

## CHAPTER IV.

### THE CLASSIFICATION OF HALAKHA AND HAGADA IN THE CONTENTS OF THE GEMARA.

The collection of the commentaries and discussions of the Amoraim on the Mishna is termed *Gemara*. (See our Brief Introd., Vol. I., of our Edition.) Besides being a discursive commentary on the Mishna, the Gemara contains a vast amount of more or less valuable material which does not always have any close connection with the Mishna text, as legal reports, historical and biographical information, religious and ethical maxims and homiletical remarks.

The whole subject-matter embodied in the Gemara is generally classified into *Halakha* and *Hagada*.

To *Halakha* [1](#) belongs that which has bearing upon the law; hence all expositions, discussions and reports which have the object of explaining, establishing and determining legal principles and provisions. The principal branches of the Halakha are indicated by the names of the six sections of the Mishna, named in Chap. IV. of this work.

The *Hagada* [2](#) comprises everything not having the character of Halakha; hence all historical records, all legends and parables, all doctrinal and ethical teachings and all free and unrestrained interpretations of Scripture.

According to its different contents and character, the Hagada may be divided into:

1. *Exegetical* Hagada, giving plain or homiletical and allegorical explanations of biblical passages.
2. *Dogmatical* Hagada, treating of God's attributes and providence, of creation, of revelation, of reward and punishment, of future life, of Messianic time, etc.
3. *Ethical* Hagada, containing aphorisms, maxims, proverbs, fables, sayings, intended to teach and illustrate certain moral duties.
4. *Historical* Hagada, reporting traditions and legends concerning the lives of biblical and post-biblical persons or concerning national and general history.
5. *Mystical* Hagada, referring to Cabala, angelology, demonology, astrology, magical cures,

interpretation of dreams, etc.

6. *Miscellaneous* Hagada, containing anecdotes, observations, practical advice, and occasional references to various branches of ancient knowledge and sciences.

Hagadic passages are often, by the way, interspersed among matters of Halakha, as a kind of diversion and recreation after the mental exertion of a tiresome investigation or a minute discussion on a dry legal subject. Sometimes, however, the Hagada appears in larger groups, outweighing the Halakha matter with which it is loosely connected.

Concerning the Palestinian Talmud, its Halakhas and Hagadas, see Chap. V. of this volume. However, as an appendix we add that which was written by Mielziner about this matter.

There are two compilations of the Gemara, which differ from each other in language as well as in contents; the one made in Palestine is called *Jerushalmi*, the Jerusalem Gemara or Talmud; the other, originating in Babylonia, is called *Babli*, the Babylonian Gemara or Talmud.

#### COMPILATION OF JERUSHALMI, THE PALESTINIAN TALMUD.

As no academy existed in Jerusalem after the destruction of the second Temple, the customary appellation *Jerusalem* Talmud is rather a misnomer. More correct is the appellation the Palestinian Talmud, or the Gemara of the teachers of the West.

p. 40

Maimonides in the introduction to his Mishna commentary ascribes the authorship of the Palestinian Talmud to the celebrated teacher R. Jochanan, who flourished in the third century. This statement, if literally taken, cannot be correct, since so many of the teachers quoted in that Talmud are known to have flourished more than a hundred years after R. Jochanan. This celebrated Amora may, at the utmost, have given the first impulse to such a collection of commentaries and discussions on the Mishna, which was continued and completed by his successors in the academy of Tiberias. In its present shape the work is supposed to belong to the fourth or fifth century. Some modern scholars assign its final compilation even to a still later period; namely, after the close of the Babylonian Talmud. [1](#)

The Palestinian Gemara, as before us, extends only over thirty-nine of the sixty-three Masechtoth contained in the Mishna, namely all Masechtoth of Seder Zeraim, Seder Moed, Nashim and Nezikin, with the exception of Eduyoth and Aboth. But it has none of the Masechtoth belonging to Seder Kodashim, and of those belonging to Seder Teharoth it treats only of Masecheth Nidda. (See Chap. V., p. 44.)

Some of its Masechtoth are defective; thus the last four Perakim of Sabbath and the last Perek of Maccoth are wanting. Of the ten Perakim belonging to Masecheth Nidda it has only the first three Perakim and a few lines of the fourth.

There are some indications that elder commentators were acquainted with portions of the Palestinian Gemara which are now missing, and it is very probable that that Gemara originally

extended to all or, at least, to most of the Masechtoth of the Mishna. The loss of the missing Masechtoth and portions thereof may be explained partly by the many persecutions which interrupted the activity of the Palestinian academies, partly by the circumstance that the Palestinian Gemara did not command that general attention and veneration which was bestowed on the Babylonian Gemara.

p. 41

## COMPILATION OF BABLI, THE BABYLONIAN TALMUD.

The compilation of the Babylonian Talmud is generally ascribed to Rab Ashe, who for more than fifty years (375-427), officiated as head of the academy in Sura. It is stated that it took him about thirty years to collect, sift and arrange the immense material of this gigantic work. During the remaining second half of his activity he revised once more the whole work and made in it many corrections. [1](#)

But Rab Ashe did not succeed in finishing the gigantic work. It was continued and completed by his disciples and successors, especially by the last Amoraim, Rabina II., who from 488 to 499 presided over the academy in Sura, and R. Jose, the school-head of Pumbeditha. Some additions were made by the Saboraim, and even by some still later hands.

The Gemara of the Babylonian Talmud covers only thirty-seven Masechtoth (tracts) of the Mishna, namely:

Of Zeraim only one, Berachoth, omitting the remaining ten Masechtoth;

Of Moed eleven, omitting only Shekalim, which in our Talmud editions is replaced by the Palestinian Gemara; [2](#)

Of Nashim all of the seven Masechtoth belonging to that division;

Of Nezikim eight, omitting Eduyoth and Aboth; [3](#)

p. 42

Of Kodashim nine, omitting Middoth and Kinnim. In Themid only chapters I., II. and IV. are provided with Gemara, but not chapters III., V., VI. and VII.

Of Teharoth only Nidda, omitting eleven Masechtoth.

There being no traces of the Gemara. missing to twenty-six Masechtoth, it is very probable that this part of the Gemara has never been compiled, though those; Masechtoth have undoubtedly also been discussed by the Babylonian Amoraim, as is evident from frequent references to them in the Gemara on the other Masechtoth. The neglect of compiling these discussions may be explained by the circumstance that those Masechtoth mostly treat of laws which had no practical application outside of Palestine. This is especially the case with the Masechtoth of Zeraim,

except Berachoth, and those of Teharoth, except Nidda. It was different with the Masechtoth belonging to Kodashim which, though treating of the sacrificial laws, are fully discussed in the Babylonian Talmud, as it was a prevailing opinion of the Rabbis that the merit of being engaged with the study of those laws was tantamount to the actual performance of the sacrificial rites. (See Talm. Menachoth, 110a.) [1](#)

The absence of Gemara on the Masechtoth Eduyoth and Aboth is easily accounted for by the very nature of their contents, which admitted of no discussions.

## THE TWO GEMARAS COMPARED WITH EACH OTHER [2](#)

The Palestinian and the Babylonian Gemaras differ from each other in language and style as well as in material, and in the method of treating the same, also in arrangement.

p. 43

As regards the language, the Palestinian Gemara is composed in the West Aramaic dialect which prevailed in Palestine at the time of the Amoraim.

The language of the Babylonian Gemara is a peculiar idiom, being a mixture of Hebrew and East Aramaic, with an occasional sprinkling of Persian words. Quotations from Mishna and Boraitha, and sayings of the elder Amoraim are given in the original, that is, the New Hebrew (Mishnic) language, while forms of judicial and notary documents and popular legends of later origin are often given in the Aramaic idiom.

Although the Palestinian Gemara extends to two more Masechtoth than the Babylonian, its total material amounts only to about one third of the latter. Its discussions are generally very brief and condensed, and do not exhibit that dialectic acumen for which the Babylonian Gemara is noted. The Hagada in the Palestinian Gemara includes more reliable and valuable historical records and references, and is, on the whole, more rational and sober, though less attractive than the Babylonian Hagada, which generally appeals more to the heart and imagination. But the latter, on many occasions, indulges too much in gross exaggerations, and its popular sayings, especially those evidently interpolated by later hands, have often an admixture of superstitious views borrowed from the Persian surroundings.

The arrangement of the material in the two Talmuds differs in this, that in the Babylonian, the Gemara is attached to the single paragraphs of the Mishna, while in the Palestinian all paragraphs (the retermed Halakhoth), belonging to one Perek of the Mishna, are generally placed together at the head of each chapter. The comments and discussions of the Gemara referring to the successive paragraphs are then marked by the headings, Halakha 1, Halakha 2, and so on.

The two Gemara collections make no direct mention of each other as literary works. But the names and opinions of the Palestinian authorities are very often quoted in the Babylonian Gemara; and in a similar way, though not to the same extent, the Palestinian Gemara mentions the views of the Babylonian authorities. This exchange of opinions was effected by the numerous teachers who are known to have emigrated or frequently travelled from the one country to the other,

The study of the Babylonian Talmud, having been transplanted from its native soil to North Africa, and the European countries (especially Spain, France, Germany and Poland), was there most sedulously and religiously cultivated in the Jewish communities, and gave rise to an immense Rabbinical literature. The Palestinian Talmud never enjoyed such general veneration and attention. Eminent Rabbis alone were thoroughly conversant with its contents, and referred to it in their writings. It is only in modern times that Jewish scholars have come to devote more attention to this Talmud, for the purpose of historical and literary investigations.

---

## Footnotes

[38:1](#) *Halakha* means custom, usage, practice; then, an *adopted rule*, a *traditional law*. In a more extended meaning, the term applies to matters bearing upon that law.

[38:2](#) *Hagada* or *Haggada* means that which is related, a tale, a saying, an individual utterance which claims no binding authority. Regarding this term, see W. Bacher's learned and exhaustive article, "The Origin of the Word Hagada (Agada)," in the *Jewish Quarterly Review* (London), Vol. IV., pp. 406-429. As to fuller particulars concerning Halakha and Hagada, see Zunz's "G. Vortraege," pp. 57-61 and 83 sq.; also Hamburger's "Real Encyclopädie," H., the articles Halacha and Agada, also above, Vol. I., Chap. V.

[40:1](#) Critical researches on this subject are found in Geiger's "Jued. Zeitschrift I. Wissenschaft," 1870; Z. Frankel's "Mebo," p. 46 sq., and in Wiesner's "Gibeath Jeruschalaim" (Vienna, 1872).

I. H. Weiss ("Dor Dor," III., p. 114 sq.) regards R. Jose (bar Zabda), who was a colleague of R. Jonah and one of the last authorities in Palestine, as the very compiler of the Pal. Talmud which in the following generation was completed by R. Jose bar Bun (Abun).

[41:1](#) See *ibid.*, Vol. I., p. 21.

Those scholars who maintain that the Mishna was not written down by R. Jehuda Hanasi, but that he merely arranged it orally (see Chap. IV., p. 17), maintain the same in regard to Rab Ashe's compilation of the Gemara, without being able to state when and by whom it was actually committed to writing. Against this opinion it has been properly argued that it must be regarded as absolutely impossible for a work so voluminous, so variegated in contents and so full of minute and intricate discussions, as the Talmud, to have been orally arranged and fixed, and accurately transmitted from generation to generation. On the strength of this argument and of some indications found in the Talmud, Z. Frankel (in his "Mebo," p. 47) even regards it as very probable that Rab Ashe in compiling the Gemara made use of some minor compilations which existed before him, and of some written records and memoranda containing short abstracts of the academical discussions in the preceding generations. Collecting and arranging these records, he partly enlarged them by fuller explanations, partly left them just as he found

them. Some traces of such memoranda, made probably by R. Ashe's predecessors, are still found in numerous passages of the Talmud.

[41:2](#) In our new edition in Vol. VIII., we supplied a new brief commentary by Rodkinson.

[41:3](#) We have placed Aboth de Rabbi Nathan under the Mishna instead of the missing Gemara Jurisprudence, Vol. I. (IX.).

[42:1](#) This reason appears doubtful to us as, according to the sages, the study of the Torah, no matter of which of its branches, is esteemed higher than sacrifices and they also were not very much in favor of sacrifices at large, just as little as the old prophets. Apart from this we find there lengthy discussions about things which have never and could never have existed. We therefore think that the Gemara was composed of all the Mishnayoths, and those which are missing were simply lost in the course of time. Secondly, discussions to subjects of every Mishna are scattered in the Talmud, but were not collected, and, indeed, a Rabbi of Ishbitza in Poland, Gershon Henich Lener, took the trouble to gather the Gemara belonging to the section *Purification* and publish them in a very voluminous book, in 1836, with the approbation of most of the Russian and Polish rabbis. (See particulars of this in our Phylacterian Retus, p. 122.)

[42:2](#) About this subject we have spoken in the first volume of this work. However, we will not omit what was said by Mielziner concerning this matter, as it is very reasonable.

---

[Next: Chapter V: Apocryphal Appendices to the Talmud and Commentaries.](#)