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Orality and the Redaction of the Babylonian Talmud

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

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

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

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

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

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

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

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

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

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

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

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

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

Pervasive Orality

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Post-Sabboraic Period

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

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

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

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

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

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

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

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

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

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

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

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

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

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(Elman 1993-94).

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

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

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

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

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

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

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

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

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

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

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

The Redactional Registry of Variants

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Absence of the Characteristics of "Book Culture"

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

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

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

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

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

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

Lack of Nomenclature for Editing

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

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

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

[26] Oral communication with Martin Jaffee.

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

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

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

[27] See Weiss 1954:66-70.

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

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

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[28] See Lewin 1921:58-59.

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

[30] See Schlüter 1993:322-25.

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

[32] See BT Tam 27b.

[33] BT Yeb 64b.

[34] See BT Bez 2b.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Emending an Oral Text

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

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

[58] See Ephrat and Elman 2000.

[59] See Epstein 1963-64:439.

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

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

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

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

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

[61] See Yeres 1987:64-68.

[62] *Ibid.*:78.

[63] *Ibid.*:84.

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

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

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

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

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

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[64] Schlesinger 1974:9.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Babylonian Orality and the Formula

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[76] Cited in Foley 1988:96.

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

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

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

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

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

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

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

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

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

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

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

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

[82] See Rosenthal 1984:7-9.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[88] See Elman 1997.

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

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

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

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

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

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

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