

INTRODUCTION

To those not entirely at home in the Rabbinic literature—the library of law and theology produced in the first six centuries C.E. that has defined Judaism from then to now—the formative writings of Judaism prove at once alien and engaging. They are alien in topic, rhetoric, and logic of coherent discourse. They engage because all together they represent an alternative to the mythic monotheism—the monotheism of Scripture and its narrative—of Christianity (and Islam). The normative writings of Rabbinic Judaism are classified by that Judaism as components of the Torah of Sinai. These are the Mishnah (ca. 200 C.E.), the Tosefta (ca. 300), the Talmud of the Land of Israel (ca. 400), and the Talmud of Babylonia (ca. 600), along with the exegetical compilations (“Midrashim”) devoted to the scriptural books of lectionary status. The present volume presents the entirety of the Tosefta, which I have translated into English and rendered accessible. It is important for its position within the Oral Torah of Sinai as the mediating document between the Mishnah and the two Talmuds, as I shall explain in due course.

The Oral Torah complements and completes the Written Torah of Sinai, and in the Mishnah, Tosefta, Talmuds, and Midrash-compilations, the Rabbinic sages of antiquity systematically present a different response to the Hebrew Scriptures of ancient Israel (also known as the “Old Testament”) from that of Christianity. The Christian Bible—the Old and New Testaments—and the Jewish Torah—Written and Oral—both intersect and part company. With the vast increase in academic and theological interest in, and knowledge of, Judaism, people can now encounter these sources in English translation, and so undertake to form their own views of these competing perspectives. How better to gain perspective upon the early Christian record than by comparison and contrast with the writings of those contemporaries, confronting a comparable challenge of realization and reconstruction, who took a different way? But how are people to enter a literature so markedly different from that generally known in the West?

**What Should We Know, and How Should We Know It,
If the Records of Early Christianity Were Like the
Rabbinic Literature of Late Antiquity?**

One way of seeing things is to translate the formative Rabbinic writings into terms of that better known corpus of writings, the New Testament and the church fathers who founded Catholic and Orthodox Christianity. But how to compare one religion's canon with that of another religion? To do so, let me pose a simple question. If the literary sources of Christianity were written down and transmitted in the way in which those of Judaism were, what should we know about Christianity, *and how should we know it?* Let me then introduce the canonical documents of formative Judaism by giving a picture of the kind of evidence scholars of earliest Christianity would face, if the New Testament and Patristic writings were truly comparable to the Mishnah and Rabbinic literature.

The Rabbinic writings set forth topical expositions of various problems. They do not represent writings by individual authors, and when they speak normatively, they do not preserve idiosyncrasies of taste. What could we know, then, if all the literature of early Christianity had reached us in a fully homogenized and intellectually seamless form? Not only the New Testament, but all the works of the church fathers, from Justin to Augustine, now would be represented as expressions of one communal mind, dismembered and built into a single harmonious logical structure on various themes—a kind of theological encyclopedia issued from Nicea, for example. True, the texts would be shown constantly to disagree with one another. But the range of permissible disagreement would define a vast area of consensus on all basic matters, so that a superficial contentiousness would convey something quite different: one mind on most things, beginning to end. The names of the fathers would be attached to some of their utterances, but all would have gone through a second medium of tradents and redactors. The editors of this compendium (the Patristic Talmud, so to speak) would have picked and chosen what they wanted of Justin, and what of Origen, what of Tertullian, and what of Augustine, in line with what the editors themselves found interesting. In the end, the picture of the first six centuries of early Christianity would be the creation of people of the sixth century, out of the shards and remnants of people of the first five. Our work then would be to uncover what happened before the end, by studying a document which portrays a timeless world.

Not only would the document be framed so as to deny implicitly any historical development of ideas, but the framers also would gloss over di-

verse and contradictory sources of thought. I do not mean only that Justin, Irenaeus, and Tertullian would be presented as components of a single, timeless continuum. I mean that all Gnostic and Catholic sources would be broken up into sense-units and their fragments rearranged in a structure presented as representative of a single Christianity, with a single, unitary theology. This synthesized ecumenical body of Christian thought would be constructed so as to set out judgments on the principal theological topics of the day, and these judgments would have been accepted as normative from that day to this. So the first thing we must try to imagine is a Christianity that reaches us fully harmonized and whole—a Christianity of Nicaea and Chalcedon, but not of Arians, Nestorians, monophysites and the rest, so there is no distinctive Justin nor Augustine, no Irenaeus and no Gnostics, and surely no Nag Hammadi, but all are one “in Christ Jesus,” so to speak.

We deal with a set of writings that are continuous with one another, from the Mishnah to the Tosefta to the Talmuds of the Land of Israel or Babylonia, respectively, and from Scripture to the Midrash-compilations thereon, as we shall see. Let me emphasize that this would be not merely a matter of early Christian literature’s reaching us without the names of the authors of its individual documents. The thing we must try to imagine is that there would be no individual documents at all: everything would have gone through a process of formation and redaction that obliterated the marks of individuality. Just as the theology would be one, so would the form and style of the documents that preserved it. Indeed, what would be striking about this picture of Christianity would be not that the tractate of Mark lacks the name of Mark, but that all of the Gospels would be written in precisely the same style and resort to exactly the same rhetorical and redactional devices. Stylistic unity so pervasive as to eliminate all traces of individual authorship, even of most preserved sayings, would now characterize the writings of the first Christians. The sarcasm of Irenaeus, the majesty of Augustine, the exegetical ingenuity of Origen, and the lucid historicism of Aphrahat—all are homogenized. Everyone talks in the same way about the same things.

And now we come to a principal task of the study of early Christianity: What should we know about Jesus, and how should we know it, if sayings assigned to Jesus in one book were given to Paul in a second, to John in a third, and to “they said” or “He said to them” in a fourth? Can we imagine trying to discover the historical Jesus on this turf, if even the provenance of a saying could not be established on the basis of all those to whom it is attributed, if, often, even a single *Vorlage* and *Urtext* could not be postulated? What sort of work on the biography and thought of any early figure of Christianity would be credible?

If readers can envision such a state of affairs, then we have entered the world of sources confronted by those who study the ancient Judaism emergent from the Rabbinic literature. In the encounter with the Mishnah, Tosefta, Talmuds, and Midrash-compilations, New Testament scholars will grasp the fact that Rabbinic literature is simply not homologous to the writings with which they work, and cannot be used in the same way at all. Not only so, but their literature deals with different types of problems and answers altogether different questions, so that we cannot present to Rabbinic literature questions deemed appropriate for another kind of writing altogether. A life of Jesus or of Augustine is plausible; a life of Aqiba or Hillel is not. An account of the intellectual biography of Paul and his theology is entirely apropos, the sources answering precisely the questions that are asked. A counterpart picture of Judah the Patriarch, who redacted the Mishnah, or of Rabbah, Abbaye or Raba, the greatest geniuses of the Talmud, is not. Then to use one type of writing to address questions appropriate to another type of writing is surely a dubious operation.

From these general observations aimed at orientation to the document at hand, let us turn to the Tosefta in particular.

The Tosefta in Particular

The Tosefta, meaning “supplement,” is a corpus of materials correlative to the Mishnah. It is the second document of Rabbinic Judaism, after the Mishnah, to come to closure, generally assumed to have taken place ca. 300 C.E. Materials in the document are attributed to the same authorities of the first and second centuries who take a primary position in the Mishnah. The importance of the Tosefta for the study of formative Judaism and Christianity of the same period is readily discerned. The document contains important legal traditions that amplify and extend those set forth in the Mishnah, as well as free-standing and original ones. In the aggregate, it forms the first talmud—that is, the initial systematic amplification of the Mishnah and its Halakhah. It constitutes, therefore, a primary document of nascent Rabbinic Judaism. In addition, its modes of analytical thought carry us deep into the intellectual life of that Judaism, and prepare us for the profundities of the two Talmuds in their presentation of the law of the Torah.

The Tosefta is one of Judaism’s definitive writings, because the Tosefta forms the bridge between the Mishnah and the two Talmuds, both temporally and in substance. The Tosefta’s materials, coherent and cogent not

among themselves but only in relationship to the Mishnah, serve as the Mishnah's first commentary, first amplification, and first extension. No important commentary to the Mishnah after the two Talmuds (and there were not very many in any event) read the Mishnah out of phase with the two Talmuds (particularly the Babylonian one), and the really perspicacious commentators appealed first of all to the Tosefta. So in these pages we delve into the beginnings of Judaism's exegetical tradition.

Purpose and Redactional Character of the Tosefta

Standing apart from the Mishnah, part of the Tosefta is incomprehensible, bearing no autonomous meaning. The Tosefta's units relate to corresponding ones in the Mishnah in one of three ways:

- (1) the Tosefta cites the Mishnah verbatim and then glosses or further discusses the Mishnah's rules;
- (2) the Tosefta complements the Mishnah without directly citing the corresponding passage;
- (3) the Tosefta supplements the Mishnah with information relevant to it, but in theme and meaning autonomous of it.

The first sort of relationship characterizes about half of the pericopes of the document; the second, about another third; and the last, about a sixth. The Tosefta's aggregate of materials normally are grouped according to their respective relationships to the Mishnah. A passage serving a given chapter of the Mishnah, for example, may begin with pericopes in which the Mishnah is cited, then proceed to others in which the Mishnah is complemented, and finally, present materials in which the Mishnah is given supplementary but essentially separate materials. The formulary traits of the Tosefta run parallel to those of the Mishnah in the first, and, to a lesser extent, the second sort of materials. But in the main, the Tosefta is linguistically a far less formalized document than the Mishnah. The Mishnah's redaction tends to produce aggregates of materials characterized by a common formulary pattern and a common theme. In contrast, the Tosefta is redacted primarily in accord with a single three-type relationship to the Mishnah, exhibited by a sequence of otherwise formally and thematically discrete units. First comes the citation and the gloss of the Mishnah, second, the amplification thereof, third, the free-standing supplement.

The Tosefta is approximately four times larger than the Mishnah, but size is not its only claim. The Tosefta is important within Rabbinic literature for two reasons. First, pericopes of the Tosefta (or tannaitic pericopes strongly resembling those now found in the Tosefta) commonly form the foundation of both Talmuds' treatments of the corresponding pericopes in the Mishnah. Indeed, the Tosefta supplement to a given passage of Mishnah often begins and generates the talmudic analysis of that same Mishnah. Second, the entire exegetical tradition of the Mishnah in later times depends upon the Tosefta's original exegesis of that document, where extant. If, therefore, one wants to understand how the Mishnah has been interpreted for nearly eighteen centuries, the place to begin is with the Tosefta. It hardly needs saying that the Tosefta, separate from its importance within the other principal documents of Rabbinic Judaism, contains innumerable sayings which bear considerable value of their own. For the amoraic period, the Tosefta constitutes a document of paramount importance.

Origin and Development

We do not know who compiled and redacted the Tosefta or when the work reached its present form. On this matter we presently rely upon the judgment of M. D. Herr (*Encyclopaedia Judaica*, s.v. "Tosefta"):

Very often a *baraita* quoted in the Talmud in a corrupt form is found in the Tosefta in its original coherent form. Furthermore, very often there is a discussion in the Talmud about the exact meaning of the words of a certain *tanna* (either in the Mishnah or in the *baraita*), while the parallel statement as found in the Tosefta is manifestly clear. It would therefore seem obvious that the Tosefta in its present form was not edited before the end of the fourth century C.E. and cannot therefore be identified with any of the . . . earlier collections of *beraitot*. It is certain that the Tosefta was composed in Erez Israel, since the *beraitot* which it contains resemble more those of the Jerusalem Talmud than those of the Babylonian Talmud.

The many textual problems of the Tosefta itself, however, leave room for other interpretations of the data to which Herr refers, not to mention quite different theories of the character of the sayings themselves and the interrelationships of their diverse versions. For the present purpose it suffices to note that the Tosefta reached its present shape some time between the redaction of the Mishnah, about 200, and that of the Palestinian Talmud, two and a half centuries later, about 400, I think by 300. These are, however, no more than guesses.

Accordingly, the Tosefta is a talmud, an Amoraic document. That is to say, the circles that produced the Talmud of the Land of Israel, a systematic commentary to thirty-nine of the Mishnah's sixty-three tractates,¹ as well as midrashic compositions for the Pentateuch, also stand behind the Tosefta. But all of the authorities appearing in the Tosefta bear the names of figures who also appear in the Mishnah. Accordingly, the Tosefta also appears to constitute a Tannaitic document, in that (if the attributions are to be believed) its materials derive from the same sages who created the Mishnah.

It is difficult to establish criteria for evaluating whether the Tosefta is a pseudepigraphic document, written by later figures but claiming the authority of earlier ones, or a collection of statements deriving from the Mishnah's framers but external to those preserved in the Mishnah. At this point nothing is to be taken for granted. We may assume neither the authentic nor the pseudepigraphic character of the Tosefta's attributions of its materials, and, with them, of the Tosefta's origin. We may identify passages of both Talmuds that treat, not the Mishnah directly, but rather the Tosefta's exegesis of the Mishnah. Accordingly, such passages follow the sequential program of (1) citing the Mishnah, then (2) citing the Tosefta's amplification of the Mishnah, and, finally, (3) analyzing and unpacking that secondary amplification. If it could be demonstrated that the bulk of the two Talmuds consist of discourse following that sequence of documents, we should reliably conclude that the Tosefta stands at the mid-point between the closure of the Mishnah, on the one side, and the construction of the Talmud of the Land of Israel (and, in its wake, the Talmud of Babylonia) on the other side. But we stand a considerable distance from a systematic inquiry into the matter.

What we may say with certainty is simple. The Tosefta contains three types of materials: two of them secondary to, therefore assuredly later than, the Mishnah's materials, and the third autonomous of the Mishnah, and therefore possibly contemporaneous with it.

The first type of materials contains a direct citation of the Mishnah, given in this translation in italics (the examples cited at length in this Introduction, however, will not follow this convention), followed by secondary discussion of the cited passage. That type of discourse certainly is post-Mishnaic, hence by definition Amoraic. The second sort of materials depends for full and exhaustive meaning upon a passage of the Mishnah, although the corresponding statements of the Mishnah are not cited verbatim. That sort of discussion probably is post-Mishnaic, but we may be less

¹We include tractate Abot, The Fathers, in this count, even though it is post-Mishnaic by about a generation or fifty years.

certain of the matter. The third type of materials in the Tosefta stands completely independent of any corresponding passage of the Mishnah. This may occur in one of two ways. First, a fully-articulated pericope in the Tosefta may simply treat materials not discussed systematically—or at all!—in the Mishnah. Second, a well-constructed passage of the Tosefta may cover a topic treated in the Mishnah, but follow a program of inquiry not dealt with at all in the Mishnah. The statements of the Tosefta may therefore prove relevant to the thematic program of the Mishnah, but not to the analytical inquiry of its framers. (Such a passage, like the former sort, also may fit comfortably into the Mishnah.) If any components of the received Tosefta derive from the second century (that is, the time of the framing of the Mishnah), it would be those of the third type. A rough guess would place less than a fifth of the Tosefta into this third type, with well over a third of the whole into the first. In all, therefore, the Tosefta serves precisely as its name suggests, as a corpus of supplements—but of various kinds—to the Mishnah.

The Tosefta depends upon the Mishnah in yet another way. Its whole redactional framework, tractates and subdivisions alike, depends upon that of the Mishnah. The Mishnah provides the lattice; the Tosefta, the vines. Since there is no understanding of the Tosefta out of the context of the Mishnah, I give the Mishnah passage alongside, and before, each Tosefta passage in this book.² Accordingly, the rule (though with many exceptions) is that the Tosefta's discussion will follow the themes and problems of the Mishnah's program, much as the two Talmuds' treatments of a passage of the Mishnah are laid out along essentially the same lines as those of the Mishnah. The editorial work accordingly highlights the exegetical purpose of the framers of both the two Talmuds and the Tosefta. The whole serves as a massive and magnificent amplification of the Mishnah. In this regard the framers of the Tosefta may claim considerably greater success than those of the two Talmuds, since the Tosefta covers nearly all the tractates of the Mishnah, while neither Talmud treats more than two-thirds of them (and then not the same two-thirds).

But the Tosefta's redactors tend to arrange materials, within a given tractate, in line with two intersecting organizational principles. First, they follow the general outline of the Mishnah's treatment of a topic. Accordingly, if we set up a block of materials in the Tosefta side-by-side with a corresponding block of those of the Mishnah, we should discern roughly the same order of discourse. Second, the Tosefta's arrangers also lay out

²The Mishnah text is that of C. Albeck, *Shishah Sidré Mishnah* (6 vols.; Jerusalem: Mossad Bialik, 1952–59).

their materials in accord with their own types. That is to say, they will tend (1) to keep as a group passages that cite and comment on the actual words of the Mishnah's passage; then (2) to present passages that amplify in the Tosefta's own words opinions fully spelled out only in response to the Mishnah's statements, and finally (3) to give at the end, and as a group, wholly independent and autonomous sayings and constructions of such sayings.

I stress that that redactional pattern may be shown only to be a tendency, a set of not-uncommon policies and preferences, not a fixed rule. But when we ask how the Tosefta's editors arranged their materials, it is not wholly accurate to answer that they follow the plan of the Mishnah's counterparts. Additionally, there will be some attention to the taxonomic traits of the units of discourse of which the Tosefta itself is constructed.

Turning from the definition of the Tosefta and of its redactional character to the contents of the document as a whole, the Mishnah once again governs the framework of description. For the Tosefta, as is already clear, stands nearly entirely within the circle of the Mishnah's interests, rarely asking questions about topics omitted altogether by the Mishnah's authors and always following the topical decisions on what to discuss as laid down by them. For our part, therefore, we cannot write about the Tosefta's theology or law, as though these constituted a system susceptible of description and interpretation independent of the Mishnah's system. At the same time, we must recognize that the exegetes of the Mishnah, both in the Tosefta and in the two Talmuds, stand apart from, and later than, the authors of the Mishnah itself. Accordingly, the exegetes systematically say whatever they wish to say by attaching their ideas to a document earlier than their own, and by making the principal document say what they wish to contribute. Expressing ideas through reframing earlier ones preserves the continuity of tradition and establishes a deep stability and order upon the culture framed by that tradition. But it makes the labor of teasing out the ideas of the later generations parlous. Describing what is particular to the exegetes and distinctive to their layer of the continuous enterprise of thought demands protracted and subtle inquiry.

Text and Translation

We know little about the transmission of the Tosefta thereafter. Most of the pericopes of the Order of Purities (Tohorot) are cited by Samson of Sens (ca. 1150–1230) in his commentary to the Mishnah of that Order, and

many are quoted by Maimonides in his *Mishneh Torah* (1180), principally in the Book of Cleanness. The first modern text was that of M. S. Zuckerman (1881), following the Erfurt Manuscript for the first four Orders, and the Vienna Manuscript thereafter.

My translation is based upon S. Lieberman's text for the first four divisions of the Mishnah and the Tosefta (Zeraim, Moed, Nashim, and Neziqin),³ Zuckerman's for the fifth (Qodashim),⁴ and K. H. Rengstorf's for the sixth (Tohorot),⁵ but it also includes pericopes in the version of Samson of Sens.⁶ The extant text is further revised, in my translation, in the light of the exegetical study of the text and of its problems by Saul Lieberman, *Tosefet Rishonim* (cited as *TR*).⁷ I found it uniformly discerning. Among traditional commentaries systematically consulted are David Pardo (1718–1790), *Hasdê David. IV. Tohorot* (Jerusalem, 1970), Elijah ben Solomon Zalman ("Elijah Gaon," "Vilna Gaon," 1720–1797, cited as GRA), printed in the Romm edition of the Mishnah (Vilna, 1887), and S. Lieberman, *Tosefta Ki-feshuta* (New York: Jewish Theological Seminary of America, 1953) (cited as *TK*).

An exegesis of each pericope is found for each tractate in the relevant volumes of my *History of the Mishnaic Law* (43 vols.; Leiden: Brill, 1974–1986). There is no need to extensively annotate each pericope in the present work, because the requisite information on the relationship of each pericope to the Mishnah's counterpart, textual problems and emendations, and the meaning of the given passage, is supplied there. The unavoidable length of such annotation would greatly increase the size of this volume.

My translation of the second through sixth divisions originally appeared in *The Tosefta, Translated from the Hebrew, II–VI* (5 vols.; New York: Ktav, 1977–1980).⁸ With the help of Richard S. Sarason, I edited *The Tosefta*,

³S. Lieberman, *The Tosefta according to Codex Vienna* (New York: Jewish Theological Seminary of America, 1955).

⁴M. S. Zuckerman, *Tosefta* (Pozevalk: Bidefus Yissakhar Yitshak Meir, 1881); repr. with S. Lieberman's *Tashlum Tosefta* (Jerusalem: Bamberger and Wahrman, 1937).

⁵K. H. Rengstorf, *Die Tosefta* (Stuttgart: Kohlhammer, 1933).

⁶For Samson of Sens, see *Seder Tohorot* (Brooklyn: Hayim Elazar Raikh, 1992).

⁷*A Commentary Based on Manuscripts of the Tosefta and Works of the Rishonim and Midrashim in Manuscripts and Rare Editions. III. Kelim-Niddah* (Jerusalem: Bamberger and Wahrman, 1939) and *IV. Mikwa'oth-Uktzin* (Jerusalem: Mossad Rabbi Kook Press, 1939). Repr. New York: The Jewish Theological Seminary of America Press, 1999.

⁸Scholars Press (Atlanta) reprinted these volumes: *The Tosefta, Translated from the Hebrew: Second Division (Moed)* (USF Academic Commentary Series, 1999);

Translated from the Hebrew: *The First Division (Zeraim)* (New York: Ktav, 1985). Students in my graduate seminar at Brown University translated the tractates of the first division in their work on the Mishnah-Tosefta to those tractates. These I reviewed word for word in seminar discussion.⁹

The Tosefta, Translated from the Hebrew: Third Division (Nashim) (USF Academic Commentary Series, 1999); *The Tosefta, Translated from the Hebrew: Fourth Division (Neziqin)* (USF Academic Commentary Series, 1999); *The Tosefta, Translated from the Hebrew: Fifth Division (Qodashim)* (USF Academic Commentary Series, 1997); *The Tosefta, Translated from the Hebrew: Sixth Division (Tohorot)* (with a new preface; South Florida Studies in the History of Judaism, 1990).

⁹In addition, I have published the following studies in which the Tosefta figures as a principal focus:

The Redaction and Formulation of the Order of Purities in the Mishnah and Tosefta. Vol. 21 of *A History of the Mishnaic Law of Purities*. Leiden: Brill, 1977.

The Tosefta: Its Structure and Its Sources. Brown Judaic Studies. Atlanta: Scholars Press, 1986. Reprise of pertinent results in *Purities*, vols. 1–21.

The Tosefta: An Introduction. South Florida Studies in the History of Judaism. Atlanta: Scholars Press, 1992.

The Judaic Law of Baptism: Tractate Miqvaot in the Mishnah and the Talmud of Babylonia; The Case of Tractate Arakhin. South Florida Studies in the History of Judaism. Atlanta: Scholars Press, 1990.

The Bavli That Might Have Been: The Tosefta's Theory of Mishnah-Commentary Compared with That of the Babylonian Talmud. South Florida Studies in the History of Judaism. Atlanta: Scholars Press, 1990.

The Mishnah, Tosefta, Abot, Sifra, Sifré to Numbers, and Sifré to Deuteronomy. Vol. 1 of *From Text to Historical Context in Rabbinic Judaism: Historical Facts in Systemic Documents*. South Florida Studies in the History of Judaism. Atlanta: Scholars Press, 1993.

The Tosefta, Tractate Abot, and the Earlier Midrash-Compilations: Sifra, Sifré to Numbers, and Sifré to Deuteronomy. Vol. 2 of *The Judaism Behind the Texts: The Generative Premises of Rabbinic Literature*. South Florida Studies in the History of Judaism. Atlanta: Scholars Press, 1993.

An Initial Probe. Three Tractates: Moed Qatan, Nazir, and Horayot. The Mishnah and the Tosefta: The Division of Purities. The Mishnah, the Tosefta, and the Yerushalmi: The Division of Agriculture. The Mishnah-Tosefta-Bavli: The Division of Holy Things. Vol. 1. of *The Aggadic Role in Halakhic Discourse*. Studies in Ancient Judaism. Lanham: University Press of America, 2000.

The Mishnah, Tosefta, Yerushalmi, and Bavli to Tractate Berakhot, the Division of Appointed Times, and the Division of Women. Vol. 2 of *The Aggadic Role in Halakhic Discourse*. Studies in Ancient Judaism. Lanham: University Press of America, 2000.

The Mishnah, Tosefta, Yerushalmi, and Bavli to the Division of Damages, and Tractate Niddah. Sifra and the Two Sifrés. Vol. 3 of *The Aggadic Role in Halakhic Discourse*. Studies in Ancient Judaism. Lanham: University Press of America, 2000.

Why This, Not That? Ways Not Taken in the Halakhic Category-Formations of the Mishnah-Tosefta-Yerushalmi-Bavli. Vol. 8 of *The Comparative Hermeneutics of*

The translation given here aims at extreme literalness and closely follows the word-order and simple meaning of the Hebrew text. There is very little, if any, effort at paraphrase, or at restating material in smooth English. It should be easy for the student to follow the Hebrew text along with the English translation, with the proviso that the text of the fifth and sixth divisions which is translated at some points is not that of Rengstorf and his co-workers or of Zuckerman. Consultation with the version in Samson of Sens' or Maimonides' parallels, and, especially, with Lieberman's exegetical and textual commentary (*TR* and *TK*), will account for the difference between the translation and Zuckerman's or Rengstorf's texts, respectively. These passages do not comprise a major part of the whole.

As I see it, there are several useful approaches to translating the texts of formative Rabbinic Judaism. One may translate in a fairly literal way, allowing the reader to get some clear picture of how the framers of the text expressed their ideas. Or, one may translate paraphrastically, so as to allow for maximum sense, and even for elegant style, in our own American language. I have preferred the former, while deeply respecting the choice and the achievements of the translators who have chosen the latter.

An example of the paraphrastic style may be found in Danby's translation of the Mishnah.¹⁰ In my judgment, this approach obscures one of the paramount points of interest of the document itself, which is its very peculiar and particular mode of formalized speech. Moreover, paraphrase may supply the Hebrew with a definite meaning or interpretation, which the text may sustain but does not explicitly invite. Danby's translation of the Mishnah seems deliberately to obscure the most interesting traits of Mishnaic discourse: the dispute form, the persistent use of the present tense in attributive formulae, the mixture of tenses, and many other formal and rhetorical linguistic traits. The net result is a handsome document in English, related to the Hebrew in matters of substance, but obscuring for the English reader the

Rabbinic Judaism. Academic Studies in Ancient Judaism. Binghamton: Global Publications, 2000.

The Place of the Tosefta in the Halakhah of Formative Judaism: What Alberdina Houtman Didn't Notice. South Florida Studies in the History of Judaism. Atlanta: Scholars Press, 1998.

The Judaic Law of Baptism: Tractate Miqvaot in the Mishnah and the Tosefta. A Form-Analytical Translation and Commentary, and a Legal and Religious History. South Florida Studies in the History of Judaism. Atlanta: Scholars Press, 1995. A second printing of *A History of the Mishnaic Law of Purities*, Vols. 13 and 14.

I also have published a variety of articles on the topic, all of them in one way or another encompassed by the foregoing monographs.

¹⁰H. Danby, *The Mishnah* (Oxford: Clarendon, 1933).

distinctive and engaging linguistic character of what is translated. Moreover, Danby takes a position on numerous exegetical problems and his translation is therefore more of a commentary than it needs to be.

The fact is that the Mishnah and the Tosefta express their conceptions as much through the way things are said as through what is said. The linguistic style is highly formalized and particular to the document. The Hebrew of the Mishnah and the Tosefta is reduced to recurrent formularies, and depends upon a very small repertoire of syntactic patterns, which are inseparable from the ideas expressed in those patterns. One simply cannot understand the full meaning of the Mishnah and the Tosefta merely by knowing in paraphrase the gist of what is said, for the grammatical and syntactic modes of expression are integral and essential to the concrete meanings of the document. If the Hebrew is not smooth, then the English should not be smooth. If the Hebrew relies upon disconnected and repetitious clauses, then so should the English translation.

My translation of the Tosefta on every page preserves the obscurity of the Hebrew original. In my view, we should let the Tosefta be *tosefta*, a supplement to the Mishnah, dependent for meaning and full clarity upon the Mishnah. If it is to be translated at all, in my view, it should be done as literally as possible. Paraphrase is not translation, and translation is not occasion to transform and transcend an obscure and difficult text and to produce a smooth and facile one.

What is conceived, moreover, as facility and smoothness need not be defined solely by the contemporary reader and translator. This is the way the sages formulated their thoughts: it may not be deemed to be an elegant translation, but it is the way they wanted to say things. As deeper study of the Tosefta (all the more so, of the Mishnah) will persuade the reader, there is a certain reason and logic behind their seemingly gnarled and difficult linguistic and syntactical preferences. The Tosefta is not a document of piety or literature but of highly sophisticated, subtle, and often brilliant exegesis of the Mishnah, and paraphrase obscures those qualities.

Although I have taken a very different route in the translation of the Tosefta, I have generally made use of Danby's choices of English equivalents to Hebrew technical terms, names of objects, and the like. Substantives not translated, such as *zab*, *haber*, and *'am ha'areṣ*, seem to me to bear a technical meaning for which English lacks any accurate counterpart.

But here too, consulting Danby's Mishnah translation will provide an acceptable English alternative. It follows that a far more felicitous English version of the Mishnah is available than that herein provided for the Tosefta. In my judgment, what is lost is more than compensated by what is gained, which is accuracy and precision. Danby cannot be overpraised for his pio-

neering work, nor can we extol too much the work of his counterparts, who translated the Babylonian Talmud published by Soncino Press (London, 1935–1948). They were the pioneers in our language. Danby and the Soncino Press’s scholars had to invent an English equivalent for not only words but concepts with no precise counterpart in English. It is a massive intellectual achievement, for which their successors must be always grateful.

But the pioneers left for another generation the invention of a reference system more adequate to the analytical work than the one they used. For the Mishnah, Danby numbered paragraphs and chapters, as in the Hebrew editions. For the Bavli, the received system—“tractate, page so and so, obverse/reverse side of the page,” thus Gittin 17a—was made to serve. Not only was no analytical work feasible on that basis, the need to find a passage on 17a was not efficiently met. To make possible the planned form-analytical work (which I have now completed for the Rabbinic classics),¹¹ I therefore invented an entirely new system. Division of pericopes into their constituent phrases and cognitive components, and designating each by a letter, specifically, are intended to facilitate the literary- and form-analysis of the text. That division normally is into the smallest meaningful phrases and clauses. I have now supplied the Rabbinic literature of late antiquity with a complete and uniform reference system, for many documents the only one in existence.

Although the method of the present translation diverges sharply from that of Danby, both works share a common goal. To repeat the words with which Danby begins his preface to the Mishnah (replacing “Mishnah” with “Tosefta” where called for): “The object of this translation is to render the contents of the Tosefta easily accessible in their entirety.”

The Tosefta in Documentary Context: The Mishnah, the Tosefta, the Yerushalmi, and the Bavli

To see how the Tosefta fits into the sweep of the Rabbinic literature extending from the Mishnah, through the Tosefta, to the Talmud of the Land

¹¹ *The Mishnah: An New Translation* (New Haven and London: Yale University, 1988); *The Talmud of the Land of Israel* (Chicago and London: University of Chicago, 1982–1993; repr. forthcoming, Hendrickson Publishers). *The Talmud of Babylonia* (USF Academic Commentary Series; Atlanta: Scholars Press, 1994–1999; repr. forthcoming, Hendrickson Publishers); and the midrashic literature in *The Components of the Rabbinic Documents: From the Whole to the Parts* (USF Academic Commentary Series; Atlanta: Scholars Press, 1997; repr. forthcoming, Hendrickson Publishers).

of Israel (or Yerushalmi), and on to the Talmud of Babylonia (or Bavli), we follow a single passage. This allows us to place the Tosefta into its larger context, that of a set of documents that reached closure, it is universally assumed, in the stated sequence. What is important, we shall observe, is how the Tosefta receives the Mishnah and amplifies and explains it before transmitting it forward; in the passages before us, the two Talmuds address not so much the Mishnah as the Mishnah as transmitted by the Tosefta. This is not necessarily the pattern throughout; it is more right than wrong to say that the Tosefta is the hinge on which the door of the Yerushalmi swings. When we see in great detail precisely how for the sample at hand the Tosefta adds its amplification and explanation to the Mishnah, and then how the Yerushalmi and the Bavli in sequence take up the Tosefta's reading of the Mishnah, we shall grasp how profoundly the whole of Rabbinic literature in its formative age focuses upon not the Mishnah as the Tosefta, the kind of hub of the whole. Reading from the Tosefta to the Mishnah will not have surprised the sages of the Talmuds, who did just that: they moved to the Mishnah via the Tosefta, they read the Mishnah through the eyes of the Tosefta.

The following pages present the Mishnah tractate Berakhot, chapter eight. I then give the Tosefta corresponding to that chapter, following the text of Saul Lieberman (pp. 28–31). I compare the Mishnah and the Tosefta, and we see how the words of the Mishnah are augmented and revised in the Tosefta. Had I placed the Tosefta to the left and the Mishnah to the right, the results would have been exactly the same, the relationships fixed. Then follows the Yerushalmi's treatment of the same chapter, and, finally, the Bavli's as well. In giving the whole of both Talmuds' chapters, I mean to show how the Tosefta precipitates discourse, which then proceeds in quite unanticipated directions. In this way we get a good sense of compositional proportion and balance: where the Tosefta matters, and where it is left behind as the later authorities develop new interests together. Thus, we see the importance, but not the predominance, of the Tosefta in shaping the composition of the two Talmuds.

I have already presented and carefully explained in detail every line of these passages in my *Invitation to the Talmud: A Teaching Book*.¹² Readers who wish a detailed explanation of what follows will find it there. The main point I wish to register here is the position of the Tosefta in relationship to the Mishnah before and the two Talmuds afterward.

¹²*Invitation to the Talmud: A Teaching Book* (New York, 1973: Harper & Row; 2d ed. San Francisco: Harper & Row, 1984), 70–95.

The Mishnah Berakhot 8

The Mishnah chapter goes over rules on the conduct of meals, first for Sabbaths and festivals, then in general, with special concern for preserving the ritual purity of the meal. That means the people at the meal keep the laws of cultic cleanness set forth in the book of Leviticus, as these are interpreted by the sages of the Torah. The details are explained in the Tosefta, Yerushalmi, and Bavli, and we do well to allow the course of Rabbinic thought and writing to carry us into the matter.

I.

- 8:1. A. These are the things which are between the House of Shammai and the House of Hillel in [regard to] the meal:
 B. The House of Shammai say, "One blesses over the day, and afterward one blesses over the wine."
 And the House of Hillel say, "One blesses over the wine, and afterward one blesses over the day."
- 8:2. A. The House of Shammai say, "They wash the hands and afterward mix the cup."
 And the House of Hillel say, "They mix the cup and afterward wash the hands."
- 8:3. A. The House of Shammai say, "He dries his hands on the cloth and lays it on the table."
 And the House of Hillel say, "On the pillow."
- 8:4. A. The House of Shammai say, "They clean the house, and afterward they wash the hands."
 And the House of Hillel say, "They wash the hands, and afterward they clean the house."
- 8:5. A. The House of Shammai say, "Light, and food, and spices, and *Habdalah*."
 And the House of Hillel say, "Light, and spices, and food, and *Habdalah*."
 B. The House of Shammai say, "Who created the light of the fire."
 And the House of Hillel say, "Who creates the lights of the fire."

II.

- 8:6. A. They do not bless over the light or the spices of gentiles, nor the light or the spices of the dead, nor the light or the spices which are before an idol.
 B. And they do not bless over the light until they make use of its illumination.

III.

- 8:7. A. He who ate and forgot and did not bless [say Grace] —
 B. The House of Shammai say, "He should go back to his place and bless."
 And the House of Hillel say, "He should bless in the place in which he remembered."
 C. Until when does he bless? Until the food has been digested in his bowels.

- 8:8. A. Wine came to them after the meal, and there is only that cup —
 B. The House of Shammai say, “He blesses the wine, and afterward he blesses the food.”
 And the House of Hillel say, “He blesses the food, and afterward he blesses the wine.”
 C. They respond *Amen* after an Israelite who blesses, and they do not respond *Amen* after a Samaritan who blesses, until hearing the entire blessing.

The Tosefta to Mishnah Berakhot 8

- 5:21 (Lieberman, p. 28, ls. 41–42).
 A. They answer *Amen* after a gentile who says a blessing with the divine name. They do not answer *Amen* after a Samaritan who says a blessing with the divine name until they have heard the entire blessing.
- 5:25 (Lieberman, p. 29, ls. 53–57).
 A. [The] things which are between the House of Shammai and the House of Hillel in [regard to] the meal:
 B. The House of Shammai say, “One blesses over the day, and afterward he blesses over the wine, for the day causes the wine to come, and the day is already sanctified, but the wine has not yet come.”
 C. And the House of Hillel say, “One blesses over the wine, and afterward he blesses over the day, for the wine causes the Sanctification of the day to be said.”
 “Another explanation: The blessing over the wine is regular [= always required when wine is used], and the blessing over the day is not continual [but is said only on certain days].”
 D. And the law is according to the words of the House of Hillel.
- 5:26 (Lieberman, pp. 29–30, ls. 57–61).
 A. The House of Shammai say, “They wash the hands and afterward mix the cup, lest the liquids which are on the outer surface of the cup be made unclean on account of the hands, and in turn make the cup unclean.”
 B. The House of Hillel say, “The outer surfaces of the cup are always deemed unclean.”
 “Another explanation: The washing of the hands must always take place immediately before the meal.”
 C. “They mix the cup and afterward wash the hands.”
- 5:27 (Lieberman, p. 30, ls. 61–65).
 A. The House of Shammai say, “He dries his hand on the napkin and leaves it on the table, lest the liquids which are in the napkin be made unclean on account of the cushion, and then go and make the hands unclean.”
 B. And the House of Hillel say, “A doubt in regard to the condition of liquids so far as the hands are concerned is resolved as clean.”
 C. “Another explanation: Washing the hands does not pertain to unconsecrated food.”

- D. “But he dries his hands on the napkin and leaves it on the cushion, lest the liquids which are in the napkin be made unclean on account of the table, and they go and render the food unclean.”
- 5:28 (Lieberman, p. 30, ls. 65–68).
- A. The House of Shammai say, “They clean the house, on account of the waste of food, and afterward they wash the hands.”
- B. The House of Hillel say, “If the waiter was a disciple of a sage, he gathers the scraps which contain as much as an olive’s bulk.”
- C. “And they wash the hands and afterward clean the house.”
- 5:29 (Lieberman, p. 30, ls. 68–72).
- A. The House of Shammai say, “He holds the cup of wine in his right hand and spiced oil in his left hand.”
He blesses over the wine and afterward blesses over the oil.
- B. And the House of Hillel say, “He holds the sweet oil in his right hand and the cup of wine in his left hand.”
- C. He blesses over the oil and smears it on the head of the waiter. If the waiter was a disciple of a sage, he [the diner] smears it on the wall, because it is not praiseworthy for a disciple of a sage to go forth perfumed.
- 5:30 (Lieberman, pp. 30–31, ls. 72–77).
- A. R. Judah said, “The House of Shammai and the House of Hillel did not dispute concerning the blessing of the food, that it is first, or concerning the *Habdalah*, that it is at the end.”
“Concerning what did they dispute?”
“Concerning the light and the spices, for —”
“The House of Shammai say, ‘Light and afterward spices.’”
“And the House of Hillel say, ‘Spices and afterward light.’”
- B. He who enters his home at the end of the Sabbath blesses the wine, the light, the spices, and then says *Habdalah*.
- C. And if he has only one cup [of wine] he leaves it for after the meal and then says all [the liturgies] in order after [reciting the blessing for] it.
- 5:31 (Lieberman, p. 31, ls. 81–85).
- A. If a person has a light covered in the folds of his garment or in a lamp, and sees the flame but does not use its light, or uses its light but does not see its flame, he does not bless [that light]. [He says a blessing over the light only] when he both sees the flame and uses its light.
As to a lantern—even though he had not extinguished it (that is, it has been burning throughout the Sabbath), he recites a blessing over it.
- B. They do not bless over the light of gentiles. One may bless over [the flame of] an Israelite kindled from a gentile, or a gentile who kindled from an Israelite.
- 5:32 (Lieberman, p. 31, ls. 80–81).
- A. In the house of study —
The House of Shammai say, “One [person] blesses for all of them.”
And the House of Hillel say, “Each one blesses for himself.”

The Tosefta and the Mishnah Compared

Clearly, the Tosefta has a variety of materials. Some of the materials are free-standing, but some simply cite and gloss the Mishnah. We see in the following comparison just how these things come to the surface. I add in italics the amplificatory language of the Tosefta.

Mishnah

M. 8:1. A. These are the things which are between the House of Shammai and the House of Hillel in [regard to] the meal:
B. The House of Shammai say, "One blesses over the day, and afterward one blesses over the wine."

And the House of Hillel say, "One blesses over the wine, and afterward one blesses over the day."

M. 8:2.A. The House of Shammai say, "They wash the hands and afterward mix the cup."

And the House of Hillel say, "They mix the cup and afterward wash the hands."

8:3.A. The House of Shammai say, "He dries his hands on the

Tosefta

Tos. 5:25. A. [The] things which are between the House of Shammai and the House of Hillel in [regard to] the meal:

B. The House of Shammai say, "One blesses over the day, and afterward he blesses over the wine, *for the day causes the wine to come, and the day is already sanctified, but the wine has not yet come.*"

C. And the House of Hillel say, "One blesses over the wine, and afterward he blesses over the day, *for the wine causes the Sanctification of the day to be said.*

"Another explanation: The blessing over the wine is regular, and the blessing over the day is not continual."

D. *And the law is according to the words of the House of Hillel.*

Tos. 5:26. A. The House of Shammai say, "They wash the hands and afterward mix the cup, *lest the liquids which are on the outer surface of the cup may be made unclean on account of the hands, and in turn make the cup unclean.*"

B. The House of Hillel say, "*The outer surfaces of the cup are always deemed unclean.*

"Another explanation: The washing of the hands must always take place immediately before the meal.

C. "They mix the cup and afterward wash the hands."

5:27. A. The House of Shammai say, "He dries his hand on the

cloth and lays it on the table.”
And the House of Hillel say,
“On the pillow.”

M. 8:4.A. The House of Shammai say, “They clean the house, and afterward they wash the hands.”
And the House of Hillel say,
“They wash the hands, and afterward they clean the house.”

8:5.A. The House of Shammai say, “Light, and food, and spices, and *Habdalah*.”
And the House of Hillel say,
“Light, and spices, and food, and *Habdalah*.”

B. The House of Shammai say,
“‘Who created the light of the fire.’”
And the House of Hillel say,
“‘Who creates the lights of the fire.’”
M. 8:8.A. Wine came to them
after the meal, and only that cup is
there —
B. The House of Shammai say,
“He blesses the wine, and
afterward he blesses the food.”

napkin and leaves it on the table,
*lest the liquids which are in the
napkin be made unclean on account
of the cushion, and then go and make
the hands unclean.*”

B. And the House of Hillel say,
“*A doubt in regard to the condition of
liquids so far as the hands are
concerned is clean.*”

C. “*Another explanation: Washing
the hands does not pertain to
unconsecrated food.*”

D. But he dries his hands on the
napkin and leaves it on the cushion,
lest the liquids which are in the
napkin be made unclean on account
of the table, and they go and render
the food unclean.”

Tos. 5:28. A. The House of Shammai say, “They clean the house
on account of the waste of food,
and afterward they wash the hands.”

B. The House of Hillel say, “*If the
waiter was a disciple of a sage, he
gathers the scraps which contain as
much as on olive’s bulk.*”

C. “And they wash the hands and
afterward clean the house.”

5:30. A. R. Judah said, “*The
House of Shammai and the House of
Hillel did not dispute concerning
the blessing of the food, that it is
first, or concerning the Habdalah,
that it is at the end. Concerning what
did they dispute? Concerning the light
and the spices, for the House of
Shammai say, ‘Light and afterward
spices,’ and the House of Hillel say,
‘Spices and afterward light.’*”
[No equivalent.]

Tos. 5:30. B. *He who enters his
home at the end of the Sabbath
blesses the wine, the light,
the spices, and then says Hab-*
dalah.

And the House of Hillel say,
“He blesses the food, and
afterward he blesses the wine.”

M. 8:6.A. They do not bless over the
light or the spices of gentiles, nor
the light or the spices of the dead,
nor the light or the spices which
are before an idol.

B. And they do not bless over the
light until they make use of its
illumination.

M. 8:8.C. They respond *Amen*
after an Israelite who blesses, and
they do not respond *Amen* after a
Samaritan who blesses, until
hearing the entire blessing.

C. *And if he has only one cup*
[of wine] *he leaves it for after the*
meal and then says all [the liturgies]
in order after [reciting the blessing
for] *it*. If he has only one cup [of
wine] [he leaves it for after the meal
and then says them all in order, thus:]
Wine, then food.

Tos. 5:31.B. They do not bless over
the light of gentiles. *One may bless over*
[the flame of] an Israelite kindled
from a gentile, or a gentile who kindled
from an Israelite.

Tos. 5:31. A. *If a person has a light*
covered in the folds of his garment or
in a lamp, and he sees the flame but
does not use its light, or uses its light
but does not see its flame, he does not
bless [that light]. [He says a blessing
over the light only] when he both sees
the flame and uses its light.

Tos. 5:21. A. *They answer Amen*
after a gentile who says a blessing
with the divine name.

They do not answer *Amen* after a
Samaritan who says a blessing *with*
the divine name until they have heard
the entire blessing.

The pattern is now clear. We simply cannot understand a line of the Tosefta without turning to the Mishnah. That means that the Tosefta passage before us must have been composed after the Mishnah was in hand—that is, after 200—and that the authorship of the Tosefta intended to clarify the received document, the Mishnah. In a very simple sense, then, the Tosefta is the first talmud—that is to say, it is the first sustained and systematic commentary to the Mishnah. As a talmud, the Tosefta succeeds in ways in which the later Talmuds do not, simply because the Tosefta covers nearly the whole of the Mishnah, nearly all lines of all tractates, while the two Talmuds take up only a selection of the sixty-three Mishnah tractates, thirty-nine in the Yerushalmi and thirty-seven in the Bavli.

We come now to the Yerushalmi. To understand what follows we must know that the Yerushalmi will address a chapter of the Mishnah by citing it in small blocks, not reading it whole but only in phrases and clauses. Our special interest is in the place of the Tosefta in the Yerushalmi's structure.

What we shall see is that the Yerushalmi is consecutive upon not the Mishnah, but the Tosefta's reading of the Mishnah.

How do the Yerushalmi's exegetes read the Mishnah and the Tosefta? A few general remarks will prepare us for what follows. They brought to the documents no distinctive program of their own; rather, they explained and expanded precisely the wording and the conceptions supplied by the document under study. I cannot point to a single instance in which the Yerushalmi's exegetes appear to twist and turn the language and message of a passage, attempting to make the words mean something other than what they appear to say. Whether the exegetical results remain close to the wording of a passage of the Mishnah, or whether they leap beyond the bounds of the passage, the upshot is the same. The Yerushalmi's exegetical program begins with the language and conceptions of one Mishnah passage or another.

What then are the sorts of approaches we are apt to find? These are four, of which two are nearly indistinguishable, the third highly distinctive, and the fourth barely consequential. From this taxonomy it follows that there was a severely circumscribed repertoire of intellectual initiatives available to the authorities of the Yerushalmi.

1. *Citation and gloss of the language of the Mishnah.* A unit of discourse of this type will contain a direct citation of a phrase of the Mishnah. The word choices or phrasing of the Mishnah will be paraphrased or otherwise explained through what is essentially a gloss, or the rule of the Mishnah will be explained through a concrete example.

2. *Specification of the meaning of the law of the Mishnah or the reason for it.* Items of this type stand very close to those of the former, but here we lack direct citation of the Mishnah or close and explicit reading of its language. Rather, discussion alludes to the Mishnah or generalizes, while remaining wholly within its framework. Scriptural proof texts may be adduced in evidence of the Mishnah passage, and these frequently spill over into discussion of the reason for a rule.

3. *Secondary implication or application of the law of the Mishnah.* Units of discourse of this catalog generalize beyond the specific rule of the Mishnah. The discussion will commonly restate the principle of the rule at hand or raise a question invited by it. If the Mishnah's law settles one question, a second and consequent question will be raised. Two or more tannaitic rules will be contrasted with one another and then harmonized, or two or more rulings of a specific authority will be alleged to conflict and then "reconciled."

4. *The matter of authorities and their views: case law.* Occasionally, concrete decisions are attached to specific laws of the Mishnah, or the harmo-

nization or identification of the opinions of the Mishnah's authorities forms the center of interest.

Approaching a given rule of the Mishnah, a sage would do one of two things: (1) explain the meaning of the passage; or (2) extend and expand the meaning of the passage. In the former category fall all the items in the first and second approaches, as well as those units of discourse in which either a scriptural proof text is adduced in support of a law or an alleged variant reading of a text is supplied. In the latter category fit all items in the third and fourth approaches, as well as those in which the work is to harmonize laws or principles, on the one side, or to cite and amplify the Tosefta's complement to the Mishnah passage, on the other. Within these two categories we may find a place for all units of discourse focused on a passage of the Mishnah. Of the two sorts, the work of straightforward explanation of the plain meaning of a law of the Mishnah by far predominates. Stated very simply: what the framers of the Yerushalmi want to say—whatever else their purpose or aspiration—is what they think any given passage of Mishnah means.

Then when does the Yerushalmi speak for itself, and not for the Mishnah and its close companion, the Tosefta? If we collect all units of discourse, or larger parts of such units, in which exegesis of the Mishnah or expansion upon the law of the Mishnah is absent—about 10% of all the Yerushalmi's units of discourse in my probe—we find at most four types, which in fact are only two.

1. *Theoretical questions of law not associated with a particular passage of the Mishnah.* Some tendency exists to move beyond the boundaries set by the Mishnah's rules themselves. More general inquiries are taken up, but these items tend not to leave the Mishnah far behind.

2. *Exegesis of Scripture separate from the Mishnah.* It is under this rubric that we find the most important instances in which the Yerushalmi presents materials essentially independent of the Mishnah. The discussants pursue problems or themes through what is said about a biblical figure, expressing ideas and values simply absent from the Mishnah.

3. *Historical statements.* The Yerushalmi contains a fair number of statements that something happened, or narratives about how something happened. These are often replete with biblical quotations, which serve merely as illustrations or reference points.

4. *Stories about, and rules for, sages, and disciples.* The Mishnah contains a tiny number of tales about rabbis, which serve principally as precedents for, or illustrations of, rules. The Yerushalmi, by contrast, contains a sizable number of stories about sages and their relationships to other people. These tales are generally independent of the Mishnah; recurrent

themes are the power of the rabbi, the honor due to the rabbi, and the tension between the rabbi and others.

Thus, we see that units of discourse in the Yerushalmi independent of the interests of the Mishnah are not numerous. And this brings us to our task, which is to examine the Yerushalmi's treatment of the Mishnah—and therefore also of the Tosefta—to the Mishnah-tractate Berakhot chapter eight. The reader will readily recognize how the Tosefta's materials make their appearance.¹³

Yerushalmi to the Mishnah Berakhot 8

- 8:1. **The House of Shammai say, “One blesses over the day, and afterward one blesses over the wine.”**
And the House of Hillel say, “One blesses over the wine, and afterward one blesses over the day.”
- I. A. *What is the reason of the House of Shammai?*
 The Sanctification of the day causes the wine to be brought, and one is already liable for the Sanctification of the day before the wine comes.
What is the reason of the House of Hillel?
 The wine causes the Sanctification of the day to be said.
 Another matter: Wine is perpetual, and the Sanctification is not perpetual. [What is always required takes precedence over what is required only occasionally.]
- B. R. Yosé said, “[It follows] from the opinions of them both that with respect to wine and *Habdalah*, wine comes first.”
*“Is it not the reason of the House of Shammai that the Sanctification of the day causes the wine to be brought, and here, since *Habdalah* does not cause wine to be brought, the wine takes precedence?”*
*“Is it not the reason of the House of Hillel that the wine is perpetual and the Sanctification is not perpetual, and since the wine is perpetual, and the *Habdalah* is not perpetual, the wine comes first?”*
- C. R. Mana said, “From the opinions of both of them [it follows] that with respect to wine and *Habdalah*, *Habdalah* comes first.”
*“Is it not the reason of the House of Shammai that one is already obligated [to say] the Sanctification of the day before the wine comes, and here, since he is already obligated for *Habdalah* before the wine comes, *Habdalah* comes first?”*
*“Is it not the reason of the House of Hillel that the wine causes the Sanctification of the day to be said, and here, since the wine does not cause the *Habdalah* to be said, *Habdalah* comes first?”*

¹³In the following text, passages from the Mishnah are in bold, Aramaic is in italics, and the Hebrew of the Yerushalmi is in plain type.

- D. R. Zeira said, “From the opinions of both of them [it follows] that they say *Habdalah* without wine, but they say the Sanctification only with wine.”
- E. *This is the opinion of R. Zeira, for* R. Zeira said, “They may say *Habdalah* over beer, *but they go from place to place* [in search of wine] *for the Sanctification.*”
- II. A. R. Yosé b. Rabbi said, “They are accustomed there [in Babylonia], where there is no wine, for the prayer-leader to go before the ark and say one blessing which is a summary of the seven, and complete it with ‘Who sanctifies Israel and the Sabbath Day.’”
- B. *And thus the following poses a difficulty for the opinion of the House of Shammai: How should one act on the evenings of the Sabbath? He who was sitting and eating on the evening of the Sabbath, and it grew dark and became Sabbath evening, and there was there only that one cup—[The House of Shammai say, “Wine, then food,” and the House of Hillel say, “Food, then wine,” so the Mishnah 8:8].*
 Do you say he should leave it for the end of the meal and say all of them [the blessings] on it?
What do you prefer?
 Should he [first] bless the day? The food takes precedence.
 Should he bless the food? The wine takes precedence.
 Should he bless the wine? The day takes precedence.
- C. *We may infer* [the answer] *from this:*
 If wine came to them after the meal, and there is there only that cup —
 R. Ba said, “Because it [the wine’s] is a brief blessing, [he says it first, for] perhaps he may forget and drink [the wine]. But here, since he says them all over the cup, he will not forget [to say a blessing over the wine in the cup].”
- D. What, then, should he do according to the opinion of the House of Shammai?
 Let him bless the food first, then bless the day, and then bless the wine.
- E. *And this poses a difficulty for the opinion of the House of Hillel: How should one act at the end of the Sabbath?*
 If he was sitting and eating on the Sabbath and it grew dark and the Sabbath came to an end, and there is there only that cup —
 Do you say he should leave it [the wine] for after the meal and say them all on it?
What do you prefer?
 Should he bless the wine? The food comes first.
 Should he bless the food? The light comes first.
 Should he bless the light? The *Habdalah* comes first.
- F. *We may infer* [the solution to the impasse] *from this:* R. Judah said, “The House of Shammai and the House of Hillel did not differ concerning the

blessing of the food, that it comes first, nor concerning *Habdalah*, that it comes at the end.

“Concerning what did they differ?

“Concerning the light and the spices, for:

“The House of Shammai say, ‘The spices and afterward the light.’

“And the House of Hillel say, ‘The light and afterward the spices.’”

[G. R. Ba and R. Judah in the name of Rab (said), “The law is according to him who says, ‘Spices and afterward light.’”]

H. What should he do according to the opinion of the House of Hillel?

Let him bless the food, afterward bless the wine, and afterward bless the light.

III. A. As to [the beginning of the] festival day which coincides with the end of the Sabbath —

R. Yohanan said, “[The order of prayer is] wine, Sanctification, light, *Habdalah*.”

Hanin bar Ba said in the name of Rab, “Wine, Sanctification, light, *Habdalah*, *Sukkah*, and season.”

And did not Samuel rule according to this teaching of R. Hanina?

B. R. Aha said in the name of R. Joshua b. Levi, “When a king goes out and the governor comes in, they accompany the king and afterward bring in the governor.”

C. Levi said, “Wine, *Habdalah*, light, Sanctification.”

IV. A. R. Zeira asked before R. Yosé, “How shall we do it in practice?”

He said to him, “According to Rab, and according to R. Yohanan.”

And so too did the rule come out in practice—according to Rab and according to R. Yohanan.

B. *And when R. Abbahu went south, he would act in accord with R. Hanina, but when he went down to Tiberias, he would act in accord with R. Yohanan, for one does not differ from a man[‘s ruling] in his own place [out of courtesy].*

C. *According to the opinion of R. Hanina this poses no problem.*

D. *But it poses a problem to the opinion of R. Yohanan:* In the rest of the days of the year does he not bless the light, lest it go out [because of a draft, and he loses the opportunity to say the blessing]? And here too he should bless the light before it goes out!

E. *What did R. Yohanan do in this connection?* [How did he explain this difficulty?]

F. Since he has wine [in hand], his light will not go out [for it is protected].

G. Then [why not] let him bless the light at the end?

H. So as not to upset the order [of prayer; lit.: time of the coming Sabbaths], [he does not do so].

8:2. **The House of Shammai say, “They wash the hands and afterward mix the cup.”**

And the House of Hillel say, “They mix the cup and afterward wash the hands.”

- I. A. *What is the reason of the House of Shammai?*
 So that the liquids which are on the outer side of the cup may not be made unclean by his hands and go and make the cup unclean.
What is the reason of the House of Hillel?
 The outer side of the cup is always unclean [so there is no reason to protect it from the hands' uncleanness].
 Another matter: One should wash the hands immediately before saying the blessing.
- B. *R. Biban in the name of R. Yohanan [said], “The opinion of the House of Shammai is in accord with R. Yosé and that of the House of Hillel with R. Meir, as we have learned there [Mishnah Kelim 25:7–8]:*
“[In all vessels an outer part and an inner part are distinguished, and also a part by which they are held.]”
“R. Meir says, ‘For hands which are unclean and clean.’”
“R. Yosé said, ‘This applies only to clean hands alone.’”
- C. *R. Yosé in the name of R. Shabbetai, and R. Hiyya in the name of R. Simeon b. Laqish [said], “For Hallah [Dough-offering] and for washing the hands, a man goes four miles [to find water].”*
R. Abbahu in the name of R. Yosé b. R. Hanina said, “This is what he said, ‘[If the water is] before him [that is, on his way, in his vicinity, or near at hand, he must proceed to it and wash]. But if it is behind him [that is, not on his way], they do not trouble him [to obtain it and wash].’”
- D. *Regarding those who guard gardens and orchards [and who cannot leave their posts], what do you do for them as to the insides and the outer sides [of a cup]? [How do we rule in their case? Do we judge them to be in the status of those for whom the water is] on their way, or in the status of those who would have to backtrack?*
 Let us infer the answer from this [Mishnah Hallah 2:3]:
The woman sits and cuts off her Dough-offering [Hallah] while she is naked, because she can cover herself up, but a man cannot.
 Now does not a woman sit in the house, yet you say they do not bother her? So too here they do not bother him.
- II. A. *It has been taught:*
 Washing before the meal is a matter of choice, but afterward it is a matter of obligation.
 But in respect to the first washing, he washes and interrupts, and in the case of the second washing, he washes and does not interrupt.
- B. *What is the meaning of “He washes and interrupts”?*
R. Jacob b. Aha said, “He washes and then repeats the washing.”
R. Samuel bar Isaac said, “If he is required to repeat the washing, how do you claim it is a matter of choice?”

- “[Or if you want, I may point out you require one to go four miles (in search of water)], *so how do you claim* it is a matter of choice!”
- C. R. Jacob bar Idi said, “On account of the first [washing of hands], a pig’s flesh was eaten; on account of the second [washing of hands], a woman left her house.
“And some say, three souls were killed on her account. [It is not a matter of choice at all.]”
- III. A. *Samuel went up to visit Rab. He saw him eating with [his hands covered by] a napkin. He said to him, “How so? [Did you not wash your hands?]” He said to him, “I am sensitive.”*
- B. *When R. Zeira came up here [to Palestine], he saw the priests eating with a napkin. He said to them, “Lo, this is in accord with the story of Rab and Samuel.”*
- C. R. Yosé bar Kahana came [and said] *in the name of Samuel*, “One washes the hands for Heave-offering, not for unconsecrated food.”
- D. R. Yosé says, “For Heave-offering and for unconsecrated food.”
- E. R. Yosah in the name of R. Hiyya bar Ashi, and R. Jonah and R. Hiyya bar Ashi in the name of Rab [said], “They wash the hands for Heave-offering up to the wrist, and for unconsecrated food up to the knuckles.”
- F. *Measha the son of the son of R. Joshua b. Levi said, “If one was eating with my grandfather and did not wash his hands up to the wrist, grandfather would not eat with him.”*
- G. R. Huna said, “Washing the hands applies only for bread.”
- H. R. Hoshia taught, “Whatever is unclean on account of liquid [is protected by washing the hands].”
- I. R. Zeira said, “*Even for cutting beets, he would wash his hands.*”
- IV. A. Rab said, “He who washed his hands in the morning is not required to do so in the afternoon.”
- B. *R. Abina ordered his wine-steward, “Whenever you find sufficient water, wash your hands and rely on this washing all day long.”*
- C. *R. Zeira went up to R. Abbahu in Caesarea. He found him saying, “I shall go to eat.”*
- D. *He gave him a chunk of bread to cut. He [Abbahu] said to him [Zeira], “Begin, bless.”*
- E. *He [Zeira] said to him [Abbahu], “The host knows the value of his loaf.” [You should bless.]*
- F. *When they had eaten, he [Abbahu] said to him [Zeira], “Let the elder bless.”*
- G. *He said to him, “Rabbi, does the rabbi [you] know R. Huna, a great man, who would say, ‘He who opens [blesses first] must close [and say Grace after Meals]?’”*
- H. *A Tannaitic teaching differs from R. Huna, as it has been taught:*
- I. The order of washing the hands in this: With up to five people present, they begin with the greatest. [If more than this [are present], they begin

with the least. In the middle of the meal, they begin with the eldest. After the meal they begin with the one who blesses.

- J. Is it not [done] so that he may prepare himself for the blessing? [So he did *not* bless at the beginning!]
- K. *If you say* the one who opens is the one who closes, he is already prepared [having opened the meal].
- L. *R. Isaac said, "Explain it in regard to those who come in one by one and did not know which one had blessed [at the outset]."*

8:3. **The House of Shammai say, "He dries his hands on the cloth and lays it on the table."**

And the House of Hillel say, "On the pillow."

- I. A. The Mishnah deals with either a table of marble [which is not susceptible to uncleanness] or a table that can be taken apart and is not susceptible to becoming unclean.
- B. *What is the reason of the House of Shammai?*
So that the liquids which are on the napkin may not become unclean from the cushion and go and render his hands unclean.
And what is the reason of the House of Hillel?
The condition of doubt[ful uncleanness] with respect to the hands is always regarded as clean.
Another reason: The [question of the cleanness of] hands does not apply to unconsecrated food [which in any case is not made unclean by unclean hands which are unclean in the second remove].
- C. *And according to the House of Shammai,* does [the question of the cleanness of] hands [indeed] apply to unconsecrated food?
- D. *You may interpret* [the tradition] either in accord with R. Simeon b. Eleazar or in accord with R. Eleazar b. R. Saddoq.
According to R. Simeon b. Eleazar, it has been taught:
R. Simeon b. Eleazar says in the name of R. Meir, "Hands unclean in the first remove of uncleanness can affect [even] unconsecrated food, and in the second remove of uncleanness can affect [only] Heave-offering."
- E. Or according to R. Eleazar b. R. Saddoq, *as we have learned there:*
- F. Unconsecrated food which has been prepared along with consecrated [food] is like unconsecrated food [and subject to the same, less strict cleanness rules].
- G. R. Eleazar b. R. Saddoq says, "Lo, it is like Heave-offering, capable of becoming unclean from [something unclean in the] second remove of uncleanness and being rendered unfit from [something unclean in] still a further remove of uncleanness."
- H. *There we have learned:*
- I. He who anoints himself with a clean oil and is made unclean and goes down and bathes [in a ritual pool] —
- J. The House of Shammai say, "Even though he drips [with oil], [the oil] is clean."

- K. And the House of Hillel say, “It is unclean [so long as there remains enough to anoint a small member].”
- L. And if the oil was unclean in the first place —
- M. The House of Shammai say, “[It remains unclean, even after he has immersed himself, so long as there remains] sufficient for anointing a small limb.”
- N. And the House of Hillel say, “[So long as it remains] a dripping liquid.”
- O. R. Judah says in the name of the House of Hillel, “So long as it is dripping so as to moisten something else.”
- P. *The principle of the House of Hillel has been turned around.*
- Q. *There [in the just-cited law] they say it is unclean. And here [in our the Mishnah] they say it is clean.*
- R. *There it is present. But here it is absorbed in the napkin.*
- 8.4. **The House of Shammai say, “They clean the house, and afterward they wash the hands.”**
And the House of Hillel say, “They wash the hands, and afterward they clean the house.”
- I. A. *What is the reason of the House of Shammai?*
 B. Because of the waste of food.
 C. *And what is the reason of the House of Hillel?*
 D. If the servant is clever, he removes the crumbs which are less than an olive’s bulk, and they wash their hands and afterward they clean the house.
- 8.5. **The House of Shammai say, “Light, and food, and spices, and *Habdalah*.”**
And the House of Hillel say, “Light, and spices, and food, and *Habdalah*.”
The House of Shammai say, “Who created the light of the fire.”
And the House of Hillel say, “Who creates the lights of the fire.”
- I. A. It was taught:
 B. R. Judah said, “The House of Shammai and the House of Hillel did not differ concerning [the blessing for] the meal, that it comes at the beginning, or concerning *Habdalah*, that it comes at the end. And concerning what did they differ? Concerning the light and spices, for the House of Shammai say, ‘Spices and light.’ And the House of Hillel say, ‘Light and spices.’”
 C. R. Ba and R. Judah in the name of Rab [said], “The law is in accord with him who says, ‘Spices and afterward light.’ [That is, Judah’s House of Shammai.]”
 D. The House of Shammai say, “The cup [should be] in his right hand, and the sweet oil in his left hand. He says [the blessing for] the cup and afterward says the blessing for the sweet oil.”
 E. The House of Hillel say, “The sweet oil [should be] in his right hand and the cup in his left hand, and he says [the blessing for] the sweet oil and rubs it in the head of the servant. If the servant is a disciple of a sage, he rubs it on the wall, for it is not fitting for a disciple of a sage to go forth scented in public.”

- F. *Abba bar Bar Hanna and R. Huna were sitting and eating, and R. Zeira was standing and serving them. He went and bore both of them [oil and cup] in one hand.*
- G. *Abba bar Bar Hanna said to him, "Is one of your hands cut off?" And his [Abba's] father was angry at him.*
- H. *He [the father] said to him [Abba], "Is it not enough for you that you are sitting and he is standing and serving? And furthermore, he is a priest, and Samuel said, 'He who makes [secular] use of the priesthood has committed sacrilege.' You make light of him.*
- I. *"I decree for him to sit and you to stand and serve in his place."*
- J. How do we know that he who makes use of the priesthood has committed sacrilege?
- K. R. Aha in the name of Samuel said, "'And I said to them, You are holy to the Lord and the vessels are holy' [Ezra 8:28]. Just as one who makes use of the vessels commits sacrilege, so he who makes use of the priests commits sacrilege."
- L. **[The House of Shammai say, "Who created . . ."]**
- M. According to the opinion of the House of Shammai, [one should say as the blessing for wine,] "Who created the fruit of the vine" [instead of "who creates . . .," as actually is said].
- N. According to the opinion of the House of Hillel, [one should say,] "Who creates the fruit of the vine" [as is indeed the case].
- O. [The Shammaites reply:]
- P. The wine is newly created every year, but the fire is not newly created every hour.
- Q. The fire and the mule, even though they were not created in the six days of creation, were thought of [entered the Creator's mind] in the six days of creation.
- R. Proof of the mule: "These are the sons of Zibeon: Aiah and Anah; he is the Anah who found the hot springs (HYMYM) in the wilderness [as he pastured the asses of Zibeon his father (Genesis 36:24)]."
- S. *What is the meaning of hot springs (HYMYM)?*
- T. R. Judah b. Simeon says, "Mule." [Greek: *hemios*.]
- U. *And the Rabbis say, "Half-a-horse [Greek: *hemi-hippos*], half was a horse, half an ass."*
- V. And what are the marks [to know whether the father was a horse, the mother an ass, or vice versa]?
- W. R. Judah said, "If the ears are small, the mother was a horse and the father an ass. If they are big, the mother was an ass and the father a horse."
- X. *R. Mana instructed the members of the Patriarchate, "If you want to buy a mule, buy those whose ears are small, for the mother was a horse and the father an ass."*
- Y. What did Zibeon and Anah do? They brought a female ass and mated her with a male horse, and they produced a mule.

- Z. The Holy One, blessed be He, said to them, “You have brought into the world something which is destructive. So I too shall bring upon that man [you] something which is destructive.”
- AA. What did the Holy One, blessed be He, do?
- BB. He brought a snake and mated it with a lizard and it produced a *habarbar*-lizard.
- CC. A man should never say to you that a *habarbar*-lizard bit him and he lived, or a mad dog nipped him and he lived, or a she-mule butted him and he lived. We speak only of a white she-mule.
- DD. As to the fire:
- EE. R. Levi in the name of R. Nezirah [said], “Thirty-six hours that light which was created on the first day served [the world]. Twelve on the eve of the Sabbath [Friday], twelve on the night of the Sabbath, and twelve on the Sabbath.
- FF. “And the First Man [Adam] looked at it from one end of the world to the other. When the light did not cease [from shining], the whole world began to sing, as it is said, ‘Under the whole heaven, he lets [his voice] go, and his light to the corners of the earth’ [Job 37:3].
- GG. “When the Sabbath ended, it began to get dark. Man became frightened, saying, ‘This is the one concerning whom it is written, “He will bruise your head, and you shall bruise his heel” [Genesis 3:15].
- HH. “‘Perhaps this one has come to bite me.’ And he said, ‘Let only darkness cover me’” [Psalm 139:11].
- II. R. Levi said, “At that moment the Holy One, blessed be He, prepared two flints and struck them against each other, and the light came forth from them. This is the meaning of that which Scripture says, ‘And the night around me be light’ [Psalm 139:11].
- JJ. “And he [man] blessed it, ‘Who creates the lights of the fire.’”
- KK. Samuel said, “Therefore they bless the fire at the end of the Sabbath, for that is when it was first created.”
- LL. R. Huna in the name of R. Abbahu in the name of R. Yohanan [said], “Also at the end of the Day of Atonement one blesses it, for the light has rested that entire day.”
- 8:6. **They do not bless over the light or the spices of gentiles, nor the light or spices of the dead, nor the light or the spices which are before an idol. And they do not bless over the light until they make use of its illumination.**
- I. A. R. Jacob taught before R. Jeremiah, “They do bless the spices of gentiles.”
- B. *What is the difference* [between this view and the Mishnah’s]?
- C. *We explain that the latter refers to the gentile’s deeds before his own store* [while the Mishnah refers to a banquet].
- D. Even though it has not gone out [but burned the entire Sabbath], they may bless [the light of] a lantern [because no prohibited work has been done by its light].

- E. As regards a flame in the folds of one's garment, in a lamp, or in a mirror, if one sees the flame but does not make use of its light, or makes use of its light but does not see the flame, one may not bless it. [One may bless] only when one sees the flame and makes use of the light.
- F. Five things were said in regard to the burning coal, and five with regard to the flame.
1. A coal of the sanctuary is subject to the law of sacrilege, but a flame is neither used for pleasure nor subject to the law of sacrilege.
 2. A burning coal used for idolatry is prohibited, but a flame is permitted.
 3. He who vows not to have enjoyment from his fellow may not use his burning coal, but may use his flame.
 4. He who brings a coal out to the public way [on the Sabbath] is liable, but if he brings a flame, he is not liable.
 5. They bless the flame, but not the burning coal.
- G. R. Hiyya bar Ashi in the name of Rab said, "If the coals were glowing, they may bless them."
- H. R. Yohanan of Kerasion in the name of R. Nahum bar Simai [said], "On condition that it was cut off." [That is, the flame was shooting up from the coal.]
- I. *It was taught:*
- J. Now the [light of] a gentile who kindled [a light from the flame of] an Israelite, and an Israelite who kindled [a light from the flame of a gentile]—*this poses no problems.*
- K. But [the light of] a gentile who kindled [a light from the flame of] an Israelite [may be blessed]. If so, even [the flame of] a gentile who kindled from a gentile [should be allowed].
- L. *It is indeed taught:* They do *not* bless [a light kindled by] a gentile from a gentile.
- M. R. Abbahu in the name of R. Yohanan [said,] "As to an alleyway which is populated entirely by gentiles with a single Israelite living in its midst—if the light comes from there, they may bless it on account of that one Israelite who lives there."
- N. R. Abbahu in the name of R. Yohanan [said], "They do not bless either the spices on Sabbath evenings in Tiberias or the spices on Saturday nights in Sepphoris, or the light or the spices on Friday mornings in Sepphoris, for these all are prepared only for another purpose [cleaning clothes]."
- O. **Nor over the light or spices of the dead.**
- P. R. Hezekiah and R. Jacob b. Aha in the name of R. Yosé b. R. Hanina [said], "This refers to the following case: 'When they are placed over the bed of the dead. But if they are placed before the bed of the dead, they may be blessed [that is, a blessing may be recited over them].'"
- Q. "[For] I say, they are prepared for the purposes of the living."
- R. **Nor the light nor the spices of idolatry.**

- S. But is not that of gentiles the same as that of idolatry? [Why repeat the same rule?]
- T. Interpret it as applying to an Israelite idol.
- U. **They do not bless the light until they make use of its illumination.**
- II. A. R. Zeira son of R. Abbahu expounded, “‘And God saw the light, that it was good’ [Genesis 1:4]. And afterward, ‘And God divided the light from the darkness’” [Genesis 1:4]. [That is, first it was seen and used, then comes the *Habdalah*.]
- B. R. Berekhiah said, “Thus the two great men of the world [age], R. Yohanan and R. Simeon b. Laqish, expounded: ‘And God divided—a certain division.’” [That is, he did so literally.]
- C. R. Judah b. R. Simon said, “They divided for Him.”
- D. And the Rabbis say, “They divided for the righteous who were destined to come into the world.
- E. “They drew a parable: To what is the matter to be likened? To a king who has two generals. This one says, ‘I shall serve by day,’ and this one says, ‘I shall serve by night.’
- F. “He calls the first and says to him, ‘So-and-so, the day will be your division.’
- G. “He calls the second and says to him, ‘So-and-so, the night will be your division.’
- H. “That is the meaning of what is written, ‘And God called the light day, and the darkness he called night.’
- I. “To the light he said, ‘The day will be your province.’ And to the darkness he said, ‘The night will be your province.’”
- J. R. Yohanan said, “This is what the Holy One, blessed be He, said to Job, ‘Have you commanded the morning since your days began, and caused the dawn to know its place?’ [Job 38:12]
- K. “What is the place of the light of the six days of creation—where was it hidden?”
- L. *R. Tanhuma said, “I give the reason: ‘Who creates light and makes darkness, and makes peace’ [Isaiah 45:7]. When he went forth, he made peace between them.”*
- M. **They do not bless the light until they make use of its illumination.**
- N. Rab said, “They *use* [spelled with an *’alef*].”
- O. And Samuel said, “They *enjoy* [spelled with an *’ayin*].”
- P. He who said “they *use*” [may draw support from the following]:
- Q. “Only on this condition will we *consent* to you” [Genesis 34:15].
- R. He who said “*enjoy*” [may draw support from the following]:
- S. “How to sustain with a word him that is weary” [Isaiah 50:4].
- T. There we have learned: “How do they extend (M’BR) the Sabbath limits of cities?”
- U. Rab said, “*Add*” [*’alef*].
- V. And Samuel said, “*Increase*” [*’ayin*].

- W. He who said it is with an ^ʔ*alef* means they add a limb to it.
- X. He who said it with an ^ʿ*ayin* means it is [increased] like a pregnant woman.
- Y. There we learned, “Before the festivals (‘YD) of gentiles.”
- Z. Rab said, “*Testimonies*” [^ʿ*ayin*].
- AA. And Samuel said, “*Festivals*” [^ʔ*alef*].
- BB. He who said it is with an ^ʔ*alef* [may cite this verse], “For near is the day of their calamity [‘YD]” [Deuteronomy 32:35].
- CC. He who said it is with an ^ʿ*ayin* [may cite], “Their testimonies neither see nor know, they may be put to shame” [Isaiah 44:9].
- DD. How does Samuel deal with the reason of Rab? [He may say,] “And their *testimonies* are destined to *shame* those who keep them on the day of judgment.”
- EE. **They do not bless the light until they have made use of its illumination.** [How much illumination must there be?]
- FF. R. Judah in the name of Samuel said, “So that women may spin by its light.”
- GG. R. Yohanan said, “So that one’s eye can see what is in the cup and what is in the saucer.”
- HH. R. Hanina said, “So that one may know how to distinguish one coin from another.”
- II. R. Oshaia taught, “Even [if the flame is in] a hall ten-by-ten, they may say the blessing.”
- JJ. *R. Zeira drew near the lamp. His disciples said to him, “Rabbi, why do you rule so stringently for us? Lo, R. Oshaia taught, “One may bless even in a hall ten-by-ten.”*
- 8:7 **He who ate and forgot and did not bless —**
The House of Shammai say, “He should go back to his place and bless.”
And the House of Hillel say, “He should bless in the place in which he remembered.”
Until when does he bless? Until the food has been digested in his bowels.
- I. A. *R. Yusta b. Shunam said, “[There are] two authorities. One gives the reason of the House of Shammai and the other the reason of the House of Hillel.*
- B. “*The one who gives the reason of the House of Shammai [says], ‘If he had forgotten a purse of precious stones and pearls there, would he not go back and take his purse? So too let him go back to his place and bless.’*”
- C. “*The one who gave the reason of the House of Hillel [states], ‘If he were a worker on the top of the palm or down in a pit, would you trouble him to go back to his place and bless? But he should bless in the place where he remembers [to do so]. Here too let him bless in the place where he remembers.’*”
- D. **Until when does he recite the blessing?**

- E. R. Hiyya in the name of Samuel says, “Until the food has been digested in his bowels.”
- F. And the Sages say, “So long as he is thirsty on account of that meal.”
- G. R. Yohanan says, “Until he becomes hungry again.”
- 8:8. **Wine came to them after the meal, and only that cup is there—**
The House of Shammai say, “He blesses the wine, and afterward he blesses the food.”
And the House of Hillel say, “He blesses the food, and afterward he blesses the wine.”
They respond *Amen* after an Israelite who blesses, and they do not answer *Amen* after a Samaritan who blesses, until hearing the entire blessing.
- I. A. R. Ba said, “Because it is a brief blessing, he may forget and drink the wine. But because it is joined to the [blessings for the] cup, he will not forget.”
- B. **After an Israelite they answer *Amen*** even though he has not heard [the Grace]. Has it not been taught, “If he heard [the Grace] and did not answer, he has carried out his obligation [to say Grace]. If he answered [*Amen*] and did not hear [the Grace], he has not carried out his obligation.”
- C. Hiyya the son of Rab said, “The Mishnah speaks of him who did not eat with them as much as an olive’s bulk.”
- D. *So too it has been taught:* If he heard and did not answer, he has carried out his obligation. If he answered and did not hear, he has not carried out his obligation.
- E. Rab in the name of Abba bar Hanna [said], *and some say Abba bar Hanna in the name of Rab* [said], “And this applies to a case in which he answered at the chapter [paragraph] headings.”
- F. *R. Zeira asked, “What are these chapter headings?”*
- G. “Praise the Lord, praise the servants of the Lord, praise the name of the Lord” [Psalm 113:1].
- H. *They asked before R. Hiyya b. Abba, “How do we know that, if one heard and did not answer [Amen], he has carried out his obligation?”*
- I. *He said, “From what we have seen the great rabbis doing, so they do in public, for they say this: ‘Blessed is he that comes.’ And the others say, ‘In the name of the Lord.’ And both groups thus complete their obligation.”*
- J. R. Oshaia taught, “A man responds *Amen*, even though he has not eaten, and he does not say, ‘Let us bless him of whose bounty we have eaten,’ unless he actually ate.”
- K. *It has been taught,* They do not respond with an orphaned *Amen*, a cut-off *Amen*, or a hasty *Amen*.
- L. Ben Azzai says, “If one answers an orphaned *Amen*, his sons will be orphans. A cut-off one—his years will be cut off. A hasty one—his soul will be cut down. A long one—his days and years will be lengthened with goodness.”

- M. What is an orphaned *Amen*?
- N. R. Huna said, “*This refers to a person who sat down to bless, and he answered, but did not know to what [prayer] he answered [Amen].*”
- O. It was taught: If a gentile blessed the divine name, they answer *Amen* after him.
- P. R. Tanhum said, “If a gentile blesses you, answer after him *Amen, as it is written, ‘Blessed will you be by all the peoples’*” [Deuteronomy 7:14].
- Q. A gentile met R. Ishmael and blessed him. He said to him, “*You have already been answered.*”
- R. *Another met him* and cursed him. He said to him, “*You have already been answered.*”
- S. His disciple said to him, “*Rabbi, how could you say the same to both?*” He said to them, “Thus it is written in Scripture: ‘Those that curse you will be cursed, and those that bless you will be blessed’” [Genesis 27:29].

Bavli to the Mishnah Berakhot 8

We come now to the Bavli and how it receives and reworks the entire antecedent heritage. We see immediately the simple fact that the Bavli’s authorship appeals directly to the Tosefta, without addressing the program of the Yerushalmi. While, therefore, both Talmuds are organized as commentaries to the Mishnah, they are entirely autonomous of one another. The Babylonian Talmud does not expand upon the earlier one but forms its own discussions in accord with its own program.

The Bavli treats the Mishnah in the same way as does the Yerushalmi, but in addition, the authorship of the second Talmud moved in a direction all its own, systematically commenting upon not only the Mishnah but also Scripture. This difference between the two Talmuds may account for the greater acceptance of the later one. In the Land of Israel, Mishnah-commentary went into the Talmud and Scripture-commentary went into the Midrash-compilations. But in Babylonia both were encompassed within the Talmud of that country, and the one substantial literary-redactional difference between the Bavli and the Yerushalmi is the former’s inclusion of substantial compositions of Scripture units of discourse, which are completely independent of the Mishnah’s program. The Yerushalmi presents only limited volume of scriptural commentary.

By extensive exegesis of Scripture, the Bavli’s framers read their values into the texts of Scripture. In omitting such units of discourse, the Yerushalmi’s authors lost the opportunity to spell out in a complete way the larger system of Judaism that both Talmuds portray. The key to the success of the Bavli lies in the redactional-literary decision to lay the basis of the main beams of the Bavli’s composition upon not only the Mishnah but also

passages of Scripture. The compositors of the Bavli were encyclopaedists. Their creation turned out to be the encyclopaedia of Judaism, its summa, its point of final reference, its court of last appeal, its definition, its conclusion, its closure. Now let us turn to their presentation of matters.

In the following translation of Bavli to Berakhot chapter 8 (folios 51B–53B), bold represents Mishnah or Tosefta, italics indicate Aramaic, and regular type equals Hebrew (other than Mishnah-Tosefta). Indentation indicates secondary amplification and development.

- A. These are the things which are between the House of Shammai and the House of Hillel in [regard to] the meal:**
 - B. The House of Shammai say, “One blesses over the day, and afterward one blesses over the wine.”**
 - C. And the House of Hillel say, “One blesses over the wine, and afterward one blesses over the day.”**
- M. 8:1
- A. The House of Shammai say, “They wash the hands and afterward mix the cup.”**
 - B. And the House of Hillel say, “They mix the cup and afterward wash the hands.”**
- M. 8:2
- A. The House of Shammai say, “He dries his hands on the cloth and lays it on the table.”**
 - B. And the House of Hillel say, “On the pillow.”**
- M. 8:3
- A. The House of Shammai say, “They clean the house, and afterward they wash the hands.”**
 - B. And the House of Hillel say, “They wash the hands, and afterward they clean the house.”**
- M. 8:4
- A. The House of Shammai say, “Light, and food, and spices, and Habdalah.”**
 - B. And the House of Hillel say, “Light, and spices, and food, and Habdalah.”**
 - C. The House of Shammai say, “Who created the light of the fire.”**
 - D. And the House of Hillel say, “Who creates the lights of the fire.”**
- M. 8:5
- A. They do not bless over the light or the spices of gentiles, nor the light or the spices of the dead, nor the light or the spices which are before an idol.**
 - B. And they do not bless over the light until they make use of its illumination.**
- M. 8:6
- A. He who ate and forgot and did not bless [say Grace] —**
 - B. The House of Shammai say, “He should go back to his place and bless.”**
 - C. And the House of Hillel say, “He should bless in the place in which he remembered.”**

- D. Until when does he bless? Until the food has been digested in his bowels.**
M. 8:7
- A. Wine came to them after the meal, and there is there only that cup —**
B. The House of Shammai say, “He blesses the wine, and afterward he blesses the food.”
C. And the House of Hillel say, “He blesses the food, and afterward he blesses the wine.”
D. They respond Amen after an Israelite who blesses, and they do not respond Amen after a Samaritan who blesses, until hearing the entire blessing.

M. 8:8

- I.1** *A. Our rabbis have taught on Tannaite authority:*
- B. The things which are between the House of Shammai and the House of Hillel in [regard to] a meal:**
- C. The House of Shammai say, “One blesses over the day and afterward blesses over the wine, for the day causes the wine to come, and the day has already been sanctified, while the wine has not yet come.”**
- D. And the House of Hillel say, “He blesses over the wine and afterward blesses over the day, for the wine causes the Sanctification to be said.**
- E. “Another matter: The blessing over the wine is perpetual, and the blessing over the day is not perpetual. Between that which is perpetual and that which is not perpetual, that which is perpetual takes precedence” [T. Ber. 5:25].**
- D.** And the law is in accordance with the words of the House of Hillel.
- E.** *What is the purpose of “another matter”?*
- F.** *If you should say that there [in regard to the opinion of the House of Shammai] two [reasons are given] and here [in regard to the opinion of the House of Hillel] one, here too [in respect to the House of Hillel], there are two [reasons, the second being]: “The blessing of the wine is perpetual and the blessing of the day is not perpetual. That which is perpetual takes precedence over that which is not perpetual.”*
- G.** And the law is in accord with the opinion of the House of Hillel.
- H.** *This is obvious [that the law is in accord with the House of Hillel], for the echo has gone forth [and pronounced from heaven the decision that the law follows the opinion of the House of Hillel].*
- I.** *If you like, I can argue that [this was stated] before the echo.*
- J.** *And if you like, I can argue that it was after the echo, and [the passage was formulated in accord with the] opinion of [52A] R. Joshua, who stated, “They do not pay attention to an echo [from heaven].”*
- K.** *And is it the reasoning of the House of Shammai that the blessing of the day is more important?*
- L.** *But has a Tannaite authority not taught: “He who enters his house at the close of the Sabbath blesses over the wine and the light and the*

- spices and afterward he says Habdalah. And if he has only one cup, he leaves it for after the food and then says the other blessings in order after it.” [Habdalah is the blessing of the day, yet comes last!]
- M. *But lo, on what account [do you say] this is the view of the House of Shammai? Perhaps it is the House of Hillel[‘s opinion]?*
- N. *Let [such a thought] not enter your mind, for the Tannaite authority teaches: “Light and afterward spices.” And of whom have you heard who holds this opinion? The House of Shammai, as a Tannaite authority has taught:*
- O. R. Judah said, “The House of Shammai and the House of Hillel did not differ concerning the [blessing of the] food, that it is first, and the Habdalah, that it is at the end.
- P. “Concerning what did they dispute? Concerning the light and the spices.
- Q. **“For the House of Shammai say, ‘Light and afterward spices.’**
- R. **“And the House of Hillel say, ‘Spices and afterward the light’” [T. Ber. 5:30].**
- S. *And on what account [do you suppose that] it is the House of Shammai as [interpreted by] R. Judah? Perhaps it is [a teaching in accord with] the House of Hillel [as interpreted by] R. Meir?*
- T. *Do not let such a thing enter your mind, for lo, a Tannaite authority teaches here in our Mishnah: **The House of Shammai say, “Light and food and spices and Habdalah.”***
- U. **And the House of Hillel say, “Light and spices, food and Habdalah.”**
- V. *But there, in the teaching on Tannaite authority, lo he has taught: “If he has only one cup, he leaves it for after the food and then says the other blessings in order after it.”*
- W. *From this it is to be inferred that it is the House of Shammai’s teaching, according to the [interpretation] of R. Judah.*
- X. *In any event there is a problem [for the House of Shammai now give precedence to reciting a blessing for the wine over blessing the day].*
- Y. *The House of Shammai suppose that the coming of the holy day is to be distinguished from its leaving. As to the coming of the [holy] day, the earlier one may bring it in, the better. As to the leaving of the festival day, the later one may take leave of it, the better, so that it should not seem to us as a burden.*
- Z. *And do the House of Shammai hold the opinion that Grace requires a cup [of wine]? And lo, we have learned: **[If] wine came to them after the food, and there is there only that cup, the House of Shammai say, “He blesses over the wine and afterward blesses over the food” [M. Ber. 8:8].** [So Grace is said without the cup.]*
- AA. *Does this not mean that he blesses it and drinks [it]?*
- BB. *No. He blesses it and leaves it.*
- CC. *But has not a master said, “He that blesses must [also] taste [it].”*

- DD. *He does taste it.*
- EE. *And has not a master said, "Tasting it is spoiling it."*
- FF. *He tastes it with his hand [finger].*
- GG. *And has not a master said, "The cup of blessing requires a [fixed] measure." And lo, he diminishes it from its fixed measure.*
- HH. *[We speak of a situation in which] he has more than the fixed measure.*
- II. *But lo, has it not been taught: **If there is there only that cup . . .** [so he has no more].*
- JJ. *There is not enough for two, but more than enough for one.*
- KK. *And has not R. Hiyya taught: The House of Shammai say, "He blesses over the wine and drinks it, and afterward he says Grace."*
- LL. *Then we have two Tannaite authorities' [traditions] in respect to the opinion of the House of Shammai.*
- II.1 A. The House of Shammai say [They wash the hands and afterward mix the cup] . . . [M. 8:2A].**
- B. *Our rabbis have taught:*
- C. **The House of Shammai say, "They wash the hands and afterward mix the cup, for if you say they mix the cup first, [against this view is] a [precautionary] decree to prevent the liquids on the outer sides of the cup, which are unclean by reason of his hands' [touching them], from going back and making the cup unclean" [T. Ber. 5:26].**
- D. But will not the hands make the cup itself unclean [without reference to the liquids]?
- E. The hands are in the second remove of uncleanness, and the [object unclean in] the second remove of uncleanness cannot [then] render [another object unclean] in the third [remove] in respect to profane foods, [but only to Heave-offering]. But [this happens] only by means of liquids [unclean in the first remove].
- F. **And the House of Hillel say, "They mix the cup and afterward wash the hands, for if you say they wash the hands first, [against this view is] a [precautionary] decree lest the liquids which are [already] on the hands become unclean on account of the cup and go and render the hands unclean."**
- G. But will not the cup [itself] make the hands unclean?
- H. A vessel cannot render a man unclean.
- I. *But will they [the hands] not render the liquids which are in it [the cup] unclean?*
- J. *Here we are dealing with a vessel the outer part of which has been made unclean by liquid. The inner part is clean but the outer part is unclean. Thus we have learned:*
- K. **[If] a vessel is made unclean on the outside by liquid, the outside is unclean, [52B] but its inside and its rim, handle, and haft are clean. If, however, the inside is unclean, the whole [cup] is unclean [M. Kel. 25:6].**
- L. *What, then, do they [the Houses] dispute?*

- M. *The House of Shammai hold that it is prohibited to make use of a vessel whose outer parts are unclean by liquids, as a decree on account of the drippings. [There is] no [reason] to decree lest the liquids on the hands be made unclean by the cup.*
- N. *And the House of Hillel reckon that it is permitted to make use of a vessel whose outer part is made unclean by liquids, for drippings are unusual. But there is reason to take care lest the liquids which are on the hands may be made unclean by the cup.*

II.2 A. Another matter: [So that] immediately upon the washing of the hands [may come] the meal [itself].

- B. *What is the reason for this additional explanation?*
- C. *This is what the House of Hillel said to the House of Shammai: "According to your reasoning, in saying that it is prohibited to make use of a cup whose outer parts are unclean, we decree on account of the drippings. But even so, [our opinion] is better, for immediately upon the washing of the hands [should come] the meal."*

III.1 A. The House of Shammai say, "He dries his hand on the napkin . . ." [M. 8:3A].

- B. *Our rabbis have taught:*
- C. **The House of Shammai say, "He wipes his hands with the napkin and lays it on the table, for if you say, 'on the cushion,' [that view is wrong, for it is a precautionary] decree lest the liquids which are on the napkin become unclean on account of the cushion and go back and render the hands unclean" [T. Ber. 5:27].**
- D. *And will not the cushion [itself] render the napkin unclean?*
- E. *A vessel cannot make a vessel unclean.*
- F. *And will not the cushion [itself] make the man unclean?*
- G. *A vessel cannot make a man unclean.*
- H. **And the House of Hillel say, "'On the cushion,' for if you say, 'on the table,' [that opinion is wrong, for it is a] decree lest the liquids become unclean on account of the table and go and render the food unclean" [T. Ber. 5:27].**
- I. *But will not the table render the food which is on it unclean?*
- J. *We here deal with a table which is unclean in the second remove, and something unclean in the second remove does not render something unclean in the third remove in respect to unconsecrated food, except by means of liquids [which are always unclean in the first remove].*
- K. *What [principle] do they dispute?*
- L. *The House of Shammai reckon that it is prohibited to make use of a table unclean on the second remove, as a decree on account of those who eat Heave-offering [which is rendered unfit by an object unclean in the second remove].*
- M. *And the House of Hillel reckon that it is permitted to make use of a table unclean in the second remove, for those who eat Heave-offering [the priests] are careful.*

- N. Another matter: There is no Scriptural requirement to wash the hands before eating unconsecrated food.
- O. *What is the purpose of “another explanation”?*
- P. *This is what the House of Hillel said to the House of Shammai: If you ask what is the difference in respect to food, concerning which we take care, and in respect to the hands, concerning which we do not take care — even in this regard [our opinion] is preferable, for there is no Scriptural requirement concerning the washing of the hands before eating unconsecrated food.*
- Q. *It is better that the hands should be made unclean, for there is no Scriptural basis for [washing] them, and let not the food be made unclean, concerning which there is a Scriptural basis [for concern about its uncleanness].*
- IV.1 A. The House of Shammai say, “They clean house and afterward wash the hands . . .” [M. 8:4A].**
- B. *Our rabbis have taught:*
- C. **The House of Shammai say, “They clean the house and afterward wash the hands, for if you say, ‘They wash the hands first,’ it turns out that you spoil the food” [T. Ber. 5:28].**
- D. *But the House of Shammai do not reckon that one washes the hands first.*
- E. *What is the reason?*
- F. On account of the crumbs.
- G. And the House of Hillel say, “If the servant is a disciple of a sage, he takes the crumbs which are as large as an olive [in bulk] and leaves the crumbs which are not so much as an olive [in bulk].”
- H. (This view supports the opinion of R. Yohanan, for R. Yohanan said, “Crumbs which are not an olive in bulk may be deliberately destroyed.”)
- I. *In what do they differ?*
- J. *The House of Hillel reckon that it is prohibited to employ a servant who is an ignorant man, and the House of Shammai reckon that it is permitted to employ a servant who is an ignorant man.*
- K. *R. Yosé bar Hanina said in the name of R. Huna, “In our entire chapter the law is in accord with the House of Hillel, excepting this matter, in which the law is in accord with the House of Shammai.”*
- L. *And R. Oshaia taught the matter contrariwise. And in this matter too the law is in accord with the House of Hillel.*
- V.1 A. The House of Shammai say, “Light and food . . .” [M. 8:5A].**
- B. *R. Huna bar Judah happened by the house of Raba. He saw that Raba blessed the spices first.*
- C. *He said to him, “Now the House of Shammai and the House of Hillel did not dispute concerning the light, [it should come first].*
- D. *“For it was taught: The House of Shammai say, ‘Light, and food, spices, and Habdalah,’ and the House of Hillel say, ‘Light, and spices, and food, and Habdalah.’*
- E. *Raba answered him, “This is the opinion [= version] of R. Meir, but R. Judah says, ‘The House of Shammai and the House of Hillel did not differ*

concerning the food, that it comes first, and concerning the Habdalah, that it is at the end.

- F. “‘Concerning what did they differ?’
- G. “‘Concerning the light and the spices.’
- H. “For the House of Shammai say, ‘The light and afterward the spices.’
- I. “And the House of Hillel say, ‘The spices and afterward the light.’
- J. *And R. Yohanan said, “The people were accustomed to act in accord with the House of Hillel as presented by R. Judah.”*

VI.1 A. The House of Shammai say, “Who created . . .” [M. 8:5C].

- B. *Raba said, “Concerning the word ‘bara’ [created] everyone agrees that ‘bara’ implies [the past tense]. They differ concerning ‘boré’ [creates]. The House of Shammai reckon that ‘boré’ means, ‘Who will create in the future.’ And the House of Hillel reckon that ‘boré’ also means what was created [in the past].”*
- C. *R. Joseph objected, “‘Who forms light and creates darkness’ [Isaiah 45:7], ‘Creates mountains and forms the wind’ [Amos 4:13], ‘Who creates the heavens and spreads them out’” [Isaiah 42:5].*
- D. *“But,” R. Joseph said, “Concerning ‘bara’ and ‘boré’ everyone agrees that [the words] refer to the past. They differ as to whether one should say ‘light’ or ‘lights.’*
- E. “The House of Shammai reckon there is one light in the fire.
- F. “And the House of Hillel reckon that there are many lights in the fire.”
- G. *We have a Tannaite teaching along the same lines: The House of Hillel said to the House of Shammai, “There are many illuminations in the light.”*

VII.1A. A blessing is not said . . . [M. 8:6A].

- B. *Certainly, [in the case of] the light [of idolators, one should not say a blessing] because it did not rest on the Sabbath. But what is the reason that for spices [one may not say the blessing]?*
- C. *R. Judah said in the name of Rab, “We here deal with a banquet held by idolators, because the run-of-the-mill banquet held by idolators is for the sake of idolatry.”*
- D. *But since it has been taught at the end of the clause, “Or over the light or spices of idolatry,” we must infer that the beginning of the clause does not deal with idolatry.*
- E. *R. Hanina from Sura said, “What is the reason is what it explains, namely, what is the reason that they do not bless the light or spices of idolators? Because the run-of-the-mill banquet held by idolators is for the sake of idolatry.”*

VII.2A. Our rabbis have taught:

- B. One may bless a light which has rested on the Sabbath, but one may not bless a light which has not rested on the Sabbath.
- C. *And what is the meaning of “which has not rested on the Sabbath”?*
- D. **[53A]** *Shall we say it has not rested on the Sabbath on account of the work [which has been done with it, including] even work which is permitted?*

- E. *And has it not been taught:* They do bless the light [kindled on the Sabbath for] a woman in confinement or a sick person.
- F. *R. Nahman bar Isaac said, "What is the meaning of 'which enjoyed Sabbath-rest'? Which enjoyed Sabbath-rest on account of work, the doing of which is a transgression [on the Sabbath]."*
- G. *We have learned likewise on Tannaite authority:*
- H. They may bless a lamp which has been burning throughout the day to the conclusion of the Sabbath.

VII.3A. *Our rabbis have taught:*

- B. They bless [a light] kindled by a gentile from an Israelite, or by an Israelite from a gentile, but they do not bless [a light] kindled by a gentile from a gentile.
- C. *What is the reason one does not do so [from a light kindled by] a gentile from a gentile?*
- D. *Because it did not enjoy Sabbath-rest.*
- E. *If so, lo, [a light kindled by] an Israelite from a gentile also has not enjoyed Sabbath-rest.*
- F. *And if you say this prohibited [light] has vanished, and the one [in hand] is another and was born in the hand of the Israelite, [how will you deal] with this teaching?*
- G. He who brings out a flame to the public way [on the Sabbath] is liable [for violating the Sabbath rule against carrying from private to public property].
- H. *Now why should he be liable? What he raised up he did not put down, and what he put down he did not raise up.*
- I. *But [we must conclude] that the prohibited [flame] is present, but when he blesses, it is over the additional [flame], which is permitted, that he blesses.*
- J. *If so, a gentile[’s flame kindled] from a gentile[’s flame] also [should be permitted].*
- K. *That is true, but [it is prohibited by] decree, on account of the original gentile and the original flame [of light kindled on the Sabbath by the gentile].*

VII.4A. Our rabbis have taught:

- B. [If] one was walking outside the village and saw a light, if the majority [of the inhabitants of the village] are gentiles, he does not bless it. If the majority are Israelites, he blesses it.
- C. *Lo, the statement is self-contradictory. You have said, "If the majority are gentiles, he does not bless it." Then if they were evenly divided, he may bless it.*
- D. *But then it teaches, "If the majority are Israelites, he may bless." Then if they are evenly divided, he may not bless it.*
- E. *Strictly speaking, even if they are evenly divided, he may bless. But since in the opening clause [the language is], "The majority are gentiles," in the concluding clause, [the same language is used:] "A majority are Israelites."*

VII.5A. *Our rabbis have taught:*

- B. [If] a man was walking outside of a village and saw a child with a torch in his hand, he makes inquiries about him. If he is an Israelite, he may bless [the light]. If he is a gentile, he may not bless.
- C. *Why do we speak of a child? Even an adult also [would be subject to the same rule].*
- D. *R. Judah said in the name of Rab, "In this case we are dealing with [a time] near sunset. As to a gentile, it will be perfectly clear that he certainly is a gentile [for an Israelite would not use the light immediately after sunset]. If it is a child, I might say it is an Israelite child who happened to take up [the torch]."*

VII.6A. *Our rabbis have taught:*

- B. [If] one was walking outside of a village and saw a light, if it was as thick as the opening of a furnace, he may bless it, and if not, he may not bless it.
- C. *One Tannaite authority [authority] [says], "They may bless the light of a furnace," and another Tannaite authority [says], "They may not bless it."*
- D. *There is no difficulty. The first speaks at the beginning [of the fire], the other at the end.*
- E. *One authority says, "They may bless the light of an oven or a stove," and another authority says, "They may not bless it."*
- F. *There is no problem. The former speaks of the beginning, the latter of the end.*
- G. *One authority says, "They may bless the light of the synagogue and the schoolhouse," and another authority says, "They may not bless it."*
- H. *There is no problem. The former speaks [of a case in which] an important man is present, the latter [of a case in which] an important man is not present.*
- I. *And if you want, I shall explain both teachings as applying to a case in which an important man is present. There still is no difficulty. The former [teaching speaks of a case in which] there is a beadle [who eats in the synagogue], the latter in which there is none.*
- J. *And if you want, I shall explain both teachings as applying to a case in which a beadle is present. There still is no difficulty. The former teaching [speaks of a case in which] there is moonlight, the latter in which there is no moonlight.*

VII.7A. *Our rabbis have taught:*

- B. [If] they were sitting in the schoolhouse, and light was brought before them —
- C. The House of Shammai say, "Each one blesses for himself."
- D. And the House of Hillel say, "One blesses for all of them, as it is said, 'In the multitude of people is the King's glory'" [Proverbs 14:28].
- E. *Certainly [we can understand the position of the House of Hillel because] the House of Hillel explain their reason.*
- F. *But what is the reason of the House of Shammai?*
- G. *They reckon [it as they do] on account of [avoiding] interruption in [Torah study] in the schoolhouse.*

- H. *We have a further Tannaite tradition to the same effect:*
- I. The members of the house of Rabban Gamaliel did not say [the blessing] “Good health” [after a sneeze] in the schoolhouse on account of the interruption [of study] in the schoolhouse.

VIII.1A. They say a blessing neither on the light nor on the spices of the dead . . . [M. 8:6A].

- B. *What is the reason?*
- C. *The light is made for the honor [of the deceased], the spices to remove the bad smell.*
- D. R. Judah in the name of Rab said, [“Light made for] whoever [is of such importance that] they take out [a light] before him both by day and by night is not blessed. [And light made for] whoever [is not important, so that] they take out [a light] before him only by night, is blessed.”
- E. R. Huna said, “They do not bless spices of the privy and oil made to remove the grease.”
- F. *Does this saying imply that wherever [spice] is not used for smell, they do not bless over it? It may be objected:*
- G. He who enters the stall of a spice dealer and smells the odor, even though he sat there all day long, blesses only one time. He who enters and goes out repeatedly blesses each time.
- H. *And lo, here is a case in which it is not used for the scent, and still he blesses.*
- I. *Yes, but it also is used for the odor — so that people will smell and come and purchase it.*

VIII.2A. Our rabbis have taught:

- B. If one was walking outside of a village and smelled a scent, if most of the inhabitants are idolators, he does not bless it. If most are Israelites, he blesses it.
- C. R. Yosé says, “Even if most are Israelites, he still may not bless, because Israelite women use incense for witchcraft.”
- D. *But do they “all” burn incense for witchcraft!*
- E. *A small part is for witchcraft and a small part is also for scenting garments, which yields a larger part not used for scent, and wherever the majority [of the incense] is not used for scent, one does not bless it.*
- F. R. Hiyya bar Abba said in the name of R. Yohanan, “He who walks on the eve of the Sabbath in Tiberias and at the end of the Sabbath in Sepphoris and smells an odor does not bless it, because it is presumed to have been made only to perfume garments.”
- G. *Our rabbis taught:* If one was walking in the gentiles’ market and was pleased to scent the spices, he is a sinner.

IX.1 A. [53B] They do not recite a blessing over the light until it has been used. [M. 8:6B]:

- B. R. Judah said in the name of Rab, “Not that he has actually used it, but if anyone stood near enough so that he might use the light, even at some distance, [he may say the blessing].”

- C. So too R. Ashi said, “We have learned this teaching even [concerning] those at some distance.”
- D. *It was objected [on the basis of the following teaching]:* If one had a light hidden in the folds of his cloak or in a lamp, or saw the flame but did not make use of its light, or made use of the light but did not [actually] see the flame, he may not say the blessing. [He may say *the blessing only when*] *he [both] sees the flame and uses its light.*
- E. *Certainly one finds cases in which one may use the light and not see the flame. This may be when the light is in a corner.*
- F. *But where do you find a case in which one may see the flame and not make use of its light? Is it not when he is at a distance?*
- G. *No, it is when the flame keeps on flickering.*
- IX.2** A. *Our rabbis have taught:*
- B. They may say a blessing over glowing coals, but not over dying coals (‘omemot).
- C. *What is meant by glowing coals?*
- D. R. Hisda said, “If one puts a chip into them and it kindles on its own, [these are] all [glowing coals].”
- E. *It was asked:* Is the word ‘omemot [alef] or ‘omemot [‘ayin]?
- F. *Come and hear,* for R. Hisda b. Abdimi said, “‘The cedars in the garden of God could not darken [‘amamuhu] it’” [Ezekiel 31:8].
- G. And Raba said, “He must make actual use of it.”
- H. And how [near must one be]?
- I. Ulla said, “So that he may make out the difference between an issar and a pundion [two small coins].”
- J. Hezekiah said, “So that he may make out the difference between a meluzma [a weight] of Tiberias and one of Sepphoris.”
- K. *R. Judah would say the blessing [for the light of the] house of Adda the waiter [which was nearby].*
- L. *Raba would say the blessing [for the light of the] house of Guria bar Hama.*
- M. *Abbaye would say the blessing [for the light of the] house of Bar Abbuha.*
- N. R. Judah said in the name of Rab, “They do not go looking for the light in the way they go looking for [means to carry out other] commandments.”
- O. *R. Zera said, “At the outset, I used to go looking [for light]. Now that I have heard this teaching of R. Judah in the name of Rab, I too will not go searching, but if one comes my way, I shall say the blessing over it.”*
- X.1** A. **He who ate [and did not say Grace] . . . [M. 8:7A]:**
- B. R. Zebid, and some say, R. Dimi bar Abba, said, “The dispute [between the Houses] applies to a case of forgetfulness, but in a case in which a person deliberately [omitted Grace], all agree that he should return to his place and say the blessing.”

- C. *This is perfectly obvious. It is [explicitly] taught, “And he forgot.”*
- D. *What might you have said? That is the rule even where it was intentional, but the reason that the Tannaite authority taught, “And he forgot,” is to tell you how far the House of Shammai were willing to go [in requiring the man to go back to where he ate. They did so even if a man accidentally forgot]. Thus we are taught [the contrary. Even if one forgot, unintentionally, he must go back].*

X.2 A. *It was taught:*

- B. The House of Hillel said to the House of Shammai, “According to your opinion, someone who ate on the top of the Temple Mount and forgot and went down without saying Grace should go back to the top of the Mount and say the blessing.”
- C. The House of Shammai said to the House of Hillel, “According to your opinion, someone who forgot a purse on the top of the Temple Mount would not go back and retrieve it.
- D. “For his own sake, he [assuredly] will go back. For the sake of Heaven [should he] not all the more so [go back]?”
- E. *There were these two disciples. One did it [forgot Grace] accidentally, and, following the rule of the House of Shammai, [went back to bless], and found a purse of gold. And one did it deliberately [omitted Grace], and following the rule of the House of Hillel [did not go back to say it], and a lion ate him.*
- F. *Rabbah bar bar Hanna was traveling in a caravan. He ate and was sated but [forgot and] did not say Grace.*
- G. *He said, “What shall I do? If I tell the men [of the caravan with me] that I forgot to bless, they will say to me, ‘Bless here. Wherever you say the blessing, you are saying the blessing to the Merciful [God].’ It is better that I tell them I have forgotten a golden dove.”*
- H. *So he said to them, “Wait for me, for I have forgotten a golden dove.”*
- I. *He went back and blessed and found a golden dove.*
 - J. *And why was a dove so important?*
 - K. Because the community of Israel is compared to a dove, as it is written, “The wings of the dove are covered with silver, and her pinions with the shimmer of gold” [Psalm 68:14]. Just as the dove is saved only by her wings, so Israel is saved only by the commandments.

XI.1 A. **Until when can he say the Grace? Until the food is digested in his bowels . . . [M. 8:7D]:**

- B. How long does it take to digest the food?
- C. R. Yohanan said, “As long as one is no longer hungry.”
- D. Resh Laqish said, “As long as one [still] is thirsty on account of his meal.”
- E. *R. Yemar bar Shelamia said to Mar Zutra — and some say, Rab Yemar bar Shizbi said to Mar Zutra — “Did Resh Laqish really say this? And did not R. Ammi say in the name of Resh Laqish, ‘How long does it take to digest a meal? The time it takes to go four miles.’”*

F. *There is no problem: Here [we speak of] a big meal, there [we speak of] a small meal.*

XII.1A. If wine came to them . . . [M. 8:8A]:

B. *This implies that in the case of an Israelite[’s saying Grace], even though one has not heard the entire blessing, he responds [Amen].*

C. *But if he has not heard [the whole Grace], how can he have performed his duty by doing so [assuming he has eaten also]?*

D. *Hiyya bar Rab said, “[We speak of a case] in which he did not eat with them.”*

E. *So too did R. Nahman say in the name of Rabbah bar Abbuha, “[We speak of a case] in which he did not eat with them.”*

F. *Rab said to Hiyya his son, “My son, seize [the cup] and bless.”*

G. *So did R. Huna say to Rabbah his son, “Seize and bless.”*

H. *This implies that he who says the blessing is better than he who answers Amen. But has it not been taught:*

I. *R. Yosé says, “The one who answers Amen is greater than the one who says the blessing.”*

J. *R. Nehorai said to him, “By heaven! It is so. You should know it, for behold, common soldiers go ahead and open the battle, but the heroes go in and win it.”*

K. *It is a matter of dispute between Tannaite authorities, as it has been taught:*

L. *Both the one who says the blessing and the one who answers Amen are implied [in the Scripture (Nehemiah 9:5)]. But the one who says the blessing is more quickly [answered] than he who answers Amen.*

XII.2A. Samuel asked Rab, “Should one answer [Amen] after [the blessings of] children in the schoolhouse?”

B. *He said to him, “They answer Amen after everyone except children in the schoolhouse, since they are [saying blessings solely] for the sake of learning.”*

C. *And this applies when it is not the time for them to say the “Haftarah,” but in the time to say “Haftarah,” they do respond [Amen].*

XII.3A. Our rabbis have taught:

B. *“The absence of oil holds up the blessing [Grace],” the words of Rabbi Zilai.*

C. *R. Zivai says, “It does not hold it up.”*

D. *R. Aha says, “[The absence of] good oil holds it up.”*

E. *R. Zuhamai says, “Just as a dirty person [mezuham] is unfit for the Temple service, so dirty hands are unfit for the blessing.”*

F. *R. Nahman Bar Isaac said, “I know neither Zilai nor Zivai nor Zuhamai. But I know a teaching which R. Judah said in the name of Rab, and some say it was taught on Tannaite authority:*

G. *“‘And be you holy’ [Leviticus 20:7] — this refers to washing the hands before the meal.*

H. *“‘And you shall be holy’ — this refers to the washing after the meal.*

I. *“‘For holy’ — this refers to the oil.*

J. *“‘Am I the Lord your God’ — this refers to the blessing [Grace].”*

A full comparison of the two Talmuds where they discuss the same tractates of the Mishnah—the only systematic outline and comparison of the two Talmuds—is in *The Two Talmuds Compared* (14 vols.; USF Academic Commentary Series; Atlanta: Scholars Press, 1995–1996).

This protracted survey of a single chapter of the Halakhah, as it is set forth by the Mishnah, the Tosefta, the Yerushalmi, and the Bavli, leaves no doubt that the Mishnah has set forth the main beams of the structure of the Halakhah, the Tosefta has filled in the ceilings and floors, and the Yerushalmi and the Bavli have then furnished the structure. The Tosefta is subordinated to the Mishnah; while the Tosefta enriches the discussion of the Halakhah already commenced by the Mishnah, not a single passage of Tosefta takes logical priority over its counterpart in the Mishnah. Where we can identify the generative logic, which requires articulation and instantiation, that generative logic animates the Mishnah's statements, to which the Tosefta clearly takes a secondary and derivative position time and again.

Enough has been said to demonstrate that the Tosefta, after the Mishnah, is the most important document of the Oral Torah as recorded in late antiquity. That is reason enough to provide for an accessible rendition of it into the English language.

* * *

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Jacob Neusner