection of tales known as *Hibbur Yafe me-ha-Yeshu'ah* (*An Elegant Composition Concerning Relief after Adversity*). Within the history of Jewish folklore, this book represents a further removal from the orality of the text, and it organizes the tales by means of a somewhat vague thematic association that fulfills the aesthetic, didactic, and psychological purpose of consolation. Rabbi Nissim followed the model of, and likely translated the title of, the work *Kitab al-faraj ba'd al shiddah* that the Iraqi scholar and judge Abu 'Ali al-Muhassin al-Tanukhi (c.938-94) had earlier written. Al-Tanukhi had followers in Islamic society, and through their literary efforts *al-Faraj* books began to emerge as a literary genre.

The Literature of Magic

The literature of magic consists of incantations, invocations, and spells. A prominent feature of these genres is the use of the different names of God and his angels uttered or written down by healers or miracle workers. Most of the available texts from this genre date from the Middle Ages onward, but in fact the literature of magic transcends historical boundaries. A supposed antiquity is one of the features that endows these texts with potency. Textual evidence suggests that age is not only an imaginary attribute belonging to formulations of magic, but in fact an actuality. The third commandment, "Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless that taketh His name in vain" (Exodus 20:7), suggests that the priests neither condoned nor eradicated the use of magic in Israelite society. The same attitude, with the same results, prevailed in later periods—so much so that the sages, rabbis, and other religious authorities pragmatically admitted magic into Jewish life. Practitioners of magic evolved a system of verbal formulations, keyed to the Hebrew language, to Jewish religion, and to the holy

[79] See Stern and Mirsky 1990:91-120, 167-202; and Yassif 1984a.

scriptures, and then transmitted them under the cloak of secrecy through an apprenticeship system from generation to generation.

The Jewish literature of magic has two forms that are not mutually exclusive: formulaic incantations and books of magical prescriptions known as *sifrei segulah* ("charm books"). The language used in the magic formulas is reverse or referential. In both forms the practitioners of magic take words, names of the divine, and biblical verses out of their established context, nullify their semantic content, and then transform them into a combination of letters that would be totally meaningless outside of its magical use. However, the magical efficacy of these letters is derived from the supernatural quality attributed to the original phrases, names, or words on the one hand, and from the difficulties inherent in having to memorize sets of formulae that are meaningless in themselves on the other.

A system common to the formulation of an incantation in the reversal method involves the substitution of the letters of names: for example, by replacing the first letter of the Hebrew alphabet, *alef*, with the last letter, *tav*, or else by replacing a letter with the following one in the alphabetic order, such as saying or writing "b" instead of "a." The referential method involves the use of the combination of letters that are the first or the last letters of a biblical phrase. Thus, for example, one of the most powerful combinations is known as the name of the seventy-two letters. It groups them in a sequence of clusters of threes. These letters refer to the three verses of Exodus 14:19-21. Each of these verses has seventy-two letters. The first group of three letters combines the first letter in verse 19, the last letter of verse 20, and the first letter of verse 21, while the second group continues in the same manner until all the letters of these biblical verses are exhausted.

Both the reversal and the referential methods transform language from a semantic system into a jumble in which sounds and letters have an independent, non-semantic existence as a code—the deciphering of which is based on its properties within the alphabetic or the scriptural order. The performance of the literature of magic takes place by oral means in healing rituals and in written form on amulets, notes, utensils, or other objects that have magical purposes. Devoid of their original semantic content, they also occur in combinatory squares of three or four letters, the numerical value of which equals that of a divine name.

The charm books approach healing not through language but through nature. Plants and animals, or parts of them, acquire symbolic value, with the result that the prescribed concoction made out of them is believed to offer a cure for various physical ailments. While no doubt some of these materials contain some substances that have medical value, their use in

charms is based primarily on their symbolic significance.[80]

The Sixteenth to Eighteenth Centuries

Two unrelated events that occurred during the middle and the end of the fifteenth century, respectively, had, among their other consequences, a decisive effect on the course of Jewish folklore. The first was the invention of printing, the second the expulsion of the Jews from Spain in the summer of 1492.

Printing and Jewish Folklore

In Germany, where printing began around 1445, the guild rules barred Jews from learning the craft. Nonetheless, when two printers migrated to Rome they imparted their knowledge to Jews who began printing Hebrew canonical books, the Bible, the Talmud, prayer books, and ethical literature during the last quarter of the fifteenth century. By the sixteenth century printing spread sufficiently, and Jewish publishers in Italy and Turkey began to print some non-canonical texts that until then had circulated only in manuscript form. Such, for example, were the two written narratives *Divrei ha-Yamim shel Moshe Rabbenu* ("The Chronicle of Moses our Teacher") and *Meshalim shel Shlomo ha-Melekh* ("Parables of King Solomon") that were printed together in Constantinople in 1516. As rewritten biblical narratives the tales draw upon midrashic sources, but also add medieval elements to the portrayal of these two central figures in Jewish tradition. Moses becomes a resourceful military strategist who wins a war after a prolonged standoff and is rewarded for his accomplishments with a kingship and a wife. The tales about King Solomon present him as a judge, thereby confirming his traditional image as a wise man. The first printing of the book includes five tales, each of which were either previously unknown in Jewish tradition or, if known, did not present Solomon as a judge. Among them are versions of tale types 920C "Shooting at the Father's Corpse, Test of Paternity," 612 "The Three Snake-Leaves," 910 "Precepts Bought or Given Prove Correct," and motif

[80] See Davis and Frenkel 1995, Harari 1998, Matras 1997, Margulioth 1966, Morgan 1983, Naveh and Shaked 1993, Schrire 1966, Sperber 1994, and Trachtenberg 1939.

J1655.3 "Coins Concealed in Jar of Oil (Pickles)."[81]

However, the significance of the invention of print was not limited to the transformation of manuscripts into books. Writers and editors could imagine and address new readers and make their selection of texts accordingly. The anticipation of an expanded public influenced the themes, the forms, and the languages of their texts. In Jewish communities they could draw upon medieval oral literature and document narratives that circulated only orally, printing them in Hebrew and other Jewish languages.

(I) Biblical Figures in Medieval Garbs

The retelling of the biblical narrative, in parts or in whole, in literate or oral forms, has been an integral aspect of Jewish tradition. The translations of the Hebrew Bible, the apocrypha, and the midrashic books represent different forms of restating the scripture with appropriate modifications. This literary tradition underwent transformation in the Middle Ages when writers composed full-scale books that retell segments of the Hebrew Bible in prose with relative independence of the scriptural text. *Pirkei de Rabbi Eliezer* of the seventh or eighth centuries and *Sefer Ha-Yashar* (1625; the date of composition is uncertain[82]) are other examples of this genre.

The biblical epic poetry in non-Hebrew Jewish languages represents another form of retelling the biblical story. In these poems, such as the Yiddish "The Sacrifice of Isaac," "Joseph the Righteous," "The Death of Aaron" (known from a 1382 manuscript), the Judeo-Persian *Musa-Nameh* (c.1327), *Ardashir-Nameh* (c. 1332), the poetic rendition of the book of Genesis (c. 1358) of Mawlana Shahin of Shiraz, and the Judeo-Arabic epic poetry, the narrators recast these familiar tales and figures into the style of medieval heroic poetry. In the Middle Ages these poems were performed orally and circulated in manuscripts, as versification and marginal annotations attest. Quite likely, the individual authors who composed these poems modeled them after the respective medieval epic poetry in their own countries. They enjoyed oral performance during the fourteenth and more likely the fifteenth centuries, and some began to appear in print in the middle of the sixteenth century. The most prominent of these books are the

[81] See bin-Gorion 1990:28-29, 33-36, 52-53, 59-63 [nos. 17, 21, 22, 30, 34, 35]. For discussions of these two books, see Shinan 1977; Yassif 1986.

[82] See Dan 1986.

Shmuel-Bukh ("Book of Samuel"), printed first in Augsburg 1544, and the *Melokhim-Bukh* ("Book of Kings"), printed in Augsburg in 1543. Other Yiddish books that recount episodes in the books of Joshua, Judges, and Daniel also appeared in the second half of the sixteenth century. The heroic military acts as well as their romantic episodes could well correspond to the European medieval epics and romances, thus presenting the biblical figures as medieval heroes.[83]

(II) Medieval Jewish Personalities and Events

Within their medieval societies Jews could not imagine princes, princesses, knights, and heroes. The personalities whose lives they selected to celebrate through tales and legends were great rabbis, philosophers, and pious people. Royalty in their tales was demonic, even when it maintained a Jewish appearance. "The Story of the Jerusalemite," a version of tale type 470* ("The Hero Visits the Land of the Immortals"), which was published first in 1516 bound together with "The Chronicle of Moses" and many times thereafter,[84] is a tale about a marriage between an adventurous young Jewish man, who disobeys his dying father's last words, and a princess. However, the conventional happy ending in European and Arabic tales receives a tragic twist in this story because, as it turns out, the young man arrived at the land of the demons where the members of the royal family, including his bride, are demons.[85]

Narrators attributed magical power, albeit non-demonic magical power, to leading medieval personalities. The descriptions of their lives often included elements of traditional biographical patterns in Jewish folklore as well as in narrative traditions of other peoples. Two books, published fifteen years apart in Hebrew and Yiddish respectively, each written for different purposes and addressed to two different types of audiences, include biographical episodes of medieval Jewish personalities. The first is *Shalshelet ha-Kabbalah* ("The Chain of Tradition," 1587), written by Gedaliah ben Joseph ibn Yahya (1526-87), who began to write this book in his youth in 1549 and completed it shortly before his death.

[83] See above note 63. For studies about epic poetry in Judeo-Persian, see Moreen 1991a, 1991b, 1994a, 1994b. Chetrit 1994:375 lists a work in progress on epic poetry in Judeo-Arabic.

[84] See bin-Gorion 1990:373-86 [no. 200].

[85] For further examination of this theme see Zfatman 1987.

This is a book of Jewish history in which ibn Yahya drew upon written books that were available to him. However, in the absence of reliable written sources he turned also to oral narrators. He often points out that he learned one tale or another from "the elders" or "the wise men."[86] The second book is the *Mayseh Bukh* ("A Book of Tales"), a collection of 257 tales in Yiddish that was edited by a Lithuanian book dealer named Jacob ben Abraham but was printed in 1602 in Basel by the press of Konrad Waldkirch. The target audience of this book, which includes talmudic-midrashic material as well as medieval narratives translated from written and oral sources, was the Jewish women who were more fluent in Yiddish than in Hebrew.[87]

The images of the medieval Jewish personalities that emerge from these tales do not necessarily correspond to their intellectual reputation. Maimonides (1135-1204), the most influential Jewish medieval philosopher, codifier, and rabbinical authority, himself also a physician, appears in *Shalshelet ha-Kabbalah* as a miracle-worker who was able to travel magically, escape from his enemies, and win a contest in magic forced upon him by jealous court physicians. Like many other heroes of folk tradition, his childhood contrasts sharply with his adult life. In legend the rational philosopher was an ignorant and hard-to-teach boy.

Rashi (1040-1105), the great medieval interpreter, was born, according to legends in *Shalshelet ha-Kabbalah*, as God's reward to his father for deliberately losing a precious stone that the king had requested in order to decorate a pagan idol. Gedaliah ibn Yahya had Rashi meet Maimonides in Egypt and the poet Rabbi Judah Halevi (1075-1141) in Spain, as well as Godfrey of Bouillon (c.1058-1100), the crusader who conquered Jerusalem, thus defying chronology and facts. According to ibn Yahya's account Rabbi Judah Halevi made a pilgrimage to Jerusalem. After he had arrived and was kneeling in prayer, an Arab rode him down, trampled him, and slew him—a legend that resonated in later Jewish tradition and even inspired Heinrich Heine to write his poem "Jehuda ben Halevy" (1851). He also included a story, repeated later in the *Mayseh Bukh,* about a Pope who was Jewish.[88] The *Mayseh Bukh* contains among its tales a narrative cycle about Rabbi Judah ben Samuel he-Hlasid, "Judah the Pious" (c.1150-1217), the leader of a pietistic sect in Baden and Bavaria. These stories (nos. 158-67, 171-72, 175-78, 180-83) dwell upon

[86] See David 1976.

[87] See M. Gaster 1934; Maitlis 1958, 1961; Meitlis 1933, 1969; Zfatman 1979.

[88] See bin-Gorion 1990:234-42, 249-55, 294, 301-3 [nos. 126-28, 129, 133-37].

Rabbi Judah's childhood, who like many leading personalities was unruly and illiterate in his youth. Upon his transformation into a pious and learned man, he displayed magical abilities, second sight, and healing powers.

Editors prepared such narrative collections in Yiddish manuscripts, but print made it possible for them to increase the quantity of tales and, later, to increase the quantity of published copies. *Mayseh Bukh* was a generic designation for these collections, not simply the title of the specific anthology so known. The larger previously known manuscript of such tales recently discovered by Sarah Zfatman included as many as one hundred tales,[89] a quantity that more than doubled in print. During the seventeenth century more than sixty books of various lengths, thematic combinations, and differing proportions of medieval and talmudic-midrashic tales appeared in western and central Europe.[90]

Toward the end of the century, Eliezer Liebermann translated from Hebrew to Yiddish and published in 1696 in Amsterdam a collection of historical legends and accounts that his father, R. Juspa of Worms, had written down. He was the sexton of the community who, upon coming to the city as a young man, was fascinated by the legends that its members told. R. Juspa of Worms wrote down 25 of them for posterity, but only occasionally recorded his sources and recording circumstances. This book, *Sefer Ma'ase Nissim* ("A Book of Wonders"), became the first tale collection in Jewish folklore whose editor deliberately recorded its texts from oral tradition. Unlike the fairy-tales that Charles Perrault (1628-1703) published a year later in Paris (*Histoires ou contes du temps passé*), these tales address hostility toward the Jews, popular persecution and tolerance by the authorities, rape, magic, miracles, romance, and, not surprisingly, events that had changed the lives of individuals and the community and thus were believed to be historical.[91]

The Expulsion of the Jews from Spain

The banishing of Jews from regions and towns in Europe was not a rare occurrence, but their expulsion from Spain in the summer of 1492 caused major tremors in Jewish life, particularly in the Mediterranean basin. Jews were an integral part of the Spanish social, cultural, and economic

[89] See Zfatman 1979.

[90] See Zfatman 1985.

[91] See Eidelberg 1991.

fabric of life. They excelled in literature, science, philosophy, theology, and biblical interpretation. The historical evidence about their folklore and popular culture in Spain is meager yet valuable, extant mainly through literary writings in Hebrew, Latin, and to a lesser extent Judeo-Spanish. For example, Joseph ben Meir ibn Zabara (1140-1200), a physician and a poet, rendered popular tales and proverbs in his *Sefer ha-Sha'ashu'im* ("The Book of Delight") in a poetic form. He includes versions of tale types that were well known in Jewish, Christian, and Islamic traditions, such as "The Wolf Overeats in the Cellar" (41), "The Clever Peasant Girl" (875), "The Clever Girl at the End of the Journey" (875D), "Shooting at the Father's Corpse, Test of Paternity" (920C) and "The Matron of Ephesus (Vidua)" (1510).[92] A century earlier Moshe Sefardi, who upon converting to Christianity in 1106 assumed the name Petrus Alphonsi (b. 1062), included within his *Disciplina Clericalis* narratives and proverbs that he drew from Jewish and Arabic sources, some of which might have been also popular in the oral tradition of his time.[93]

However, it was not until the Jews were expelled and sought refuge in Amsterdam, North Africa, Italy, the Balkan Peninsula, Turkey, and the Land of Israel that the oral literature in their language received deliberate attention, motivated by nostalgia and the search for social and cultural identity. Once removed from their country, their oral tradition became both a memory and a living culture, combining the past with the more recent historical, cultural, and linguistic experiences of their newly found countries. The narrative songs, the *romanceros*, which were based on various themes, be they secular or biblical or Jewish historical themes, became at the time the cultural and later the scholarly favorite.

The sixteenth-century Jewish repertoire of these ballads, which were popular in Spain before and after the expulsion, is particularly apparent in the numerous first lines and key internal verses that served as tune indicators in Hebrew hymn collections. Such a use suggests that the Spanish ballads were popular and at the time did not require writing for mnemonic purposes or recollection. The first available full text of a Sephardic ballad suggests an interest from without rather than within. It was a Dutch translation of a popular ballad reportedly sung by the false messiah Shabbetai Zevi (1628-76) in Izmir, Turkey, which apparently had

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[92] See Davidson 1914; Dishon 1985. For bibliographical references for the occurrence of the last three tale types in Jewish folklore, see bin-Gorion 1990:35-36, 200, 394, 457-61 [nos. 22, 110, 205, 247, 248].

[93] See Hermes 1977; Schwarzbaum 1961-63 and its reprint (1989:239-358).

been audited in 1667, a year after Shabbetai Zevi's conversion to Islam. Other texts appeared within a manuscript miscellany from 1683, which was transcribed in a mixture of Spanish and Portuguese—in other words, just as it had been sung by the Sephardim in Amsterdam. The eastern Mediterranean manuscript texts date to the early eighteenth century, when the Sephardic Jews began to write them down in family notebooks. While these *romanceros* that were sung by Sephardic women do have analogues in Spanish texts from the sixteenth century, their transmission demonstrates both linguistic retention and innovation.[94]

The songs rather than the tales served the Sephardim as a means to recall their lost culture and country. Their early tales are not nostalgic but in fact historical, and document various oral accounts of the expulsion. Solomon ibn Verga (1460-1554), a historian and a community leader, included in his book *Sefer Shevet Yehudah* (Sabbioneta, c.1560-67), written around 1520, oral histories about the horrors that the expelled Jews had encountered, that is to say, about blood libels in Spain and the hunting down of those newly converted to Christianity. The availability of print shortened the time that the narratives were able to circulate orally. While Gedaliah ibn Yahya wrote down in the sixteenth century tales about Jewish personalities of the eleventh, twelfth, and thirteenth centuries, ibn Verga reported accounts in the name of eyewitnesses or recent hearsay tales.[95]

The writing down of the romances and other poetic genres amounted to a cultural trend in which literate members of the society sought to draw on their spoken language and oral literature in order to construct their own cultural identity while in exile. The most prominent product of this effort is the compilation of written and oral Jewish traditions entitled *Me-Am Lo'ez*, initiated, but not completed, by Ya'acob Huli [Culi] (c.1689-1732). In this work, Huli combined the style of oral narration with that of the re-written Bible then common in Hebrew during the Middle Ages, in order to render the talmudic-midrashic tradition and the multiple oral versions concerning biblical heroes in Judeo-Spanish.[96]

The Nineteenth and Twentieth Centuries

The recording of Jewish folklore during the nineteenth and twentieth

[94] See Armistead and Silverman 1989.

[95] See Shohat and Baer 1947.

[96] See Culi 1964-74 and 1977-87.

centuries was undertaken with great intensity both within and outside the tradition. Literate individuals in different Jewish communities, whether they were rabbis, local writers, or printers, began to record and publish local traditions and stories known and gathered from oral sources. Toward the end of the nineteenth century, as the discipline of folklore began to consolidate and its scholarship started to influence students of Judaica (not to mention the rise of Zionism), scholarly, national, and literary motives energized folklore into becoming a dynamic field that remains vibrantly studied down to the present day. Folk tradition and its recording enjoy an inverse relation to each other: as traditional social life is on the wane, its recording and analysis is on the rise.

Folklore within the Tradition of Selected Communities

Hasidic Tales

Hasidim rose as a religious sect in the Ukraine and southern Poland. Its leaders imbued storytelling, singing, and dancing with religious significance, and consequently all three have become a major part of Hasidic tradition and worship. Quite coincidentally, and without any known ramifications, around the time that Jacob and Wilhelm Grimm published their Kinder- und Hausmärchen (1812-15), two important books appeared in small towns in the Ukraine: these books signal the transference from orality to literacy of the rich narrative tradition that vibrated at that time throughout the Hasidic communities. Storytelling enjoyed a ritualistic importance among the Hasidim. During the third Sabbath meal celebrated with their rabbi, the *rebbe*, the Hasidim listened with delight to their tradition's storytelling. They celebrated in words the devotional, miraculous, and charitable actions of their leaders. The act of telling stories in praise of the rabbi (*le-saper be-sheveh*) generated a new narrative genre, which, although thematically and structurally resonant with talmudic-midrashic and medieval miracle tales, acquired a new significance within the Hasidic society.

The Hasidim, who had emerged as a movement already by the eighteenth century, considered Rabbi Israel Baal Shem Tov of Medzhibozh ("The Master of the Good Name") to be their founder, and during his lifetime (and even after his death in 1760) they both circulated tales about his wonders and constructed a biography that would suit his stature. Rabbi Dov Ber ben Samuel, son-in-law of the Besht's amulet scribe, wrote down these tales and as a result manuscript versions of the tales circulated among

the Hasidim for several decades. (One such manuscript has survived and was recently published.) In 1814, Israel Yofe, a printer in the town of Kopys, Poland, published these manuscripts; the resulting book enjoyed immediate popular success.[97]

The second book that appeared at approximately this same time is on the margins of oral narratives and may well belong to Yiddish and Hebrew literature, as in fact many scholars consider it to be. However, the circumstances of its writing and its content make it an important link between oral expression and literary representation. Rabbi Naḥman of Bratslav (1772-1810), a great grandson of the Besht on his mother's side, told the thirteen tales that appeared in *Sefer Sippurei Ma'asiyyot* ("A Book of Told Tales," 1815), likely in Yiddish, between 1806 and 1810. His disciple, Rabbi Nathan Sternhartz of Nemirov, wrote them down as he heard them either directly from Rabbi Nahman or from his followers. He also published them in a bilingual edition of Hebrew and Yiddish. The title page of the first edition emphasizes this oral aspect of the tales, indicating that their presentation is faithful to the way "they were heard." The meanings of these tales are subject to extensive traditional and scholarly interpretations. Unlike the stories of *In Praise of the Baal Shem Tov*, the narratives of *Sefer Sippurei Ma'asiyyot* draw upon motifs and themes that were current in European folktales, including stock characters such as kings, princesses, and paupers who were involved in some of the stock episodes of these magical and perhaps allegorical tales. This book serves as a unique case and provides testimony to narrative oral performance and its literary rendition in a traditional society.[98]

After the publication of these two books, Hasidic narrative tradition shifted into an era of oral creativity and transmission that in turn lasted about fifty years. This was an intensive period in which tales about the Baal Shem Tov and other rabbis in his circle (even later ones) continued to circulate vigorously in Hasidic circles. Literary documents are almost totally absent from the period, but their absence hardly attests to any lull in narrative creativity. Among Hasidic circles oral narrative tradition continued well into the twentieth century, including the time of the Second World War and beyond.

However, in 1864 Hasidic oral tradition received a boost from an unexpected source. Michael Levi Frumkin, alias Michael Rodkinson, who

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[97] See Ben-Amos and Mintz 1970; Mondstein 1982; Grözinger 1997; Rosman 1993; and Rubinstein 1991.

[98] See Band 1978; Green 1978.

came originally from a respected Hasidic family, began to publish popular anthologies of Hasidic tales. His books were *Kehal Hasidim*, *Adat Zaddikim*, *Sefer Sippurei Zaddikim*, and *Sefer Shevah ha-Rav*. Neither authorship nor date nor place of publication seem to be noted in them, but Joseph Dan has subsequently ascertained that Michael Frumkin was their author. The purpose of this editing and printing activity in which others like Rabbi Yudel Rosenberg joined was, by and large, entrepreneurial, although it inadvertently fed narratives back into oral circulation and in fact constituted the impetus for a popular trend in which Hasidim and non-Hasidim engaged. This activity resulted in the publication of Hasidic tales devoted primarily to Hasidic readership, and thereby provided readers with texts by means of which communities were able to emulate their rabbis. These collections included not only specifically Hasidic tales but also material from the rich oral traditions of East European Jewry, traditions that have become known only through twentieth-century scholarship.[99]

Judeo-Spanish

Toward the end of the nineteenth century the *romancero* tradition, which had been up to then an integral part of the Judeo-Spanish oral and written traditions, began to appear in small chapbooks. If the example of Yacob Abraham Yoná (1847-1922) is any indication, this transition had little more than economic motives, although it enabled an individual to use available technology for purposes new to the community. Yacob Abraham Yoná was originally from Monastir (in the former Yugoslavia) but later moved to Salonika. As Armistead and Silverman (1971) describe him, he was a poor man, the head of a large family who struggled to make ends meet. After learning the printing craft, Yoná's deep personal interest in ballads and ballad singing moved him to publish his own chapbooks of material that he had audited himself. The range of his repertoire corresponds to the types of ballads that scholars recorded from oral tradition then and later. These are versions of older Spanish ballads, as well as ballads on biblical and historical Jewish themes. The Judeo-Spanish *romancero* tradition selects as its themes royal and romantic episodes from the Hebrew Bible—subjects that talmudic-midrashic as well as medieval rabbinical narratives either overlooked or underplayed. In the western Mediterranean countries there was no use of Hebrew characters in the

[99] See Dan 1975:189-235; Nigal 1981, 1988; Rosenberg 1991.

printing of Judeo-Spanish ballads.[100]

In prose the most prominent book that was circulated in Judeo-Spanish communities was a Hebrew collection of tales entitled *Oseh Pele* ("The Miracle Worker"), a book that Yosef Shabbetai Farḥi published in four volumes in Livorno between 1845 and 1869. The anthology contains versions of talmudic-midrashic and medieval tales as well as international motifs and tale types such as motif H486.1 ("Test of Paternity: Adhesion of Blood") and J1176.3 ("Gold Pieces in the Honey-Pot"), and types such as 505-8 ("The Grateful Dead") among many others. Such a tradition of local publication continued well into the twentieth century. Books like Revue Na'aneh, *Otzar ha-ma'asiyyot* ("A Trove of Tales," 3 vols., Jerusalem, 1965) and Moshe Rabbi, *Avoteinu sipru* ("Our Fathers told [us]," 2 vols., Jerusalem, 1975) reflect awareness of methods and concerns with folklore scholarship, yet they continue in a line of folk-literary traditional printing.[101]

Iraq

The Jews in Iraq share a history of two thousand five hundred years, the longest of any community outside the Land of Israel. Over the years they lived through periods of rise and decline in cultural activities. Yet even in the most dynamic periods, only a trickle of their own local oral tradition reached literary documentation. The Babylonian Talmud, two-thirds of which is folkloric in nature, represents the deliberations in the academies of Babylonia up to the sixth century and reflects the oral traditions of the Land of Israel more so than those of Iraq. The story in the Babylonian Talmud (*Berakhot* 54a) concerning travelers who survive the dangers of a lion, a crazy camel, and thirst in the desert is a rare example of an Iraqi local legend. In the medieval period scholars assumed that Iraq was the home of the anonymous composers of the *Midrash of the Ten Commandments* and *Alphabet of Ben-Sira*. The popular literature of the Iraqi Jewish community was further enriched by copies of the Tunisian Judeo-Arabic narrative collection, *An Elegant Composition Concerning Relief after Adversity*, which had reached its territory. Locally circulated manuscripts suggest that among the most popular narratives were "The Story of the Righteous Joseph" (*Qissat Yosef al-Sadiq*) and the versified

[100] See Armistead and Silverman 1971.

[101] On the popularity and influence of this book, see Yassif 1982.

story of "The Mother and her Seven Sons" (*Qissat Hanna we-sab'a welada*), which, in Iraq as in Judeo-Spanish communities and in other Islamic countries, were performed in the synagogue on the ninth of Av.[102]

The absence of available documentation does not attest to any decline in oral transmission. The tribute that Yitzhak Avishur pays to his father offers a glimpse into oral narration in the life of the Iraqi Jews (1992b:9-10):

> My father was an honest, religious, and moral man. He was a talented storyteller who could attract his listeners, Jews and Moslems, young and adults, women as well as men, with his long tales. He told them in the long winter nights within the heated rooms, and in the moonlit summer nights on the rooftops, when relatives and neighbors joined the family.

It is quite likely that different individuals wrote down some of these tales earlier, but the available manuscripts, written in Judeo-Arabic or Hebrew, stem from the nineteenth century. Lacking the devotional character of the East European *Shevaḥim*, they were prepared for individual use in personal and family entertainment such as a child's bar mitzvah assignment or as fulfillment of a request of a woman about to leave Iraq for India. These include oral tales as well as texts copied from other manuscripts: secular narratives, animal tales, Arabic epic texts, and stories about biblical characters. The scribes often engaged in literary amplification and did not necessarily reproduce oral delivery. The earliest of these manuscripts dates from 1834 and the latest from 1864.

Since manuscripts were not available for public circulation, printing was not a direct process of textual transformation but involved the deliberate preparation of new texts for publication. Because of the lack of Jewish printing presses in Iraq, the earliest books were published in Bombay and Calcutta, appearing toward the end of the nineteenth and the beginning of the twentieth centuries. The first of these collections in Hebrew was *Sefer ha-ma'asiyyot* ("A Book of Tales") written by El'azar ben Aharon Sa'adya ha-Kohen (Culcutta, 1842) and in Judeo-Arabic *'Ajab al-'ajab* ("Wonder of Wonders") by Yosef Eliahu ha-Kohen (Bombay, 1889).[103]

Three leading rabbis and writers of traditional literature stand out as the major contributors to the publication of Jewish-Iraqi oral tradition. Rabbi Yosef Hlayyim (1834-1909) published a Hebrew book, *Nifla'im ma'asekha* ("How Wonderful Are Your Actions," Jerusalem, 1912), which

[102] See Avishur 1981, 1992a, 1992b; Sassoon 1932.

[103] See Jason 1988:24-27.

includes 164 tales. Among them some are common to the Jewish narrative tradition in Islamic countries, like the tales about the "Two Headed Heir" (28) and "The Merciful Widow" (156), and some have international distribution, such as "The Story of a Woman-Loving King," tale types 891B* "The King's Glove" (117), 736 "Luck and Wealth," and 736a "The Ring of Polycrates" (151). But in addition the book also includes tales about French and Spanish kings (31, 42) and a story about the founding of the city of Vilna (Vilnius), the capital of Lithuania that had a large Jewish community. Shlomo Bekhor Hluzin (1843-92) published an expanded edition of *Sefer ha-ma'asiyyot* (Baghdad, 1892) and two years earlier three Hebrew books of his own, entitled *Sefer ma'ase nissim* ("A Book of a Miracle Tale"), *Sefer ma'asim tovim* ("A Book of Good Deeds"), and *Sefer ma'asim mefo'arim* ("A Book of Magnificent Acts") (Baghdad, 1890). Rabbi Shlomo Tweina (1856-1913), who emigrated from Baghdad to India, published in Calcutta in Arabic some of the narrative and proverb traditions of the Iraqi Jewish community during the 1890s.[104]

Kurdistan

Traditionally the folk literature of the Jews of Kurdistan was completely oral. Ancient and isolated in a mountainous region divided between Iraq, Turkey, and Iran, this community enjoyed a dynamic oral tradition that had minimal, if any, contact with manuscript literacy, let alone print literacy. The latter simply was not locally available. Even religious literacy, scarce as it was, was orally dependent and limited to men. When members of the community finally did write down their oral literature, they did so only after they had moved to Jerusalem, and only then at the urging of non-Kurdish scholars. Their Neo-Aramaic epic poems, interspersed with songs and proverbs in Arabic, Kurdish, Persian, and Turkish (all of which were once performed in the villages and towns of Kurdistan, on the rooftops in the summertime and inside the houses in the cold winters) were mostly on heroic biblical figures. While renditions of the stories of the sacrifice of Isaac, the sale of Joseph, and other narratives about victimized biblical heroes occur in midrashic manuscripts, the Jews of Kurdistan did not translate them into oral poetry. The popular martyrology legend about the mother and her seven sons was performed in the synagogues on the Ninth of Av and had, like other narrative poems at the time, a religious rather than a secular function. The more popular themes

[104] See Avishur 1992b, i:11-40; Ben-Yaacob 1984; Jason 1988:5-28.

in Kurdistan were the stories of David and Goliath, Samson, Jael and Sisera, and other somewhat less combative biblical personalities. Their performance was often dramatic. Such an emphasis on the heroic aspect of the biblical narrative corresponds to Kurdish Jews' favorite secular themes, which they sang at family celebrations in the Kurdish rather than the Neo-Aramaic language. These were primarily heroic epics, although they were replaced by romantic narratives when performed at wedding celebrations. Only in circumcision ceremonies were they sung in Hebrew. The folktale tradition was by and large secular and included themes, motifs, and types that are known internationally. In Israel, Hakham Alwan Avidani made a deliberate effort to preserve this tradition in writing for the purpose of curbing the eroding influence that modern life had wrought on the new generation; he wrote down the historical legends of the Kurdish community in *Sefer Ma'aseh hag-Gedolim* ("A Book about the Acts of the Great People") in five volumes (Jerusalem, 1972-76).[105]

Yemen

Like the Jews of Kurdistan, the Jews of Yemen maintained their cultural tradition by oral means for quite a long period. Literacy was limited by subject and gender to religious texts and men. Narratives, proverbs, and riddles, as well as festive, ceremonial, and entertaining songs and women's poetry, were all part of a dynamic oral tradition that had but minimal contact with literacy. Furthermore, a negative rabbinical attitude toward folk literature enforced this division between orality and literacy. Consequently, while scribes appended scattered tales in a written variety of Judeo-Arabic to manuscripts here and there, thus far not a single manuscript devoted to the recording of oral tales has been discovered. The available narratives drew upon talmudic-midrashic themes that commonly occurred in medieval Jewish societies, and, linguistically speaking, these narratives differ from the spoken variety of Yemenite Judeo-Arabic.

The sharper distinction between orality and literacy meant that social and historical realities came ultimately to bear upon the folklore. Confined to religious subjects, literacy did not foster in Yemen a class of local intellectuals who wanted to break down the negative social attitude toward oral tales and songs in order to record them; such tales and songs were, not surprisingly, often regarded as trivial, marginal, and valueless. Consequently, scholarly interest in the oral traditions, the poetry, and the

[105] See Brauer 1993; Rivlin 1959; Sabar 1982, 1992.

language of the Yemenite Jewish community rose from without before such concerns emerged from within.

Initially, even before the establishment of the State of Israel, Jewish-Yemenite songs and dances were exoticized and, once modified, they entered the repertoire of the popular poetry of Eretz-Israel. Later, after the mass migration of the Yemenite Jews in the early 1950s, the need for internal cultural revival emerged. The uprooting of communities was compounded by various unexpected "traps" to tradition: the threat of romantic admiration that European Jews in Israel bestowed upon them on the one hand, and the lure of mass media on the other. Hence, motivated by nostalgia, by goals of cultural preservation, and by concerns for the survival of cultural idenity, Yemenite individuals in Israel began to record, write, and rewrite their oral literature, albeit in Hebrew rather than Yemenite Judeo-Arabic. Editors such as Mishael Caspi, Nissim Benjamin Gamlieli, and A. Yarimi were exposed to folklore scholarship and presented their texts as ones that aimed for a synthesis of scholarly demands and public appeal.[106] Their books have a broad thematic and generic range. They include tales about animals, tricksters, and fools, as well as stories that build upon the social, cultural, and economic life of the Jewish communities in Yemen and their coexistence in conflict and in peace with the Arab majority. Some of the narratives draw upon internationally diffused folktales, and others are renditions of talmudic-midrashic stories. Though Jewish religious values often guide their heroes, these tales are more entertaining than didactic—secular rather than pietistic—in outlook.

North Africa

Proximity to Europe, a long tradition of literacy and learning, a dynamic community life, and the fifteenth-century influx of exiles from Spain have all made the Jewish oral literature in the five North African countries of Egypt, Libya, Tunisia, Algeria, and Morocco amenable to writing and printing. Yet even in these countries where literacy was commonly available already in the sixteenth century, there still remained a communal consensus that implicitly controlled the subjects and genres whose transformation from orality to literacy was slowly underway. In poetry the transition was smoother. Local poets resorted to oral genres and practices, composing topical poems and eulogies. The results are extant in manuscripts from the eighteenth century; such a tradition of local literature

[106] For bibliographical information see Tobi 1992.

continued well into the twentieth century and did not cease with the immigration to Israel. These songs, which were clearly narrative in nature, told of social, political, and natural events that individuals and communities had experienced. In prose, the written and (later) printed narratives consisted of miracle and healing tales associated with the cult of the saints, which spread widely through Morocco and other North African countries. The Judeo-Arabic books that appeared in the nineteenth century, written by local authors, also portrayed the acts of these saints. This hagiographic tradition continued well into the twentieth century and, following the emergence and re-emergence of the cult of the saints in Israel, continues to appear in Israel to this day.[107]

Folklore from Outside the Tradition

The turning point in the transformation of Jewish oral literature into an object of research dovetailed with German romanticism, a phenomenon that occurred long before William Thomas coined the term *folklore* in 1846. A pivotal figure in this shift was Rabbi Nachman Krochmal (1785-1840), a philosopher who devoted a whole chapter to the "Aggadah and the Masters of the Aggadah" in his book *Moreh Nevukhei ha-Zeman* ("A Guide to the Perplexed of the Time"), published posthumously in 1851. Krochmal considered the aggadah to be popular philosophy. According to his view, the aggadah revealed the essential tenets of Judaism to the unlettered folk. Krochmal distinguished between good, meaningless, and faulty narratives in biblical exegesis, making his judgment on the basis of their perceived spiritual value. These comments attributed to the aggadah a deductive function that supposedly brings ethical and religious instructions to the popular masses.

Leopold Zunz (1794-1886), who happened also to have edited Krochmal's book, established both the theoretical and scholarly basis for this new approach. As a founding member of the *Verein für Kultur und Wissenschaft des Judentums* ("Society for Jewish Culture and Science," Berlin 1819), Zunz articulated and put into practice the principles of *Wissenschaft des Judentums* ("Science of Judaism"). His book, *Die gottesdienstlichen Vorträge der Juden, historisch Entwickelt* ("Historical Development of Jewish Religious Sermons," 1832), provided legitimacy for synagogue sermons in German—contrary to Prussian prohibition. He argued his case through a critical, literary, historical, and bibliographical

[107] See Ben-Ami 1992.

analysis of the development of public speaking in Jewish social life, which he inferred from available sources. The second edition, published posthumously in 1892, became the basis for an updated Hebrew translation by Ch. Albeck (1954) that still serves modern scholarship. Although Zunz wrote in a Germany that had already discovered oral narration, he limited himself to religious books. For him this literature manifested "the Jewish spirit" in much the same way that it had for Herder and the romantics: oral songs and oral tales expressing the voice of the people.[108]

The scholarly discovery of current oral tradition and its value in Jewish societies occurred practically in the last decade of the nineteenth century. A hundred years ago, in 1896, Dr. Max Grunwald circulated in the European Jewish press a public appeal for the collection of Jewish folklore. He accompanied his call with a questionnaire. In the following year he established in Hamburg the *Gesellschaft für jüdische Volkskunde* ("Society for Jewish Folklore") and in 1898 began to publish the *Gesellschaft Mitteilungen für jüdische Volkskunde*, which continued to appear until 1922.[109] Dr. Grunwald himself began to record the folklore of Spanish-Portuguese Jews.

At the same time, and even preceeding Grunwald, students of diverse disciplines began to record and analyze folklore. Writers and poets also initiated the recording of tradition and encouraged others to do so as well. They followed rigorous principles in their documentation of folklore and, even when lacking formal training, sought to meet the standards of international research in folklore and ethnography.[110] Individually and in team projects these researchers explored the vitality of folklore in modern Jewish societies.

Jewish nationalism, in its ideological shades and varieties, motivated the explorations of Jewish folklore. In addition, intra-Jewish exoticism, a factor that would later manifest itself in social research throughout Israel,[111] partially inspired Grunwald's own interest in Judeo-Spanish traditions. In its initial phases the very research method previously employed by scholars and amateurs served now to establish a broad public basis for folklore inquiry. In particular, the use of the Jewish press for the solicitation of traditional texts served to broadcast the importance of

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[108] See Ben-Amos 1990b.

[109] See Daxelmüller 1983, 1988; Noy 1980.

[110] See Yassif 1987-88.

[111] See Domínguez 1989.

folklore in Jewish culture. Notable in this regard were Saul Ginzburg (1866-1940) and Pesaḥ Marek (1862-1920), who together circulated a questionnaire that yielded the material from which they selected 376 texts for their volume *Yidishe Folkslider in Rusland* ("Yiddish Folksongs in Russia") ([1901] 1991). The social shift in the position of the Yiddish language in Jewish society—from a despised jargon to a language of literature and poetry[112]—awakened a concomitant awareness of the Yiddish spoken idiom. Ignatz Bernstein (1836-1909) had acquired a personal passion for Yiddish proverbs already in the 1870s; his continuous recording appeared as *Jüdische Sprichwörter und Redensarten* (1908). Both books include texts in Yiddish and Latin characters, and, although a few other collections of smaller scope preceded them, these books serve as the cornerstones for future research in their respective genres.

The project that moved Jewish folklore from a series of individual studies into an organized field of research, however, was the Baron Horace Guenzberg's Jewish Ethnographic Expedition to Volhynia, Podolia, and to the area of Kiev in 1912-14, financed mostly by his son Vladimir and headed by S. An-Ski [An-Sky] (the pseudonym of Solomon Zainwil Rapaport, 1863-1920). By this time An-Ski was already a well known literary figure who, seeking his Jewish roots after years of involvement with the Russian revolutionary movement, turned to folklore as a source of literary and spiritual renewal. In an article entitled "The Jewish Folk Creativity" (1908), An-ski proposed that "spirituality" distinguishes Jewish folk heroes from other nations' heroes, whose excellence was based primarily on physical prowess. Highly aware of the transformations that had occurred in Jewish life, An-Ski called for the recording and documentation of traditions, songs, customs, and cultural memories. In addition to their historical and ethnographic value, these folk traditions were valuable to him as a source of national, cultural, and literary renewal.[113]

In addition to An-Ski, other leading Yiddish and Hebrew authors began vigorously to occupy themselves with the recovery of folklore. Influenced by neo-romantic and modernist ideas, Isaac Leib Peretz (1852-1915), for example, published two collections of Yiddish stories, *Khasidish* ("Hasidic [tales]," 1908?) and *Folkstimlikh Geshikhten* ("Folktales," 1909), in which folktale themes served his own literary imagination. Through his

[112] See Fishman 1981; Harshav 1990.

[113] See An-ski 1928; An-Sky 1992a; [An-Sky] 1992b; Bar-Ytshak 1999; Roskies 1992a, 1992b: espec. 245 n. 2, a list of important sources for his biography.

short stories and his collecting, as well as through his considerable personal influence, Peretz inspired younger writers and intellectuals—An-Ski among them—to explore the richness of Jewish folklore.[114] Hlayyim Naḥman Bialik (1873-1934), the leading poet of his generation, also shared a strong commitment to folklore, the results of which became evident in his poems, songs, rewritten legends, and public speeches. A younger writer, Joseph Hlayyim Brenner (1881-1921), articulated (in an essay published in 1914 in Jerusalem) the frustrations that Hebrew authors faced as a result of the lack of indigenous folklore in their newly revived tongue, which at that time lacked the pulse of a spoken language.[115] Shortly after the end of the First World War, A. Druyanov, H. N. Bialik, and Y. H. Rawnitsky began publishing in Hebrew the annual *Reshumot: Me'asef le-divrei zikhronot etnografia ve-lefolklore be-yisrael* ("Records: An Anthology of Jewish Memoirs, Ethnography, and Folklore," Odessa, 1918; Tel Aviv, 1930). The folklore fervor that gripped Eastern European Jewish intellectuals at that time, however, found its most prominent institutional structure in the founding in 1925 of YIVO, *Yidishe visnshaftlekher institut* ("YIVO-Institute for Jewish Research"). The institute inaugurated a "Folklore Commission" under the leadership of Judah Leib Cahan (1881-1937), who in turn organized a network of "collectors" (*zamlers*). In the inter-war years they sent in a massive amount of Yiddish texts of folktales, folk songs, and any number of other folklore subjects.[116]

After the destruction of European Jewry in World War II, the research activities moved to Israel (then Palestine) and to the United States. In 1944 Raphael Patai (1910-96) and J. J. Rivlin (1889-1971) founded the "Palestine Institute for Folklore and Ethnology" and its corresponding journal *Edoth*, of which only three volumes ever appeared (1945-48). Yom-Tov Lewinski (1899-1973), who had previously renewed the publication of *Reshumot* ("Records") (n.s. 5 vols., Tel-Aviv, 1946-53), founded in 1948 the "Israel Folklore Society" and its journal *Yeda-'Am*, which is still currently published. In 1954 Dov Noy established the "Israel Folktale Archives," now at the University of Haifa, and likewise organized a network of collectors whose recorded tales provided the basis for modern folktale scholarship in Israel. In the United States YIVO offers an institutional framework for Yiddish folklore studies, but individuals, either as independent or university affiliated scholars, carry out research by their

[114] See Kiel 1992.

[115] See Ben-Amos 1981:10-12.

[116] See Gottesman 1993.

explorations of Jewish folklore in the United States and Canada.[117] The "Jewish Folklore Section" of the American Folklore Society and the publication of the *Jewish Folklore and Ethnography Review* (formerly *Jewish Folklore and Ethnography Newsletter*), founded in 1977, have become forums for scholarly communication. The transference of scholarly activities in folklore to Israel and to the United States involved also an expansion of the ethnic scope of research. Yiddish-speaking Jews were no longer the major targeted ethnic group. Rather, students of folklore expanded their research—which by that time had become motivated primarily by exotic sentiments and by the feeling of ethnic pride—to include other Jewish societies that speak different Jewish languages.[118]

Simultaneously with the emergence of research in Central and Eastern Europe, the noted Spanish scholar Joan Menéndez Pidal (1861-1915) initiated the recording and analysis of Sephardic poetry. He discovered in the Judeo-Spanish ballads and romances poetic vestiges of medieval Spanish balladry that had been lost in Spanish folklore of the nineteenth century but that had remained vibrant in the poetry of the Jews expelled from Spain four hundred years earlier. His work provides a foundation for modern research into Judeo-Spanish poetry.[119]

The scholarly study of Jewish folklore first established the currency of themes, tales, songs, proverbs, riddles, and other genres in the oral traditions of Jewish communities. Either under the auspices of an organization or as individual researchers, students of folklore insisted upon, and often provided the necessary documentation for, the oral narration, singing, or simple utterance of a text. Such an approach marked a crucial turning point in the study of Jewish society at large. Editors and printers had previously drawn freely from post-biblical and medieval traditions that were either in oral circulation or in popular publication and had presented the texts as "folktales"—even when they could not confirm their existence in the current oral traditions. For example, at mid-nineteenth-century Wolff Pascheles published in Prague a volume of *Sippurim* ("Tales") (1853-70) that he described in the subtitle as "a collection of Jewish folk-legends, tales, myths, chronicles, memoirs, and biographies." The anthology was an

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[117] For example, Kirshenblatt-Gimblett 1972; Mintz 1968. American folklorists tend toward ethnographic research of narratives and narrating, whereas in Israel the recording of tales previously had a literary focus and more recently veered toward ethnographic methods.

[118] See Hasan-Rokem and Yassif 1989, 1990.

[119] See Armistead 1978.

important publication and included for the first time the story of the Golem as a local legend of Prague;[120] the editor, however, has not underscored its orality, since he included it among other medieval texts without further mention of oral tradition. By comparison, the folklore research that emerged toward the end of the nineteenth century and expanded during the twentieth century discovered the tales and songs that Jews performed orally in their communities.

The emphasis on the oral currency of tradition shifted the scholarly perspectives on Jewish life. No longer solely pious, spiritual, and religious—since print reflected "Jewishness"—oral traditions present the secular dimension of cultural life, not the least of which included fantastic, demonic, bawdy, and erotic elements. Although Jewish mysticism presented some of these aspects previously (often coated in religious symbolism in order to reflect the particular perspectives of males in their prime), spoken language and the genres of oral folklore projected them in a differentiated way by distinguishing between tales, songs, proverbs and other formulas in terms of gender, age, class, education, and degree of religiosity. Furthermore, these forms display conflicts and amity between ethnic groups, classes, and genders within the community and the family, not unlike the folklores of other peoples.

The analysis of Jewish oral narratives has been mostly comparative, which is to say it has focused primarily on drawing out the similarities between the recorded oral tales and their analogues in international folktale tradition, in talmudic-midrashic and medieval texts, and in the repertoires of other Jewish ethnic groups. For example, tale types 510 ("Cinderella and Cap o' Rushes") and 923 ("Love Like Salt") each combine within a single story a Yiddish version of "Cinderella" that corresponds to the Western and Eastern European model,[121] but the Moroccan, Tunisian, and Yemenite versions of the tale, for which there are no earlier printed texts in any Jewish language, bear greater similarity to the sixteenth-century Mediterranean renditions. The most comprehensive comparative annotations for Yiddish tales are to be found in Haim Schwarzbaum, *Studies in Jewish and World Folklore* (1968), which employs as its basis texts sent by readers to a newspaper, rather than orally recorded tales.

The study of the secular oral poetry changed available knowledge of

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[120] See bin-Gorion 1990:261-65 [nos. 142-44] and Pascheles 1853-70. For an English translation, see Field 1976. See also Idel 1990.

[121] See Alexander 1993, 1994; Bar-Itzhak and Shenhar 1993:80-93; Bar-Itzhak 1993; Cahan 1931:54-63 [no. 13]; Dundes 1982; Weinreich 1988:85-88.

Jewish society even more radically. Songs of earlier periods were not available for analysis, and hence the newly published poetic texts revealed a dimension of creativity and communication that was simply unrecognized before. Since a great number of the singers were women, folk songs opened up a window into their world—the artistic representation of which was previously obscure. Thematically both tales and songs represented internal personal and communal tensions and aspirations that were often unique to Jewish life, even when drawing upon the repertoires of neighboring peoples.

Tales

Yiddish

By the time modern collection of Yiddish folktales began in the last decade of the nineteenth century, many Hebrew and Yiddish chapbooks had been circulating among the Ashkenazic Jews in the Pale of Settlement, the legal area for Jewish residence in czarist Russia.[122] This popular literature included books of two kinds: (a) Hasidic hagiography and (b) tale collections (*mayseh bikhlekh*). No systematic analysis of this literature is yet available, but it is possible to surmise a degree of thematic overlap between the stories in print and in oral circulation, though the narrative pamphlets included a great amount of written popular literature, known in Yiddish as *schund literatur* ("shameful literature.")[123] The sheer quantity of texts recorded by the members of the Jewish Ethnographic Expedition, the YIVO, and later the Israel Folktale Archives teams changes the quality of knowledge available concerning Yiddish folktales. At first, collectors sought out narrative texts in the Pale townlets, villages, and crowded urban centers; later they also recorded narratives from immigrants from this area who came to Western Europe, the United States, and Canada, and to Israel. In spite of apparent analogues, the recording of oral tales exposed certain aspects of them in a new light that print only masked before, a development that made possible in turn a better correlation of themes and forms with social factors. The recording of oral tales moved the narrators away from

[122] See Weinreich 1992; Kiel 1992.

[123] See Shmeruk 1983. Some preliminary descriptions of the Harvard Library holdings of Yiddish pamphlet literature are in L. Wiener 1899:355-84 and Robak 1928. I would like to thank Sara Zfatman for further information on this collection.

the controlling normative influence of the learned rabbis, printers, and editors and therewith enabled them to tell freely the stories and anecdotes that they knew so well. Consequently, collectors began to register the presence of internationally known tale types in the Jewish narrative repertoire in increasing numbers. At first the international tale types were a rarity in Yiddish collections, and as late as the thirties Moses Gaster (1856-1939) expressed doubts about their currency in Jewish society.[124] Later research removed any such doubts. In their Yiddish or Yiddish-derived renditions, themes and heroes known in worldwide folktale traditions assumed Jewish garb and action according to Jewish social values. Folklore research revealed Yiddish narrators who told stories (local legends about their respective communities, their prominent landmarks, leaders, and historical events) that they had learned from the peoples among whom they had earlier lived. Consequently, these Yiddish narrators contributed to a renewal of stories that had once flourished throughout the larger Jewish tradition. Within this corpus there is, however, an apparent paucity of foreign legendary and historical narratives. The stories that defined the ethnicity of other groups, in either social or historical terms, seemed not to have crossed into the tradition of Yiddish narrators.

Judeo-Spanish

The initial motivation for the exploration of Judeo-Spanish folklore was a scholarly fascination with the linguistic and literary retentive ability of the Sephardim. Four hundred years after their expulsion from Spain and Portugal their language and oral tradition appeared to maintain vestiges of medieval Spanish ballads and romances that had long disappeared from the Iberian peninsula. Folktales have not manifested the same retentive quality that other genres have, and therefore their study has lagged behind. Max Grunwald, who initiated the systematic research into Jewish folklore, recorded Judeo-Spanish folktales (albeit in translation, first in German and later in Hebrew). Narrative texts in Judeo-Spanish began to appear in the works of linguists and dialectologists who explored Judeo-Spanish in Monastir (former Yugoslavia), Constantinople, the Balkan peninsula, and northern Morocco.[125] The recording of Judeo-Spanish folktales received a

[124] M. Gaster 1931.

[125] See for example Crews 1938, 1955a, 1955b, 1979; Larrea Palacin 1952-53; Luria 1930; Wagner 1914; and the bibliography in Haboucha 1992.

new impetus with the establishment of the Israel Folktale Archives, in which about 1500 Sephardic texts are now on deposit. These texts were recorded mostly from Near Eastern speakers, but also from recent immigrants from Greece, Turkey, Morocco, Yugoslavia, and Bulgaria. The rise in ethnic consciousness in Israel also encouraged the publication of popular bilingual editions of Judeo-Spanish folktale collections, thereby increasing the availability of Judeo-Spanish folktales.[126] Thematically, the Judeo-Spanish narrative tradition, which had enjoyed cultural contacts with both European and Near Eastern societies, is rich in international tale types, which were classified by Reginetta Haboucha in her *Types and Motifs of Judeo-Spanish Folktales* (1992). In addition, stories about biblical and post-biblical heroes and events and about medieval Sephardic figures like Maimonides, as well as those addressing local historical figures and events, all recur in the repertoire of the Sephardic narrators. These narrators (and their audiences, no doubt) seemed also to delight in various comic tales concerning Djuha, the Near Eastern trickster.

Judeo-Arabic

Jews spoke the dialects of Judeo-Arabic that flourished in North African countries, Iraq, and Yemen. The scholarly interest in these communities began with their early contact with European Jews in the first half of the twentieth century and increased after their migration to Israel upon the establishment of the State of Israel in 1948. At that time scholars separated the study of speaking from the study of oral tradition. The linguists analyzed grammar and pronunciation, often focusing on the Hebrew Bible as a constant text with its oral reading as the dialectical variable, whereas the folklorists recorded the oral traditions of these

[126] See Koen-Sarano 1986, 1991, 1994. Recorded mostly from family members, recollection, and friends, her works have a higher representation of Italian tradition. See also Moscona 1985; Alexander and Romero 1988; Alexander and Noy 1989. The last collection includes Sephardic tales in Hebrew translation. In recent years the research on the Sephardic folktale in particular and the Jewish-Spanish culture in general has been intensified. See Alexander 1999; Lévy and Lévy Zumwalt 1993a, and Stillman and Stillman 1999. A leading role in the promotion and preservation of the culture of the Sephardic Jews has been taken by the "Ma'aleh Adumim Institute for the Documentation of the Judeo-Spanish Language and Culture" (e-mail: maaleadum@barak-online.net).

communities in Hebrew translation.[127] While lacking the idiomatic turn of performance in the original language, these Hebraic texts present the prevailing themes that dominated the narrative repertoires of these communities. The most prominent, yet not exclusive, theme in North Africa is that of the hagiography of holy people, that is to say, legends associated with the cult of the saints. These narratives recount the magical prowess of the righteous men who performed personal healing and other miraculous acts that saved entire communities from disaster.[128] The Judeo-Arabic narratives in Iraq drew upon earlier Jewish and medieval Arabic traditions, as well as the tale types that have been diffused throughout Asia and Europe. Heda Jason classified these in her *Folktales of the Jews of Iraq* (1988). In some cases the Islamic renditions of the biblical narratives influenced the versions that Jews told about their own cultural heroes. Modern narrators told animal and demonic tales alongside legends of confrontation between the Jewish communities and the Islamic authorities. The popularity of the story of "Hannah and her Seven Sons" and its association with the fast of the Ninth of Av as in the Sephardic tradition, rather than with the Hanukkah festival as in Apocryphal literature and Ashkenazic Jewry, becomes indicative of historical cultural connections between Jewish communities in the Near East and Jewish communities in the Mediterranean basin. Compared with those in Iraq, the number of Judeo-Arabic folktale manuscripts from Yemen is rather small. Yet the art of Yemenite storytellers impressed ethnographers and folklorists to such a degree that they undertook to record their narratives in a rather intensive fashion.[129] Later Jewish-Yemenite scholars sought out these storytellers and upon finding them recorded stories on a broad set of topics ranging from historical to animal tales and from romantic to religious narratives.

The narrators in each of these countries speak distinct dialects of Judeo-Arabic. Likewise, their narrative traditions differ from each other. They share tales that are current among many nations and are known as tale

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[127] For some of these linguistic studies, see Blanc 1964 and Morag 1997. Jastrow (1978, 1981, 1990) studies the local Arabic dialects among non-Jews, offering important information for comparative analysis. For folktale collections, see Agasi 1960; Noy 1965; and, in particular, Jason 1988.

[128] For linguistic studies of North-African Judeo-Arabic, see Bar-Asher 1987, 1992; Brunot and Malka 1939; Stillman 1988. Among the folktale collections are Bar-Itzhak and Shenhar 1993; Noy 1963b, 1966a, 1966b, 1967a, 1967b. See also Ben-Ami 1992. The basic study on the cult of the saints among Moroccan Jewry is Ben-Ami 1989.

[129] See Jason 1966; Noy 1963b.

types. The cultural contacts between the Jewish communities in Iraq and Yemen were more intensive than either of these communities maintained with North African Jewry, and consequently they share additional traditional literary themes respectively. In spite of these similarities, however, the narrative traditions of each of these communities have their own thematic clusters and characteristic features.[130]

Hebrew

The longing for folklore in the Hebrew language was inherent in the Jewish national aspirations for the return to Zion, the renewal of pastoral and farming life there, and the revival of the Hebrew language. These ideals of return to nature also implicitly inspired the hopes for the creation of a cultural tradition associated with nature—folk songs, folk dances, and folktales. However, Hebrew was used in Jewish societies' folktales even before Zionistic ideology motivated its revival as a spoken language. Its high position in the diglossic Jewish societies influenced editors and printers to publish their collections of narratives in Hebrew. For example, *Shivhei ha-Besht* ("In Praise of the Baal Shem Tov"), which appeared in the Ukraine (1814), and *Oseh Pele* ("The Miracle Worker"), which Yosef Shabbetai Farḥi published in four volumes in Livorno (1845-69), both published in Hebrew tales that were current in other languages in Jewish societies; these works served in turn as texts for oral performances.[131] These and other similar collections attest to the use of Hebrew in the narration of tales before its revival as a language appropriate for daily speech. Secondly, the documentation in Israel of folktales in Hebrew followed different directions than those envisioned by nationalistic aspirations. Several scholarly projects and amateur efforts have, in fact, contributed to the current availability of Hebrew folk narratives for research purposes.

First and foremost of these institutions is the Israel Folktale Archives (IFA), founded by Dov Noy in 1954. Currently with about 20,000 narrative texts recorded from storytellers who came to Israel from over 20 different countries, the Archives hold the largest collection in the world of Jewish folktales. With a relatively few exceptions the texts are in Hebrew,

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[130] For bibliographical information and additional discussion of Yemenite folktales, see Tobi 1992.

[131] See Ben-Amos and Mintz 1970; Yassif 1982.

a language that most of the narrators knew as a second language, with varying degrees of proficiency. The Archives contain a set of indexes that facilitate research in a number of different areas: country of origin, heroes, and tale types. The most popular figure in these narratives, cutting across ethnic divisions, is Elijah the Prophet. Between 1961 and the end of 1980, forty-three collections of annotated tales appeared in the IFA Publications Series. Selections of these collections and some unpublished tales also appeared in English translation, occasionally retold rather than just translated.[132]

Initially Dov Noy developed a network of collectors and storytellers whose orientation was toward the gathering of the folktales, primarily fairy-tales and legends, of the ethnic groups that had immigrated to Israel after the establishment of the state. Consequently, the dynamic narration of folktales recorded in the Hebrew language that emerged in Israel in other genres has not been well represented in the Archives; henceforth these related genres will require special projects for recording and analysis.

Hebrew wit and humor were a special case in point. As the concept of "Jewish Humor" emerged during the twentieth century,[133] some observers suggested that its allegedly unique qualities are a byproduct of the cultural clashes between Jewish traditionality and European modernity, and that they would fade away if restricted to a homogenous society in Israel.[134] Until the early fifties the publication of wit and humor in Hebrew involved East European Jewish jokes, originally told in Yiddish, as well as cycles of anecdotes that deal with prominent public figures in traditional and modern societies; these materials were, by and large, translations from stories that people had transmitted orally in Yiddish.[135] In 1956 two Israeli humor writers, Dahn Ben-Amotz and Hlayyim Hlefer, published an edited collection of jokes, *Yalkut ha-Kezavim* ("A Sack of Lies"), that included jokes and anecdotes told by members of the Jewish underground of the Palmaḥ during the forties. Elliott Oring has translated it and has furthermore

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[132] See Noy 1961; Cheichel 1992. In addition to the publication series of the Israeli Folktale Archives, several individual volumes have appeared in Hebrew and English. Among them are Bar-Itzhak and Shenhar 1993; Noy 1963a, 1963b, 1965, 1966a, 1966b, 1967a. Sadeh (1989) and Schwartz (1983, 1986, 1987, 1993) have retold tales from the Archives. Information about Jewish folklore research in Israel in general is now available on the Internet, prepared by Gila Gutenberg at the address: http://www.folklore.org.il/

[133] See Ben-Amos 1973; Oring 1992.

[134] See Landmann 1962, and also Reik 1962.

[135] See Druyanov 1935; Sadan 1952, 1953.

supplemented it both with additional texts from the authors' manuscript as well as with stories that he recorded from these same (and additional) narrators; the result was published as *Israeli Humor* (1981). While this particular collection of humor puts to rest the issue of transference from the vernacular to Hebrew and from the diaspora to Israel, more importantly it reveals a variety of narratives. Some are certainly a direct outgrowth of the social life of youth in the Palmaḥ, others are adaptations of Arabic tales,[136] and still others are versions of Jewish (and generally diffused) tales applied to Israeli personalities.[137]

Since its establishment the historical experience of Israel has been marred by a succession of traumatic events, ranging from periodic wars to catastrophes that were themselves related to the sort of military preparedness that the anticipation of war requires. These events spurred narrative cycles that phased in and out of oral circulation. In spite of their inherent transience, these cycles often followed traditional narrative patterns found in Jewish societies and likewise demonstrated the dynamics of the rise and decline of topical narratives.[138]

In an ironic twist played upon ideology by Jewish history, the "new Israeli peasants" took charge of the recording and collecting of their own folktales. While not fully adherent to scholarly folkloristic principles and often bound by a romantic image of their own past, members of the kibbutzim in Israel began to record and collect their own local tales, each of which preserved the communal memory of the particular community. On occasion, the recording took place during live performances in front of local audiences; the ensuing texts thus reflect the dynamics of oral Hebrew narration. These tales remain on deposit in the "Local Tales" section in "Yad Tabenkin," the central research institute of the United Kibbutz Movement. Some of the tales have been published in pamphlets designed for local distribution. These have, in turn, and not surprisingly, entered the repertoire of local museum guides.[139]

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[136] Compare, for example, Hanauer 1907:21-22 with Oring 1981:143 [no. 12a].

[137] Compare, for example, Dorson 1960:1968 [no. 76] with Oring 1981:122 [no. 142a].

[138] See Bar-Itzhak 1992; Katriel and Shenhar 1990; Schely-Newman 1993; Shenhar 1988, 1989, 1991; Shenhar and Katriel 1992; Yassif 1992.

[139] I would like to thank Gina Gali, the director of the Upper Galilee Regional Archives, and her brother, Professor Itamar Even-Zohar, for the information about the "Local Tales" project of the United Kibbutz Movement. See also Katriel 1994.

In the past thirty years there has been a growing polarization in Israeli society between secular and religious Jews. The jokes, the trauma narratives, and the local legends constitute narrative traditions that emerged among secular Israelis. As a result of the social cleavage, the religious Israelis have composed and performed, both in small groups and before mass audiences, narrative cycles of religious advocacy. These follow traditional hagiographic tales about the healing and second-sight abilities of individual rabbis. Eli Yassif considers these Hebrew tales the latest phase in the long history of the Hebrew folktale.[140]

Folk Songs

Yiddish

During the second half of the nineteenth century "folk song" (*Yiddishe folkslid*) became a literary concept referring to popular songs written for, rather than sung by, the people. As scholarship emerged toward the end of the century, confusion between popular and traditional songs prevailed. At the very same time that Ginzburg and Marek published their groundbreaking volume of *Yiddish Folksongs in Russia* (1901), the poet Yakir (Marc) Warshavsky (1885-1942) published a smaller collection of his songs and music, *Yidishe folkslider mit Noten* ("Yiddish Folksongs with Music"), about daily life and concerns. One of his songs, *Oyfen Pripetchik* ("On the Stove"), indeed obtained great popularity and in the United States still serves as a common example of a "Yiddish folk song." Similarly, one of the lullabies sent as a folk song by a reader to Ginzburg and Marek turned out to have been written by Shalom Aleichem (pseudonym of Shalom Rabinovitz, 1859-1916) in 1892.[141] Then, as now, folk songs moved back and forth across the boundary between orality and literacy. Such shifts notwithstanding, the study of Yiddish folk songs, more than of any other genre, made a major contribution to the study of Jewish life in the Pale of Settlement, thereby exposing a dimension of creativity that was exclusively oral and had no precedent in Jewish culture either in print or script. Jews sang in sorrow and they sang in joy. Music was part

[140] See Yassif 1999:429-60.

[141] See Mlotek 1954:185-86; Cahan 1981. The new edition is a reprint of a copy that was in the hands of Shalom Aleichem, who inserted in his own handwriting corrections for the text published in Ginzburg and Marek [1901] 1991:113*-114* [no. 82].

of their life. The Hasidic Jews incorporated songs, music, and dance into their communal religious worship. Yet, while Hasidim and non-Hasidim wrote down and published their *narratives*, they neglected to do so for their songs.

An influential literary and intellectual figure who actively collected and published Yiddish folk songs was the writer Y. L. Peretz. However, the first book of orally recorded songs was J. [Y.] L. Cahan's *Yiddish Folksongs with their Original Airs* (1912), which was later incorporated into his 1957 volume *Yiddish Folk songs with Melodies*. Like other anthologies, Cahan's collection included the *viglider* ("cradle songs") or *shloflider* ("sleeping songs") with which Jewish mothers lulled their children to sleep. The lullabies expressed the mothers' aspirations for their children's future, their personal anxieties, and the fantastic rewards they imagined for their infants.[142] Other genres were ballads and narrative songs that told stories about lovers—including their death, abandonment, and murder—and about unwed mothers, illicit love affairs, and the despair caused by love across ethnic boundaries. Singers, many of whom were women, often described young Jewish maids and youth, both of which figures are common themes in European balladry. Historic tragedies for the local community were recalled in these songs; singers commented on current affairs, family problems, and immigration from Europe to America and to Eretz Israel. The songs celebrated the joys and lamented the woes of individual, familial, and communal life. Traditional themes, subjects, and allusions to biblical, talmudic, and medieval topics and characters occur least frequently in secular Yiddish folk songs in comparison to other genres. As a result of immigration, the tradition of the Yiddish folk song has faded away. In Israel, although it enjoyed a revival among the populace during the fifties and the sixties, original creativity ceased. In the United States the Yiddish oral tradition was transferred into musical broad sheets of the "Tenement Songs." These broad sheets included similar love themes to which song writers added nostalgia for the "Old World" as well as expressions of their hopes and disappointments in the New World.[143]

Judeo-Spanish

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[142] See Noy 1986.

[143] See Ginzburg and Marek [1901]1991; Rubin 1963; Slobin 1982; Vinkovetzky et al. 1983-87.

The study of Judeo-Spanish narrative poetry is the most dynamic field in current Jewish folklore scholarship. No doubt, the solid foundation that Juan Menéndez Pidal (1861-1915) provided, buttressed by the tireless and rigorous research of Samuel G. Armistead and the late Joseph Silverman (commenced in 1957), has ensured scholarly visibility and quality in this area. Individual interest, however, is hardly a sufficient reason for the proliferation of studies in Judeo-Spanish folk literature. Rather, it is the dual ethnic perspective as well as interdisciplinary goals and methods that motivate, stimulate, and define the issues that dominate the study of Judeo-Spanish oral narrative poetry. While Spanish students find in the objects of their research vestiges of medieval Spanish language and poetry, Judeo-Spanish researchers explore their own oral poetry in seeking to establish their cultural identity and its representations in the East Mediterranean. Judeo-Spanish ballads demonstrate the viability of oral transmission as a vehicle for the transference of literature from one generation to another and underscore the literary process of generic transformation in European poetry by pointing out a clear thematic relation between epic and ballads. At the same time these ballads exhibit the effects of change, literary influences, and adaptation to new oral traditions and languages to which Judeo-Spanish society has been exposed since the expulsion.

With a few exceptions, this balladry is a women's poetry. As the classification system that Armistead and Silverman constructed for their corpus of the texts aptly demonstrates, thematically speaking these poems range from tales of Spanish heroic epics, French Carolingian narratives, and historical and biblical ballads, to the whole gamut of romantic relations. These biblical ballads are thematically distinct from the themes upon which midrashic literature dwells. While the sacrifice of Isaac, the adventures of Joseph in the house of Potiphar, and the post-biblical stories of the martyrdom of Hanna (popular among Jews in the countries under Islamic rule) are stock themes in Jewish tradition and liturgy, the stories of the respective rapes of Dinah (Genesis 34) and Tamar (2 Samuel 13)—which also count among the themes of Judeo-Spanish biblical themes—rarely appear in Jewish medieval literature. They correspond to themes of rape and abduction in balladry, but were selected by the singers from biblical narratives. Narrative poetry dominates the Judeo-Spanish corpus and reaffirms the cultural ties of Sephardic Jewry to medieval Spain. Yet singers also perform other quite different songs such as lullabies, dirges, and wedding songs—none of which convey an ideological message or address a scholarly theory—that remain (and perhaps precisely for this

reason) an integral part of the Judeo-Spanish culture, life, and tradition.[144]

Judeo-Arabic

The study of Judeo-Arabic oral poetry is in its inception. The ethnomusicologists who recorded songs in Near Eastern Jewish communities analyzed mostly the music rather than the texts. Not surprisingly, the current students of Judeo-Arabic songs are all native speakers of the respective dialects of the language. Regional differences notwithstanding, the folk songs of all three basic Judeo-Arabic speaking areas (Iraq, Yemen, and North Africa) share similar features: a) literacy supplementing poetic orality, b) women as the primary singers, c) a linguistic interdependence and thematic-contextual differentiation between the Judeo-Arabic and the Arabic poetry in these areas.

Iraqi poetic texts are available from nineteenth-century manuscripts that were, perhaps, mnemonic records used by the singers themselves. In North Africa there are texts from earlier centuries, although the textual differences between the early and the later nineteenth-century manuscripts suggest that the songs were subject to oral circulation and variation. In most cases men wrote down their poems while women maintained them orally. This division, which occurred in Yemen as well, is a function of the educational system in traditional Jewish communities.

The Jews of Iraq sang their songs in Judeo-Arabic as well as in local Arabic. In Judeo-Arabic they sang on Jewish themes, including parodies and comic songs, while in Arabic on general subjects. However, some of the songs in Arabic contained Jewish alongside Arabic names, attesting to their Jewish origins. They sang their religious songs about pilgrimage and during the ritual of grave visitation, while their secular songs were about love and weddings. Some of these songs were humorous, deflecting the social and psychological tension that weddings generate. The lullabies share themes and language with the Arab songs, though, in spite of their common human function, the Judeo-Arabic songs reflect Jewish cultural values and aspirations. Lamentations and dirges were part of the burial and mourning rituals. Most of the women's songs from Yemen are part of the wedding

[144] See Armistead 1978, 1979, 1994; Armistead and Silverman 1971-94, 1983-84, 1989; Attias 1961, 1972; Lévy 1959-73; Refael 1998. I would like to take this opportunity to thank Professor Armistead for the most generous help he offered me explaining in detail current issues within Judeo-Spanish poetry and providing me with rich bibliographical references that the works cited in this survey only partially reflect.

ceremonies and hence have romantic themes and metaphors. In Morocco the women sing both lyric and epic poetry, the analysis of which is still in progress.[145]

Hebrew

The promotion of folk songs that lingered in Yiddish succeeded in Hebrew. Initially, Eastern European poets and authors sought to write songs for and about the people, conceiving them as folk songs, but folklorists were quick to point out that folk songs are of—rather than for or about—"the folk."[146] Yet, shifting the focus, in the Land of Israel, poets and bureaucratic folk song promoters in national organizations applied the same attitudes toward folk songs in Hebrew, discovering a fertile ground for their creativity. They meshed the idea of "folklore"[147] with national aspirations and formulated a prescribed tradition that projected pastoral longing onto the biblical countryside. This Hebrew folk song tradition complemented the idea of cultural revival. It appears as if the Jewish return to farming and herding in the biblical land could not have been complete unless accompanied by songs that relate the verses and melodies of old. The poetry and music of Near Eastern and particularly Yemenite Jewish communities, as well as Arabic melodies, became the sources that the European Jews tapped in their search for an idealized tradition of Hebrew folk songs. Thematically, these songs differ radically from the poetic traditions in other Jewish languages. Whereas the songs in Yiddish, Judeo-Spanish, and Judeo-Arabic revolved around events in the life-cycle and had their fair share of ballads and narratives, the poets who wrote the Hebrew songs associated them with the annual cycle of festivals celebrating agricultural rites and transitions; these poets only scantily recounted either recent or earlier biblical-heroic actions.

The distribution of these poems took place through the educational system of schools and youth organizations of political national movements. The Jewish National Fund has had a decisive role in the initiation and the promotion of such a "folk poetry." Its officers commissioned and then published these songs, circulating them among the youth not only in Eretz-Israel but also in Europe during the thirties, in advocacy of national ideas.

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[145] See Avishur 1987; Caspi 1985; Chetrit 1994.

[146] See Kahan [Cahan] 1981 [1952].

[147] See Ben-Amos 1983.

Alongside this strand of an idealized tradition there existed also a steady creation of countercultural tradition of Hebrew songs by children and adolescents, sometimes known as "street-songs," which enjoyed a more informal oral currency in the Israeli and pre-state Jewish society. Many songs of both kinds are now on deposit at the Waches-Noy Jewish Folk Song Archives at the National Hebrew University Library in Jerusalem.[148]

Proverbs

Yiddish

The proverbial quality of Yiddish, a language that was primarily spoken, and to which writers referred derogatorily as "jargon," attracted scholarly attention from the inception of its linguistic and folkloristic analysis. Abraham Moses Tendlau (1802-78) collected Yiddish proverbs in his *Sprichworter und Redensarten deutch-jüdischer Vorzeit* (1860). However, the basic collection that provided the foundation for future Yiddish proverb scholarship was Ignaz Bernstein's *Jüdische Sprichwörter und Redensarten* (1908); this particular edition was, in fact, a second edition of an earlier publication in 1888. The volume includes 3,993 proverbs arranged in alphabetical order according to their primary concepts. Later, other collections appeared, some in English translation. Popular books of Yiddish wit and wisdom often included a list of proverbs, yet none surpassed Bernstein's volume in size. Among his proverbs are translations of or commentary on biblical or talmudic proverbs, such as no. 3955, "Syag le-Hokhmah Shtika—ober Shtikah aleyn is kayn hokhme nit" ("A fence to wisdom is silence—but sheer silence is no wisdom"), which offers metafolk-commentary on mishnah Avot 3:13. Others are Yiddish renditions of East-European and Baltic proverbs such as no. 1070, "sug nit 'hop!,' bis dü bist nit aribergeschprüngen" ("Don't say 'hop,' until you have jumped over"), which is common in the area languages.[149] Still others emerged within conversations in Jewish society, representing its ethos, mores, wit, wisdom, aggression, and aspirations.

The proverbial representation of these values, observations, and emotions endeared the Yiddish turn of speech to those who retained its knowledge while pursuing studies in other fields and other literatures. They

[148] See Bayer 1980; Shahar 1989, 1993, 1994.

[149] See Kuusi 1985: no. 519.

recall Yiddish proverbs nostalgically and at the same time perceive in them psychological verbal aggressiveness that seems to them uniquely Jewish. No wonder that Shirley Kumove entitled her English translation of Yiddish proverbs *Words Like Arrows* (1984).[150] Grammatically, it is possible to discern in Yiddish proverbs seven fundamental patterns: 1) conditional, 2) comparative, 3) imperative, 4) interrogative, 5) negative, 6) accusative, and 7) riddle sentences. Parallelism is, at times, a secondary grammatical marker.[151]

Judeo-Spanish

La Celestina (1499, 1502), the first masterpiece of Spanish prose, was written around the time that Spain expelled the Jews and includes highly proverbial dialogues. Such a mode of speaking has become better known in Spanish literature in the words that Miguel de Cervantes (1547-1616) put in the mouth of his colorful character Sancho Panza in *Don Quixote* (1605-15). Speaking in proverbs has been retained as a prominent feature in Judeo-Spanish conversations and has attracted intensive scholarly interest. The first to publish these proverbs were Meyer Kayserling (1829-1905) and Raymond R. Foulché-Delbosc (1864-1929), both of whom recorded them directly and by correspondence, the first from Serbian and Bulgarian Jews and the latter from Judeo-Spanish speakers in Turkey and Greece. After the publication of M. Kayserling's *Refranes o proverbios españoles de los judios españoles* (1890) and R. Foulché-Delbosc's "Proverbs judéo-espagnols" (1895), many other collections appeared in books as well as in scholarly and popular journals. Henry Besso's bibliography (1980) includes 145 entries. Early observers suggest, and later scholars indirectly confirm, that in the Jewish-Spanish society women were and remain the primary speakers of proverbs. The proverbs provide social commentary on people and actions rather than serve the purposes of confrontational discourse.[152]

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[150] See also Kumove 1999 and Matisoff 1979.

[151] See Silverman-Weinreich 1978.

[152] A comprehensive bibliography of Jewish-Spanish proverb collections is provided in Besso 1980. For additional studies see Bunis 1981:141-45 [nos. 1292-1333]; Alexander and Hasan-Rokem 1988; Goldberg 1993; Lévy 1969; Lévy and Lévy Zumwalt 1993a, 1993b, 1994.

Judeo-Arabic

The speakers of Judeo-Arabic in Yemen, Iraq, and North Africa make extensive use of proverbs in their discourse. Consequently, their collection and analysis have been a research priority among the ethnographers and folklorists of these communities, native and non-native speakers alike. Pioneering work (such as that undertaken by S. D. F. Goitein and I. B. S. E. Yahuda[153]) laid the foundation for the prolific scholarship in this field to which many distinguished scholars later contributed.[154] The proverbs reflect both the influence of the respective Arabic communities and their dialects, as well as the continuation of the Jewish proverbial tradition. Speakers learned this tradition from biblical and talmudic-midrashic sources. Thematically, the majority of the proverbs concern family values and offer observations on human conduct. The analytical essays of Judeo-Arabic proverb scholarship deal with their subject from social, literary, and linguistic perspectives.

Hebrew

The study of Hebrew proverbs faces a precarious linguistic and literary situation. Since in Jewish societies not only diglossia prevails—a diglossia in which Hebrew holds a privileged position of a sacred language—but also a bi-literariness in which Hebrew literacy and vernacular orality co-occur, proverbs have often crossed the boundaries between the two linguistic and literary levels. As quotative behavior, the citation of Hebrew proverbs (often from the Hebrew Bible, the Mishnah, Talmud, or Midrash) provided speakers with the authority and prestige bestowed upon them by knowledge of tradition. Over the years Hebrew proverbs appeared in translation in other Jewish languages, or Hebrew terms became components in the constructions of proverbs and puns in other Jewish languages, thus creating bilingual proverbs and rhymes. For example, consider "Ka'as ve-heimah [Hebrew: "anger and rage"] makhn dem mentshen far a [Yiddish: "make the people to a"] behemah [Hebrew:

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[153] See Goitein 1934; Yahuda 1932-34.

[154] For example, see proverbs from Morocco in Ben-Ami 1970 and Brunot and Malka 1937; from Iraq in Hayat 1972 and Avishur 1997; and from Yemen in Ratzaby 1983.

"cow" (generic word)]. It is quite possible, as was suggested by Israel Hlayyim Tawiow (1858-1920),[155] that there is a greater proportion of Hebrew in Yiddish proverbs than in other forms of speech.

With the revival of Hebrew as a spoken language, a reversal has occurred; speakers translate proverbs and idioms from other Jewish languages into Hebrew. The change in the public attitude has turned the relation between Hebrew and other Jewish languages upside down, and has especially affected the domain of proverb communication. The citation of non-Hebrew proverbs in their original languages or in translation has become, in Hebrew discourse, a sort of affected behavior that is supposed to attest to a deeper cultural knowledge, and, according to their speakers, a new prestige. In other cases, proverbs and idioms from Jewish languages enter Hebrew speech and the constructions of new Hebrew proverbs. For example, the Yiddish optimistic idiom "zayin gut" ("[it] will be good") transformed in the Hebrew slang of the fifties to "haya tov ve-tov she-haya" ("it was good, and it is good that it was," speaking of the past) as a commentary on a grueling experience that was nevertheless personally enriching. The newly created proverb has a chiastic structure that occurred in early Hebrew proverbs.[156] "The Israeli Proverb Index," a project that Galit Hasan-Rokem has initiated and directs at the Hebrew University, holds on record about 10,000 proverbs, listed in their original languages as well as in Hebrew translation and indexed according to several parameters: key thematic terms, ethnic groups, informants, names, and poetic devices. Ethnographic descriptions of potential use and contextual situations accompany each proverb.[157]

Riddles

Yiddish

As in many other societies, among the Eastern European Jews the

[155] See Tawiow 1917, 1921.

[156] Compare with Ecclesiastes 7:1, "A good name is better than precious oil," which in Hebrew has a chiastic structure: *tov shem mi-shemen tov*. Idiomatic and proverbial expressions of Hebrew slang from the forties through the sixties can be found in the popular book by Ben-Amotz and Ben-Yehuda 1972-82.

[157] For a study done under the auspices of "The Israeli Proverb Index," see Hasan-Rokem 1993.

riddle is primarily a children's genre. Speakers grow out of riddling as they do from other early verbal behavior. Consequently, the recording and analysis of Yiddish riddles is glaring in its paucity. Fittingly, their first collector was an educator and a publisher of children's books, Shloyme [Solomon] Bastomski (1891-1941), whose *Yidishe folks-retenishn* (1917) was part of the new secular educational program that he promoted for Jewish schools. For Bastomski the riddles served as a pedagogical vehicle by which he transferred traditional learning techniques to a modern school system. The collection included 171 riddles and was later increased to 222, but it included neither linguistic nor social analysis, nor any further information. Later a few collections of Yiddish riddles appeared sparingly in journals, and only recently have scholars turned to their analysis.[158]

Judeo-Spanish

By comparison to studies of Spanish riddles[159] and other genres of Judeo-Spanish folklore, riddle analyses are few and far between. All in all, only about fifty riddles have been recorded, thirty-three by Max A. Luria in Monastir (former Yugoslavia), the rest by various scholars in Turkey. These riddles reflect the general characteristics of other Sephardic genres in which it is possible to trace medieval vestiges alongside local linguistic features. Thematically their solutions are taken from the domestic world, including animals and foodstuffs, and they therefore represent a somewhat narrower range than that found in the medieval literary Hebrew riddles from Spain.[160]

Judeo-Arabic

Riddles have hardly been a research subject in the study of Judeo-Arabic dialects. This absence is particularly puzzling, since the literary antiquity of the form in the Near East and its currency in Arabic medieval popular literature are well established. Riddles are prevalent in the folklore

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[158] See An-ski 1928b; Dowling 1991; Lapidus 1994.

[159] See Armistead 1992:109-22.

[160] See Armistead 1988-89:25-38; Armistead and Silverman 1983, 1985; see also Rosen-Moked 1981.

of the Arabic world,[161] yet so far only a few riddles have been found in Yemenite and North African manuscripts of the eighteenth and nineteenth centuries; since even these texts appear in Hebrew rather than in the Judeo-Arabic of the respective regions, a literary rather than oral context suggests itself.[162] To put it simply, the recording of Judeo-Arabic riddles is an urgent task in the study of Jewish folklore.

Hebrew

Riddles have enjoyed a literary representation in Hebrew from the biblical to the modern period. Their renditions follow the principles according to which speakers formulate oral riddles. Furthermore, it is likely that the editors of the Hebrew Bible, the Talmuds, and the midrashic books, as well as the medieval and Baroque poets who resorted to this form, drew upon the metaphors and solutions that appeared originally in the oral traditions. The latter medium, however, has not been subjected to systematic recording or analysis.[163]

Humor

The concept "Jewish humor" applies, in fact, only to the tradition of East European Jews and their descendants in other countries. Students have yet to research the jokes and wit of other Jewish ethnic groups. While in the nineteenth century some major European scholars and essayists such as Ernest Rénan (1823-92) and Thomas Carlyle (1795-1881) considered the Jews to be a humorless people, in the twentieth century this attitude has completely reversed itself, and modern writings, as well as popular opinion, attribute to the Jews a unique humor of puzzling qualities. Sigmund Freud (1856-1939) is responsible for the view that Jewish jokes are "stories

[161] See El-Shamy 1995.

[162] See Ratzaby 1983.

[163] See Schechter 1890; Turczyner 1924; Rosen-Moked 1981; Pagis 1986; Stein 1993. Alterman 1971 is a book of poetic riddles that was published posthumously. The editor, Menah\em Dorman, summarizes the notes toward an introduction that were found among Alterman's papers. They attest to his familiarity with folklore riddle scholarship and his intention to address some of the basic issues with which the students of riddles are concerned.

created by Jews and directed against Jewish characteristics."[164] His followers hence considered aggression turned against the self to be "an essential feature of the truly Jewish joke," that is to say, symptomatic of paranoia or masochism, or in the service of a masochistic mask such as deflecting external aggression or achieving a victory by defeat. Sociologists regard Jewish humor as a mark of social marginality, while others observe that humor serves Jews as a defense mechanism. Jewish East European intellectuals who have shifted from traditional to modern circles and who previously spoke Yiddish, but also Hebrew and a European language, out of longing for the life and language they left behind, considered Jewish humor to be the apex of wit because, in their opinion, it is grounded in linguistic and logical incongruities that are absent in the humor of other peoples.

As the opinion that Jews lacked humor reflects ignorance of Jewish life and letters, so too does the exaltation of Jewish humor as unique reveal an ignorance of other peoples' jokes, anecdotes, and languages. However, as is the case in other societies, Jews tell jokes and sharpen their wit in relation to their particular languages, cultures, and social and historical experiences. In East European cities and townlets the local jesters (*badhanim*) entertained their audiences in wedding parties with tragicomic narratives involving family, religion, and society. The socio-historical position of an ethnic minority, and the bilingualism that has prevailed among Jews, also generated jokes that represent the conflicts and tensions inherent in these situations. They may be Jewish to the extent that their themes, characters, and languages are Jewish, but this reference and use does not make their humor inherently unique nor does it prevent Jews from incorporating into their narrative repertoires jokes told by other peoples. The self appears as the butt of jokes very widely, and not only among Jews. It is in general a very prevalent form of humorous exchange, highly tolerated by society; when the target is the collective self, or the community, however, among the Jews as with other groups, the narrators in fact split their society and laugh at those segments from which they seek to dissociate themselves.[165]

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[164] See Freud 1960:112.

[165] For references see Ben-Amos 1973; Bermant 1986; Brandes 1983; Davies 1991; Dorinson 1981; Dorson 1960; Dundes 1971, 1985; Landmann 1962a, 1962b; Lipman 1991 [1993]; Raskin 1992; Reik 1962; Rosenberg and Shapiro 1958; Schwara 1996; Ziv 1986.

Folklore in the Holocaust

During World War II, in the ghettoes and the concentration camps as well as among the partisan units in the forests, idiomatic expressions, coded language, legends, and songs became an integral, often necessary, part of culture and communication. These forms transmitted and maintained traditional themes and usages and, adjusted for their new situations, became Jewish folklore of the Holocaust period. By the beginning of the war, folklore consciousness among East European Jews was well advanced, with the result that when conditions permitted, folklorists and men of letters felt obliged to record the folklore in their lives as one of the commemorative cultural monuments to the horrors they had experienced. An entry in the diary of Yitskhok Rudashevski, a fourteen-year-old boy in the Vilna ghetto murdered on the fifth or sixth of October 1943, records:

> Monday the 2nd of November [1942]
> Today we had a very interesting group meeting with the poet A. Sutskever [Sutzkever]. He talked to us about poetry, about art in general and about the subdivisions in poetry. In our group two important and interesting things were decided. We create the following sections in our literary group: Yiddish poetry, and what is most important, a section to engage in collecting ghetto folklore. This section interested and attracted me very much. We have already discussed certain details. In the ghetto dozen of sayings, ghetto curses and ghetto blessings are created before our eyes; terms like *vashenen*, "smuggling into the ghetto," even songs, jokes, and stories which already sound like legends. I feel that I shall participate zealously in this little circle, because the ghetto folklore which is amazingly cultivated in blood, and which is scattered over the little streets, must be collected and cherished as a treasure for the future.[166]

The incorporation of a folklore collecting project into an educational program was rare. The poet Abraham Sutzkever (b. 1913), who motivated the youth, was a major literary figure in Vilna and cared not only for oral creativity in the ghetto but also for the many Jewish books and documents at YIVO, the Institute for Jewish Research, that he had saved from destruction. The diary of Yitskhok Rudashevski offers little clue as to the success of this collecting project. Most of the available information about Jewish folklore during the Holocaust draws from memories and recollections of survivors.

The Yiddish coded phrases and idiomatic expressions include a

[166] Holliday 1996:167-68.

disproportionately high representation of the Hebrew component of the Yiddish language as well as of terms of religious practice. The relatively high number of German-derived words in Yiddish required that speakers resort to Hebrew terms in order to maintain secrecy. These are often terms of warning about approaching German officers. For example "ya'aleh ve-yavo" is a special formula inserted in the daily prayer on holidays and the first day of the month. These two words mean "He shall rise and come." But verbal play adds to the meaning: "yavan," phonetically reminiscent of "yavo," is "Greece" in Hebrew and Yiddish, and even referred to foreign soldiers in earlier slang.[167]

The ghetto and concentration camp jokes expressed black humor, not necessarily the optimism that is often associated with Jewish humor. For example,

> In Treblinka, where a day's food was some stale bread and a cup of rotting soup, one prisoner cautions a fellow inmate against gluttony. "Hey Moshe, don't overeat. Think of us who will have to carry you."

Also from Treblinka:

> The consolation to friends upon leaving was, "Come on, cheer up, old man. We'll meet again some day in a better world—in a shop window soap." To which the friend would reply, "Yes, but while they'll make toilet soap from my fat, you'll be a bar of cheap laundry soap."[168]

Certainly, other jokes still maintained irony and aggression, as the following conveys:

> Two Jews had a plan to assassinate Hitler. They learned that he drove by a certain corner at noon each day, and they waited for him there with their guns well hidden.
>
> At exactly noon they were ready to shoot, but there was no sign of Hitler. Five minutes later, nothing. Another five minutes went by, but no sign of Hitler. By 12:15 they had started to give up hope.
>
> "My goodness," said one of the men. "I hope nothing happened to him."[169]

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[167] Kaplan 1982:33-48, espec. 34.

[168] Quoted in Lipman 1991 [1993]:151.

[169] Lipman 1991:16.

The songs of people in the ghettos were often written by known songwriters and achieved a very high degree of popularity. Many of the group songs as well as the lullabies expressed hope, defiance, and nostalgia. However, among them were some that were not composed in the ghetto. For example, a nostalgic song about Vilna, written by an immigrant in the United States, suddenly acquired high popularity in the ghetto among the youth who had witnessed the destruction of their city and its recession into the past.[170] The street singers in the Lodz ghetto articulated social criticism against the German-appointed leader Chaim Rumkowski. Their songs expressed irony, sarcasm, and at the same time hope.[171]

Troubled times are fertile ground for tales about miracles and the powerful actions of miracle workers. The Hasidim told such tales about their rabbis in peacetime. The Hasidic rabbis then proved their mettle by curing the sick, making the barren fertile, and anticipating fateful encounters. During the war the intensity of the narratives about them increased tenfold, since they now concerned questions of life and death.[172]

Literature

Modern Jewish poets and writers were at the forefront of folklore research. Their public visibility made them an influential cultural force that brought traditional life into the social consciousness of European Jewish society. In their writings some demonstrated an ambivalent and ironic attitude toward folklore scholarship, conceiving of such activities as in conflict with their literary creativity. Sh. Y. Agnon (1888-1970), a Noble Prize winner (1966), humorously represented this attitude in his novel *Shira* (1971), putting the following dialogue in the mouths of two of his characters:

> Weltfremdt said, "I assume you brought up pharmacists to make a point. So, where you come from, in Galicia, they would say that an ordinary pharmacist is a fool, why?" Taglicht said, "A man who spends all those years in school and is content to be a pharmacist rather than study medicine

[170] Dvorjetski 1951:257-77, esp. 258. Some of these songs have been performed in the film *Partisans of Vilna*, directed by Josh Waletzky, and are available on a CD by that name produced in 1989 by Flying Fish Records, FF 70450.

[171] See Flam 1992.

[172] Eliach 1982; Mintz 1968:356-79.

> is foolish, right? This applies to folklorists, who have so much material, and are content to present it as folklore rather than make it into a story." Weltfremdt said, "Then why don't you write stories?" Taglicht said, "I'm like those philosophy professors who aren't capable of being philosophers."[173]

Yet, like romantic artists, they considered folklore to be a source of cultural renewal, searching for themes that would replenish their imagination and offer their urban intellectual readers a revived contact with the tradition they left behind and from which they had already alienated themselves. Some writers, such as Y. L. Peretz and Sh. Z. An-ski, actively engaged in research on oral traditions;[174] others, such as Hl. N. Bialik and M. J. Berdyczewski (bin-Gorion) (1865-1921), pored over ancient sources and folk-books, culling legends and constructing tradition for the future. Bialik, a publisher as well as a leading poet, articulated his agenda of *kinus* ("gathering"), that is to say, the process of canonizing traditional literature and bestowing upon it a renewed intellectual vigor.[175] In his key programmatic essay, "The Hebrew Book" (1913), in which he outlines his plan for Jewish cultural revival, Bialik designates a respectable position for folklore and related subjects. Among the subjects that he regards as necessary for Jewish cultural renewal, he considers Aggadic literature, Hasidic literature, and specifically,

> folk literature, written as well as oral: folk speech, folktales, fox fables [i.e. animal tales], common fables, proverbs, wit and jokes, folk songs and so forth—it is necessary to collect the best of each genre, from all types of literature (from post-Aggadah until the present day), and from people from all walks of life, presenting them in one or two volumes, properly classified, according to themes, folk characters, or any other classificatory system, and the introduction to these volumes should articulate the principles of folklore and their manifestiation among the Jews.

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[173] Agnon 1989:318.

[174] Concerning Peretz's folkloristic work, see Kiel 1992; Cahan 1952; Grunwald 1952. For discussions of An-Ski's attitude toward and research of folklore, see An-ski 1928 [1919], 1992a; Kiel 1991:401-24; Noy 1982; Roskies 1992a, 1992b.

[175] See Kiel 1991:213-21. Bialik delivered his lecture on "The Hebrew Book" in the Second Conference on the Hebrew Language and Culture that convened in Vienna August 23-25, 1913. He later published it twice. An abbreviated version appeared in *Ha-Zlefirah* (1913), nos. 185, 186, 191, and the complete text in *Ha-Shilo'ah* 29 (1913): 413-27. See Werses 1981.

Bialik himself followed up on his own suggestion. *The Book of Legends*, which he edited together with Yehoshua Hana Ravnitzky as an anthology of talmudic-midrashic legends, has become a standard text in many home libraries.[176] Another prominent Hebrew writer of a younger generation, Micha Josef Berdyczewski, followed suit with a collection of primarily medieval folktales. The book, which also includes tales from later periods, appeared first in German as *Der Born Judas*, later in the Hebrew original and, even later, in an English translation.[177] A third set of folktales, *Sefer ha-Ma'asiyyot* ("A Book of Folktales"), which was edited by Mordekhai Ben-Yehezki'el, drew upon the nineteenth-century folk books that circulated primarily among the growing Hasidic population and included a few tales that he had recorded orally (though without specifying his sources).[178] The collection of Hasidic tales that Martin Buber edited, *Die chassidischen Bücher* (1927), represents the same trend among European Jewish intellectuals who delved into folklore in order to reinvigorate the national and enlightened Jews with the spirit of tradition.[179] Sh. Y. Agnon has continued in this role of cultural literary mediator and has edited several volumes of fragments he assembled from a wide range of books. Prominent among them are *Days of Awe* (1948), *Sippurei ha-Besht* ("Tales of the Baal Shem Tov," 1987), *Atem re'item* ("You Witnessed," 1995 [1959]).

However, in their literary and scholarly creativity authors appear to be more at ease with the written word than with living narrators and singers. Except for Y. L. Peretz and Sh. Z. An-Ski, who actively engaged

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[176] First published as *Sefer ha-Aggadah* (Odessa, 1908-11), the book went through eighteen impressions, including an enlarged edition published by Dvir in Tel Aviv in 1936. The latest revision appeared in 1952, and this in turn has served as the basis for the current English version (Bialik and Ravnitzky 1992).

[177] For his scholarly publications M. J. Berdyczewski used the Hebrew name of Josephus Flavius and in the first edition appeared as Micha Josef bin Gorion (1916-23); a second German edition appeared in 1966-73. A Hebrew edition, edited by his son Emanuel bin, was published in 1939-45 (2nd edition, 1952; 3rd edition, 1966). An English edition appeared in 1976, and it was followed by an abridged and annotated edition in 1990.

[178] See Ben-Yeh\ezki'el 1925-29.

[179] After World War II this collection appeared as *Die Erzahlungen der Chassidim*, (Zurich: Manesse, 1949); in English as *Tales of Hassidim*, trans. by Olga Marx. 2 vols. (New York: Schocken, 1947-48, 1961, 1966), and in Hebrew in 1957.

themselves in recording of folk songs and folktales, most other Jewish writers confined themselves to the literate tradition. These writers responded to folklore in two ways: by rewriting traditional tales and songs and by alluding to traditional ways in their short stories and novels, sometimes going so far as attempting to recapture the storytellers' and the singers' voices. These authors, in whose writings a resonance of folklore is perceptible, were in fact only once removed from the traditional life that they had previously experienced themselves. In the short stories and novels of Jewish writers whose world was shaped by modern education, however, folklore fades away. It had become by that time a mythologized past, an object of inquiry or of undefined yearning but not a living tradition. Such an alienation gives folklore the Midas touch: it enriches the observer but fossilizes tradition. Agnon puts this anguish in the words of Gabriel Gamzu, one of the central characters in his short story "Edo and Enam" (1966:210):

> How should he know? If an article of that kind came into my hands by chance, and no-one told me what it was, would I know? Besides, all these scholars are modern men; even if you were to reveal the properties of the charms, they would only laugh at you; and if they bought them, it would be as specimens of folklore. Ah, folklore, folklore! Everything which is not material for scientific research they treat as folklore. Have they not made our holy Torah into either one or the other? People live out their lives according to Torah, they lay down their lives for the heritage of their fathers; then along come the scientists, and make the Torah into "research material," and the ways of our fathers into—folklore.

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Appendix

Selected Sources of Oral Tradition

Tannaitic Sources

Avot de-Rabbi Nathan. Critical Edition: Schechter 1887. Translations: (Version A) Goldin 1955, Neusner 1986a; (Version B) Saladrini 1975. The largest of the extracanonical Minor Tractates at the end of the fourth division of the Babylonian Talmud;

the current versions of this text were compiled between the seventh and the ninth centuries in Babylon. In style, language, and cited authorities, however, it belongs to the tannaitic literature.[180] It is both a commentary on and amplification of *Avot*, the only Aggadic tractate in the Mishnah. While *Avot* consists mainly of proverbs and aphorisms, *Avot de-Rabbi Nathan* includes biographical, historical, and ethical legends.

Mekhilta of R. Ishmael. Critical edition: Horovitz and Rabin 1960. Translation and critical analysis: Lauterbach 1933-35, Neusner 1988a. A collection of *beraitot* representing tannaitic interpretation of parts of Exodus, this text is a product of the school of Rabbi Ishmael (second century). While *halakhic* in purpose, half of the book is *aggadah*.

Mekhilta of R. Simeon ben Yohai. Critical edition: M. Epstein and Melamed 1955. This is a lost *halakhic* tannaitic midrash on Exodus that was known in the Middle Ages. Since neither Babylonian nor Jerusalemean sages mention it in their respective Talmuds, scholars assume that it was edited in the Land of Israel no earlier than the fifth century. Its aggadic material appears to be taken from the *Mekhilta of R. Ishmael*. The current edition is an incomplete reconstruction based on quotations in later midrashim and in Geniza fragments.

Mishnah. Translations: Danby 1933, Neusner 1988b. The major compilation of tannaitic literature, it consists mainly of *halakhah*, with only brief segments of *aggadah* (the tractate *Avot*, mentioned above). It was edited in the Land of Israel by Rabbi Judah "the Prince" at the end of the second century.

Sifra. Critical editions: Finkelstein 1956, 1983. Translation: Neusner 1985b. A tannaitic *halakhic* interpretation of Leviticus, this book contains very little *aggadah*. It offers a running interpretation of the text in Hebrew in an exegetical style that emanates from the school of Rabbi Akiva.

Sifrei to Numbers. Critical edition: Horovitz 1917-39. Translation: Neusner 1986b. A tannaitic exegesis of parts of Numbers that expounds the interpreted parts verse by verse. The book includes *aggadah* as well as *halakhah*, and likely derives from the school of Rabbi Ishmael. Since it is mentioned in neither Talmud, it must have been edited in the Land of Israel after the completion of both.

Sifrei Zuta. A supplemental midrash to Numbers, *Sifrei Zuta* ("The Little Sifrei") was known in the Middle Ages but ultimately lost. Horovitz (1917) has reconstructed it on the basis of medieval quotations. Lieberman (1968) considers it the oldest tannaitic midrash.

Sifrei to Deuteronomy. Critical edition: Finkelstein 1993. Translation: Neusner 1987a. For many years scholars considered the *Sifrei to Numbers* and the *Sifrei to Deuteronomy* to be a single book—they follow the same expository method—but now most believe that the latter emanates from the school of Rabbi Akiba. *Halakhah* and *aggadah* make up almost equal parts of the book.

Tosefta. Critical editions: Zuckermandel 1881, Lieberman 1955-88. Translations: Neusner 1977-81. A compilation of *beraitot*, tannaitic statements that were excluded from the *Mishnah*; this text is very similar in structure, language, style, and cited authorities to the *Mishnah*. The *Tosefta*, however, includes more *aggadah* than does the *Mishnah*. It was edited in the Land of Israel in either the third or the fourth century.

[180] Fraenkel (1991:10) considers it a late rather than an early midrash.

Amoraic Sources

Babylonian Talmud. Standard edition: *Talmud Bavli*. Vilna: Widow and Brothers Romm, 1880-86 Translations: I. Epstein 1961, 1983-90; Goldwurm 1990; Neusner et al. 1984-94; Steinsaltz 1989-. The BT is the accumulative record of the learning and debates on the Mishnah that were carried out in the Babylonian academies from the first half of the third century until the end of the fifth century (499 CE). Traditionally, Rav Ashi (352-427) and Ravina (d. 500) are its editors. It contains two-thirds *aggadah* and one-third *halakhah*.

Jerusalemean Talmud. Standard edition: *Talmud Yerushalmi*. Bomberg: Venice, 1523-24. Translation: Neusner 1982-84. Also known as *Talmud di-venei ma'arav*a ("The Talmud of the West") or *Talmud de eretz yisrael* ("Talmud of the Land of Israel"), the JT contains the interpretation and elaboration of the *Mishnah* by the rabbis in the academies of the Land of Israel, particularly in Tiberias, Caesarea, and Sepphoris. Only one-sixth of the text is *aggadah*. It was compiled by R. Johanan (last quarter of the third century) and his students up through the middle of the fourth century.

Midrash Rabbah. Standard edition: Vilna, Widow and Brothers Romm, 1878. Modern edition: Mirkin 1982-87. Translation: Freedman and Simon 1939. "The Great Midrash" is a collection of ten separate books, five on each of the Pentateuch books, and five on each of the "scrolls." The midrashim date from different periods and are of different kinds (see entries below). Assembling the books as *Midrash Rabbah* was a printers' construct, although the desigation "Rabbah" had appeared in manuscripts of some midrashim. It first appeared in Constantinople from 1512-20.

Critical Editions and Translations of Single Books of the *Midrash Rabbah* and Other Midrashim

Midrash Mishle. Critical editions: Visotzky 1983, 1990. Translation: Visotzky 1992. An exegetical interpretation and a commentary on the Book of Proverbs from either the Land of Israel or Babylonia that dates back to the ninth century and includes anti-Karaite polemics.

Midrash Rabbah: Genesis. Critical edition: Theodor and Albeck 1912-36 [1965]. Translation: Neusner 1985a. The earliest of the midrashic books from the Land of Israel, this text dates back to the end of the fourth or to the beginning of the fifth century, or, as others contend, to the end of the fifth century. It is an exegetical midrash that follows the biblical verses, interpreting the entire book of Genesis.

Midrash Rabbah: Exodus. Critical edition: Shinan 1984. A late book (from an unidentified country) that probably dates back to the tenth century, this midrash has two clear parts. Chapters 1-14 are exegetical, elucidating the first ten chapters of Exodus. Chapters 15-52 are homiletic, consisting of sermons that build upon the first verses, which opened the weekly Bible reading in the triannual cycle customary at that time.

Midrash Rabbah: Leviticus. Critical edition: Margulies 1953-60. The earliest of the homiletic midrashic books from the Land of Israel, this text dates back to the fifth or sixth centuries, or at least to a time that was clearly before the Islamic conquest of Palestine in 634. Although the biblical book of Leviticus deals with religious laws, its midrash is primarily an aggadic book rich in narratives. The homilies revolve around the beginnings of each portion of the weekly Bible reading in the tri-annual cycle that was customary at

that time. They follow a pattern: a proem (or several alternative proems), a sermon, and an uplifting conclusion.

Midrash Rabbah: Numbers. The latest midrashic book to be included in *Midrash Rabbah*, this text dates to the thirteenth century. It consists of two unequal parts. The first and larger part (chapters 1-14) interprets the first eight chapters of the Book of Numbers, and the second (chapters 15-33) covers the rest. The editor incorporated into the first part sections taken from the homilies of Moses ha-Darshan (eleventh century) and earlier midrashic books such as *Tanhuma*. In fact, the second part is almost identical to the chapters on Numbers in the *Tanhuma*.

Midrash Rabbah: Deuteronomy. Critical edition: Lieberman 1940. A homiletic midrash from the Land of Israel that dates back to the eighth or ninth century. The starting point of each homily is the first verse or verses of the weekly Bible reading portion in the tri-annual cycle. Like the Tanhuma midrashim, each sermon opens with a halakhic question, to which the preacher elaborates a response that he connects with the opening verses of the Bible reading portion. Then, following several alternative proems, the editors include the central part of the sermon and an uplifting conclusion. In his critical edition, Leiberman uses a Sephardic manuscript that differs from the more common version of the book that was known to central European scholars.

Midrash Rabbah: Song of Songs. Translation: Neusner 1989a. An exegetical midrash from the Land of Israel that dates back to the sixth century. It opens with five proems and continues with interpretation of the biblical verses.

Midrash Rabbah: Ruth. Translation Neusner 1989b. An exegetical midrash from the Land of Israel that dates to the fifth or sixth century. The interpretations represent apocalyptic and eschatological tendencies.

Midrash Rabbah: Lamentations. Critical editions: S. Buber 1899, Mandel 1983; see also Hasan-Rokem 1996. Translation: Neusner 1989d. An early exegetical midrash from the Land of Israel that dates back to the fifth or the beginning of the sixth century. It opens with a group of thirty-six proems that begin with a verse from another part of the Hebrew Bible and concludes with the verse "How doth the city sit solitary" (Lamentations 1:1). The interpretive part follows the order of the biblical text.

Midrash Rabbah: Ecclesiastics. An eighth-century exegetical midrash from the Land of Israel.

Midrash Rabbah: Esther. Translation: Neusner 1989c. This midrash has two parts. The first six chapters date back to the fifth or sixth century, while the rest of the book is apparently from the eleventh century.

Pesikta de-Rav Kahanah. Critical edition: Mandelbaum 1962. Translations: Braude and Kapstein 1975, Neusner 1987b. The existence of this book was first demonstrated by an amazing feat of scholarship by Zunz, who in 1832 reconstructed it on the basis of quotations, references, and allusions in medieval texts. Later that century Salomon Buber (1868) published an edition based on four newly discovered manuscripts that confirmed Zunz's basic proposition. The book consists of homiletic midrashim to Torah and *haftarah* readings for festivals and special Sabbaths of the Jewish annual cycle. Each section (*pesikta*) begins with several alternative proems, continues with the sermon, and ends with an uplifting conclusion. The discovery of a sixteenth-century manuscript that served as the basis for Mandelbaum's critical edition confirmed that the book begins with Rosh Ha-Shanah and concludes with the Sabbath before the holiday. The name of this midrash, which dates back to the fifth century, comes from the opening formula "R.

Abba b. Kahana opened. . . ." These words appear in twelve of its chapters, beginning with the Sabbath after the seventeenth of Tammuz. Another possibility is the occurrence of the name Rav Kahana in the Rosh Ha-Shanah homilies in two manuscripts.

Pesikta Rabbati. Critical edition: Friedmann (Ish Shalom) 1880. Translation: Braude 1968. "The Great Pesikta" is a medieval midrash that draws upon the *Pesikta de-Rav Kahanah*, the *Tanḥuma*, and other amoraic sources.

Tanḥuma. Critical edition: S. Buber 1885. Translation: Townsend 1989. The *Tanhuma* is a homiletic midrash on the entire Pentateuch that follows the triennial Torah reading cycle. Each homily opens with a rhetorical *halakhic* question and then shifts to alternative proems, followed by the sermon and an uplifting conclusion. The text shows evidence of late literary editing. There is a printed text of midrash and an edition prepared by S. Buber (1885) that refers to a fourth-century Palestinian *amora*, Tanhuma, to whom these midrashim are attributed. In addition to these books, several other midrashim—among them parts or entireties of the *Midrash Rabbah* to Exodus, Numbers, and Deuteronomy, as well as parts of the *Pesikta Rabbati*—include homilies attributed to this *amora*. They open with a rhetorical halakhic question preceded by the formula "Yelammedenu Rabbenu . . ." ("May our teacher instruct us . . .") and are therefore known collectively as the *Tanhuma Yelammedenu* midrashim. The midrash *Tanhuma* was first printed in Constantinople in 1522 and appeared thereafter in many editions. Buber's edition is based on manuscripts and differs sharply from the printed edition. While Buber considered his version to be an older text, it is more than likely only one of several extant versions of the book.

Medieval Sources of the Midrash

Midrash ha-Gadol. Critical editions of its parts: Fisch 1972; Hoffmann 1913-21; Margulies 1956, 1967; Rabinowitz 1967; Steinsaltz 1976. This thirteenth-century Yemenite midrash on the Pentateuch was written by David ben Amram Adani, and became known to European scholars in tdhe nineteenth century. Adani incorporated into his work extracts from earlier midrashic tannaitic and amoraic sources. His accuracy and clarity have made his work a valuable resource for the reconstruction of both known and previously unknown midrashim.

Pirkei de-Rabbi Eliezer. Critical edition: Higger 1944-46; see also Stein 1998. Translation: Friedlander 1916. A pseudepigraphic eighth-century aggadic book that draws upon earlier midrashim and the Talmuds, weaving them into a historical narrative that begins with the Creation and concludes with the wanderings of the Children of Israel in the wilderness. The available versions are incomplete. In form and references the text shows evidence of the Islamic influence to which the author was subject in his country. The author was also familiar with the apocryphal and pseudepigraphic literature of the Second Temple. First published in Constantinople in 1514, the book was often reprinted.

Tanna de-Vei Eliyahu. Critical edition: Friedmann (Ish-Shalom) 1904. Translation: Braude and Kapstein 1981. Also known as *Seder Eliyahu*, this text has two parts, *Seder Eliyahu Rabbah* and *Seder Eliyahu Zuta*, both apparently written by the same anonymous author. This is neither a homiletic nor an exegetical midrash, but an exposition of ethical and theological values derived from and sanctioned by the Bible. The date and place of composition are a matter of scholarly controversy. Estimates range from the third to the

tenth century.

Yalkut Shim'oni. Critical edition: Hyman 1965-74. This medieval midrashic anthology, likely compiled by Shimon ha-Darshan of Frankfurt in the thirteenth century, has become a very important source for earlier midrashim. In most cases the editor recorded his sources, thereby offering us glimpses of the manuscripts that were available to him as well as of those manuscripts' renditions of texts that other sources preserve differently. The book, which began to circulate widely only at the end of the fifteenth century, quickly became very popular, particularly after its publication in Salonika (1521-26), and eventually replaced its sources.[181]

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