

TEMAS MEDIEVALES
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LOS JUDÍOS ENTRE LA ANTIGÜEDAD
TARDÍA Y LA EDAD MEDIA

LOS JUDÍOS ENTRE LA ANTIGÜEDAD TARDÍA Y LA EDAD MEDIA

Daniel Boyarin desliza –en el trabajo que forma parte de este dossier– que la conclusión de su investigación no es negar la existencia del *judaísmo* en el siglo XII, sino la ausencia, al menos para ciertos autores del período, del concepto *judaísmo* tal como lo entendemos en la actualidad. Las palabras de Boyarin pueden resultar extrañas al lector, pero se insertan en la polémica en torno a si es viable y justificado hacer una historia de los judíos desde la Antigüedad hasta la actualidad.

Efectivamente, considerar que Filón de Alejandría, el rabino Meir, los judíos visigodos convertidos forzosamente y Yehuda Halevi pueden ser agrupados en un mismo colectivo requiere un esfuerzo intelectual importante, no siempre exitoso. De hecho, mucho se ha debatido sobre la forma de clasificar a los grupos judíos en la Antigüedad y el Medioevo. Establecer la identidad y las características de quienes se llamaban a sí mismos judíos –o eran catalogados así por otros– es una tarea verdaderamente difícil.

Desde nuestra perspectiva, estudiar a los judíos requiere conocer el contexto histórico en el que estos vivieron. Su historia no puede concebirse, entonces, como el derrotero de un grupo aislado en su medio. De hecho, en ocasiones es imposible reconstruir sus vidas sin apelar a fuentes externas. El caso visigodo, debido a la escasez de registros arqueológicos y epigráficos relacionados con los judíos y la no supervivencia de textos producidos por estos, lleva inexorablemente a recurrir a fuentes cristianas. En este sentido, el trabajo de Johannes Heil presentado en este volumen explora con rigor los problemas que implica la recuperación de la historia judía en el reino visigodo.

El trabajo del Heil es central por diversas razones. En primer lugar clarifica –sin caer en el escepticismo– lo arduo que es usar fuentes cristianas para recuperar la historia judía del período. A partir de estas es difícil conocer con precisión la interacción con los cristianos, pero aún más complicado es acceder a las prácticas culturales de los judíos. En tal sentido Heil analiza los elementos disponibles para comprender qué tipo de judaísmo existía en Hispania entre los siglos VI y VII. Así, considera que –lejos de una penetración temprana del rabinismo en la región– es posible detectar una cultura judía separada y particular que involucraría a Hispania y al sur de Galia. A partir de un concienzudo y original análisis de las escasas fuentes que legaron las diásporas occidentales de la Antigüedad Tardía, entre las que resalta el *Liber Antiquitatum Biblicarum*, el autor refuerza la noción de un perfil cultural específico –y no rabínico– de los judíos hispanos. Vale la pena resaltar la fuerte

propuesta motorizada por Heil en relación al *Liber Antiquitatum Biblicarum*, al cual ubica –contra lo comúnmente afirmado– en el marco de una cultura judía latina e hispana del período tardoantiguo.

Dependiendo inexorablemente de fuentes cristianas –por la propia naturaleza de la evidencia–, Gilvan Ventura da Silva investiga la interacción entre judíos y cristianos en la Antioquía de fines del siglo IV. Al desmontar el discurso de la *Ecclesia triumphans* –apoyándose también en investigaciones arqueológicas–, Silva aborda las homilías contra judíos de Juan Crisóstomo (347–407 d.C.). Rastrea, específicamente, las referencias a festividades judías en las homilías del obispo, revelando una comunidad pujante con capacidad de atracción sobre el grupo cristiano. Según Silva, las propias homilías demuestran conocimiento de las prácticas mosaicas, como puede observarse en la mención al *matzá* y a *Pesaj*. Bien resalta el autor la estrategia crisostomiana de vincular todas las celebraciones judías con Jerusalén, enfatizando la destrucción de esta y, por ende, la imposibilidad de continuar con el ritual judaico fuera del contexto palestino. En este caso vemos, como anticipamos, la importancia de analizar la historia de los judíos en el contexto general dado que Silva demuestra cómo la estrategia del obispo se relaciona con la operación eclesiástica de reforma de la *polis* tardoantigua orientada a transformar la ciudad en un espacio cristiano. Crisóstomo, al construir discursivamente un vínculo indisoluble entre judíos y Jerusalén, aspira a romper la ya cimentada integración de las festividades judías a la dinámica citadina antioquena.

El trabajo de Céline Martin –volvemos al período visigodo– es otra muestra palpable de cómo el estudio de los colectivos judíos no solo debe ser iluminado por el análisis de otros grupos religiosos contemporáneos sino también de cómo sirve para comprender dinámicas más amplias. Así, Martin, en la más innovadora lectura que se ha escrito acerca la excepción narbonense a la esclavización de los judíos decretada por el XVII concilio de Toledo, subraya los tensos vínculos existentes entre el ducado narbonense y la monarquía visigoda. En primer término, pone en entredicho las explicaciones tradicionales: razones fiscales, fuerza numérica de los judíos narbonenses, extensión de la peste en tal provincia con sucesivo cataclismo demográfico. En segundo lugar, propone dos explicaciones alternativas. Por una parte, la tensión que generaba en la monarquía enviar un ejército a la provincia gala para hacer cumplir la esclavización. Precisamente, las fuerzas militares se encontraban mermadas por diversas razones, a lo que se sumaba el temor a una nueva desertión, tal como se había vivido –en la propia narbonense– durante la rebelión contra Wamba. La segunda solución sugerida por Martin se relaciona con las mencionadas tensiones entre las elites narbonenses y la monarquía visigoda. La esclavización de los judíos de la región hubiera implicado dotar de más recursos al *dux* local, con los que este podría aumentar su autonomía. La excepción narbonense permite, entonces, iluminar una historia más amplia: la de los vínculos entre esas elites regionales y la monarquía visigoda.

En ciertas coordenadas espaciotemporales de la Antigüedad Tardía y la Alta Edad Media sí es posible emplear fuentes producidas por judíos para reconstruir tanto las dinámicas internas de las colectividades conformadas por estos, como la interacción con otros grupos religiosos. A diferencia de Europa Occidental, desde donde no nos han llegado textos escritos por los colectivos mosaicos entre los siglos II y IX, tanto la tierra de Israel como Mesopotamia fueron testigos de una prolífica producción escrituraria. Efectivamente, el movimiento rabínico se caracterizó por elaborar una gran cantidad de textos que terminaron estructurando no solo al grupo rabínico sino, aunque gradualmente, a los restantes judaísmos. Pero establecer la medida en que el material escrito fue utilizado durante la Antigüedad Tardía en detrimento de la tradición oral, no es tan simple como se solía concebir.

El trabajo de la Catherine Hezser se encuadra, precisamente, en esa problemática. La historiadora desarticula, en primer lugar, la idea de que los rabinos de la Antigüedad Tardía puedan ser considerados como parte de una cultura libresca. En efecto, existía una tendencia entre las primeras generaciones rabínicas a evitar la palabra escrita. Fue la eficiencia de la producción y circulación de textos cristianos la que habría motivado a los rabinos, según Hezser, a decidirse a convertir la palabra viva en palabra escrita. Pero el proceso fue gradual y no estuvo libre de dificultades. En efecto, la autora pone en evidencia que la base de las discusiones fue la tradición oral, al menos hasta una temporalidad posterior a la escritura del *Talmud de Babilonia* (ss. VI-VII), no solo por su prestigio sino también por la exigua cuantía de escritos que circulaban. En tal sentido, el maestro era la fuente principal de los discípulos dado que, en la mayor parte de los casos, ni siquiera se podía acceder a copias de tratados de la *Mishná*. Pero Hezser va más allá: sostiene que muy pocos rabinos habrán tenido acceso a copias del *Tanaj* –incluso de la *Torá*–. Las escasas copias que existían, por su parte, solo serían leídas en el marco de la liturgia de la sinagoga y no se empleaban cotidianamente para ser estudiadas. Concluye la autora que solo en el período postalmúdico –con la escritura efectiva de grandes documentos rabínicos en el marco de grandes academias– la cultura de los rabinos se centró en la lectura e interpretación de textos escritos. El aporte de Hezser es vital ya que permite recalibrar nuestra mirada del mundo rabínico, generalmente asociado a una cultura libresca.

Cerramos la presentación de este *dossier* con el trabajo de Daniel Boyarin quien, en una exquisita exposición que conjuga lo filológico y lo histórico, pone en tela de juicio la existencia –en la cosmovisión de dos hombres judíos del siglo XII– de la noción de *religión*, así como también de la misma idea de *judaismo*, en tanto concepto que expresa una religión orgánica tal como la entendemos en el presente. Boyarin analiza *El Kuzari* de Yehuda Halevi (ca. 1070–ca. 1141), tanto en su versión árabe original como en la traducción al hebreo realizada por su contemporáneo Yehuda ibn Tibón (ca. 1120–ca. 1190).

No solo indaga el vocabulario de cada uno de los escritores sino que evalúa la traducción con el fin de rastrear qué entendían tales hombres medievales cuando decían *dīn* o *shari'a* en árabe o *dat*, *Torá* o *nimus* en hebreo. El autor considera, luego de una larga y compleja disquisición que invitamos a abordar en detalle, que no existe palabra en el texto árabe de Halevi ni en su equivalente hebreo de Ibn Tibón que se aproxime a las nociones modernas de religión o judaísmo. No obstante, subraya que, en Ibn Tibón, puede percibirse una potencial deriva hacia un uso similar a *religión* cuando emplea, aunque esporádica y no sistemáticamente, el vocablo hebreo *emuná*, probablemente influenciado por el uso cristiano de la idea de fe. En definitiva, Boyarin nos recuerda una vez más la importancia de trabajar con las fuentes en su idioma original, evitando traducciones que tiendan a impregnar los documentos con concepciones y lecturas que pertenecen a otro tiempo. La comparación con un texto cristiano del siglo X en torno a la conversión de la Rus de Kiev (donde sí se observa una clasificación que divide el origen étnico y geográfico, por un lado, y la fe por el otro) refuerza la posición del autor.

Hasta aquí, los trabajos que componen este *dossier* sobre judaísmo tardoantiguo y medieval. Es un orgullo para *Temas Medievales* poder presentar aportes de estos especialistas de vastísima trayectoria. Personalmente agradezco a ellos el haber confiado en la revista para conformar este conjunto de artículos que parece expresar –por su diversidad lingüística y temática, así como también por la heterogénea procedencia de quienes escriben– la propia complejidad de la historia de los judíos que sus textos analizan.

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BOOKISH CIRCLES? THE USE OF WRITTEN TEXTS IN RABBINIC ORAL CULTURE¹

CATHERINE HEZSER
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When setting out to examine the role of written texts in late antique Palestinian Judaism one has to avoid certain pitfalls that may arise from arguing retrospectively, on the basis of the later literary evidence and rabbinic study in institutional academies. Both of these developments, the creation of the Talmud and study in *yeshivot*, point to post-Talmudic, Geonic times as a period of change², culminating in the circulation of the first Jews 'books' in the form of codices in the Near and Middle East of the tenth and eleventh centuries³. The Mishnah, Tosefta, and Talmuds have been studied in *batei midrash* and *yeshivot* since the Middle Ages⁴. The various forms of rabbinic study that developed once the written documents were compiled, once codices had replaced scrolls, and once Talmud academies had been established in Babylonia and elsewhere cannot be considered representative of rabbinic study practices in Roman Palestine in the first five centuries C.E. To use our contemporary knowledge of the texts and ways in which they are used in "traditional" (usually identified with "Orthodox") contexts

¹ An earlier version of this paper was presented at the Heythrop Centre for Textual Studies Colloquium on "Bookish Circles: Teaching and Learning in the Ancient Mediterranean", Heythrop College, London, 25th November 2016. I thank the organizer of the colloquium, Jonathan Norton, for the opportunity to discuss my ideas in this interdisciplinary framework.

² Jeffrey L. Rubenstein has already argued that references to Babylonian rabbinic academies belong to the stammatitic, post-amoraic layer of the Bavli. See Jeffrey RUBENSTEIN, "The Rise of the Babylonian Rabbinic Academy: A Reexamination of the Talmudic Evidence", *Jewish Studies, an Internet Journal*, 1 (2002), 55-68. For a critique and rejection of the traditional view that academies existed in amoraic Palestine see David M. GOODBLATT, *The Monarchic Principle. Studies in Jewish Self-Government in Antiquity*, Tübingen, Mohr Siebeck, 1994; Catherine HEZSER, *The Social Structure of the Rabbinic Movement in Roman Palestine*, Tübingen, Mohr Siebeck, 1997, pp. 195-214.

³ See the important article by David STERN, "The First Jewish Books and the Early History of Jewish Reading", *Jewish Quarterly Review*, 98/2 (2008), 163-202, p. 163. Stern suggests that the origins of the codex in Jewish culture lie in the eighth century (p. 164). Its use in the Middle Ages "mark[s] a watershed moment in the history of Jewish reading and its technology" (p. 165).

⁴ On the development of Ashkenasic *yeshivot* in the Middle Ages see especially Ephraim KANARFOGEL, *Jewish Education and Society in the High Middle Ages*, Detroit, Wayne State University Press, 1992, pp. 56-57 and throughout the book. Geonic *yeshivot* in Babylonia were organized differently. On these see Moshe GIL, *A History of Palestine, 634-1099*, Cambridge and New York, Cambridge University Press, 1992, pp. 569-575.

and assume that these forms of study can be traced back to late antiquity is therefore methodologically inappropriate⁵. Later outcomes and developments cannot be used to make sense of earlier, more uncertain circumstances.

How can we assess and make sense of the earlier situation, then? Palestinian rabbis of the first five centuries C.E. had limited access to texts in scroll format. How prevalent biblical scrolls were and whether and to what extent written rabbinic texts existed, who had access to them, how they were used and in which contexts remains uncertain. What is clear, though, is that throughout tannaitic and amoraic times rabbinic study and discourse took place in an oral cultural context whose parameters are difficult to reconstruct⁶. Whether and to what extent rabbis belonged to “bookish circles” and were “literate” obviously depends on the definition of these terms. Does “bookish” merely refer to the valuation of written texts –or one text in particular– or also imply the reading and study of “books”, in scroll format, on a fairly regular basis? How can we distinguish between the self-presentation of a “bookish” public persona, fashionable among wider circles of the middle and upper strata of society in late antiquity, and real intellectuals?⁷ Should we call individuals scholars who had memorized and were able to recite a circumscribed number of texts, even if they had problems with reading new texts and were unable to write their own names?

In the ways in which the term “bookish” is used nowadays, it cannot be applied to ancient societies and especially not to rabbinic society. Rabbis were not “bookish” in the sense of being surrounded by books, consulting them on a regular basis. For them, only one “book” was worthy of discussion. They did not perceive the Torah as a “book” similar to other books that circulated at their time. As divine tradition turned into discourse and emulated practically in daily life, the Torah was much more than a book. As divine revelation and holy object, the Torah could not be treated like other text scrolls⁸. Whether

⁵ This was the approach of almost all earlier scholarship until the 1990s. Scholars such as Alon assumed that the rabbinic academy was a fixed institution in the first centuries C.E. already and “had the last word on all halakhic questions”, see Gedaliah ALON, *The Jews in Their Land in the Talmudic Age (70-640 C.E.)*, Cambridge, MA and London, Harvard University Press, 1989 (3rd ed), p. 10.

⁶ See Catherine HEZSER, *Jewish Literacy in Roman Palestine*, Tübingen, Mohr Siebeck, 2001, especially pp. 190-209, 451-73, 496-504.

⁷ Paul ZANKER, *The Mask of Socrates: The Image of the Intellectual in Antiquity*, Berkeley–Los Angeles, University of California Press, 1995, brings many examples of funerary images of the deceased (both men and women) depicted with scrolls in their hands. The desire for an “intellectual look” seems to have been widespread in late antiquity (see *ibid.*, p. 224).

⁸ See also William SCOTT GREEN, “Writing with Scripture. The Rabbinic Uses of the Hebrew Bible”, in Jacob NEUSNER and William SCOTT GREEN (eds.), *Writing with Scripture: The Authority and Uses of the Hebrew Bible in the Torah of Formative Judaism*, Minneapolis, Fortress Press, 1989, p. 14.

and to what extent rabbinic traditions circulated and were consulted in written form in amoraic times remains uncertain⁹.

In the following, I shall investigate the issue of rabbis' use of written texts from a chronologically reversed perspective, moving backwards from the time of the editing of the Talmud and Midrash (late fourth to fifth century C.E.) to the amoraic period (third to fourth century C.E.). The first chapter examines rabbis' access to written versions of rabbinic traditions, whereas the second chapter focuses on the availability and use of written biblical texts. I shall argue that competition with the knowledge culture of Christianity in the early Byzantine period made rabbis question the usefulness of maintaining the "Oral Torah" format and decide to preserve rabbinic knowledge in written form. The expanding literature of the church fathers with their competing theology and biblical interpretation seems to have made it necessary to create an equivalent body of written rabbinic knowledge that could be studied and expanded by future generations. Roman-Byzantine imperialism was also an imperialism of one knowledge culture over another. To persevere in such a context, rabbinic scholars probably considered it necessary to adopt the written transmission format of the competing religion.

The Rabbinic Tradition: From Valuing Orality to the Emergence of a New Encyclopedism in Early Byzantine Times

Although we lack information about the editors who created amoraic Midrashim and the Talmud Yerushalmi, it is clear that they lived in an environment in which written compilations of traditions associated with important figures of the past were held in high esteem. They would have been guided by the desire to preserve traditions of rabbis of the past, whom they considered superior to themselves in wisdom¹⁰. Those who wanted to preserve rabbinic knowledge of past centuries would have been scholars

⁹ See the discussion in HEZSER, *Jewish Literacy*, pp. 202-207; Martin S. JAFFEE, *Torah in the Mouth. Writing and Oral Tradition in Palestinian Judaism, 200 BCE-400 CE*, Oxford-New York, Oxford University Press, 2001, pp. 101, 124-125, 140.

¹⁰ The model suggested by Peter Schäfer and Hans-Jürgen Becker, that the large rabbinic documents grew organically, without the conscious input of a group of editors, from individual traditions to medieval manuscripts, and that they were basically open ended as far as changes by editors/copyists are concerned, does not seem logical to me on practical grounds. For this model see Peter SCHÄFER, "Research into Rabbinic Literature. An Attempt to Define the Status Quaestionis", *Journal of Jewish Studies*, 37 (1986), 139-152; Hans-Jürgen BECKER, *Die grossen rabbinischen Sammelwerke Palästinas. Zur literarischen Genese von Talmud Yerushalmi und Midrash Bereshit Rabba*, Tübingen, Mohr Siebeck, 1999. How could such large bodies of material, even if in written form, be transmitted from one generation to the next, over hundreds of years? In addition, the logical and formal structure of Yerushalmi *sugyot* and tractates suggests a more conscious editorial intervention than this model assumes.

themselves. They were eager to transmit that body of knowledge to later generations of sages. As David Kraemer has already stressed in connection with the Babylonian Talmud, rabbinic literature is school literature, created for being studied by future generations of rabbinic scholars¹¹.

The desire to collect rabbinic traditions of previous centuries and to transmit them to later generations of scholars in written form stood in marked contrast to the earlier amoraic aversion against writing down rabbinic traditions, an aversion which also found expression in the concept of the Oral Torah. According to y. Meg. 4:1, 74d, “things that were stated orally [must be presented] orally”. In its literary context the statement supports *ad hoc* translations from Hebrew into Aramaic and rejects the use of written *targumim*. Another text is even more forceful against the circulation of written aggadic texts: “as to an aggadic passage, one who writes it down has no share in the world to come...” (y. Shab. 16:1, 15c). A story tradition follows as an example: “R. Hiyya b. Ba saw a book containing aggadic writings. He said: If what is written in that book is correct, let the hand of the one who wrote it be cut off” (*ibid.*). These traditions suggest that great value was given to the oral circulation of rabbinic traditions but that some written collections of Aramaic translations of Hebrew biblical texts and of rabbinic commentaries nevertheless existed in amoraic times. Such written collections were probably made unofficially, below the radars of prominent rabbis, perhaps by scribes in the margins of the rabbinic movement who tried to make some money from selling them.

In amoraic times the mostly oral nature of rabbinic knowledge –if we assume that the ideology had a basis in reality– would have served to (a) link disciples and followers to particular rabbinic masters and (b) present the rabbinic movement as similar to philosophical schools with their emphasis on the “living voice” of the wise teacher. Memorizing the words and practices of a chosen teacher was very different from reading talmudic *sugyot* that present disputes between different masters with whom the reader would not have been familiar through first-hand experience. The opinions and stories that appear in the written Talmud lack their original contexts. They are reformulated and adapted to serve as parts of *sugyot* that the editors constructed. In the original oral context students had to live with and accompany their masters to listen, observe, and memorize their wisdom. By contrast, the written Talmud allowed everyone to access a wide range of rabbinic teachings. Whereas the student would be devoted to his master and value his views over those of other rabbis, on the page of the Talmud all rabbinic opinions are presented side by side as equally true and relevant. Memorizing and transmitting an individual master’s views and practices

¹¹ David KRAEMER, “The Intended Reader As a Key to Interpreting the Bavli”, *Proof-texts*, 13 (1993), 125-40.

was very different from studying rabbinic disputes on the basis of written Talmud pages.

The second possible reason for the insistence on oral transmission in late antiquity may have been Palestinian rabbis' desire to present themselves as a particular type of Graeco-Roman intellectuals, similar to philosophers who were held in high esteem. As Stowers has emphasized, "[w]hat was important was not abstract information but living models of character who embodied philosophical doctrines"¹². Despite the fact that Seneca also wrote letters, he stated: "Of course, the living voice and the intimacy of a common life will help you more than the written word. You must go to the scene of action, first, because men put more faith in their eyes than in their ears, and second, because the way is long if one follows precepts, but short and helpful, if one follows examples" (*Moral Letters* 6.3-5). Like philosophers, rabbis provided specific examples of what the life of a (Torah) sage would entail. Their students were like apprentices who learned this lifestyle through serving their masters (*shimush hakhamim*). This learning-by-listening-and-observing-model was also adopted by the early church. As Papias (first to second c. C.E.) has stated: "For I did not suppose that information from books would help me so much as the word of a living and surviving voice" (Eusebius, *Ecclesiastical History*, 3.39.4). These statements stress the preference for having direct access to a wise man rather than consulting less trusted written material¹³.

This reliance on the living voice seems to have changed in rabbinic circles of the fifth century C.E. According to a statement attributed to R. Abin, who belonged to one of the last two generations of Palestinian amoraim, one of the major differences between Jews and non-Jews was the phenomenon of the Oral Torah: "If I [i.e., God] had written down for you the larger part of my Torah, you would not be considered a stranger anymore [cf. Hos. 8:12]". Jews differed from Greeks and Romans because they owned a large body of Oral Torah, whereas others produced books (the term *sefer* is used here) and other pieces of writing (*diphthera*) (y. Peah 2:6, 17a par. y. Hagigah 1:8, 76d)¹⁴. It seems that the later amoraim were well aware of the production and circulation of books in Roman and Byzantine Christian

¹² Stanley K. STOWERS, *Letter Writing in Graeco-Roman Antiquity*, Philadelphia, The Westminster Press, 1986, p. 38.

¹³ On the ancient distrust in written texts see also Yoon-Man PARK, *Mark's Memory Resources and the Controversy Stories (Mark 2:1 - 3:6). An Application of the Frame Theory of Cognitive Science to the Markan Oral-Aural Narrative*, Leiden – Boston, Brill, 2010, p. 67.

¹⁴ Marcus JASTROW, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*, Jerusalem, Horev Publishers, 1985, p. 304, derives *diphthera* from the Greek διφθέρα, "hide prepared for writing" with "salt and flour". Since the material was precious and costly, one may assume that only the most important documents and records were written on this material (rather than on papyrus or ostraca). Therefore Jastrow suggests to translate *diphthera* with "(national) records" here.

society. Rabbinic scholars of the following generation may have realized that the continued oral transmission of rabbinic traditions put them in danger of being forgotten. The reliance on oral transmission could therefore put rabbis at a disadvantage in comparison with non-Jews whose knowledge was safely stored in books. The experience of Roman and Byzantine Christian imperialism might also have played a role. König and Woolf have suggested that Roman imperialism may have been one of the reasons for Roman encyclopedism to develop in imperial times. There may have been a “connection between acquisition of territory and acquisition of knowledge”¹⁵. Especially when the empire had become Christian and Christians circulated books that provided alternatives to the rabbinic interpretation of the Torah, some rabbinic scholars may have decided to divert from their traditional oral ideal and to create “real” material evidence of rabbinic wisdom of the past.

We do not know what proportion of the material that the editors of the Talmud and Midrashim collected came down to them in written form. A mixture of both written and oral transmission is most likely, especially if one reckons with a number of stages of editing. For example, the editors of the Yerushalmi may have used lists of case stories arranged thematically or under the names of particular rabbis¹⁶. Shared formal features and parallel formulation could have served memorization. These stylistic features seem to indicate that an editor, either the one who integrated traditions into *sugya*-format or the editor of a story collection, homogenized the texts to some extent. More common than biographical collections are thematic collections of halakhically relevant stories and statements that seem like variants on the same theme. If they fit smoothly into the context of a particular *sugya*, it is more likely that the editors of the *sugya* (identical with the editors of tractates or the Yerushalmi as a whole?) were responsible for formulating the sequences. As far as the Babylonian Talmud is concerned, one must reckon with the possibility that the editors composed larger narrative story cycles, as Rubenstein has pointed out¹⁷.

Whether and to what extent the editors of the Palestinian Talmud had written tractates of the Mishnah and Tosefta available, whether they quoted on the basis of a memorized written text or received tannaitic traditions orally only remains uncertain. Again, combinations of these modes of transmission are possible. Whereas Lieberman has supported the theory that

¹⁵ Jason KÖNIG and Gregg WOOLF, “Encyclopedism in the Roman Empire”, in Jason KÖNIG and Gregg WOOLF (eds.), *Encyclopedism from Antiquity to the Renaissance*, Cambridge-New York, Cambridge University Press, 2013, p. 29.

¹⁶ On pre-redactional story collections in the Neziqin tractates of the Yerushalmi see Catherine HEZSER, *Form, Function, and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin*, Tübingen, Mohr Siebeck, 1993, pp. 269-282.

¹⁷ Jeffrey L. RUBENSTEIN, *The Culture of the Babylonian Talmud*, Baltimore and London, The Johns Hopkins University Press, 2003, p. 118.

the only authoritative version of the Mishnah was the one that was composed orally and circulated orally¹⁸, in the context of ancient book composition and publication this theory seems rather unlikely¹⁹. There is no analogy in Graeco-Roman society for the centuries-long oral transmission of a textual corpus as large as the Mishnah. More likely is the circulation of written versions of the Mishnah, probably in the form of individual tractates in scroll-format that were sometimes stored or bound together. Whether and to what extent individual amoraim had access to copies of the written Mishnah or at least to individual written tractates remains uncertain. Occasional access to individual written tractates seems likely. According to a tradition in *y. Ket. 2:4, 26c*, something was taught “in [the tractate of] Ketuvot of the house of the teacher”, probably referring to a scroll of Mishnah Ketuvot that was stored in the (study) house of a particular rabbi who could afford to own such a scroll. The rabbi would have borrowed the tractate from a colleague-friend, paid for parchment and ink, and employed a scribe to copy the text for him. Some written aggadic collections (with stories or biblical commentaries?) also seem to have existed in amoraic times. R. Yehoshua b. Levi and R. Hiyya b. Ba allegedly “saw a book of aggadah” (*y. Shab. 16:1, 15c*). What it contained is not specified.

References to written rabbinic texts are very sparse and do not suggest that amoraic rabbis and their students would usually discuss topics on the basis of written rabbinic traditions²⁰. Even if a few written copies of Mishnah and Tosefta tractates as well as story collections or commentaries on particular biblical passages existed, the written versions were not considered superior to orally transmitted traditions. As Martin Jaffee has already pointed out, “both the Mishnah and Tosefta depend for their intelligibility as written texts on an oral-performative tradition that supplied, through repeated performative versions, the interpretive context needed for the proper reception of the written version’s meaning”²¹. A similar need for a performative context applies to the Talmud Yerushalmi and amoraic Midrashim. Even when these compendia existed in book form, the emphasis continued to be on the oral discussion of the texts.

One of the main differences between the situation then and nowadays is that in late Roman and early Byzantine times the number of written texts a rabbi could gain access to would have been very low. Individual tractates of the Mishnah may have been stored in the houses of some wealthy urban

¹⁸ Saul LIEBERMAN, *Hellenism in Jewish Palestine*, New York, The Jewish Theological Seminary of America, 1962 (2nd ed.), pp. 83-99.

¹⁹ See Catherine HEZSER, “The Mishnah and Ancient Book Production”, in Alan AVERY-PECK and Jacob NEUSNER (eds.), *The Mishnah in Contemporary Perspective, Part One*, Leiden-Boston, Brill, 2002, pp. 167-192, especially, p. 183.

²⁰ For a discussion of the references see HEZSER, *Jewish Literacy*, pp. 142-143.

²¹ JAFFEE, *op. cit.* p. 112.

rabbis²². Whether the owners were willing to let others peruse their texts depended on their relationship to them. They would probably have allowed only the small circles of their colleague-friends and advanced students to look at the texts. If one lacked a friend or master who owned a tractate or needed a tractate that was unavailable locally, one would have to locate the desired scroll and travel there oneself to consult it. To check a certain passage in the written version of the Mishnah would therefore require a lot of effort, then, especially if one lived in a village rather than a city where more people were wealthy enough to possess written texts. Whether local study houses (*batei midrash*), of which we know so little, possessed Mishnah scrolls remains uncertain. One or the other study house may have been frequented by a wealthy rabbi who owned scrolls of one or more treatises and brought them with him to study sessions. Yet there is no evidence that such a situation was customary and that study houses were book repositories.

It seems, then, that in general, in amoraic times rabbinic discussions were conducted orally, without access to written tannaitic traditions or lists of halakhot of rabbis who were not present²³. We must assume that rabbis only rarely checked written versions of the Mishnah, if at all. Mostly, they quoted from memory. Since an individual's memory is limited—even if ancient scholars were trained more in memorizing than we are nowadays—the knowledge an individual rabbi incorporated would have been limited, probably leading to specializations. These areas of specialization were, perhaps, sometimes related to these rabbis' worldly professions²⁴. The advantage of study sessions, whether among rabbinic colleague-friends or teachers and their students, was that each person contributed to and supplemented the other attendees' knowledge. Yet we must assume that only once the larger documents existed and were studied in *yeshivot*, did scholars become aware of the sheer mass of knowledge that was accumulated and of the diversity of opinions their forebears held on any given topic. Only the use of a written Talmud allowed a rabbinical student to look over the boundaries of his own master-disciple network and gain access to the halakhic views

²² See especially George W. HOUSTON, *Inside Roman Libraries. Book Collections and Their Management in Antiquity*, Chapel Hill, The University of North Carolina Press, 2014, pp. 12-38, on individual copying of books, assembling of private libraries, and lending of books to friends.

²³ See also Elizabeth S. ALEXANDER, "The Orality of Rabbinic Writing", in Charlotte E. FONROBERT and Martin S. JAFFEE (eds.), *The Cambridge Companion to the Talmud and Rabbinic Literature*, Cambridge-New York, Cambridge University Press, 2007, p. 49.

²⁴ For example, rabbis who worked as physicians would have been especially knowledgeable of halakhic issues concerning the human and animal body; rabbinic scribes knew halakhot concerning the material aspects of writing documents and/or Torah scrolls; farmers were experts in halakhot concerning crops and farm animals; priestly rabbis specialized in Temple-related matters and holy things.

and practices of the Palestinian (and later also the Babylonian) rabbinic movement as a whole.

Yet even in the high Middle Ages, the Babylonian Talmud continued to be studied orally in some communities, as Talya Fishman has shown: “Over the course of the Middle Ages, some Jews read the text of Talmud, but others truly encountered it as Oral Torah, mediated by living masters through face-to-face instruction”²⁵. The continued focus on orality would have been linked to the Talmud’s purpose: to enable later generations of scholars to embody halakhah and to develop halakhah for new situations. “The oral transmission of Talmud was not geared simply to memorization of the corpus; students hoped to so thoroughly internalize its content that they would be able to summon the apt talmudic tradition for application in any life situation”²⁶.

The Biblical Tradition: From Memorized Prooftexts to Written Commentaries

Amoraic Midrashim are composed as commentaries on particular books of the Torah and cite large numbers of verses from both the Torah and other books of the Hebrew Bible²⁷. In the Talmud biblical prooftexts feature in disputes and are used to support or question particular rabbis’ views. Especially in the Babylonian Talmud, biblical stories appear as the basis of theological and ethical commentaries²⁸. In rabbinic Midrash, the literary form of the parable or *mashal* often has a biblical prooftext secondarily attached to make the parable fit its literary, exegetical context²⁹. It is immediately obvious that the Hebrew Bible, and the Torah in particular, constituted the major base-text used by the editors of late antique Midrashim. For the editors of the Talmud, on the other hand, the Torah had an important albeit secondary role, for the focus is on the

²⁵ Talya FISHMAN, *Becoming the People of the Talmud: Oral Torah as Written Tradition in Medieval Jewish Cultures*, Philadelphia, University of Pennsylvania Press, 2011, p. VIII.

²⁶ *Ibid.*

²⁷ For a specific example of how a biblical story is used in Midrash see Lieve M. TEUGELS, *Bible and Midrash: The Story of ‘The Wooing of Rebecca’ (Gen. 24)*, Leuven-Paris-Dudley, Peeters, 2004.

²⁸ Eliezer SEGAL, *From Sermon to Commentary: Expounding the Bible in Talmudic Babylonia*, Waterloo – Ontario, Wilfrid Laurier University Press, 2005, examines the use of biblical traditions in selected aggadic texts of the Bavli.

²⁹ On the use of biblical verses in connection with parables see especially David STERN, *Parables in Midrash: Narrative and Exegesis in Rabbinic Literature*, Cambridge, MA-London, Harvard University Press, 1994, with many examples. Discrepancies in meaning between the parable and the verse may indicate a secondary combination of the two. In the context of the literary genre Midrash parables often have an exegetical function that may have been different from the rhetorical function they had in an oral context.

Mishnah and rabbinic traditions³⁰. Studies of the use of the Bible in amoraic documents can tell us a lot about the role of the Bible at the later stages of literary composition and editing of these documents in the fifth and following centuries C.E. It is impossible methodologically, however, to draw direct conclusions from this later literary stage to the preceding oral cultural environment of amoraic times.

Although Torah study constituted the focus of rabbinic scholarship, we know little about rabbis' actual access to the Hebrew Bible in the first five centuries C.E. Those who decided to become disciples of rabbis would have been expected to be able to read Torah scrolls and to have memorized large portions of the legal rules of the Pentateuch. This Jewish primary education, which was also provided by scribes from the third century CE onwards, was primarily seen as a duty of (learned) fathers toward their sons. It was a prerequisite for rabbinic Torah study that constituted a higher –or secondary– form of learning³¹. Accordingly, when a disciple approached a rabbi and asked him to study with him, he would already possess a more or less large amount of Torah knowledge that would enable him to understand his master's allusions, interpretations, and applications to new circumstances. On the basis of his Torah knowledge, he could ask learned questions and supply prooftexts from memory.

While one or the other wealthy rabbi may have owned a Torah scroll, the majority of rabbis probably did not. Due to the material used and the time-consuming production process, Torah scrolls were very expensive objects that could be owned by wealthy individuals or communities only. The requirement that the Torah be handwritten with ink on parchment, special precautions to avoid errors, and the limited availability of Torah scribes would have determined the scrolls' price. In Hellenistic and Roman times, at least until the fourth century C.E., Egyptians, Greeks and Romans generally used papyrus for writing literary works³². Initially, these works were produced on papyrus rolls. In the second century C.E., however, the codex came to replace the roll and was early adopted by Christians³³. Initially, codices were

³⁰ On the role of the Mishnah, which rarely uses prooftexts, in the Talmuds, see Karin H. ZETTERHOLM, *Jewish Interpretation of the Bible: Ancient and Contemporary*, Minneapolis, Fortress Press, 2012, esp. ch. 2.

³¹ On primary education see HEZSER, *Jewish Literacy*, pp. 40-89.

³² Cornelia ROEMER, "The Papyrus Role in Egypt, Greece, and Rome", in Simon ELIOT and Jonathan ROSE, *A Companion to the History of the Book*, Malden and Oxford, Wiley Blackwell, 2009, p. 84.

³³ On the Christian adoption of the codex format see Larry W. HURTADO, *The Earliest Christian Artifacts: Manuscripts and Christian Origins*, Grand Rapids and Cambridge, William B. Eerdmans Publishing Company, 2006, pp. 53-82, where he discusses the various possible reasons why Christians might have preferred the codex. While the answer to the "why" question remains difficult, Hurtado stresses the great significance of the Christian adoption of this format in the second century already.

produced from papyrus, but from the fourth century onwards, parchment was used for codices, probably because papyrus could not be folded and stitched together easily³⁴.

On this background, the Jewish production of parchment Torah scrolls would have been an anomaly in late Hellenistic and Roman-Byzantine times. Haran has suggested that the use of skins (of kosher animals) “was the outcome of particular circumstances which gained in force in the Second Temple period and were connected with the canonization of biblical literature”³⁵. Different types of parchment were used for the text fragments that were found at Qumran³⁶. According to Jodi Magness, 87% of the Dead Sea Scrolls are made of parchment, only 13% of papyrus, with no codices found³⁷. This “intentional collection of selected works” may represent a “religious library” kept by the sectarians³⁸. Steven Fraade’s description of the Essenes as a “studying community” seems to fit this evidence well³⁹. No other Jewish libraries of this kind are known to us from antiquity, except for the Jerusalem Temple perhaps⁴⁰.

Why did rabbis not keep similar libraries? How did they gain access to and use Torah texts without such libraries? In answer to the first question it is necessary to point out that the social structure of the rabbinic network was much looser and more wide-spread geographically than the community of the Qumran Essenes. It seems that there were only a few rabbis at any one location in a given period of time⁴¹. Even in cities such as Caesarea in the late third and fourth centuries rabbis seem to have been unable –and

³⁴ Parchment codices were produced from the second century C.E. onwards, but only a few examples from before the fourth century C.E. are known, see Eric G. TURNER, *The Typology of the Early Codex*, Eugene, Wipf & Stock, 1977, p. 37. He writes: “It is not till the fourth century that the parchment codex begins to be at all common in Egypt”. Even after the fourth century, papyrus codices continued to be produced, however, alongside parchment codices, see T.C. SKEAT, “Early Christian Book Production: Papyri and Manuscripts”, in G.W.H. LAMPE (ed.), *The Cambridge History of the Bible*, vol. 2: *The West from the Fathers to the Reformation*, Cambridge and New York, Cambridge University Press, 1969, p. 76.

³⁵ Menahem HARAN, “Book-Scrolls in Israel in Pre-Exilic Times”, *Journal of Jewish Studies*, 33 (1982), 161-173. See also idem, “Bible Scrolls in the Early Second Temple Period – The Transition from Papyrus to Skins” [Hebr.], *Eretz Israel*, 16 (1982), 86-92.

³⁶ Ira RABIN, “Material Analysis of the Fragments”, in Torleif ELGYN *et al.* (eds.), *Gleanings From the Caves: Dead Sea Scrolls and Artefacts from the Schoyen Collection*, London, Bloomsbury T&T Clark, 2016, p. 63.

³⁷ Jodi MAGNESS, *The Archaeology of Qumran and the Dead Sea Scrolls*, Grand Rapids and Cambridge, William B. Eerdmans Publishing Company, 2003, p. 33.

³⁸ *Ibid.*, p. 34.

³⁹ Steven D. FRAADE, “Interpretive Authority in the Studying Community at Qumran”, *Journal of Jewish Studies*, 44 (1993), 46-69.

⁴⁰ There may have been some archive –or a biblical scroll library?– in the Temple in Jerusalem, see the discussion in Sidnie WHITE CRAWFORD and Cecilia WASSER (eds.), *The Dead Sea Scrolls at Qumran and the Concept of a Library*, Leiden-Boston, Brill, 2016, pp. 116-117.

⁴¹ HEZSER, *Social Structure*, pp. 180-184.

unwilling— to pool resources toward the creation of a Torah library that could be accessed by any scholar or any local able to read the texts.

One could argue that in late antiquity local study houses and/or synagogues would house Torah scrolls and remove the necessity of individual ownership. Yet these institutions seem to have mostly or even exclusively existed in larger towns and cities, leaving small towns and villages without access to scrolls. Very little is known about local study houses. No archaeological evidence of buildings that could be identified as study houses exists⁴². They may have sometimes been connected to synagogues, despite separate entrances⁴³. That study houses served Torah study does not necessarily imply that they housed Torah scrolls. As in the case of synagogues, which seem to have had permanent Torah shrines from the fifth century C.E. onwards only⁴⁴, Torah scrolls may have been brought in from outside when needed. The Talmud Yerushalmi distinguishes between Torah scrolls that belonged to individuals and were privately owned and those that were owned by “the many” (y. Ned. 5:5, 39b), that is, the local community. According to M. Ned. 5:5, Torah scrolls usually belonged to “the town” (*ha-ir*) and were publicly owned. Where such publicly owned Torah scrolls were kept before the fifth century C.E., when they were not in use, remains unclear. We may assume that representatives of the local community guarded the scrolls and determined whom to grant access to them and on particular occasions.

The main —and perhaps only— occasion when the presence of Torah scrolls would have been absolutely necessary was the Torah reading ceremony in synagogues on the Sabbath. The rabbinic expounding of Scripture (*derash*) in public, which is associated with some amoraim⁴⁵, seems to have happened outside of the synagogue service proper, on Sabbath evenings. It was probably related to the scriptural portions that were read out in synagogues in the mornings⁴⁶. Since the sermons happened on the same day as the readings, rabbis and their audiences would have memorized

⁴² See the discussion *ibid.*, pp. 202-205.

⁴³ Zvi ILAN, “The Synagogue and Study House at Meroth”, in Dan URMAN and Paul V.M. FLESHER, *Ancient Synagogues: Historical Analysis and Archaeological Discovery*, Leiden, Brill, 1998, pp. 256-288, shows that there were separate entrances and argues that the two institutions were separate.

⁴⁴ Rachel HACHLILI, “The State of Ancient Synagogue Studies”, in Rachel HACHLILI *et al.* (eds.), *Ancient Synagogues in Israel. Third-Seventh Century C.E.*, Oxford, British Archaeological Review, 1989, p. 3.

⁴⁵ See HEZSER, *Social Structure*, pp. 371-372, for references.

⁴⁶ See also Gary PORTON, “Midrash and the Rabbinic Sermon”, in Alan J. AVERY-PECH *et al.* (eds.), *When Judaism & Christianity Began. Essays in Memory of Anthony B. Saldarini*, Leiden, Brill, 2004, pp. 461-482, who also argues that rabbinic sermons were not common parts of synagogue services in antiquity; Günter STEMBERGER, “The Derashah in Rabbinic Times”, in Alexander DEEG *et al.* (eds.), *Preaching in Judaism and Christianity. Encounters and Developments from Biblical Times to Modernity*, Berlin-New York, Walter de Gruyter, 2008, pp. 7-21. He writes (p. 13): “I fully agree with Porton that Rabbinic literature offers much less

the portions. An open Torah scroll would not have been needed. On the contrary, we have to assume that people gathered around rabbis because they considered them to be thoroughly familiar with the text and able to go beyond its literal meaning.

In the literary genre of rabbinic midrash the biblical texts that are commented upon are divided into numerous small parts, often consisting of parts of single verses only. For example, at the very beginning of Genesis Rabbah, “At the beginning God created...” (Gen. 1:1) is quoted (Gen. R. 1:1). The readers would have known the continuation of the verse. The Torah quote is followed by the quotation of a verse from Proverbs (Prov. 8:30), attributed to R. Oshaiah, and its relation to Gen. 1:1 remains unclear. What follows are various explanations of the Hebrew consonants that appear in *amon* (which means “child”) in Prov. 8:30, with further biblical prooftexts to support the suggested meanings. Eventually, the meaning of *uman*, “craftsman” is suggested, and this interpretation connects the *petihah* verse to the *seder* verse (Gen. 1:1), where God is presented as a craftsman who created the world. Another suggested connection is the Torah, which rabbis assumed to be personified as a child, speaking in the first person in Prov. 8:30 (“Then I was beside him like a little child [*amon*], and I was daily his delight...”). Linking Prov. 8:30 to Gen. 1:1, the midrashic editor suggests that God used the Torah as his work plan in his creation. “In the Beginning” [*bereshit*] is related to the Torah that was allegedly present at the time of creation already.

Obviously, the beginning of Midrash Genesis Rabbah is a careful literary construction that artistically connects verses from the Torah and other parts of the Hebrew Bible and plays with the meanings of Hebrew roots, to arrive at theological ideas important to rabbis. We cannot draw a direct connection between this literary form and amoraic rabbis’ actual activity of expounding Scripture in various settings in Roman Palestine⁴⁷. Nevertheless, the following characteristics are crucial: Scripture is segmented into numerous small parts. This also applies to the base text (Genesis) that is commented upon. The traditional material used by the editors consists of individual comments on particular verses or parts of verses as well as connections that are made between verses of the Torah and other parts of Scripture on the basis of word play, Hebrew roots, and for other, sometimes elusive, reasons. The editors combined this received material and constructed midrashic poems out of them.

Individual comments on particular scriptural verses and the suggestion of connections between verses from different parts of the Bible constitute

evidence for rabbis preaching in the synagogue to a general public than is usually thought. Most frequently they are presented in an inner-rabbinic setting, even if it is in a synagogue”.

⁴⁷ See also STEMBERGER, “The Derashah in Rabbinic Times”, p. 20.

the basis of rabbinic scriptural exposition⁴⁸. Such individual comments can be of variable length and have a number of different literary forms such as parables, as in Gen.R. 1:1, where a short king parable is quoted. These component parts of the literary Midrashim were probably part of oral transmission in amoraic times⁴⁹. What is striking is that we do not find more detailed comments or sermons on extended biblical passages. A rabbi who commented on a particular verse or came up with another verse to highlight some aspect of the first one did not need written Torah scrolls in front of him. On the contrary, the elusive connections that are drawn between verses suggest that verses were quoted from memory. Connections based on the roots of Hebrew words also suggest oral associations: it is not the literary context that matters or the specific pronunciation or meaning of a word but the very phenomenon of the multivalence of the roots that mattered most.

Even if Torah scrolls were present at the places where rabbis expounded Scripture, it is unlikely that they would have unrolled them to find the verses they wanted to comment upon. The scrolls consisted of many pieces of parchment that were sewn together and rolled up into one large scroll⁵⁰. This scroll would have been heavy to lift and difficult to unroll to find a particular passage. The fact that there was no punctuation and readers were confronted by a consecutive text would have increased the difficulty of finding the verse or passage one was looking for. Reading was usually loud reading in antiquity rather than the silent visual identification of words and phrases we are used to nowadays⁵¹. Therefore finding a verse would have involved pronouncing –or murmuring– portions of the preceding text. Another important issue to take into consideration is the fact that Torah scrolls were deemed holy objects to which specific rules for handling them applied⁵². They could not be touched and checked like any other books but

⁴⁸ A discussion of various definitions of Midrash (as a literary genre) and midrash as an exegetical approach can be found in Carol BAKHOS, “Method(ological) Matters in the Study of Midrash”, in Carol BAKHOS (ed.), *Current Trends in the Study of Midrash*, Leiden-Boston, Brill, 2006, pp. 161-187, esp. pp. 162-167.

⁴⁹ See also Reuven HAMMER, *The Classic Midrash: Tannaitic Commentaries on the Bible*, Mahwah, Paulist Press, 1995, p. 22: “Thus midrash is an oral form that found its way into writing when it was no longer practical to keep it oral”.

⁵⁰ On this process see Michael AVI-YONAH, *Ancient Scrolls: Introduction to Archaeology*, Jerusalem, The Jerusalem Publishing House Ltd., 1994, p. 21. On the making of a Torah scroll see also Leila AVRIN, *Scribes, Script and Books. The Book Arts from Antiquity to the Renaissance*, Chicago-London, American Library Association and The British Library, 1991, pp. 115-116.

⁵¹ On loud reading see Jocelyn Penny SMALL, *Wax Tablets of the Mind: Cognitive Studies of Memory and Literacy in Classical Antiquity*, London and New York, Routledge, 1997, p. 22: silent reading became customary in the Middle Ages only. “Scholars now agree that reading silently to oneself did not occur in antiquity” (*ibid.*). If books were generally read aloud, they may have been read “*sotto voce*” to find the passage one was looking for.

⁵² See Mishnah Yad. 4:6 and Martin GOODMAN, “Sacred Scripture and ‘Defiling the Hands’”, *Journal of Theological Studies*, 41 (1990), 99-107.

required adherence to specific purity rituals⁵³. Damaging them would have constituted a serious religious sacrilege. Therefore rabbis and synagogue functionaries would have hesitated taking them out of their cloth wrappers and protective cases for any other than the most necessary purposes⁵⁴.

While rabbis' aggadic (midrashic) discourse did not require direct access to Torah scrolls but seems to have mostly relied on rabbis' memorized scriptural knowledge, halakhic (talmudic) disputes were even less dependent on access to the Torah, since the logic of rabbinic argumentation mattered most. In halakhic argumentation biblical verses were sometimes employed as prooftexts but, in general, had secondary significance only. In the Bavot tractates of the Talmud Yerushalmi, which are sometimes considered to represent an earlier stratum of Talmud⁵⁵, entire *sugyot* often lack biblical quotations or references, consisting of sequences constructed of tannaitic and amoraic material with anonymous framing statements only. This is, for example, the case in the *sugya* that discusses who one's main teacher is, for whom one should tear one's garments upon hearing of his death (y. B.M. 2:11, 8d)⁵⁶.

The phenomenon is not limited to the Bavot tractates. The shortage of biblical quotations is also characteristic of other tractates and parts of the Talmud. For example, at the very beginning of Yerushalmi Berakhot, where the recitation of the evening *Shema* is discussed (y. Ber. 1:1, 2a), there is an allusion to Temple priests eating the heave offering (*terumah*) at a particular time of the day. This analogy between reciting the evening *Shema* and Temple priests' eating of the heave offering is already part of the Mishnah (M. Ber. 1:1) and alludes to Lev. 22:6-7. Lev. 22 deals with the particular case of the "sons of Aaron", who had contracted uncleanness. They remain unclean until the evening, when they are supposed to take a bath and purify themselves before eating from the heave offering in their homes. When the sun has gone down, they are considered pure again (Lev. 22:7). In the context of the Yerushalmi (and the Tosefta, cf. T. Ber. 1:1), the allusion to the time of

⁵³ Jodi MAGNESS, *Stone and Dung, Oil and Spit: Jewish Daily Life in the Time of Jesus*, Grand Rapids-Cambridge, William B. Eerdmans Publishing Company, 2011, p. 27, assumes that Qumran sectarians would not have shared rabbinic concerns "that touching Torah scrolls conveys impurity".

⁵⁴ On Torah scrolls in synagogues see Steven FINE, *Art, History and Historiography of Judaism in Roman Antiquity*, Leiden-Boston, Brill, 2014, p. 153: "Objects that are closer to the scroll are considered to be more holy. Thus, the cloth wrappers in which a Torah scroll is wrapped are holier than the chest (*teva*) in which the scrolls are stored, and the scrolls cabinet is more holy than the synagogue building".

⁵⁵ See HEZSER, *Form, Function*, p. 360, confirming Saul Lieberman's thesis that Yerushalmi Neziqin was edited earlier than the rest of the Yerushalmi in idem, *The Talmud of Caesarea* [Hebr.], Jerusalem, Supplement to *Tarbiz* 2, 1931: the major part of Lieberman's study consists of a synopsis of parallel *sugyot* with brief comments.

⁵⁶ The text is discussed in HEZSER, *Form, Function*, pp. 83-94.

the priests' eating of heave offering is only one aspect of the argumentation, an aspect that has been taken over from the Mishnah and is immediately replaced by a more contemporary alternative example. A tannaitic statement attributed to R. Hiyya (probably the fifth-generation tanna by that name) refers to the time when people customarily return home on Sabbath eves to eat dinner (cf. T. Ber. 1:1, where this example is attributed to R. Meir). In the following anonymous (and probably editorial) part of the *sugya*, the two examples (priests, common people) are contrasted with each other: they allegedly refer to different time periods, the priests entering their houses to eat from the heave offering while it is still day, whereas ordinary people eat the Sabbath evening meal one or two hours after night break only. A statement attributed to R. Yose subsequently harmonizes between the two views: R. Hiyya allegedly referred to the specific case of the villagers who returned to their houses early in the evening because of their fear of wild animals. The discussion whether the evening *Shema* may be recited before or only after the appearance of the first evening stars continues without further reference to biblical examples.

What is important here is that the biblical allusion does not seem to have more value than the rabbinic reference to ordinary people's practices. Lev. 22:6-7 is not used as a proof-text to support a particular view. It is not quoted but merely alluded to in the Mishnah and transported to Temple times: different terminology is used ("priests" instead of "sons of Aaron"; "heave offering" [*terumah*, cf. Num. 18:28] instead of "holy things" [*qedushim*]); all of the details of the biblical text (references to the various impurities, to the purification ritual) are left out; the eating of heave offering in the sons of Aaron's houses is replaced by the institutional setting of the Temple court. The Mishnah's elliptic phrase, "From the time when the priests enter [the Temple court] to eat heave offering", requires the audience and readership to be knowledgeable of the biblical rule but not of all of the details of the biblical text. In the Yerushalmi's discussion, the *mishnah* (Temple priests) and *baraita* ("R. Hiyya taught": ordinary people) have equal value⁵⁷. The inconsistency between them concerning the envisioned time of the evening requires an explanation, which is offered through R. Yose's limitation of R. Hiyya's statement (limiting it to villagers, not all people). The allusion to the eating of heave offering is entirely subservient to the rabbinic discussion about the correct time for the recitation of the evening *Shema* here. The way in which the Yerushalmi uses the Mishnah's example also shows that linking prayer times to pre-70 Temple rituals was less important in late antiquity.

⁵⁷ In the Tosefta (T. Ber. 1:1), where the two examples are juxtaposed as well, the order is reversed: R. Meir's statement referring to ordinary people precedes sages' allusion to the priests. Both the order of the statements and the fact that "sages" may represent the majority of rabbis in the minds of the editors seem to give precedence to the biblical allusion here.

In the following *sugya*, a biblical verse is used as a proof-text. According to a statement attributed to R. Zeira in the name of R. Jeremiah, someone who is in doubt whether or not he has recited the Grace after Meals is required to recite it. This view is supported by the quotation of Deut. 8:10: “for it is written: ‘And [when] you have eaten, and you are full, you shall bless [the Lord your God for the good land he has given you]’”. Since the recitation of the Grace after Meals is a biblical obligation, one has to make sure that one has fulfilled this obligation, even if one might recite it a second time. The quotation of Deut. 8:10 serves to indicate the stringency of the obligation to recite the blessing. The necessity to make sure that one has recited the Grace after Meals is subsequently contrasted with the Prayer (*Tefillah*, *Amidah*). Since the recitation of this prayer is a rabbinic imposition, if one is in doubt whether one has recited it, one need not recite it (again).

These examples from the beginning of Yerushalmi Berakhot point to some of the uses of the Torah in the Talmud. They show that the Torah is always subordinated to the flow of rabbinic argumentation, even if used as a proof-text. Biblical rules can be merely alluded to or (parts of) verses are literally quoted. Neither of these approaches suggests that written Torah scrolls were checked even by the editors of the written *sugyot*. As in the case of *midrash*, the talmudic *sugyot* are literary constructs rather than transcripts of rabbinic oral discussions. The allusion to Leviticus was already part of the Mishnah that the editors probably knew in written form. Whether they received the proof-text from Deuteronomy as part of R. Zeira’s statement or added it themselves to support the statement remains uncertain. Nevertheless, one may assume that in amoraic oral discussions biblical texts would have been used and alluded to in similar ways, to support, contradict, or problematize rabbinic views on topics that were relevant to rabbis in their own times and circumstances. The topics and arguments were not derived directly from biblical texts. In halakhic discussions the Torah was not primary –but it had an important supporting and correcting function in rabbinic disputes and arguments.

Conclusions

Whether and to what extent rabbis used written texts, whether biblical or rabbinic, depends on the time period we are talking about. I have suggested in this paper that we need to distinguish between three periods that constitute distinct stages in the use of written material: the amoraic period, the time when the Talmud and Midrash were edited, and the post-Talmudic stage that leads to the Middle Ages. Only at the time when the large written documents existed, and when rabbinic academies for the study of the Talmud emerged, did a culture of rabbinic study develop that focused on the reading and interpretation of the written text. As David Stern

has pointed out correctly, the eventual Jewish adoption of the codex form facilitated this study of Jewish “books”⁵⁸. Only from the time of the wider use and distribution of the codex in Jewish scholarly culture, that is, from the tenth and eleventh centuries onwards, can one –still hesitatingly– talk about “bookish” circles in Jewish culture. Yet even at this stage the focus would have been on oral discussion, a phenomenon that continues in traditional *yeshivot* until today.

When moving backwards from this later stage to the time of the editing of rabbinic documents between the fifth and eighth centuries and continuing into early Geonic times until the tenth century C.E., we have to reckon with a mixed use of oral and written sources, memorized written sources, and only occasional access to written Torah scrolls. It remains uncertain whether and to what extent the editors of the Talmud and Midrash had written rabbinic and biblical texts available and made use of them. They may have used written tractates of the Mishnah alongside orally transmitted *baraitot*, memorized amoraic traditions alongside occasional collections of stories. The editors of amoraic Midrashim are more likely to have used written Torah scrolls than the editors of Talmudic *sugyot*, but even midrashic proems seem to quote biblical verses by memory, on the basis of keyword associations. There is still no evidence at this stage that written sources were valued higher than orally transmitted material. The reason why anonymous editors decided to create written compilations would have been the realization that oral transmission was risky and might lead to the eventual loss of rabbinic knowledge of previous generations. In a context in which Byzantine Christians were producing more and more books, rabbinic Jews probably realized that the written preservation of rabbinic knowledge was necessary for its survival and transmission to future generations.

In the few hundred years after the editing of the Talmud and Midrash, various manuscript versions would have circulated and few copies would have been available. Taking the huge volume of the Talmud, and especially the Babylonian Talmud, into account, very few full collections of its orders and tractates would have circulated. Eli Yassif has argued that at least until the tenth century the shortage of written Talmud corpora would have increased the authority of Babylonian Geonim: “Anyone anywhere in the Jewish world who was in need of an accurate version of the Mishnah or Talmud ... had no alternative but to turn to the Babylonian *yeshivot*”⁵⁹. The earliest extant manuscripts of the Babylonian Talmud date to the twelfth century and the

⁵⁸ See STERN, “The First Jewish Books”, p. 163.

⁵⁹ Eli YASSIF, “Oral Traditions in a Literate Society: The Hebrew Literature of the Middle Ages”, in Karl REICHL (ed.), *Medieval Oral Literature*, Berlin and Boston, Walter de Gruyter, 2012, p. 501.

first printed edition (Daniel Bomberg in Venice) to the early sixteenth⁶⁰. Only once printed editions circulated and the written Talmud became more widely available, the use of the term “bookish” became an appropriate denominator for Talmud scholarship⁶¹. The “bookish” scholarship of the last five hundred years was based on a standardized text, fixed orders of reading, and easier access to written commentaries⁶².

In amoraic times, the situation would have been very different. There is scarce evidence of a rabbinic use of written texts, whether rabbinic or biblical. One or the other wealthy rabbi might have owned a Mishnah tractate and brought it to a study session. Some disciples may have taken notes of some rabbis' views or practices. A few written collections of rabbinic stories may have circulated. Some Jewish communities would have owned Torah scrolls. Yet there is no evidence that such written texts were used regularly in rabbinic study sessions or that they were considered more authoritative than orally transmitted traditions and memorized Torah verses. As embodied repositories of the Written and Oral Torah, rabbis would not have needed to recur to written texts. On the contrary, they seem to have valued memory and oral transmission more. Amoraic rabbis and their students would have memorized vast portions of Torah during primary education. They would hear Torah read out in synagogues on the Sabbath and some of them offered public sermons. They were so much immersed in Torah that they did not need to recur to written texts. The very purpose of rabbinic study was to make Torah relevant for new, contemporary situations and circumstances. This endeavour was based on the Torah but went far beyond it, creating a new and continuing (Oral) Torah to which each generation of scholars contributed.

⁶⁰ For a summary of the manuscripts and printed editions of the Bavli see Richard KALMIN, *Migrating Tales: The Talmud's Narratives and Their Historical Contexts*, Berkeley-Los Angeles, University of California Press, 2014, xv. On designing the printed Talmud see also Marvin J. HELLER, *Studies in the Making of the Early Hebrew Book*, Leiden and Boston, Brill, 2008, pp. 92-105.

⁶¹ On the ways in which printing the Talmud changed Jewish Talmud study see Sharon LIBERMAN MINTZ *et al.* (eds.), *Printing the Talmud: From Bomberg to Schottenstein*, New York, Yeshiva University Museum, 2005.

⁶² See HELLER, *Studies in the Making*, p. 109.

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