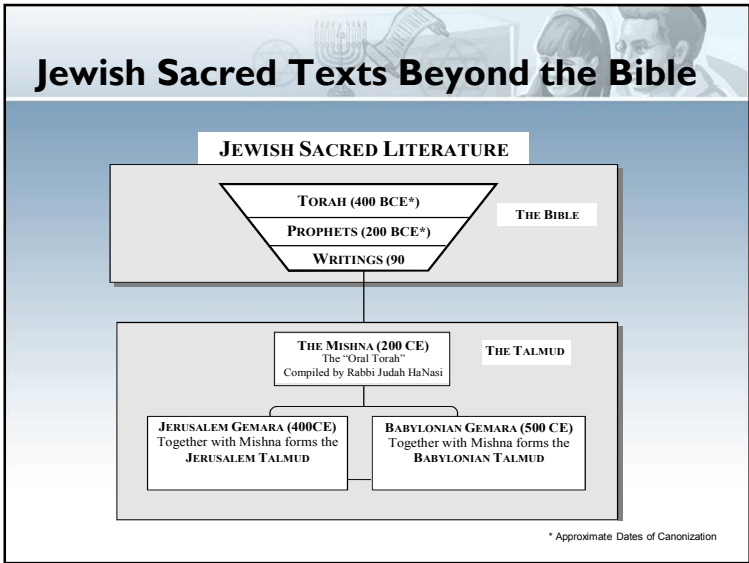


Jewish Literacy # 8 Mishna and Talmud

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Overview

- If the Bible is the heart of Judaism, the Talmud is its bloodstream.
- *Talmud* = *Mishna* + *Gemara*
- Talmud *Yerushalmi* (Jerusalem or Palestinian) Talmud completed in about 400 CE.
- Talmud *Bavli* (or Babylonian Talmud) completed in about 500 CE. This is the primary talmud.
- Talmud. The *Bavli* is six times the size of the Yerushalmi.
- The completed Talmud includes citations from more than a thousand rabbis and teachers.
 - Rabbis whose views are recorded in the Mishna are called *Tanna'im* (Aramaic for “teachers”).
 - Rabbis quoted in the *Gemara* are called *Amora'im* (“explainers” or “interpreters”).



Mishna

- From Hebrew *shonah*, to repeat, therefore to study by repetition
- The recorded Oral Law, needed since the Torah didn’t answer all legal and religious questions. Example: what work is prohibited on the Sabbath.
- An oral law required students to maintain relationships with teachers; this was deemed the best way to pass down Jewish tradition.
- Compiled by Yehuda *HaNasi* (Rabbi Judah the Prince or “Rabbi”) in 200 CE (after the failed revolts against Rome). He feared that the law would be lost if not written down.
- Statements of Oral Law that Judah did not select are called *Tosefta* or *Baraitah*.

Mishna (continued)

- *Mishna* is written in Hebrew, but the Hebrew is different from that of the Bible.
- *Mishnayot* are short, elegant and idealistic (compared to the *Gemara*)
 - In a sense, the *Mishna* corresponds to the US Constitution, elegant, and general
 - The *Gemara* corresponds to Supreme Court cases which ultimately decide what the Constitution means.
- Structure of the *Mishna*
 - Divided into 6 orders.
 - Each order is divided into tractates (63 in all)
 - Each tractate has several chapters
 - The chapters contain several *mishnayot* (plural for *mishnah*)

Mishna (continued)

- Thus a typical reference would read “Sanhedrin 3:4” referring to the 4th *mishnah* of the 3rd chapter of tractate *Sanhedrin* (although *Sanhedrin* is in the 4th order called *Nezikin*, this is not given in the typical citation).
- Let’s read some Mishna!
 - Pirke Avot – Chap. 1
 - Ketubot 5:6 [A husband’s sexual obligations towards his wife]
 - Yoma 8 [rules for Yom Kippur]

Mishna – Pirke Avot

ABOTH' ('THE FATHERS')

1. 1. Moses received the Law² from Sinai and committed it to Joshua, and Joshua to the elders,³ and the elders to the Prophets;⁴ and the Prophets committed it to the men of the Great Synagogue.⁵ They said three things: Be deliberate in judgement, raise up many disciples, and make a fence⁶ around the Law.

6. Joshua b. Perahyah and Nittai the Arbelite⁸ received [the Law] from thee a fellow[-disciple];⁹ and when thou judgest any man incline the balance in his favour.¹⁰

12. Hillel and Shammai³ received [the Law] from them. Hillel said: Be of the disciples of Aaron, loving peace and pursuing peace, loving mankind and bringing them nigh to the Law.

13. He used to say: A name⁴ made great is a name destroyed, and he that increases not decreases, and he that learns not is worthy of death, and he that makes worldly use of the crown shall perish.

14. He used to say: If I am not for myself who is for me? and being for mine own self what am I? and if not now, when?

Mishna – Ketubot 5A

התלמידים יוצאין לטלמוד תורה³ The Mishnah continues its discussion of a husband's obligation to cohabit with his wife: Married Rabbinic students may leave their homes and go to another town for the study of Torah without their wives' permission for periods of up to thirty days, even though they will be unable to fulfill their conjugal obligations. ⁴But workers may leave to work in another town without their wives' permission for only one week at a time.

הטענה האמורה בתורה⁵ The Mishnah now explains that the husband's conjugal obligation, which stems from the Biblical verse (Exodus 21:10): "And her duty of marriage he shall not diminish," varies according to the husband's occupation and how frequently he is found at home. ⁶Men of leisure, who spend most of their time at home, are obliged to cohabit with their wives every day. ⁷Workers who work in their home

town are obliged to cohabit with their wives twice a week. ¹Ass drivers, who leave their home towns and transport merchandise to the surrounding villages, but who are not ordinarily absent from their homes for more than a

week at a time, are obligated to have sexual relations with their wives once a week. ²Camel drivers, who transport merchandise greater distances, are required to cohabit with their wives once in thirty days. ³Sailors, who are away from home for extended periods of time, are required to have sexual relations with their wives once in six months. ⁴These are the husband's marital duties according to the viewpoint of Rabbi Eleizer.

Mishna – Ketubot – Jewish Law

HALAKHAH

העוֹלָה הָאִשּׁוּרָה בְּתוֹרָה The conjugal obligation stated in the Torah. "A husband's conjugal obligation varies in accordance with his physical abilities and occupation. Unless otherwise stipulated by the parties, a man of leisure is obligated to have sexual relations with his wife every day of the week. The conjugal obligation of a worker (who works in his home town) is twice a week; that of an ass driver is once a week; that of a camel driver is once in thirty days; and that of a sailor is once in six months." (Rambam, *Sefer Nashim, Hilkhot Ishut* 14:1); *Shulhan Arukh, Even HoEzer* 76:1-2.)

Mishna – Yoma

YOMA, 6. 5--8. 3

8. 1. On the Day of Atonement, eating, drinking, washing, anointing, putting on sandals, and marital intercourse are forbidden. A king or a bride may wash their faces and a woman after childbirth may put on sandals. So R. Eliezer. But the Sages forbid it.

2. If a man ate a large date's bulk,¹⁰ the like of it together with its stone, or if he drank a mouthful, he is culpable.¹¹ Any foods may be included together to make up the date's bulk, and any liquids may be included together to make up the mouthful. What a man eats and what he drinks may not be included together.

3. If he both ate and drank in a single act of forgetfulness¹² he is liable to one Sin-offering only. If he ate and also performed an act of work, he is liable to two Sin-offerings. If he ate foods which are not fit for eating or drank liquids which are not fit for drinking, or even if he drank brine or fish-brine,¹³ he is not culpable.

4. They do not cause children to fast on the Day of Atonement, but they should exercise them therein one year or two years before [they are of age],¹ that they may become versed in the commandments.

5. If a pregnant woman smelled [food and craved after it], they may give her food until she recovers herself. He that is sick may be given food at the word of skilled persons; and if no skilled persons are there, he may be given food at his own wish, until he says, 'Enough!'

6. If someone...

Mishna – Yoma

6. If ravenous hunger² seized a man he may be given even unclean things to eat until his eyes are enlightened.³ If a mad dog bit him he may not be given the lobe of its liver to eat; but R. Mattithiah b. Heresh permits it. Moreover R. Mattithiah b. Heresh said: If a man has a pain in his throat they may drop medicine into his mouth on the Sabbath, since there is doubt whether life is in danger, and whenever there is doubt whether life is in danger this overrides the Sabbath.

7. If a building fell down upon a man and there is doubt whether he is there or not, or whether he is alive or dead, or whether he is a gentile or an Israelite, they may clear away the ruin from above him. If they find him alive they may clear it away [still more] from above him; but if dead, they leave him.

9. If a man said, 'I will sin and repent, and sin again and repent', he will be given no chance to repent. [If he said,] 'I will sin and the Day of Atonement will effect atonement', then the Day of Atonement effects no atonement. For transgressions that are between man and God the Day of Atonement effects atonement, but for transgressions that are between a man and his fellow the Day of Atonement effects atonement only if he has appeased his fellow. This did R. Elcazar b. Azariah expound: *From all your sins shall ye be clean before the Lord*⁴—for transgressions that are between man and God the Day of Atonement effects atonement; but for transgressions that are between a man and his fellow the Day of Atonement effects atonement only if he has appeased his fellow. R. Akiba said: Blessed are ye, O Israel. Before whom are ye made clean and who makes you clean? Your Father in heaven; as it is written, *And I will sprinkle clean water upon you and ye shall be clean.*⁵ And again it says, *O Lord the hope (mikveh)⁶ of Israel;*⁷—as the *Mikveh* cleanses the unclean so does the Holy One, blessed be he, cleanse Israel.

Talmud

- Talmud is difficult because:
 - The rabbis wanted us to study with a teacher and a friend
 - The rabbis wanted to teach us the logic behind Jewish law and tradition so that we could continue the process. They could have written a simple code which would have been quickly out of date.
- The Gemara is the commentary on the Mishna. Gemara is the Aramaic word for Talmud. The Gemara is written in Hebrew and Aramaic.
 - The Gemara does not address each of the 63 tractates of Mishna
 - the Babylonian Talmud addresses 37 and the Jerusalem, 39 (not the same ones).
 - Some of the talmudic material may have been lost over the years.
- The Talmud contains both halachic (legal) and aggadic (ethical and folkloric) material. The legal material accounts for 80% of the Babylonian Talmud.

Talmud (continued)

- The Talmud was first printed in Venice in 1520. Every Talmud printed since this date has the exact same layout. Thus a citation in the Talmud is by page number – for example,
 - Shabbat 4a – meaning the “a” side of page four of the (Babylonian) Talmud, tractate Shabbat.
- Organization of the Talmud Page (see sample)
- The Talmud reads like a stream of consciousness discussion of the Mishna.
 - The text sometimes seems to stray from the original Mishna.
 - Often the most interesting points are made in this “wandering.”

Organization of a Talmud Page

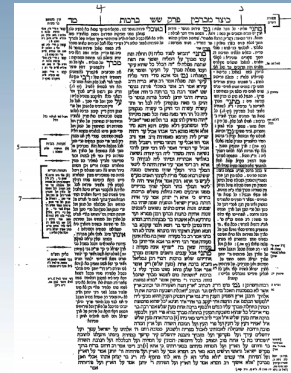


Figure 13. Talmud Babel (Babylonian Talmud) comprising the Mishna and the Gemara, with commentaries (standard edition).

1. Text of the Mishna
2. Text of the Gemara
3. Rashi (see 4802/1102)
4. Tosפות (see 5505/1202)
5. Shaghat HaBeh (see 5402/1602)
6. Mishna Halakha (see 5402/1502)
7. Shaghat HaChin (see 5502/1702)

Books About the Talmud

- I strongly recommend a series written by Rabbi Judith Z. Abrams, all published by Jason Aronson:
- Learn Talmud: How to Use “The Talmud: The Steinsaltz Edition”, 1995. This is a must for those who buy the Steinsaltz English Talmud. She provides us background, terminology, etc. as well as leading us to the most interesting stories. She even suggests ways of studying the material to pursue specific interests and themes.
 - The Talmud for Beginners. Rabbi Abrams has written three volumes, #1 Prayer, #2 Text and #3 Living In a Non-Jewish World.
 - The Women of the Talmud
 - There’s even an Complete Idiot’s Guide to the Talmud!

Books About the Talmud

- There are many collections of Talmudic sayings:
- A. Cohen, Everyman’s Talmud, Schocken Books, 1975
 - L. I. Newman, ed., The Talmudic Anthology, Behrman House, 1945
- J. Let’s read some Talmud – the story of the Oven of Akhnai

FOR NEXT CLASS: Read Lotker pp. 25-29; Handbook pp. 149

My Favorite Talmud Story

Babylonian Talmud: 59A – The Oven of Aknai

We learnt elsewhere: If he cut it into separate tiles, placing sand between each tile: R. Eliezer declared it clean, and the Sages declared it unclean, and this was the oven of 'Aknai.¹ Why [the oven of] 'Aknai? — Said Rab Judah in Samuel's name: [It means] that they encompassed it with arguments² as a snake, and proved it unclean. It has been taught: On that day R. Eliezer brought forward every imaginable argument,³ but they did not accept them. Said he to them: 'If the halachah agrees with me, let this carob-tree prove it!' Thereupon the carob-tree was torn a hundred cubits out of its place — others affirm, four hundred cubits. 'No proof can be brought from a carob-tree,' they retorted. Again he said to them: 'If the halachah agrees with me, let the stream of water prove it!' Whereupon the stream of water flowed backwards — 'No proof can be brought from a stream of water,' they rejoined. Again he urged: 'If the halachah agrees with me, let the walls of the schoolhouse prove it,' whereupon the walls inclined to fall. But R. Joshua rebuked them, saying: 'When scholars are engaged in a halachic dispute, what have ye to interfere?' Hence they did not fall, in honour of R. Joshua, nor did they resume the upright, in honour of R. Eliezer; and they are still standing thus inclined. Again he said to them: 'If the halachah agrees with me, let it be proved from Heaven!' Whereupon a Heavenly Voice cried out: 'Why do ye dispute with R. Eliezer, seeing that in all matters the halachah agrees with him!' But R. Joshua arose and exclaimed: 'It is not in heaven.'⁴ What did he mean by this? — Said R. Jeremiah: That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because Thou hast long since written in the Torah at Mount Sinai, After the majority must one incline.⁵

R. Nathan met Elijah⁶ and asked him: What did the Holy One, Blessed be He, do in that hour? — He laughed [with joy], he replied, saying, 'My sons have defeated Me, My sons have defeated Me.'