

CHAPTER V.

THE TALMUD OF JERUSALEM, THE TALMUD OF BABYLONIA, THE CHARACTER OF THEIR HALAKHA AND HAGADA, THE DATES OF THEIR COMPLETION AND THEIR SYSTEMATIZATION.

The sages of the Gemara, called Amaraïm, and the commentators of Mishnayoth were of different characters. Some were intent only on diligently collecting Mishnayoth and Baraithoth, wherever found, to compare them with each other, to correct their reading in conformity with Rabbi's Mishnayoth, and to separate the wheat from the chaff, *i.e.* to decide which Boraithoth was valid and which was not worthy of consideration (Boraithoth which were not studied in the colleges of R. Hyya and R. Ushia were not considered). On the other hand, there were others who devoted themselves to ingenious construction of the Mishnayoth and the Boraithoth itself, without adducing proofs from elsewhere. (See App. No. 9.) This consisted in scrupulously examining the letters in the Mishna, to eliminate or to amplify it where they judged necessary, to trace laws to their origin and to discover what tana agreed with this Mishna and what differed from it, whether the same tana contradicted himself at different places, and whether it was incompatible

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to explain them in various ways, and the like. In the language of the Gemara they are distinguished by different titles. Those who studied the Mishnayoth were styled "Sinai, the master of the wheat," and the dialecticians "the uprooters of mountains" or "acute men"; and although the preference was given to the former, as it was said, "all must resort to the master of the wheat," yet the study of the Babylonian Talmudists being based on scholasticism, their acuteness is evinced in their so harmonizing the contradictions and disagreements, that they appear to point to the same meaning.

Not only did they interpret the Boraithas at variance with the Mishnayoth, but when even one of the great Amoraïm appeared to differ from the Mishna they so distorted the latter that it should seem to agree with the Amora. A similar difference existed among the authors of the Hagada; some gave to biblical texts a new reading remote from the plain meaning, interpreting them in strange and marvellous ways, and basing on them legends of natural impossibilities, while some adhered closely to the literal meaning of texts, without adorning them with exaggerations. Though in the Palestinian and the Syrian, as well as in the Babylonian colleges, there were many scholars who assisted each other in their studies and comments on the Mishnayoth, the Palestinian differed from those of Babylon in this respect, that in the former the chief labor consisted in the collection of Halakhas, without profound researches into the deeper meanings and implications, even in the study of the mere Mishnayoth, all of which was totally unlike the manner of study in the Babylonian schools. Indeed, the Palestinians were inferior to the Babylonians in scholastic profundity and ingenuity, and but few of them distinguished themselves therein, except R. Johanan, R. Simeon b. Lakish, and several others of that period. Therefore, in the schools of Palestine, scholasticism was esteemed of little value, and in them the study of Halakhas fell into decay, so that finally the Hagada came to occupy the principal

place, the Halakhas holding a subordinate position. In addition to this, they found themselves compelled to give their attention to the biblical texts, as the Messianists, who had grown in numbers, construed these texts favorably to Christianity, and challenged the Jews to dispute with them. Therefore, the sages found themselves obliged to give the preference

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to the study of the Scriptures and Hagada. As at that time the impression was general that the most important element in the study of the Torah is ingenious reasoning on Halakha, it is not surprising that the Babylonian Talmud came to be received as the important and essential part of the Oral Law, while that of Palestine held a subordinate position.

It is difficult to describe accurately and clearly the mode of thinking and ways of reasoning of the Talmud, which in truth is known only to one who has made it the study of his life. It is easier, however, to give a picture of the Talmudists' views and notions, as gathered from the Hagada. In this respect the Hagada of the Palestinian Talmud is superior to that of Babylon, as it had its birth in Palestine, and was borrowed thence by the Babylonians.

Many books of Hagada had existed in Palestine, whose contents were incorporated later in various Midrashim, and some also in the Talmud, and even at that period there was a difference of opinion as to their value. Some valued them, and some despised them. The Hagadas consist of two elements: first, the external garment of the thought, the tradition, and secondly, the internal idea, allegorically shadowed forth, which constitutes literary value. The latter can be divided into three kinds: "P'shat," the interpretation of the meaning of biblical words; "Drash," a free untrammelled interpretation of the scriptural texts; "Sod," the deep mystic, religious meanings construed from the texts. By these three kinds of construction of Scripture, all subjects, topics and times are embraced and discussed. The Hagada, with its mystic and veiled religious wisdom, has exercised a great influence in the Oriental and heathen world, which has borrowed from it many precious gems of profound religious thought having Palestine for their birthplace. And indeed we find that the multitude of legends based on the Bible which have been current in, and revered by, the Mohammedan world for twelve hundred years, delighting both sages and the unlearned, are to be found in the Talmudic Hagada. Whether entire or only in the leading idea, their identity is recognizable. Many also of the legends of the Middle Ages to be found in the works of Dante, or those of Boccaccio, Cervantes, and Milton, are taken, consciously or unconsciously, from their original source, the Talmudic Hagada.

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[paragraph continues] The Fathers of the Christian church have likewise drawn on it, as Basilius of Cappadocia, Hieronymus, Chrysostomus, and many others who construed passages in the Bible in accordance with the Hagada. The moral code contained in the Hagada, teaches man how to conduct himself toward all men and in all situations of life. We shall deal with this moral law in a future chapter on the Ethics of the Talmud.

The two Talmuds contain, then, Halakhas, Hagadas, references to all branches of science known in those days, but without any system or order. Many times a Hagada is interpolated in the middle of a Halakha, and again in like manner a digression on a scientific subject extraneous to the Halakha is inserted in it. The compiler of the Talmud, whether from careless method or from the great labor involved, could introduce no order. In this respect there is little difference

between the two Talmuds; nor is there much difference in the sources whence each drew its material. Sayings from the Talmud of Palestine are quoted in that of Babylonia, sometimes under the name of their author or their citer in Babylonia; other passages are stated to emanate from the "West." "In the West (Palestine) it was said." In the Talmud Palestinian, similarly (*vide* I. H. Weiss, Vol. III., 127, etc.), the Babylonian authority is often given; *e.g.*, "There they learn" or "say." It is clear however that when the Babylonian Talmud was compiled that of Palestine was unknown to its compilers, although, according to the opinion of many, the Talmud of Palestine was arranged by R. Johanan and concluded by R. Jose bar Bun about one hundred years before the Babylonian; others, however, affirm that the Talmud of Palestine was concluded only in the eighth century or even as late as the ninth (in the time of Anan, the founder of the Karaite sect), and adduce evidence in substantiation. We may assume, as a compromise, both assertions to be true; the greater part had indeed been arranged and systematized in the time of Hillel, the last of the Nasis in the West, but it was not employed to any extent in the colleges remaining in Palestine and Syria, because the Babylonian Talmud had spread until it reached the West. But in the time of the Karaites many things were added to the Talmud of Palestine (to oppose the doctrines of the Karaites, as the small tract on Tephilin and the like, which that sect repudiated) by those who wished their

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words to be held as of equal sacredness with the Talmud, as was then customary. (We shall speak of this further on.) The bulk of the Palestine Talmud, after all the additions, is much less than that of the Babylonian, albeit it contains Gemara on two additional tracts (thirty-nine instead of thirty-seven, as will be explained) and fragmentary chapters of other tracts. This is owing to the fact that the discussion of the Mishnayoth is not so elaborate, and there is less of scholastics. We have already stated that its quality, as regards the Halakhas, is also inferior. It was not as popular as that of Babylonia, therefore fewer copies were made of it than of the latter. For this reason, since its conclusion its opponents have been less numerous, though it was very much persecuted at the time when it was studied in the colleges. The government rulers persecuted Israel and its Torah, since the death of Rabbi, and the persecutions did not stop until the death of Hillel, the last of his descendants, with whom the office of Nasi ceased to exist (360). This was alone one of the causes why the Talmud of Palestine spread less widely than its younger brother of Babylonia. The lot of the Talmud in Babylonia was better, since from the time of the death of Rabbi (223) till Mar b. R. Rah Ashi, one of the last of the Amoraim (500), it was not persecuted by the Persian rulers. For about a hundred years, the heads of the Exile were diligent in their studies, uniting thereunto its political power. If it sometimes happened that some kings were ill-disposed to the Jews, still they did not interfere with their studies. ¹ For this reason the study of the Talmud flourished in the colleges of Sura, Nahardea and Pumbeditha, and the number of its students was counted by thousands. (The Talmud counts the auditors of Abba Arikha's [Rabb's] lectures as 12,000.) And so the Talmud became a vast sea, and its waves rose with might. R. Ashi (355-427) saw, therefore, that the time had come for revising, systematizing and concluding it, when he came to restore the college of Sura (Matha Mekhasia), which had fallen into decay on the death of Rabh.

About this R. Ashi it was said (Sanhedrin, p. 108) that from the time of Rabbi to his time there is not to be found a man who was unique in the possession of wisdom, riches and glory. He

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was in favor with King Izgadar II., rich and long-lived. Therefore, he undertook in the course of one year to systematize two tracts. Whether he arranged them in the order in which they are found in the Mishnayoth, or differently, or whether he revised and improved them, is not known to us; but this, at least, is clear, that some tracts he revised twice, and the second time in a manner opposite to the first. ¹ Be this as it may, it is also certain that the Talmud which we possess is not that which came from R. Ashi's hands, since additions by seven heads of the colleges who succeeded him in Sura, and by their colleagues, Meremar, Idi bar Abin, Nabman bar Huna, Tabyomi (Mar b. R. Ashi) his son, Rabba Tospoah, Rabina bar Huna, Rabbana Jose, who presided together 125 years, are mentioned in the Talmud, none of which are found in R. Ashi's edition. Perhaps they also made eliminations in his edition though they did not attain the learning and religious wisdom of R. Ashi, except his son, Tabyomi. The latter filled the place of his father in learning and wisdom, though not in his breadth of view, for in his time reigned King Peros, the son of Izgadar III., who persecuted the Jews, the Talmud, and those who cherished it. Therefore, even if we suppose that his son Mar was diligent in arranging and revising the Talmud, as traces of his insertions and corrections are found in it, yet he did not succeed in completing it, owing to the persecutions of the government, especially as he did not occupy his office long, and thus the Talmud has remained uncorrected. But as the sages became aware that the times were changing, the number of learned men diminishing, they began to fear lest in the course of time, passages would multiply in the Talmud which would rather detract from than add to its value; therefore they concluded it, and decreed that thenceforth nothing should be added to it. They also ordered that the sages should no more be called "Amoraim." (signifying commentators of the Mishna), but Saburaim (*i.e.*, explainers of the Talmud to the people). Thus the Talmud was concluded in the age of Rabbana Jose (about 525), without further revision or rearranging. In reality, however, these sages achieved almost nothing; for, despite their decree, the Soburites (as also many of its enemies) as well as the Gaonim, and the

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rabbis succeeding them, added to and eliminated from it and altered in many places its version, as I. H. Weiss has proved beyond dispute and also we ourselves in our book "L'baker Mishpat" and in the journal "Hakol" many times, as will be mentioned further on. (See App. No. 10.)

Footnotes

[21:1](#) See Getzow, "Al Naharoth Babel."

[22:1](#) Vide "Last Gate," 356b.

[Next: Chapter IV: The Sixth Century: Persian and Byzantine Persecution of the Talmud](#)