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The Poetic Superstructure of the Babylonian Talmud and the Reader It Fashions

by

Zvi Septimus

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requirements for the degree of

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with Graduate Theological Union, Berkeley

in

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Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Daniel Boyarin, Chair

Professor David Henkin

Professor Naomi Seidman

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Zvi Septimus

Abstract

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Doctor of Philosophy in Jewish Studies

University of California, Berkeley

Professor Daniel Boyarin, Chair

This dissertation proposes a poetics and semiotics of the Bavli (Babylonian Talmud)—how the Bavli, through a complex network of linguistic signs, acts on its implied reader's attempt to find meaning in the text. In doing so, I advance a new understanding of how the Bavli was composed, namely as a book written by its own readers in the act of transmission. In the latter half of the twentieth century, Bavli scholarship focused on the role of the Stam (the collective term for those people responsible for the anonymous voice of the Bavli) in the construction of individual Bavli passages (*sugyot*). Stam theory details how *sugyot* were crafted out of pre-existing sources and how the Stam works to control those sources in the service of a particular worldview. This dissertation locates a different force at work in the construction of the Bavli as a single unified book, an authorship that is above and against the work of the Stam—a Superstam.

By examining the effect of the Bavli's use of rare and ambiguous terminology, I expand the unit of inquiry from the individual Bavli passage (*sugya*) to the Bavli in its entirety. I argue that, for the Bavli's implied reader, meaning is not found in the work of the Stam. While the Stam conveys meaning for a local reader, the global reader I explore does not artificially divide the Bavli into its constituent parts. For this reader, the Superstam acts to subvert the controlling work of the Stam through the placement of key words throughout the book. These words, when rare or ambiguous, direct the reader to other *sugyot* in which they appear. These *sugyot*, when read simultaneously, work to convey, for the reader, an expression of ambivalence on the part of the Superstam toward those moments of Stammaitic certainty. I conclude that Super-stammaitic activity itself is the result and product of readers who are trained how to read by the Bavli's own expectations. In this way, the Bavli is a text authored by its own readers who, in transmitting the text, become writers again and again.

לזכר נשמת חיה רחל בת פראדע וחיים יצחק

For Bubby

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Table of Contents

Introduction.....	1
Stam Theory	4
The Superstam.....	11
The Global Bavli Reader.....	14
Outline and Summary of Chapters	19
Implications of the Global Bavli Reader.....	24
PART I: AMBIGUITY	26
Chapter One: The Effect of the Ambiguous Phrase on the Linearity of the Reading Process	27
Understanding the Space of the Reader	28
Is There a Difference Between Life and Death in the Bavli?	30
Source Criticism Versus Text Criticism	33
Moses Writes the Torah: Readers Write the Bavli.....	35
Real Readers Reading	42
Chapter 2: Ambiguity as Subversion: Countering the Logic of the Sugya.....	49
Example 1 (Baba Kama 32b): Descriptive Language in a Halakhic Sugya.....	51
Example 2 (Niddah 64b): Is Shmuel's Boastful Expertise in Exotic Sexual Techniques Meant to Be Taken Seriously?	57
Niddah 24b and Yevamot 104a: The Formation of a Web of Meaning.....	61
Conclusion.....	65
Chapter 3: Ambiguity and the Process of Making Meaning in a Nonlinear, Self-referencing, and Circular (Global) Text.....	67
Terminology	71
Ambiguity in Ketubot 11a.....	73
Ketubot 11a: What Does it Mean to be in a State of Ownerlessness?	74
The Reader's Synchronic Philological Encounter with the Phrase "עבדא בהפקירא"	76
Ketubot 11a: A 'First Glance' Misreading.....	78
Gittin 13a: The Referenced Text.....	81
Returning to Ketubot 11a: The Effect of Correcting the "First Glance" Misreading ..	86
Reading Both Passages Simultaneously: A Global Reading	88

Summary of Part One: Ambiguity	90
PART II: TRIGGER WORDS.....	93
Chapter 4: Reading Beyond the Aggadic <i>Sugya</i> : Toward a New Theory on the Bavli's Composition.....	94
The Fat Rabbis Story.....	96
A Linear Attempt at a Local Reading	102
Reading the Fat Rabbis Story in its Larger Baba Metzia Context	110
Reading Baba Metzia With an Echo from Yevamot.....	111
Chapter 5: The Virgin and the Slaughtered Ox: Reading the Bavli Beyond the Halakhic <i>Sugya</i>	116
Virginity as Commodity.....	116
Virginity Claims in Ancient Jewish Texts: Why the Anxiety?.....	118
Ketubot 46a: Garment Really Means Witnesses.....	121
Pre-Bavli Conceptions of the Garment: An Elaborate Case of Witnesses.....	127
Legislating the Biblical Scenario: What Problems the rabbis Faced	132
Background for Ketubot 15b-16a: the Four Cases.....	136
The Fifth Case: Rabbi Yehosh'ua Finally Concedes.....	142
The <i>Sugya</i> at Ketubot 16a	143
Beyond the <i>Sugya</i> : Reading Ketubot 16a as Part of the Bavli.....	152
Chapter 6: Ambivalent Artistry: The Effects of the Bavli's Unifying Use of Language on Its Local and Global Readers.....	156
Kiddushin 70 and the Problem of Translation	156
Kiddushin 70: Presented as a Theater Script.....	159
Kiddushin 70 as a (Self) Reflection on Bavli's use of Language: A Local Reading with an Emphasis on Language.....	166
Reading Kiddushin 70 in its Extended Context:	172
The Trigger Word/Simultext Reading Effect.....	176
Shavuot 30: A Preliminary Demonstration of the Trigger Word/Simultext Reading Effect	177
The Superstam as Global Bavli Reader.....	180
Kiddushin 70's War of Words	183
The Drink:.....	184
The Berakhot 51 Simultext:.....	186
Second Generation Simultexts: Niddah 20 and Shavuot 30 as Simultexts of Berakhot 51	187
The Fruit:	189

The Seat:	195
In Conclusion:	198
Conclusion	200
What is the Babylonian Talmud?	200
Who is the Bavli's Reader?	201
What is Meaning?.....	203
BIBLIOGRAPHY.....	205
Appendix A: Rashi's Commentary to Baba Metzia 84a (Chapter Four)	211
Appendix B: Background Information For Niddah 15a (Chapter Five).....	215
Appendix C: An Aural Reading of Kiddushin 70, Highlighting Point of View (Chapter Six).....	220
Appendix D: Synopsis of Baba Batra 15a (Chapter One)	225
Appendix E: Synopsis of Menahot 30a (Chapter One)	233
Appendix F: Synopsis of Yalkut Shimoni to Deuteronomy 34:5, Sifre 357:5, and Vilna Menahot 30a (Chapter One).....	237
Appendix G: Synopsis of Baba Kamma 32b (Chapter Two)	240
Appendix H: Synopsis of Niddah 64b (Chapter Two).....	245
Appendix I: Synopsis of Ketubot 11a (Chapter Three)	247
Appendix K: Synopsis of Baba Metzia 84a (Chapter Four).....	256
Appendix L: Synopsis of Yevamot 17a (Chapter Four)	261
Appendix M: Synopsis of Ketubot 15b-16a (Chapter Five).....	266
Appendix N: Synopsis of Kiddushin 70a-b (Chapter Six).....	277
Appendix O: Synopsis of Ketubot 46a (Chapter Five).....	294

Introduction

The Babylonian Talmud, also known as the Bavli,¹ narrates a story of rabbinic life in Babylonia and Palestine over an eight hundred-year period in thirty-six volumes. The Bavli's story of those rabbis (when they are conceived of as characters rather than historical figures) begins in Palestine at the time of the Alexandrian conquest (mid-fourth century BCE). The details of the early parts of the story are sparse, and as the story approaches the time of its tellers the parameters and scope of the narrative continuously expand. At the start of the third century CE, the story's geographical center shifts from Palestine to Babylonia, where it tails off in the mid-fifth century. During the period of overlap, or when the story of both Palestinian and Babylonian rabbinic life is narrated, there is an "us" and "them" perspective displayed in the text. The Palestinian story continues to be told, but it is often told from the perspective of travelers bringing traditions and stories back from visits to Palestine. I refer to the Bavli as telling a story for three reasons.

The first is to break down the long-held belief that the text enclosed within the Bavli's bindings can be artificially divided into two distinct genres: *halakha* (legal matter) and *aggada* (non-legal matter).² The second is to argue for a conception of the Bavli as a single unified narrative rather than a fragmented series of short episodes and debates. The third is to highlight the fact that though the events of the story are told out of order, the reader organizes those events through the Bavli's own chronological logic. In the process, the reader constructs a sketch of the characters portrayed in the story according to the Bavli's own internal conception of history. For the purposes of my investigation into the literary nature of the Bavli as a single unified book and my exploration of the ideal reader of that book—a reader who, in conformity with the expectations of the book

¹ I use the term "Bavli," throughout, to denote the Babylonian Talmud. I use the term "Talmud" when I refer without distinction to both the Babylonian and Palestinian Talmud. When referring to the Bavli in adjectival form, I use the word "Talmudic."

² The story of rabbinic life told in the Bavli contains as much legal, or *halakhic*, as it does aggadic discussion. I follow Wimpfheimer in viewing the Bavli through a lens that does not artificially divide the Bavli into two books within the book, one consisting of *halakhic* material and one consisting of *aggadic* material (any material which is not *halakhic* in nature). [Barry Scott Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (University of Pennsylvania Press, 2011), 4-6.] I also here follow Wimpfheimer in defining *aggada* as the non-*halakhic* material presented in the *Bavli*, rather than by any positive definition. "It is common for people to define Aggadah in positive terms as narrative. As explained below, though, this definition is imprecise. The negative definition "non-legal" better captures the full range of texts treated as Aggadah and allows the two sides of the binary to together encompass all rabbinic texts." *Ibid.*, 169 n. 1.

itself, does not artificially divide the book into smaller supposedly self-contained units—I conceive of the Bavli as a single complex narrative.³

The Bavli's story is told through thousands of disconnected vignettes, encompassing all aspects of life, connected through stream-of-consciousness associations rather than by linear progression. Often, these stories are presented as a dialogue between two contemporaneous rabbis regarding an obscure legal matter. Though these rabbis might have lived in different cities, they are presented in the narrative as having a conversation, as if in the same room. Still other times, a story might be told of a debate between a number of rabbis over a period of hundreds of years. Each new Rabbi introduced into the story is seen as commenting on the previous rabbi's statement, as if no time elapsed between statement and response. Sometimes, though very rarely, these vignettes are biographical stories continuing for a number of pages. Most of the vignettes, however, extend for only a few lines and could be as sparing as "Rabbi A said X; and Rabbi B said Y."⁴

³ I do not just oppose the division of *halakha* and *aggada* but also suggest that what unites the book includes both *halakha* and *aggada*.

I refer to a "complex narrative" because I would not expect the Bavli's mode of narration to neatly match any existing formal criteria put forth in the field of narratology. That is not to say that prominent narratologists were not familiar with the Talmud. Meir Sternberg is certainly an example of a scholar who was. However, the structuralist agenda for the narratological enterprise is to find similarities between the storytelling techniques of disparate cultures. For the Talmud, those similarities can only be found when the Talmud is broken down into a series of disconnected stories. If the Talmud is seen as a single story, then its mode of narration is unique. Though some have compared the Talmud's storytelling technique to that of Proust's *À la Recherche du Temps Perdu* or Joyce's *Finnegans's Wake*, I am not aware of any scholarly publication extending that argument.

⁴ Once Rabbi A is understood to have said many things in this manner the short biographical notes about Rabbi A become much more interesting for the reader who is creating a composite sketch. This is certainly the type of reading strategy encouraged by the Bavli. So, for example, the point of a comment made by Rav Naḥman the son of Yiṣḥaq, which immediately follows a story about Rabi Abin at Kiddushin 44a, is explained by the Bavli as follows:

אמר רב נחמן בר יצחק אנה לא רבי אבין ברבי חייא ולא רבי אבין בר כהנא אלא רבי אבין סתם למאי נפקא מינה למירמא דידיה אדידיה

Rav Naḥman the son of Yiṣḥaq stated: [When] I [heard this story, I] did not [hear] whether it was Rabbi Abin the son of Rabbi Ḥiyya or Rabbi Abin the son of Kahana, rather [I heard the story quoted] with a non-specific Rabbi Abin.
[The Gemara asks:] What is the practical difference? (i.e. what is the point of citing Rav Naḥman's statement as an addendum to the story?)
[The Gemara answers: To use one statement of Rabbi Abin to contradict another.]

I have translated this text according to the reading of Rashi, who emphasizes the fact that this is how Rav Naḥman heard the story. Alternatively, one can read Rav Naḥman's statement as an interpretation, or reading, of the story. However one chooses to translate this text the point is the same. The Talmud takes its ascriptions very seriously and encourages its reader to pay close attention to those ascriptions. But see, Daniel Boyarin, *Socrates and the Fat Rabbis* (University of Chicago Press, 2009), 151., who contests this approach when assessing the precision by which the Bavli's authors acted in ascribing various statements to various characters throughout the Bavli. Although Boyarin might be correct in his assessment of the

Though the story of the rabbis presented in the Bavli contains hundreds of characters, living in many countries, over hundreds of years, there is one unnamed character who appears most dominant. This character has been called the "Ba'al Hashas" (the master of the Talmud), the "Stamma de-Gemara" (the anonymous voice of the Gemara),⁵ or simply "the Stam." The Stam either represents the literary activity or people, or both—depending on which modern Talmud scholars' opinions we follow—that, or who, we refer to when we say: "the Talmud says," "the Talmud asks," and "the Talmud answers."⁶ Scholars have long asked the question: Who tells the story of the Bavli and what does their storytelling tell us about them?⁷ They have less often asked: How is this story told and what does this mode of storytelling tell us about how we read and find meaning in the Bavli?⁸ By using the Bavli's implied reader⁹ as my starting

motivations of the authors of a particular layer of the Talmudic text, it is certainly the case that the Bavli (according to its own internal rhetoric) appears to take its own ascriptions very seriously and, by extension, encourages its reader to do so as well.

⁵ The Talmud contains both Mishnah and Gemara. The Mishnah is a legal code, which is generally considered to have been redacted around the year 200 CE by Rabbi Judah the Prince. The Mishnah does not commit to a final ruling in matters of law but rather presents a number of opinions for each subject discussed. The Gemara represents a discussion generated by the contents of the Mishnah beginning around the year 200 CE. Although it is unclear when the Gemara was redacted, the final named characters involved in the discussions in the Gemara are presented as living in mid-fourth century Bavel (modern day Iraq.)

⁶ A further comparison to Proust's *À la Recherche du Temps Perdu* is helpful for illustrative purposes, though I do not mean to make a direct analogy. *À la Recherche du Temps Perdu* presents itself as the autobiography of Marcel Proust. Though Proust does not mention his own name in the book, there are two Proust's who are ever-present. One is a young Proust who is a character described in the book and one is an older Proust who is the storyteller. Both are separate characters in the book, yet the line between them is often blurry. It is helpful to think of the Bavli in this way, only as not applied to an individual person, but to an entire culture. rabbinic culture, as a charter, is described in the Bavli by the older (i.e. historically later) version of that character. Just as the older Proust never appears as character, yet his voice is ever-present, so too the later (post Amoraic/ post 5th century) version of rabbinic culture never appears as a character in the Bavli, yet its voice is ever-present.

⁷ Even earlier Talmud scholarship assumed the Bavli to be an actual historical account, written down in piecemeal at the time of each event's occurrence.

⁸ I will later distinguish my approach from that taken by Daniel Boyarin in his recent book, *Socrates and the Fat Rabbis*.

⁹ I borrow the term "implied reader" from Wolfgang Iser. Iser differentiates between an "actual reader," a reader who brings outside, or extra-textual, information with him into the reading process and an "implied reader," whom he defines as follows:

The "implied reader" embodies all those predispositions necessary for a literary work to exercise its effect—predispositions laid down, not by an empirical outside reality, but by the text itself. Consequently, the implied reader as a concept has his roots firmly planted in the structure

point, this dissertation focuses on describing both a poetics and a semiotics of the Bavli—how the Bavli's distinctive literary design operates on its implied reader as a complex system of signs.¹⁰

Stam Theory

The motivations and identities of the Talmud's authors and compilers have occupied the central point of inquiry for academic Talmud scholars over the past half century.¹¹ While there have been many studies on the literary characteristics of individual passages (*sugyot*)¹² within the Bavli, the literary characteristics that define the Bavli as a unified book have been almost completely ignored.¹³ It is helpful to contrast the approaches of two pioneers in the literary analysis of individual Talmud passages, Jonah Fraenkel and Shamma Friedman. Fraenkel's work is often viewed as marking the genesis of the literary analysis of rabbinic texts within the academy. Fraenkel was greatly influenced by the school of New Criticism and read each rabbinic story the way a New Critic would read a poem, as a self-contained literary unit. For his analysis of rabbinic texts, Fraenkel purposely ignores any historical information that might shed light

of the text; he is a construct and in no way to be identified with any real reader.

[Wolfgang Iser, *The Act of Reading: A Theory of Aesthetic Response* (Johns Hopkins University Press, 1980), 34.] Iser differentiates his concept of "implied reader" from Michael Riffaterre's "superreader," Stanley Fish's "informed reader," and Erwin Wolff's "intended reader." Ibid., 30.

¹⁰ In this way, my dissertation is programmatically similar to Michael Riffaterre's work on French poetry. [Michael Riffaterre, *Semiotics of Poetry* (Indiana University Press, 1978).

¹¹ For a review of the major academic Talmud theorists of the latter half of the twentieth century, see Aryeh Cohen, *Rereading Talmud: Gender, Law, and the Poetics of Sugyot* (Scholars Press, 1998), 7-130.

¹² Individual Talmud passages. *Sugya*, in the singular. (The boundaries of a *sugya* are not demarcated in any way and it is therefore an artificial category. Oftentimes, the only way that the reader is alerted to the fact that one *sugya* has concluded and another has begun is by noticing a dramatic shift in the topic being discussed.)

¹³ Jacob Neusner is the most prominent exception. See, for example, Jacob Neusner, *The Rules of Composition of the Talmud of Babylonia: The Cogency of the Bavli's Composite* (Scholars Press, 1991); Jacob Neusner, *The Bavli's Intellectual Character: the Generative Problematic : in Bavli Baba Qamma Chapter One and Bavli Shabbat Chapter One* (Scholars Press, 1992), 195; Jacob Neusner, *The Bavli's One Statement: The Metapropositional Program of Babylonian Talmud Tractate Zebahim Chapters One and Five* (Scholars Press, 1991); Daniel Boyarin, in *Socrates and the Fat Rabbis*, also conceives of the Bavli as a book and works to locate its genre.

on the story, whether that information is internal or external to rabbinic literature.¹⁴ The result of his studies was to see each rabbinic story as a unit containing a particular message. The final word in each story was where that story ended and therein lay the key to unlocking the message of the story.¹⁵

Shamma Friedman, on the other hand, is more interested in understanding how an individual passage in the Bavli is constructed than what its ultimate “message” might be.¹⁶ While Fraenkel focuses his attention exclusively on the non-legal (or *aggadic*) sections of rabbinic literature, Friedman's work focuses on all aspects of rabbinic literature, both legal (*halakhic*) and non-legal (*aggadic*). Additionally, Friedman contrasts his approach with Fraenkel's notion of סגירות (closure).¹⁷ While Fraenkel believes that each individual story found in rabbinic literature must be analyzed without regard to any other piece of rabbinic literature, Friedman seeks to demonstrate the relationship between two rabbinic passages by studying the evolution of "earlier" more crudely crafted sources into "later" and more elaborately constructed literary creations.

¹⁴ Jonah Fraenkel, “She’elot Hermeneutiyot be-Ḥeker Sippur ha-’Aggadah,” *Tarbiš* 47 (1978): 139-172.

¹⁵ Fraenkel (Fraenkel, *Sipûr Ha-’agādâ: ’aḥdût Šel Tōken Wě-Šûrâ*, 23.) writes: “The talmudic story—without recourse to the question of its literary type—has a didactic purpose. It enters the world and is told in order to educate the listeners.” Fraenkel, *Sipûr Ha-’agādâ: ’aḥdût Šel Tōken Wě-Šûrâ*, 23, as quoted in Wimpfheimer, *Narrating the Law*, 214, n.39.

¹⁶ Shamma Friedman, “al Derekh Ḥeker ha-Sugyah,” in *Mehqarim U-Meqorot* (Nyu York: Bet ha-midrash le-rabanim ba-Ameriḳah [distributed by Ktav Pub. House], 1977), 278-441. Shamma Yehudah Friedman, “le-’agadâ Hahîstôrît be-Talmûd ha-Bavli,” in *Saul Lieberman Memorial Volume*, ed. Shamma Friedman (New York and Jerusalem: The Jewish Theological Seminary of America, 1993), 120-164. Shamma Friedman, “The Further Adventures of Rav Kahana,” in *The Talmud Yerushalmi and Graeco-Roman culture*, ed. Peter Schäfer, vol. 3, 3 vols. (Tübingen: Mohr Siebeck, 2002), 247-271.

¹⁷ In the words of Aryeh Cohen, “Fraenkel sees each story as “hermetic,” having a strong “internal” and “external” closure. Aryeh Cohen, *Rereading Talmud* (Scholars Press, 1998). p.72. Jeffrey Rubenstein explains Fraenkel's notion of סגירות (closure) as follows:

A dogmatic principle of Fraenkel's is that stories display "internal and external closure." By "internal closure" Fraenkel means that stories are self-contained units, complete in and of themselves. The story supplies all the information necessary for its interpretation. The end refers back to the beginning, completing the circle and sealing the story in a world of its own. Indeed, this self-contained quality is part of the literary artistry of the rabbinic story. By "external closure" Fraenkel means that each story is independent of a wider narrative framework. One cannot ask what happened before or after the events related in the story, what caused the situation, or what consequences ensued. Nor do stories relate in any way to other stories, even if they portray the same character or address a common theme. Thus stories about a given sage may contradict since each story was created for its own didactic purpose. A story exists in a secluded textual space with no allusion or reference to other texts.

Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore and London: The Johns Hopkins University Press, 1999), 10.

Friedman's earlier sources are often found in rabbinic works that pre-date the Bavli, like the Palestinian Talmud or the Tosefta. However, he also demonstrates how earlier sources found only within the Bavli itself are used to construct later Bavli passages. Friedman explains, that by contrasting earlier sources and the later construction of, and from, those sources he can begin to not only discover what changes were made and how they were made but also to understand "why" the changes were made. In contradistinction to Fraenkel's method of understanding a narrative's didactic motivation in isolation, Friedman compares earlier and later versions of narratives and discovers the didactic motivation of the narrative in the differences between the two.¹⁸ He, too, considers that the reasons for these changes lie in didactic motivations.

Friedman's method explains why it is that certain stories in the Bavli share a large number of phrases and words with other stories in the Bavli. If a late narrative is constructed from earlier narratives, then the late narrative will borrow much language from the earlier narratives. Friedman also argues that Bavli stories linked by common language also usually contain common topics: "The plethora of rhetoric and phraseology in [one] story which is similar to other passages in the Bavli is typical of late aggadic compositions which draw upon existing Babylonian aggadot for both language and content."¹⁹ Friedman's account of the construction of late *sugyot* from material found in earlier sources is meticulous and persuasive. The result of Friedman's source-critical examination of these texts is the creation of a linear, diachronic narrative of the evolution of a particular rabbinic formulation from its earliest fixed form through its various manifestations and manipulations into its final canonical materialization in the Bavli. Over the course of his career, Friedman has been very careful to focus on the project of identifying literary criteria through which to recognize the hand of the crafter of the *sugya*, rather than making any concrete historical claims about those craftsmen, including when or where they lived.²⁰ But those craftsmen who redacted the Bavli have come to be identified by the term "the Stam."

"The Stam," meaning the anonymous voice of the Talmud, was a term that was popularized by David Weiss Halivni in the 1960s.²¹ Halivni was not the first to notice that there is an anonymous voice of the Talmud, a voice distinct from the voice of the hundreds of named characters who interact with each other as part of the Talmud's overall

¹⁸ Friedman, "The Further Adventures of Rav Kahana," 248.

¹⁹ Ibid., 259.

²⁰ Friedman, "al Derekh Heker ha-Sugyah," 283-321. See Rubenstein's description of Friedman in "Criteria of Stammaitic Intervention in Aggada," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada* (Tübingen: Mohr Siebeck, 2005), 417 n.1.

²¹ Halivni talks about the Stam as early as 1968. [See, for example, David Weiss Halivni, *Sources and Traditions: A Source Critical Commentary on Seder Nashim* (Tel Aviv: Hw̄sa' at Dbiyr, 1968). It is quite possible, though that he does not conceive of them as people, Stammaim, until 1982. See Daniel Boyarin, "Hellenism in Jewish Babylonia," in *The Cambridge companion to the Talmud and rabbinic Literature*, ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee (Cambridge University Press, 2007), 360 n.13.

narrative. Rashi²² Solomon the son of Isaac (Rashi d. 1105, France), the most influential commentator of the Bavli, often uses the term "the Shas"²³ to denote a line of demarcation between the end of the voice of a particular character and the start of the narrator's voice. The distinction between Halivni's Stam and Rashi's Ba'al HaShas²⁴ may be found in their perceived function. Whereas Rashi might see the Shas as another character in the story, Halivni sees the Stam as outside of the story, they are the people who create and tell the story.²⁵ Halivni's Stam took the disconnected statements of hundreds of real people, and reframed them, often placing these statements at odds with their original intent, into an imagined scholarly dialogue that took place continually over hundreds of years. For Halivni, then, the named statements found in the Bavli represent actual statements made by actual people; it is only the dialogue of the Talmud that is fabricated.

Who fabricated this dialogue and what was their motivation? For Halivni the motivation can often be found by tracing the Stam's misunderstanding of the original intent or context of the statements. This misunderstanding takes place in a historical period somewhat removed from the statements' original contexts—a later time in which the original intent of the statements had become confused, allowing for new motivations to shape this material. Halivni works to lock down this activity to an actual set of years represented by a gap in Jewish history and historiography. The last of the named characters in the Bavli lived in the mid-fifth century. The first historical figures of the Geonic period lived in the early seventh century. This represents a period of 150 years where little is known about Babylonian Jewish people or events.

The major historical document that Halivni uses to ground his reconstruction of the post-Amoraic (i.e. post 500 CE) period is the letter of Sherira Gaon (d. ca.1000, Iraq). This letter, authored by Sherira and completed by his son Hai, details the chain of tradition from Tannaitic times to the Gaonic period. Sherira deals with the hundred and

²² Solomon the son of Isaac of Northern France (1040-1105).

²³ Shas (ש"ס) is commonly used as a shorthand for Talmud. It is an acronym for the Six Orders of Mishnah represented in the Talmud (ששה סדרים).

²⁴ בעל הש"ס. This phrase can be loosely translated as "the one who is doing the speaking in the Talmud," the entity that traditional students of the Talmud refer to when they say "the Talmud asks" or "the Talmud answers."

²⁵ This is perhaps a more accurate description of Shamma Friedman's approach than that of Halivni's. I only use Halivni at this point in my discussion in order to set up a contrast that I will later address as it relates to the evolution of Halivni's thought over time. Sergey Dolgopolski (Sergey Dolgopolski, *Who Speaks, Thinks, and Remembers in the Talmud?: An Essay on the Virtual*, n.d.) provides a nuanced description of the underlying theoretical differences between the approaches of Halivni and Friedman. In so doing, Dolgopolski details Halivni's conflation of the *stam of* the Talmud and the *stam in* the Talmud. The *stam of* the Talmud refers to the crafter of the *sugya*; the *stam in* the Talmud refers to the statements within the Talmud that are put forth anonymously. The *stam in* the Talmud would be similar to Rashi's Ba'al HaShas. The *stam of* the Talmud roughly equates to Friedman's בעל התלמוד, designer of the *sugya*. [See Friedman, "al Derekh Heker ha-Sugyah," 283-321 .]

fifty year gap in Jewish history by introducing the Saboraim; the Saboraim were tradents who passed on the Talmud from generation to generation while making almost no substantive additions or subtractions to from it.²⁶ Since Halivni sees the Stam less as a tradent or redactor and more as an active creator of the Talmud as we know it, he tries to find the precise period in history when this activity took place—during which historical moments the Stammaim,²⁷ as opposed to the Saboraim, were active.

Throughout his career, Halivni has altered his position as to the exact years in which these Stammaim were operating. With every new "introduction" to each new volume of *Sources and Traditions*, Halivni perceives more and more Stammaitic activity within the Bavli itself.²⁸ What started out, in Halivni's earliest accounts of the Stam, as a fraction of the overall activity presented in the Talmud had now become most of it.²⁹ Additionally, throughout the evolution of Halivni's thought, the exact dating of the Stam shifts later and later in history. Eventually, Halivni invents multiple Stams, some early and some late, to account for the various different creative activities that he sees in disparate parts of the Bavli.

²⁶ I say "for the most part" because Sherira does claim that the Saboraim authored minor additions to the Gemara in some instances. Sherira states as follows:

Afterwards, even though there certainly was no more Talmudic halachic determination, there were [sages] who provided explanations of the [Talmud] and [who] were close to halachic determination. These Sages were called *Saboraim*. Anything left undecided [by the *Amoraim*] was explained by them.

Translation by Rabbi Nosson Dovid Rabinowich in Sherira ben Hanina (Gaon), *The Iggeres of Rav Sherira Gaon*, trans. Natan David ben Yehudah Leyb Rabinovits (Rabbi Jacob Joseph School Press, Ahavath Torah Institute, 1988). Sherira goes on to give the names of a small number of Saboraim as well as a couple of Talmudic passages that were "traditionally" ascribed to the Saboraim, including the somewhat lengthy *sugya* that appears at the start of tractate Kiddushin. Sherira's conception of the quantitative extent in which the Saboraim either appear or were involved in the writing, editing, or organizing of the text of the Talmud is certainly unclear from the content of Sherira's actual letter. Halivni details the kind of textual activity that the Savora'im engaged in, as well as four characteristics by which to locate the hand of the Savora'im, in David Halivni, *Meqorot U-Masorot: Be'urim Ba-Talmud: Masekhet Baba Metsi 'a* (Yerushalayim: Hotsa'at ha-sefarim 'a. sh. Magnes, Universitah ha-Ivrit, 2003).

²⁷ "The anonymous ones." Halivni's term for the historical people who were responsible for the activity of the Stam.

²⁸ A collection of Halivni's introductions to six different volumes of *Sources and Traditions*, representing the evolution of his thought on the Stam over a forty-plus year period, can be found in David Halivni, *Mevo'ot Li-Meqorot U-Masorot: 'iyunim Be-Hithayut Ha-Talmud* (Jerusalem: The Hebrew University Magnes Press, 2009).

²⁹ David Weiss Halivni, *Sources and Tradition: A Source Critical Commentary on the Talmud Tractate Baba Batra (Hebrew)* (The Hebrew University Magnes Press, 2007), 5-51. An abbreviated English translation of Halivni's introduction to the Baba Batra volume of *Sources and Traditions* can be found in David Halivni, "Aspects of the Formation of the Talmud," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggadah*, ed. Jeffrey L. Rubenstein, trans. Jeffrey L. Rubenstein (Mohr Siebeck, 2005), 339-360.

To make room for all of this activity, he alters his view of the Saboraim. According to the latest iteration of Halivni's theory, the Saboraim and Stammaim now both live during the gap in Babylonian Jewish history (a time period, the length of which, Halivni also greatly expands). The Saboraim are responsible for very minor additions to an already completed Bavli and represent the people who lived, for a few decades, at the tail end of this time period. The Stammaim represent the literary activity that took place during the majority of this span. Where Halivni's earlier claim that the Stammaitic period lasted for fifty years (ending in the late sixth century) and was followed by a one hundred and fifty year Saboraic period, his most recent formulation has the Stammaim active from the mid-fifth century through the mid-eight century and the Saboraim as active during second third of the eight century.³⁰ During the period where the two groups overlap, the Saboraim represent the people who lived during this time period and the Stammaim represent the literary activity that took place during that time.³¹ With this move, Halivni has greatly expanded the possible timeframe for Stammaitic activity

The effect of Halivni's ideas about the historical Stam has been to establish a new set of questions for scholars of the ancient world. Whereas *Wissenschaft des Judentums* scholars of the nineteenth century used the Talmud to talk about the history and ideologies of the characters presented therein, late twentieth-century Jewish Studies scholars now had a new historical era to study. The Bavli now was comprised of original statements made by historical personages but it also contained the alteration of the meaning of those original statements. By comparing the original with the altered version, scholars now had a window into the ideologies of both groups.³² Where Friedman's work demonstrated that scholars can divide the Bavli up into *sugyot* that were either constructed "earlier" or "later," Halivni pinned down the different forms of literary activity to actual people living at particular moments in history. The theory of multiple Stams also afforded scholars the opportunity to theorize about the existence of two separate groups—each with a distinct ideology—that independently crafted the Halakhic and Aggadic sections of the Talmud.³³

³⁰ See *Ibid.*, 344-346.

³¹ Halivni's struggle, throughout the course of his career, to account for a historical place for both the "Stammaim" and the "Saboraim" appears to derive from a strict and heightened allegiance to a certain aspect of Sherira's letter. Although Halivni has introduced "the Stam," both a literary activity and group of people unaccounted for in Sherira's letter, he seems to have a difficult time letting go of the group which Sherira calls the "Saboraim" and the limited activity that Sherira ascribes to this group.

³² The imagined original versions are primarily reconstructed using source critical methodologies. While some scholars have taken a minimalist and exacting approach to these reconstructions (e.g. Shamma Friedman) Halivni has been known to often rely on intuition. For Friedman's statement on methodology, see Friedman, "al Derekh Heker ha-Sugyah," 227-321.; Shamma Friedman, *Talmud 'arukh: Pereḳ Ha-Šokher Et Ha-Umanin: Bavli Bava Metsi 'a Pereḳ Shishi: Mahadurah 'al Derekh Ha-Meḳḳar 'im Perush Ha-Sugiyot* (Yerushalayim: Bet ha-midrash le-rabanim ba-Amerikah, 1990), 3-98.

³³ See, for example, Richard Kalmin, "The Formation and Character of the Babylonian Talmud," in *The Late Roman-rabbinic period*, ed. Steven T. Katz, vol. 4, *The Cambridge History of Judaism* (Cambridge University Press, 2006), 840-876. Whereas earlier scholarship on the Stam had been limited to analyzing

The most radical conception of multiple Stams was recently introduced by Daniel Boyarin in his 2009 book *Socrates and the Fat rabbis*.³⁴ In this book, Boyarin differentiates between the "Stam of the *sugya*," that Stam that fashions the individual literary components that make up the Bavli, and the "Stam of the Bavli," the redaction-force that combines these smaller components into the book we call the Bavli. Boyarin, after making clear that he is talking about author functions rather than authors, argues that what is truly dialogical about the Bavli is not the dialogues found therein but the ways in which the disparate voices of certain genres interact with one another. For Boyarin, these genres are the Halakhic *sugyot* and the biographical sketches of those characters found in the Halakhic *sugyot*.³⁵ When these genres and their opposing "voices" are placed in dialogue they form a new genre that is most akin to the *spoudogeloion* (serio-comic) genre of Menippean Satire.³⁶

Boyarin's approach stems from a desire to understand what type of literature the Bavli is. It is also driven by a quest to distinguish the multiple voices found in the Bavli and demonstrate that that multiplicity of voices is not to be found in the voices of the characters themselves, when put into dialogue with each other, but in the worldviews expressed by different types of *sugyot*. It is in the particular manifestation of those different worldviews within the Bavli where Boyarin locates the book's dialogicity. While the "Stam of the *sugya*" is monologizing, the "Stam of the Bavli" is dialogizing. The "Stam of the *sugya*," as narrator of the serious content of the Bavli, works to control the multiplicity of voices contained within its sources and make them conform them to a single worldview.³⁷ This is true for both legal and non-legal material.³⁸ However, there

legal sections of the Talmud, recent scholarship has focused on the role of a Stam in crafting the non-legal sections of the Talmud. Although Friedman was an early proponent of such work, it was not until a February 2003 conference dedicated to *The Contribution of the Bavli Redactors (Stammim) to the Aggada* (sponsored by the Skirball Department of Hebrew and Judaic Studies at New York University) that the academic community fully embraced the project. The proceedings of this conference were published in the volume "Criteria of Stammaitic Intervention in Aggada." Barry Wimpfheimer's recent work has demonstrated how one Stam works to control the Bavli by making the non-legal sections of the Bavli conform to the Bavli's legal agenda. He does so by exploring a particular kind of non-legal source material, the legal narrative. Wimpfheimer, *Narrating the Law*.

³⁴ Boyarin, *Socrates and the Fat Rabbis*, 133-210.

³⁵ Boyarin distinguishes between biographical stories and *aggada*, a term he believes should only be applied to homilies. *Ibid.*, 186.

³⁶ Particularly, the works of Lucian (c. 125- c. 180, Greece).

³⁷ Boyarin mostly agrees with Wimpfheimer's account in *Narrating the Law*, but disagrees in those instances when carnivalesque biographical tales are embedded within those *sugyot*. Boyarin, *Socrates and the Fat Rabbis*, 161-166.

³⁸ Here Boyarin follows the recent work of Barry Wimpfheimer, who demonstrates that the Stam of the *sugya* works to monologize both non-legal and non-legal material within the Bavli. Wimpfheimer demonstrates how the Stam of the *sugya* controls the opposing voices found in pre-existing *halakhic* and *aggadic* sources in inventing a new monologicial product that appears in the Bavli. For Wimpfheimer, the

is another narrator to be found within the book's covers. This narrator has its own language and voice, and provides the "acerbic, corrosive, bizarre legendary narratives" of the Bavli.³⁹ The "Stam of the Bavli" is the author function whose own language is always infused with the language found in both the serious and comic voices of the text. This "neutral—but biased—third party" is the location at which the Bavli expresses its dialogicity.⁴⁰

The Superstam

By discovering a dialogical voice in the interaction between two literary components of the Bavli, rather than within the dialogue of its characters, Boyarin has paved the way for my analysis of how the Bavli operates on its implied reader when viewed as the self-glossing book it presents itself to be. I build upon Boyarin's description of how the two distinct voices (the serious and the comic) found in the Bavli work against each other—or together—when expressed in the language of the "Stam of the Bavli," a language always dialogized by the two opposing voices utilized in narrating the Bavli. I seek to demonstrate how, for the Bavli's implied reader, those two voices are never distinct; each *sugya* within the Bavli necessarily interacts with some other *sugya*.

The aspect of this intertextual (if *sugyot* are viewed autonomously) or intratextual (if *sugyot* are viewed as part of a unified book) relationship that involves legal concepts—the discrepancies between the logical ramifications of two different *sugyot* and their resolution—has been the interest of Talmud scholars from the time of the Tosafists⁴¹ until the present. Whereas the Tosafists resolved these discrepancies by explaining differences between the *sugyot*,⁴² modern academic Talmud scholars point to

Stam forces previously incompatible legal narratives to fit smoothly within the Stam's halakhic system. Wimpfheimer, *Narrating the Law*.

³⁹ Boyarin, *Socrates and the Fat Rabbis*, 167.

⁴⁰ Ibid.

⁴¹ The Tosafists were a group of medieval European Talmud commentators, active from the late 11th century through the early 14th century, united by their commentatorial program rather than by geography. This school begins with the grandsons of Rashi in France in the late 11th century. From the earliest printed editions of the Bavli and onward, the Tosafot (commentaries of the Tosafists) have been printed on the Talmudic page opposite Rashi. Where Rashi's commentary serves the function of explaining each page of the Talmud line by line, phrase by phrase, the Tosafists seek to explain how the current page is understood when compared to other pages in the Bavli that seem to contradict the content found on that page.

⁴² The Tosafists' method is simply an extension of (or mimicking of) the Bavli's method for dealing with the same problem.

the evolution of an idea in time as manifested by those discrepancies. Throughout the course of the history of Talmudic commentary, scant attention has been paid, however, to the interactions between different *sugyot*, otherwise logically or conceptually unrelated, through the language that they share.

The literary characteristic of the Bavli upon which my analysis centers is not how the logics of two distinct Bavli *sugyot* interact with each other, but rather how the logical layer of the Bavli interacts with its poetic layer. By poetic layer I mean the Bavli's mode of expression and, more particularly, its use of rare or ambiguous terminology. Whereas Boyarin separates the voices of the serious and comic within the Bavli asks how the two interact with each other, I demonstrate that the process of finding meaning in any one *sugya* is necessarily interrupted, altered, and informed by another *sugya* by virtue of the particular words used to express the logic of the first *sugya*.⁴³ In doing so, I locate the dialogical force of the Bavli as one manifested in the reader's own attempt to resolve the meaning of each *sugya* by virtue of another.

The Bavli, in contrast to the Yerushalmi,⁴⁴ has long been considered a book that works toward maintaining contradictory viewpoints rather than resolving them.⁴⁵ This perspective is an assessment of the Bavli at the level of the *sugya* and it is the Stam who is the agent of this perspective. However, if one examines the Bavli from the viewpoint of that reader that the Bavli both implies and fashions, then it is not the construction of individual units, but rather the essence of the literary whole, that must be accounted for. The point of inquiry should begin with an analysis not of individual Talmud passages (*sugyot*), but of the way each *sugya* operates on its reader within the total experience of the book. For the Global Bavli (henceforth, GB) reader, a reader who does not artificially divide the Bavli's composite components—a reader whose characteristics I will later define at length—no *sugya* exists outside of its relationship to both another and the whole; consequently, meaning is never found in isolation. If the Stam is the force that constructs meaning in the *sugya*, then there is another force at work in the construction of the Bavli: the force that conveys meaning at the level of interaction between all of the *sugyot* found in the Bavli.

⁴³ In this way, I am most impacted by Boyarin's analysis of Plato's dialogues in the first half of *Socrates and the Fat Rabbis*. Boyarin argues that the dialogues between the characters presented in Plato's works all share one voice, Plato's. Plato's dialogues are therefore not dialogical. What is, however, dialogical about Plato's dialogues is the way the form of the arguments presented in the dialogues interact with the words contained in those dialogues. The words used in Plato's dialogues are all in the service of an argument against Rhetoric (as an intellectual endeavor opposed to Philosophy). Yet, Plato structures those words in the form of the type of arguments he uses those words to argue against. The very structure of Plato's dialogues, overtly expressed as an argument against Rhetoric, themselves bear the mark of the rhetoric they argue against. For Boyarin, it is this facet of Plato's dialogues that is truly dialogical. [Boyarin, *Socrates and the Fat Rabbis*, 33-132.]

⁴⁴ i.e. the Palestinian Talmud.

⁴⁵ See for example Zacharias Frankel, *Mevo Ha-Yerushalmi* (Breslavyya: Shletter, 1870), 28b-45a.

I therefore use the term "Superstam" to denote the force, or literary activity, that is beyond the "Stam." This force is not an anonymous voice but rather no voice at all. It is an effect. And this effect goes far beyond the dialogical interaction between the serious and comic. The Superstam is the force that unifies the Bavli by strategically placing individual words at crucial moments throughout the book, words that are distinctive in their rarity. These individual words, small in number compared to the almost two million words that make up the Bavli, effect an undoing of whatever resolution at which the local text, or Stam, seems to arrive, or drive. The Superstam is that entity that causes a dialogical relationship through the interactions between two *sugyot* at a moment in which the process of making meaning is still ongoing.⁴⁶ Instead of focusing on how the Stam works to control the text, this dissertation focuses on how the Superstam works to destabilize the text. Even in those moments of apparent resolution, the Bavli uses linguistic markers that serve to question the conclusions it seems to posit. The final editorial voice of the Bavli, the one that defines how the Bavli operates on its reader's attempts to find meaning, what I call the "Superstam," is not to be found in the overall construction of a *sugya*. Nor is it to be found in the worldviews that the logical meaning of two separate *sugyot* seems to espouse. The activity of the Superstam is to be found in a single word, used here or there, that connects individual *sugyot* in a way that runs counter to the overt scheme or worldview presented in any individual *sugya*.

Once the literary nature of the Bavli is redefined as a textual effect that operates on its implied reader in this manner, the project of discovering when the Bavli was composed is necessarily called into question. If the literary feature that defines how meaning is constructed in the Bavli is seen as an operation involving the choice of a single word or phrase over its possible synonyms, then this activity could have taken place at any time from the very beginnings of the Talmudic era throughout the Geonic period and even up until the time of Rashi or beyond.⁴⁷ It is my contention that early

⁴⁶ It is for this reason that I am cautious of fully embracing the Bakhtinian model used by both Boyarin and Wimpfheimer (in Boyarin, *Socrates and the Fat Rabbis*. and Wimpfheimer, *Narrating the Law*. Although I am willing to use the words "monological" and "dialogical" in order to engage the work of Boyarin and Wimpfheimer, I feel the need to point out a caveat of using the Bakhtinian definition of these terms when making arguments about the Bavli. Although my work argues for the dialogical relationship between the individual *sugya* and the Bavli as a whole, I resist Bakhtin's precise definition of what this term means. For Bakhtin, it is the dialogical relationship between different registers of language or speech that is central to his model. If, as I argue, one can only perceive the actual register of a particular *sugya* in relation to the whole—or through a perception of the whole—then it seems counterintuitive to separate those parts only to say that they are in dialogue with one another. This is especially the case because of the reader-oriented approach I take to assessing what, or more accurately how, the Bavli means. What makes it especially difficult for the reader to separate the part from the whole when reading the Bavli is the fact that the reader sometimes understands the part through the whole and vice versa. The order of reading, and meaning-making, events is fluid and bidirectional and therefore no two separated parts stand individually in contrast to the other.

⁴⁷ Halivni recognizes that the Bavli was not fixed in its final form, at the level of language, even during the time of the Geonim. David Halivni, "Iyyunim Behithavut HaTalmud," *Sidra* 20 (2005): 90-91.

Bavli readers,⁴⁸ the ones responsible for its transmission to the next set of readers, were affected by a certain aesthetic of word usage first found in the Bavli's modes of reading the Bible (and in the Bible itself). These Biblical reading strategies in turn encouraged the creation of a text (the Bavli) that operates on its own readers in a similar fashion. Facing a text whose *sugyot* were already fixed by the Stam and culturally canonized, generations of transmitters continued this tradition of reading by altering a word here and there, before transmitting a text only slightly altered quantitatively. However, the alteration of a few words here and there in a text that explicitly asks to be read against and beside itself creates a qualitatively significant new text that comes to be defined by this activity.

The Talmud passages that I treat in this dissertation represent moments of extreme cultural anxiety and undecidability for rabbinic Judaism. How can Moses have written the Torah if the Torah describes his death? How can the court, meting out the death penalty, truly know whether a killer did so intentionally? Can a man prove, in the absence of witnesses, that his wife was not a virgin at the time of their marriage? Is the Biblically sanctioned institution of slavery really a benefit to the slave? How can a man know if his children are his own and not the product of his wife's adultery? Where does rabbinic authority come from and why should it trump the authority of the Priestly caste or the Davidic dynasty? It is in dealing with these questions that one would most expect expressions of ambivalence on the part of the Talmud. This dissertation describes the literary mechanisms through which the Talmud expresses such ambivalence. In doing so, it focuses not on *what* the Talmud means, but rather on *how* it means.

The Global Bavli Reader

In order to discover *how* the Bavli means, I begin my inquiry by trying to understand the reader that the Bavli both anticipates and fashions, a reader I call the Global Bavli (GB) reader. By following the GB reader through an attempt to find meaning in any one *sugya*, I discover the central role played by individual rare words and their associations with specific disparate *sugyot*. I then imagine how such a reader might further participate in the transmission of the text. I argue that such readers, acting as writers when transmitting the text, are encouraged by the text itself to further the association between disparate *sugyot* by introducing a new rare word into the text. I support my argument by citing evidence of historical readers who did in fact operate in

⁴⁸ By early Bavli readers, I mean readers operating during a time period subsequent to both the activity of the Stam and the placement of *sugyot* into an ordered collection similar to what we would now call the Bavli. Though it is unclear which of these two processes occurred first.

this manner, substituting rare words or phrases for synonyms that work to affect the further associations between passages for subsequent GB readers. The historical readers I explore, whether from manuscript evidence or the commentatorial tradition, are only those readers who themselves played a central role in the transmission of the Bavli text we have before us. But they may stand in for other, harder-to-trace readers who used these techniques to read and understand if not further shape the text.

The heuristic GB reader I explore can be understood either as a timeless reader or a reader who exists at any moment in time—whether this reader be a contemporary American reader, a nineteenth century Lithuanian reader, a fourteenth century European reader, or an eleventh century North African reader. The GB reader can even be an Iraqi reader living in the time of the Geonim.⁴⁹ What is important for an exploration of this reader is an understanding of where, or how, this reader is situated. Although, historically, most Global Bavli readers might have been male Jewish heterosexual rabbis, my research seeks to explore this reader outside of the implications of identity politics. For my analysis, what situates the GB reader is a knowledge of, and viewpoint internal to, the Bavli—and only that. The biases of gender, sexual orientation, or perhaps even social or economic class are secondary to the Bavli's discourse system. What is central to the concept of the GB reader is only that this reader operates in a context somewhat removed from both the time period and precise dialect⁵⁰ in which the *sugyot* of the Bavli were initially constructed.⁵¹ Those *sugyot* constructed by the Stam are encountered by the GB reader, who in turn becomes the Superstam, only in the context of the Bavli.⁵²

⁴⁹ Roughly late-sixth through early-eleventh centuries. The academy at Pumpedita, originally headed by the Amora Rav Yehudah the son of Yehezkel (d. ca. 300), still flourished at the same site in the early eleventh century. The academy at Sura, originally headed by the first generation Amora Rav (a.k.a. Abba Arikha, d. ca. 250), still flourished at the same site in the early eleventh century as well. Other Amoraic Talmudic academies did not survive into the Geonic period.

⁵⁰ I will later argue that Aḥai of Sabha Gaon [eighth century, author of the She'iltot] was such a reader. A useful analogy might be to imagine the experience of a modern-day American, or even British, reader reading the King James Bible. Though such a reader might speak the same language as the author's of the King James translation of the Bible, many of the words contained within the King James Bible would be foreign to the ordinary spoken language of such a reader.

⁵¹ It is this notion of a reader who is somewhat removed from the initial context that is at the heart of the project of Halivni's multi-volume *Sources and Traditions*. Halivni tries to recover an initial "source" which was misread by the "tradition" due to a certain distance between the source's originator and the tradition transmitting it. Halivni, *Sources and Traditions*, 7-19.

⁵² I will argue, in later chapters, that the subversive effect of language usage found in the Bavli, an effect I detail throughout this dissertation, is the result of the participation of centuries of contributors who all live at a distance from the historical construction of Talmudic materials. These transmitters of a structurally fixed Talmudic text also act as editors. Once the core structure of the Talmud was fixed, these transmitters continued the process of Talmudic self-questioning through the mechanism of altering words at key intervals. I must admit that I am not yet clear as to how to properly date this time period.

I describe the ideal reader demanded by the text as the Global Bavli reader for two reasons. First, I contrast this reader to a local reader. Whereas a local reader finds meaning in a text in the manner Fraenkel imagines, reading the text in isolation, the GB reader understands each local passage of the Bavli only as a part of a whole. Second, the GB reader does not experience the Bavli in a linear fashion, as the uninterrupted flow of words on a flat plane. Rather the GB reader is constantly driven from an attempt at linear reading by the non-linear mode through which the Bavli expresses its ideas. The Bavli ensures that any linear attempt to understand a *sugya* is simply unviable. *Sugyot*, by virtue of their construction, resist self-containment, always pointing their reader, whether implicitly or explicitly, outside of their boundaries. Therefore, the GB reader cannot experience the Bavli by walking down a straight line, but rather must do so as if bouncing around the inside of a sphere —the globe-shaped Bavli.

The primary characteristic feature of the GB reader is that of a reader who reads the Bavli both through and against itself, a reader who understands each *sugya* only through its relationship to the entire book. The Bavli's use of words and concepts in each individual *sugya* assumes that its reader is fluent *a priori* with the Bavli in its entirety. The Bavli is laid out in such a way that the reader cannot understand page one without having already read the entire book. It is not uncommon for the Bavli to refer to some information necessary for understanding the logical flow of the text by appealing to information that has not yet been presented in the linear flow of the text, even if this information is only found hundreds of pages, or a number of tractates, later.⁵³

Who are these Global Bavli readers and how do they read? The word the Bavli uses to denote "reading" is גִּירְסָא (*gîrsā*). Although this verb means to read, it also simultaneously means: to recite; transmit; edit; mash; break down; and chew. These are not merely alternate translations for the word גִּירְסָא (*gîrsā*). In ancient Jewish culture, all of these processes were perceived as the same activity. It is this consumptive, digestive, and generative aspect of reading the Bavli that I explicate, especially as it relates to the unique relationship between reader and writer that the Bavli fosters.

The most difficult aspect of understanding the GB reader's attempt to find meaning in the text is disentangling this reader from the commentary of Rashi. Rashi's monumental work has become such an integral part of the Bavli reading tradition that in most instances the Bavli text we have before us already represents the inextricable product of Rashi's historical intervention. It is Rashi's practice of גִּירְסָא (*gîrsā*), altering the text as he reads and transmits it, that makes it so difficult to recover the text he

⁵³ I will address such an instance at length in Chapter 3.

himself was actually reading. Consequently, any attempt to construct a heuristic pre-Rashi or extra-Rashi reader has severe limitations. However, in trying to uncover a pre-Rashi, or extra-Rashi, reader it is helpful to understand the reader that Rashi wishes to engage, assist, and control. Therefore, a taxonomy of Rashi's commentary on the Bavli, as well as an understanding of Rashi's intervention with his reader, serves well to highlight the characteristics of the Bavli's implied reader, a pre-Rashi or extra-Rashi reader.⁵⁴

The main function of Rashi's commentary is to elucidate the text—to explain what the text "means." Therefore, the Bavli's implied reader does not yet know what the text means when reading it. Aside from elucidating the Talmudic text, Rashi's commentary provides three other functions: (a) it provides a French translation for extremely rare words; (b) it points out situations where what might seem like a question is in fact an answer, or vice versa;⁵⁵ (c) it provides a certain temporal guidance that somewhat controls the linearity of the reading experience.⁵⁶ Rashi's commentary is therefore (a) designed for a reader who already understands how the Talmud's logical formats work and therefore needs guidance only when the Talmud deviates from its usual course; (b) this reader also knows the lexical meaning of all but the rarest of words; and (c) this reader sometimes needs temporal guidance in navigating the linear reading experience.

This reader, both trained by the text and in sync with its reading tradition, must nonetheless struggle with unmet logical expectations and with confusing temporal expectations. Although like the Bavli presists, its self-imposed logical expectations on the path of its author(s)/editor(s) implicit reader exists of the Bavli, in terms of narrative, the GB reader is a paradoxically expected experience, which is what the Bavli's author(s) to this reader of its own kind. This dissertation, however, supplants a traditional style of reading as practiced and perpetuated by the Bavli's linear world of the Talmud itself. The reader of the Bavli is of the kind that the dissertation effects of this open reading stand in stark contrast to how the Bavli is read only in the hundreds of pages in an order to follow the linear flow of reading on any given page. Yet, at the same time, this reader must remain ignorant of the answer to the question being raised on the page being read in order for that question to make sense as an authentic question. It is this delicate balance between linear and non-linear reading that is at the core of the concept of the GB reader.

⁵⁴ Rashi himself is a perfect example of a GB reader. His participation in Super-stammaitic activity will be addressed throughout this dissertation.

⁵⁵ Two examples: When Rashi uses the term בניהוּתא (mildly) to alert a reader that והתייא (Did it not say in a Baraita?/As it says in a Baraita...) is to be read as a support for the previous statement rather than as a question on that statement. Or, when he uses the term בתמיהה (in wonderment) to signal a that a particular statement is to counter-intuitively be read as a question.

⁵⁶ As when Rashi comments מפרש לקמן (will be explained later on) or קא סלקא דעתך (an idiomatic phrase signaling that what is being expressed is just an initial hypothesis that will be later refuted).

The second defining feature of the GB Bavli reader involves how this reader confronts the language of the text. Historical linguists approach the meaning of words in an ancient text diachronically—through an understanding of cognate languages and the evolution (or imagined evolution) of those languages. For example, an Iranist would figure out the meaning of an obscure Middle Persian word through a comparison with similar words found in Armenian, Avestan, Parthian, and Sogdian. In contrast, the GB reader constructs meaning in the text horizontally, as it were, rather than vertically. This reader uses an understanding of how particular words and phrases are used elsewhere in the Bavli when attempting to make sense of local sentences and passages. The reader to whom I refer does not cull philological understanding of a word's meaning from lexicons,⁵⁷ or a knowledge of Syriac, Greek, or Persian, but rather from a semantic approach based on word derivation—how a word, or word root, is used in the Bible or Talmud itself. The GB reader's approach to philology is thus synchronic and intratextual rather than diachronic and extratextual.

A synchronic philological interpretive method incorporates a number of approaches to semantic understanding (discussed at length in chapter 3) and then weighs and balances the various factors contributed by those approaches. A synchronic philological approach, out of necessity, begins with word derivation and then moves outward to the particular form of a word root (its conjugation or declension), its local contextual usage, and finally, its global contextual usage throughout the literary canon. However, all of these interpretive stages act as feedback mechanisms for each other. There is therefore a cyclical relationship between the reader's initial confrontation with an ambiguous or rare term—what a word's root means when used throughout the Bible and Talmud—and the subsequent correction of that initial mis/understanding through an appeal to the term's use in other Talmud passages. A reader who breaks a word down into "root" and "form" is still left only to understand that root and form based on the word's usage elsewhere in the canon.

In exploring the GB reader's attempt to navigate the Bavli, this dissertation focuses on two linguistic mechanisms featured in the Bavli—ambiguity and trigger words—and their impact on the experience of the GB reader. The first part of this dissertation deals with two aspects of ambiguity as it relates to the GB reader. The first is the role that ambiguous terminology plays in driving the non-linearity of the GB reader's interaction with the text. The second is how ambiguous terminology works to express the Bavli's ambivalence toward its own rhetorical or logical arguments. The second part of this dissertation deals with the effect of "trigger words" on the GB reader's experience of the text. I contend that the Bavli's implied reader has a heightened awareness when encountering rare words or phrases in reading a local text. The occurrence of the "trigger words" in the local text activates, for the reader, other Bavli passages, in which these trigger words appear. I call these activated passages simultexts. This dissertation examines the subversive impact of those activated simultexts on the meaning of the local

⁵⁷ The first Talmudic lexicon, the 'Arukh, was produced by Nathan the son of Yehiel of Rome in the mid-11th century.

passage being read. In doing so, I demonstrate that the monologizing force of the Stam of the *sugya* is undermined by the activity of the Superstam. By creating subversive linguistic associations, the Superstam dialogizes the meaning of the *sugya* when read in isolation with the meaning of the *sugya* when read in the global Bavli context.

Outline and Summary of Chapters

In chapter one, I examine the role that both linguistic and logical ambiguity play in altering the linearity of the reading experience; and thereby, how linguistic ambiguity affects the reader's mode of finding meaning in a text. I do so by exploring the space of the reader, where the reader is positioned vis-à-vis the text. If one were to read a literal translation of the Bible, then it would not be too difficult to follow the basic outline of the story being told. However, the Bavli is a text that presents itself to its reader in quite a different manner. A literal translation of the Bavli would be incomprehensible to its reader by virtue of the Bavli's laconic mode of expression. Bavli readers must insert themselves between the words of the text and supply the information that is missing. The result is twofold: First, the Bavli requires a highly active reader, a reader whose reading process is an act of writing. Second, the reader is forced to experience the text from a vantage point that is internal to the text. The examination of both linguistic and logical ambiguity in this chapter also details how a reader, when confronting ambiguity, is sometimes compelled to reread backwards into the text to resolve the ambiguity.

Throughout the dissertation, I argue that the GB reader must oscillate between numerous vantage points while attempting to work through the text one word at a time. This reader is therefore never really able to fix the intent of a text long enough to say what it means. The textual activity characteristic of the Superstam is both a product and cause of this phenomenon. By forcing its reader inside the text, between its words, and into the position of writer, the Bavli encourages its transmitters to alter the text according to those rules the reader understands from the text itself. This is especially the case for the period of Bavli transmission prior to the advent of the printing press (in the late fifteenth and early sixteenth centuries), but more so before Rashi's dominant commentary tried to establish a fixed version of the Bavli.

In the first chapter, I examine the reading processes of several historical Bavli readers and their attempts to decipher a Baraita⁵⁸ dealing with the question of Moses's authorship of the Torah.⁵⁹ In doing so, I detail the effect of both a linguistic and a logical

⁵⁸ The word Baraita means "outside," meaning outside of the canon. A Baraita is a text that is formally similar to a Mishnah. The only difference between the two is that the Mishnah was canonized while the Baraitot (plural of Baraita) were not.

⁵⁹ Throughout this dissertation I make extensive use of a broad range of alternate versions of the Talmud in demonstrating that the activity that I define as characteristic of the Superstam, though waning as times go

ambiguity on the production of two nearly identical Bavli passages whose slight variations bear the mark of their reader's attempts to map meaning onto those ambiguities. The logical ambiguity results from the fact that the Bavli contains no punctuation and therefore requires its reader to intone the text in a manner that makes sense. One result of this requisition—and therefore a ubiquitous feature of the Bavli—is the fact that "yes" and "no" can mean the same thing depending on how one intones the word. The linguistic ambiguity found in the parallel Baraitot texts I treat in chapter one, while the product of an early layer of the Talmudic text, provides a model for how future readers/writers express ambivalence toward a highly fraught moment of religious and cultural anxiety—in this case, the authorship, authority, and authenticity of the Torah.

The type of linguistic ambiguity that I explore throughout the first half of this dissertation most closely resembles the seventh type detailed by William Empson in *Seven Types of Ambiguity*, a work generally considered to be one of the most influential works of literary criticism of the twentieth century.⁶⁰ According to Empson, the seventh type of ambiguity occurs when an author expresses ambivalence by using one word to say two opposite things at once.⁶¹ Empson makes a fascinating observation about the emergence of this type of linguistic ambiguity in late-sixteenth century English poetry, ascribing the advent and prevalence of this type of ambiguity to the Hebrew scholarship of the great poets of that era.⁶² These poets, as readers of the Bible, were induced to express themselves using a prominent literary feature found in the Bible, linguistic ambiguity. Similarly, this dissertation argues that in significant moments of cultural

on, indeed takes place throughout history and is even is to be found in the most recent printed editions. In so doing, I provide examples of Superstammaitic activity in those versions of the Talmud found in Geonic writings (roughly 7th through 11th centuries, Babylonia), commentaries of the Rishonim (roughly 11th through 15th centuries, Europe and North Africa), medieval manuscripts, as well as the textual variations found in the major printed editions (beginning in the late 15th century, Europe), including the Vilna Shas (published in the 1880s, Lithuania).

⁶⁰ (1906-1984, Great Britain)

⁶¹ Empson does not actually use the word "ambivalence." (See footnote 128)

⁶² William Empson, *Seven Types of Ambiguity* (New Directions Publishing, 1966), 193-194.

The study of Hebrew, by the way, and the existence of English Bibles with alternatives in the margin, may have had influence on the capacity of English for ambiguity; Donne, Herbert, Jonson, and Crashaw, for instance, were Hebrew scholars, and the flowering of poetry at the end of the sixteenth century corresponded with the first thorough permeation of the English language by translated texts. This is of interest because Hebrew, having very unreliable tenses, extraordinary idioms, and a strong taste for puns, possesses all the poetical advantages of a thorough primitive disorder.

Empson continues to explain, via Freud, how and why primitive languages are rife with ambiguity. *Ibid.*

undecidability, moments when one would expect expressions of ambivalence and tension, the Bavli expresses that ambivalence through the use of ambiguity. My second chapter treats two instances of this type of ambiguity as they relate to two problems the rabbis faced in practically adjudicating important social issues in accordance with biblically sanctioned protocols.

The first example of chapter two describes the effect of a superfluous ambiguous phrase on the reader's understanding of a legal discussion dealing with how to assess a killer's motives. The Bible requires a killer to be punished according to his intention. The Bavli expresses ambivalence about the juridical practicality of such a law by inserting a superfluous ambiguous phrase within a discussion of how the circumstances of a killer's actions are to be used to measure his motivation. Although the linear and logical flow of the passage appear to arrive at a conclusion that resolves the problem of how the court should go about making such assessment, an ambiguous phrase, nested in the text, works to undermine the rhetoric of the text. This superfluous ambiguity is presented in the form of a description of an apparently incidental action performed by one of the rabbis engaged in debating the issue in this *sugya*. The Bavli's ambiguous description of the rabbi's action leaves the reader wondering about the rabbi's intention in performing the act. The ambiguity therefore works to highlight the reader's inability to understand motivations simply based on viewing an act. The ambiguous description of this rabbi's action does not impact the reader as part of the logical flow of the debate, but rather operates as the reader moves linearly through the arguments presented in the *sugya*. For the reader, following the flow of those arguments, the ambiguity serves as a constant reminder that intention cannot be assessed by action.

The fact that the ambiguous phrase in question is non-essential to the logic, or rhetorical flow, of the arguments presented in *sugya*—yet at the same time undermines the very argument-driven conclusion of the *sugya*—raises the question of who exactly placed the ambiguous phrase in the text of the *sugya*. The Stam has been described as a controlling force, the product of a person or group of people who take pre-existing components, alter their original intent and context, in order to craft, out of those components, a *sugya* that promotes or conforms to a particular worldview. In this instance, we have a highly crafted *sugya* that appears to be designed to reach a positive conclusion as to how to assess the intention of a killer. The placement of a two-word, apparently superfluous, ambiguous phrase within the *sugya* is not an attempt to re-craft the *sugya*. The *sugya* has already been fixed in form. However, the placement of the superfluous ambiguous phrase within the *sugya* serves the function of expressing ambivalence about the positivistic attitude expressed in the *sugya*. It is unclear precisely both when this phrase became part of the text we now read and by whom it was placed. However, it is clear that this type of literary activity does not bear the mark of the Stam according to any of the current definitions of the nature of the Stam's literary agenda. It is herein that I locate the activity of the Superstam. When non-essential individual words work to undermine the logical aim of a *sugya*, words that act to subvert the control of the Stam but do not recognizably alter the structure of the passage, I label this activity as the work of the Superstam—a literary activity that is above and against the Stam.

The second example of chapter two also deals with an ambiguous phrase that marks an extreme moment of cultural anxiety. How reliably can the court assess virginity claims? The Biblical system lays out a protocol for the legislation of scenarios where a man marries a woman and claims that he discovered that she was not a virgin at the time of their marriage. However, the rabbis recognized that the system is flawed.⁶³ In the second example of chapter two, I show how the Bavli uses ambiguous terminology to undercut the rhetorical drive of its own brief discussion of the matter in tractate Niddah. In this example, the reader encounters terminology whose literal meaning implies the opposite of what the reader expects within the linear flow of the Bavli's argument. This second example incorporates the concepts of the GB reader and trigger words as they relate to the reader's attempt to resolve the meaning of a polysemous phrase. It is only the GB reader's understanding of the way that this rare phrase is used in a second Bavli passage that allows this reader to follow the logic of the local *sugya* and thus avoid the confusion fostered by the phrase's literal meaning. Yet another occurrence of this rare phrase, in a third Bavli passage, works in concert with the other two passages to construct a web of ambivalent expression.

Chapter three continues to explore the concepts introduced in the first two chapters by dealing with an expression of unease regarding the biblically sanctioned institution of slavery. In this instance, a Bavli *sugya* directly refers, within the linear flow of its argument, to a fact only established in a later tractate. A source critical analysis of the relationship between the two passages would argue that the statement about the previously established fact is merely a later addition to the earlier *sugya*. However, the recurrence of this phenomenon in the Bavli provides a basis for understanding the complexity of the notion of linearity and temporality as it relates to the GB reader's attempt to find meaning in the Bavli. In this example, an ambiguous phrase functions in the exact opposite manner than that which was detailed in chapter 2. The ambiguous phrase relating to the benefits of slavery does not serve the function of undermining the logic of the local *sugya* being read, but rather serves to call into question the "established" conclusion of the second *sugya* appearing in the later tractate.

Chapters four and five serve to demonstrate how the Superstam provides for a similar subversive effect, for the GB reader, through the use of rare terminology that is not necessarily ambiguous or polysemous. I call this the trigger word/simultext reading effect. It is central to my argument that the Superstam's activity pervades both those *sugyot* considered as *halakhic* and *aggadic*. Therefore chapter four scrutinizes an *aggadic* story dealing with the problem of verifying the paternity of one's child and chapter five deals with one of the longest *halakhic sugyot* in the Bavli, one that quite extensively addresses virginity claims. In each of these *sugyot*, rare words or phrases, "trigger words," operate on the GB reader to activate other *sugyot*, simultexts, throughout the Bavli.⁶⁴

⁶³ I will later, in chapter five, treat the Bavli's expression of this anxiety (as found in tractate Ketubot) at great length.

⁶⁴ This effect resembles Ziva Ben-Porat's description of how a reader interprets "the literary allusion." Ben-Porat differentiates between "allusion in general" and "the literary allusion" and describes a four stage

The example provided in chapter 4 makes use of a medieval manuscript that obviously replaces one trigger word for another in a manner that demonstrates that this Bavli reader/writer was not only shaped by the trigger word/simultext effect in this instance, but also tried to use the mechanism of that effect to undo the effect. The existence of this type of “Super-stammaitic” textual tweaking at such a late date (probably twelfth or thirteenth century CE) raises further questions about the authorship of the Bavli. It is my contention that the layer of the Bavli text that most powerfully conveys meaning to the Bavli’s implied reader was not authored in any of the various manners that have been proposed by scholars thus far. Rather, the Bavli is the result of a culture of reading and writing that grows out of the associative manner in which the rabbis read the Bible, an often condensed, repetitive, and ambiguous text, as Empson remarks. These biblical readers in turn composed a text, the Bavli, that lends itself to the type of reading that they themselves perform on the Bible. Subsequent generations of readers of the Bavli, for many hundreds of years, joined in this process by replacing words with synonyms in a manner that encourages the reader to form associations between particular Bavli passages that elicit a particular effect. These networks of associations, formed by the recurrence of rare terminology, generally cause the reader to question the logical conclusion of the individual passage being read.

Chapter 6 takes the risk of overwhelming my reader with a preponderance of evidence demonstrating the pervasiveness of the trigger word/simultext reading effect for the GB reader. In this chapter, I follow a reading strategy that I also explore while treating the paternity story of chapter four. I first read the story hyper-locally, then in its immediate extended context, and then in the (global) context of the Bavli. By comparing these three modes, I demonstrate the instability of a *sugya*’s “meaning”—and therefore the Stam’s control over that meaning—when the *sugya* is read as part of the *sugyot* in the Bavli activated by linguistic elements of the original *sugya*. In my example in this chapter, all three modes demonstrate what is to be gained by careful attention to the Bavli’s use of language in a story dealing with a number of different social strata struggling for power. My global reading of this story shows how nearly fifty rare trigger words, working in combinations, link seven simultexts. Through the association of these passages, a struggle for power is waged between representatives of nearly every single

process where “the literary allusion is a device for the simultaneous activation of two texts.” [Ziva Ben-Porat, “The Poetics of Literary Allusion,” ed. Benjamin Hrushovski, *PTL: A Journal for Descriptive Poetics and Theory of Literature* 1 (1976): 107.] Ben-Porat has a very precise conception of how a reader must move forth in four stages between the two texts. Ben-Porat only labels an allusion a “literary allusion” when a reader responds in that very particular manner. The essential distinction, for our purposes, between the trigger word/simultext reading effect I describe and Ben-Porat’s description of literary allusion is that I do not ascribe a hierarchical relationship between what she calls the “alluding” and “alluded to” texts. It is Ben-Porat’s understanding of that hierarchical relationship between the texts (as well as the type of authors or poets she works with) that leads her to require that a reader to be subjected to this impact in such a specific way in order for the process to be labeled “literary allusion.” [For treatment of Ben-Porat, see Benjamin D. Sommer, *A Prophet Reads Scripture: Allusion in Isaiah 40-66* (Stanford University Press, 1998), 6-26.

social class presented in the Bavli: the rabbi; the woman; the exilarch; the minor; the president; the slave; the priest; the king; and the member of the Davidic dynasty.

Implications of the Global Bavli Reader

As previously mentioned, the GB reader, when encountering rare terminology anywhere in the Bavli, has a heightened awareness of the other occurrences of that rare term elsewhere throughout the Bavli. Shamma Friedman has accounted for, from a compositional perspective, the persistence and recurrence of rare terminology in the Bavli. Certain *sugyot* within the Bavli borrow terminology from other *sugyot* in the Bavli as source material for the construction of new *sugyot*. While from a source critical perspective, Friedman has explained why it is that certain Bavli passages contain common rare terminology,⁶⁵ from a reader's perspective, common rare terminology is far more important than the reasons why they are there. A description of the trigger word/simultext reading effect attempts to explore the linguistic feature of the Bavli that Friedman has already pointed out in such a way that brackets the chronological narrative of the Bavli's evolution and focuses on the final literary product: "the Bavli." Friedman's method relies on the assumption that the source critic can trace the individual moves of a text's evolution by both paying careful attention to the rough edges left behind in the editorial process and examining the relevant parallel texts. I assert that the editorial history of the Bavli is far more complex than the shifts and alterations that can be discerned by culling clues left behind by the editors in the form of rough edges and parallel texts. In approaching the Bavli synchronically and from the perspective of its implied reader I seek to expand Fraenkel's notion of סגירות (closure) to the entire Bavli rather than to any one story within it. In doing so, I demonstrate that if, as Friedman argues, there is creative "reworking" in the Bavli, then it is an activity that extends beyond the parameters of the story unit, or even the sugya. The Bavli as a whole is shaped and defined by this activity, and its readers participate in it as fully as those redactors whose activities they follow.

The GB reader does not encounter the text through its historical layering. While the source critic takes primary interest in the textual author and the process of authorship, a reader is interested in the book itself in its final state. The source critic sees the Bavli diachronically. In contrast, the reader that I explore experiences the totality of the Bavli as a body of literature that is spherically shaped, self-referential, and self-contradictory, in no particular order. An exploration of the reader's experience of the Bavli serves to

⁶⁵ "a secondary aggadic text often makes extended use of existing expressions and turns of phrase. Verbose use of stereotypic Talmudic vocabulary can be a marker of late narrative." Friedman, "The Further Adventures of Rav Kahana," 248.

highlight an aspect of the Bavli that has been underrepresented in modern Talmud scholarship: how the Bavli conveys its meaning rather than how the Bavli came to be. Nevertheless, an emphasis on the Bavli's mode of imparting meaning, as seen from the vantage point of the global Bavli reader, can, in turn, lead to a new conception of how the Bavli came to be.

PART I: AMBIGUITY

Chapter One: The Effect of the Ambiguous Phrase on the Linearity of the Reading Process

In this ideal text, the networks are many and intact, without one of them being able to surpass the rest; this text is a galaxy of signifiers, not a structure of signifieds; **it has no beginning; it is reversible; we gain access to it by several entrances, none of which can be authoritatively declared to be the main one;** the codes it mobilizes extend *as the eye can reach*, they are indeterminable (meaning here is never subject to a principle of determination, unless by throwing dice); the systems of meaning can take over this absolutely plural text, but their number is never closed, based as it is on the infinity of language.

Roland Barthes, *S/Z* (Macmillan, 1975), 5-6. (emphasis mine)

Once we get beyond Barthes's obfuscating formulation we can more readily focus on his message: imagining an ideal text. Barthes's ideal text exists, for him, merely hypothetically. However, it is a reality for readers of the Bavli. It is my argument that the Babylonian Bavli is the ultimate work of literature upon which to base all theories of "readerly" and "writerly" texts. The Bavli, whose massive bindings test and expand the limitations of genres is ultimately a genre unto itself. This genre serves to blur the imagined lines between reader and writer. As so, it invites and encourages its reader to write in a manner which destabilizes meaning in response to the text. This invitation, however, is carefully mitigated by the Bavli's complex language system. This system, utilizing ambiguity and word triggers to engage its reader in a cyclical quest for meaning, expands the parameters of Barthes's conception of the role of the reader on the writerly text. The disparate literary mechanisms through which the Bavli evokes its world has heretofore born only cursory scholarly attempts at defining their significance and signification process. I therefore seek to begin the work of reading the Bavli at the level of words. This work is designed to display an as yet unexplored level of the Bavli's literary art: the effects of ambiguity and trigger words on the Bavli's implied reader. While the first part of this dissertation focuses on the role ambiguity plays in this reader's attempt to map meaning on the text, the second part addresses the effect of trigger words on this reader's experience of the text. In both parts I demonstrate how the Bavli encourages its reader to write the text while reading, furthering the process of the text through its transmission. I begin with an examination of the space the reader occupies while reading the text.

Understanding the Space of the Reader

In assessing the difference between, on the one hand, object and observer, and on the other hand, reader and text, Wolfgang Iser explains:

We always stand outside the given object, whereas we are situated inside the literary text. The relation between text and reader is therefore quite different from that between object and observer: instead of a subject-object relationship, there is a moving viewpoint which travels along *inside* that which it has to apprehend. This mode of grasping an object is unique to literature.⁶⁶

It is this feature of the literary text that encourages "a dynamic *interaction* between text and reader."⁶⁷ This interaction takes place from within the text and the reader therefore never experiences the text as a whole from the outside. Rather, the reader experiences the text from the inside, from the perspective of a wandering viewpoint.⁶⁸ This viewpoint changes based on where the reader stands within the "time-flow" of the reading process. Building on the work of Husserl on the inner consciousness of time, Iser explains that the reading process is one of expectations that are constantly modified. In this way, the wandering viewpoint, when forward looking, gives rise to new expectations but additionally alters the meaning of what has already been read in the past.

While Iser assumes a linear perspective, the rhetorical structure of the Babylonian Bavli⁶⁹ overtly assumes a reader that has a non-linear relationship to time. On the first page of any given tractate the Bavli can ask "how can you say X if we have already said Y later in the tractate?" Often the question might even be posed regarding a tractate that appears hundreds of pages later. The Bavli expects its reader to have already read that other tractate. Therefore, the ideal Bavli reader does not move along the

⁶⁶ Wolfgang Iser, *The Act of Reading: A Theory of Aesthetic Response* (Johns Hopkins University Press, 1980), 109.

⁶⁷ *Ibid.*, 107.

⁶⁸ As Iser explains the aforementioned quotation, he uses "wandering viewpoint" rather than "moving viewpoint."

As we will see, "wandering viewpoint" is a better phrase to use to describe the GB reader's interaction with the text.

⁶⁹ Hereafter referred to as the Bavli.

trajectory of a line but rather reads as if bouncing around the inside of a sphere. To complicate matters, the Bavli also requires its reader to engage, to a certain degree, in a suspension of omniscience. The reader is expected to understand the question being posed on the page being read as if this reader does not already know the answer, even though the reader is, at the same time, expected to know the obscure reference to a later tractate. The balance of these two expectations is a complex operation and can only be understood within a framework that conceives of both the Bavli and the practice of its reading as a process that neither starts nor ends.⁷⁰

Despite its unique nature, the Bavli, as a text that paradoxically assumes that its reader has read it cover to cover before having opened the book, is actually the perfect model for understanding how readers make meaning within any literary canon. A reader reading within a canon does not experience the texts that make up that canon in the order of their production but rather in the somewhat random order of their consumption. Yet, the reader tries to find meaning in the text being read by appealing to information previously acquired, even if found in texts produced at a later point in time. The consumption of the information in the text being read, in turn, alters the reader's conception of the texts previously read. This process continues for each new text read and the meaning of all previously read texts is therefore constantly revised.⁷¹ In this way

⁷⁰ For a discussion of the distinction between "the Bavli" as book and "Bavli" as act see Sergey Dolgopolski, *What is Bavli?* (Fordham University Press, 2008).

⁷¹ In this manner, studying the Bavli is similar to Otto Neurath's understanding of philosophy of science and language as an attempt to rebuild a decaying boat while at sea. One always starts reading the Bavli in the middle, as if out at sea, never starting from firm ground. It is only by replacing previous misconceptions and repairing faulty ideas that one moves forward in understanding the Talmudic texts that one has already read. [Additionally Neurath's advocacy of semantic holism, that one only understands a word in the context of the whole language, works very well with how I explain, in later chapters, the way in which the GB reader makes sense of each individual passage in relation to the whole book.] Neurath's analogy (commonly referred to as "Neurath's Ship") was popularized by W. V. O. Quine. In *Word and Object*, Quine writes, "Neurath has likened science to a boat which, if we are to rebuild it, we must rebuild plank by plank while staying afloat in it." [Willard Van Orman Quine, *Word and Object* (MIT Press, 1960), 3.] [For Neurath's formulation and the context for his analogy, see Otto Neurath, "Protocol Sentences," in *Logical Positivism*, ed. Alfred Jules Ayer, trans. George Schick (Simon and Schuster, 1959), 201. Keith Stanovich elaborates on what he calls "a Neurathian project of skeptical bootstrapping":

Philosopher Otto Neurath (1932-33; see Quine 1960, 3-4) employed the metaphor of a boat which had some rotten planks. The best way to repair the planks would be to bring the boat ashore, stand on firm ground, and replace the planks. But what if the boat could not be brought ashore? Actually, the boat could still be repaired, but at some risk. We could repair the planks at sea by standing on some planks while repairing others. The project could work—we could repair the boat without being on the firm foundation of ground. The project is not guaranteed, however, because we might choose to stand on a rotten plank.

[Keith E. Stanovich, *The Robot's Rebellion: Finding Meaning in the Age of Darwin* (University of Chicago Press, 2005), 180.] I thank Yechiel Bar-Ilan for directing me to this analogy.

the process of finding meaning in a text never ends and the meaning found in any given text is a time-bound event.⁷² The Bavli represents an extreme example of a text that forces its reader into a highly active role. As such, it highlights the role of the reader in ways that might go both unnoticed and undefined in other forms of literature. An examination of the experience of the reader of the Bavli trying to make sense of the temporal flow of words on the page is therefore, as an exemplary instance, a perfect heuristic device for demonstrating how any reader tries to make meaning within a canon.

This chapter focuses on two aspects of the reading experience: the effect of linguistic ambiguity on the process of finding meaning in a text; and, more specifically, the role linguistic ambiguity plays in altering the linearity of the reading experience. I present a case study of a Bavli passage that contains a single ambiguous phrase and examine how the ambiguity of that single phrase defines the experience of reading that particular text. By exploring the linear reading process, one word or sentence at a time, I argue that the Bavli is a book defined by subtle literary mechanisms that encourage its reader to rewrite it in an endless attempt to map meaning on the text.

To present my argument, I first examine the impact that expectations have on the process of reading. I then break down the reading process and contrast the distinct role that logical and linguistic ambiguities respectively play on the act of finding meaning in a text. By first appealing to the practices of real readers—historical readers—I lay the foundation for the theoretical reader that I construct in later chapters.

Is There a Difference Between Life and Death in the Bavli?

The reader I explore is a reader defined by the explicit expectations of the Bavli. The Bavli leads its reader to anticipate a certain logical flow to the text. In this manner, the reader of the Bavli, when reading linearly, understands the direction that the Bavli will go before assessing how the Bavli actually moved in that direction. For example, when the Bavli reader encounters the letters "N O" [נל] on a page this reader already knows that "Yes" is meant. In response to the letters "N O" the Bavli reader merely rhetorically inflects "No? But surely yes!" In this way, layers of meaning come prior to reading. However, texts are made up of words that carry more semantic content than the words "yes" and "no." The content of those words therefore supplies additional meaning subsequent to the initial reading process. But once read, these new words, digested linearly, are then written into the text giving rise to new expectations. These new expectations are then thwarted by the introduction of the next word or phrase on the page. The interplay between meaning and reading—and reading and writing—is not the result of a linear sequence of ideas that reach a conclusion, but rather the undoing of

⁷² For "*meaning as event*" see Stanley Fish, "Literature in the Reader: Affective Stylistics," *New Literary History* 2, no. 1 (Autumn 1970): 123-162.

conclusions as the result of the interplay between the text, previous knowledge, the subsequent rewritten text, and subsequent reading. The Bavli as a book that never starts nor ends, as a book that gives rise to expectations that are always adjusted and frustrated by the digestion of the next word on the page, and as a text that is constantly rewritten by its reader, is the ideal text through which to explore the non-linearity of the time-bound reading experience, the texts they produce, and the instability of meaning, in general.

The text I will examine appears in the Bavli at two separate locations. These two parallel Bavli passages, in their entirety, are nearly identical aside from the seemingly opposite questions that begin each discussion. Much like the previous example of the role that "yes" and "no" might play in the GB reader's attempt to find meaning, the words "dead" and "alive" in the following Bavli passage might work in a similar manner. The fact that the rest of the Bavli passage which follows each of these seemingly opposite questions is nearly identical highlights the role that ambiguity plays in the meaning making process. In treating the parallel Bavli passages, I deal both with the fact that two opposite words can seem to mean the same thing and that one word can yield opposing meanings. It is this aspect of the reading experience that I explore in this chapter.

Both Baba Batra 15a and Menahot 30a introduce parallel Baraitot⁷³ that points to an incongruity between the assumption that Moses wrote the Torah⁷⁴ and the fact that the news of his death is reported in the very book which he has purportedly written.⁷⁵

Baba Batra 15a	Menahot 30a
"And Moses, servant of God, died there..." (Deuteronomy 34:5). Is it possible that Moses was dead and yet wrote "And Moses died"!	"And Moses, servant of God, died there..." (Deuteronomy 34:5). Is it possible that Moses was alive and yet wrote "And Moses died"!

Both texts identify the same contradiction. Given the assumption that Moses wrote the Torah how is it possible that he wrote this verse? The Baba Batra text asks this question by pointing to the physical impossibility of writing after one's own death. How can Moses have been dead when he wrote "And Moses died"? The Menahot text, in

⁷³ A Baraita is a Tannaitic text, quoted in the Bavli, which is not a Mishnah. The era of the Tannaim spans the period roughly between 50 BCE and 200 CE, with sparing mention of a few earlier Sages. A Mishnah is a Tannaitic compilation redacted by Rabbi Judah the Prince at the end of this period. There were many non-canonical versions of similar Tannaitic compilations in existence in the minds of the creators of the Bavli. When such texts are quoted they are deemed Baraitot. Despite the fact that Baraitot remain "outside" of the canon of Rabbi Judah the Prince (the Mishnah), the Bavli does not necessarily give authoritative credence to a Mishnah over a Baraita in instances when they contradict each other.

⁷⁴ The Pentateuch.

⁷⁵ It is interesting to note that Spinoza was not the first person to be troubled by this problem [See Chapter 8 of Benedictus de Spinoza, *Theological-Political Treatise*, trans. Samuel Shirley and Seymour Feldman (Hackett Publishing, 2001), 108.] Also see, Abraham Ibn Ezra's (1089-1164, Spain) commentary to Deuteronomy 34:1 and 2. Ibn Ezra was also famously troubled by this problem.

contrast, highlights the fact that if Moses did indeed write the Torah then he would have been lying when he wrote "And Moses died" while still alive. Another way to view the distinction between these two readings is to see the Baba Batra parallel as calling God (or the Torah) a liar and the Menaḥot parallel as calling Moses a liar. This point will be returned to later. However, even though each question represents a different type of theoretical problem, the fact that both questions make equal sense means that neither version can be deemed textually corrupt and neither text can be corrected on the basis of the other. Therefore exactly how one reads the question will have ramifications for how one reads the rest of the Talmudic passage that follows.

It would be convenient if each one of these opposite formulations was followed by a different discussion in the Bavli, with each discussion addressing the particular theoretical concern posed by each question respectively. Since the questions are not mutually exclusive one can imagine, as is the case in many Bavli passages, a single text dealing with both of these questions, posed as they are, in succession. However, in this instance, both the Menaḥot and Baba Batra texts continue citing the Baraita in an identical manner⁷⁶

The textual variation between these two otherwise identical Bavli passages goes back to the earliest printed editions of the Babylonian Bavli. The Pesaro (1511), Venice (1521), Basel (1578), and Frankfurt am Main (1720) editions all attest to the variance as it appears in the Vilna edition presented above.⁷⁷ However, what is odd about this instance of textual variation between parallel sources is that the question as posed in the printed editions of Baba Batra 15a does not exist in that form in any of the extant manuscripts to Baba Batra 15a. One would expect at least one of the extant manuscripts to share the Vilna formulation. Yet, the seven extant manuscripts to Baba Batra 15a⁷⁸ all have some version of the word "alive"—instead of "dead"—as the basis for the question. So how did מָת (dead) find its way into the printed version in front of us? There are two approaches one can take in explaining the existence of the variant reading of the Baba Batra passage in the printed editions— why the printed editions have the word "dead" while all of the extant manuscripts have the word "alive." A text (or lower) critical approach would seek to explain the variance by appealing to an error in the transcription of a manuscript. A source (or higher) critical approach would appeal to the fact that the differences between the texts represent two separate traditions based on two distinct

⁷⁶ With one possible exception that will be discussed below in footnote 121.

⁷⁷ This word appears in parenthesis in the Vilna edition and a marginal note directs the reader to the Menaḥot variant. The early printed editions (Pesaro, Venice, Basel, and Frankfurt am Main) all have מָת (was dead) without parenthesis. (See footnote 83.)

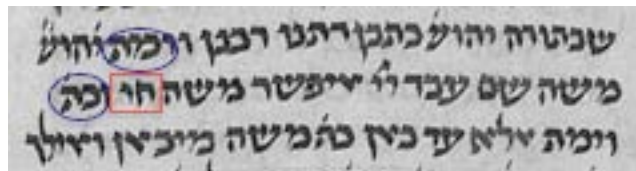
⁷⁸ MSS Munich, Hamburg, Paris, Vatican, and Florence all have the word חַי; MSS Escorial and Oxford have the word קַיִם. These manuscripts are generally dated from the late twelfth to mid-fourteenth centuries. A synopsis is provided in Appendix I. For the dating of individual manuscripts as well as a bibliography of the scholarly debate on this issue, see Hermann Leberecht Strack, Günter Stemberger, and Markus N. A. Bockmuehl, *Introduction to the Bavli and Midrash* (Fortress Press, 1996), 209-212.

sources and are therefore not the result of a scribal error. I will present a theory according to each of these approaches.

Source Criticism Versus Text Criticism

In this instance, the text critical approach is the less likely explanation for the discrepancies between the parallel sources. I, however, will posit it first because there is an extant manuscript which visually demonstrates how such scribal errors might occur. It is also a good example to use to demonstrate my thesis regarding the place of a reader in a text. A brief glance at the Firenze manuscript demonstrates how easy it is for a copyist, writing hastily, to replace the word "מת" (dead) for the word "חי" (living). I do not claim that the Firenze manuscript is the actual source for the textual divergence between the parallel texts. Quite possibly, this discrepancy is a lot older than the Firenze manuscript. I only seek to demonstrate, in a concrete manner, how easy it is for a copyist to actually visualize "מת" (dead) in this passage and write "מת" (dead) instead of "חי" (living). It is important to note that this type of miscopying is almost encouraged in this instance precisely because there is actually so little logical difference between the words "alive" and "dead," for the reader, prior to making meaning in this particular passage.⁷⁹ In other words, whether the word is "alive" or "dead" the question still stands. It is only after the word "alive" or "dead" is placed in the text that the overall meaning of the passage changes—if "alive," then Moses is lying, and if "dead," then God (or the Torah) is lying.

The following photograph of the Firenze (i.e. Florence II-I-9) manuscript will serve as a visual aid.



The Baraita in question begins with the fourth word of the first line (דתנו) of the text in the photograph above and ends with the first word of the third line (וימת). The paleographic nuance that works at the intersection between a copyist's mind and eyes, in

⁷⁹ Throughout this dissertation I use the phrase "making meaning in" instead of "making sense of" in order to connote a greater level of activity on the part of the reader. For me, the phrase "making sense of" is too closely related to "makes sense," which implies inactivity on the part of the author. When a text "makes sense," the reader seems to be passive. Jonathan Culler takes the exact opposite approach and believes that "making sense" implies an activity of the reader, while "meaning" implies a property of the text. [Jonathan Culler, *The Pursuit of Signs: Semiotics, Literature, Deconstruction* (Psychology Press, 2001), 50.] Of course, this all depends on how exactly the words "meaning" and "sense" are used in a sentence. The question of which word to use ultimately comes down to a matter of taste.

this instance, is the similarity between the appearance of the two circled words. This visual cue, combined with the fact that the copyist might not see a logical difference between "alive" and "dead" in the Baraita, explains how such an error might be introduced into the later manuscript tradition. Since no such manuscripts remain extant, this is not an argument based on evidence but rather a speculation as to both the possibility of such an occurrence and the mechanism through which it might have happened. The Hebrew word for "and yet wrote," when spelled out completely, is four letters: וכתב. The Firenze manuscript spells this word with three letters (כת) followed by a mark similar to an apostrophe, signaling ellipsis. This is the last word on the second line, circled above. It is remarkable how closely this cluster of letters, when combined with the mark, resembles the last two letters of the other circled word, located on the previous line and diagonally above them. That word is וימת (and he died), the two letters being מ and ת, combining to make the word מת ("was dead"). The eyes of the reader can easily jump back and forth, gazing over these clusters of letters, and see them as the same. The boxed word, adjacent to these circled words, is "חי" (living). The copyist approaching the word "חי" (living) is partially surrounded by the actual physical images of "מת" (dead), located both above it and to its left. It is quite imaginable that a copyist would miscopy this word and insert "מת" (was dead) for "חי" (was alive). But this is only imaginable because that copyist could read the question which begins the passage as equally valid regardless of writing "life" (חי) or "death" (מת).

The second, and more likely, approach to explaining the origin of the word מת (was dead) in the Baba Batra passage as it appears in the Vilna Shas is a source critical one. Two other parallels to the Baba Batra and Menaḥot Baraita exist in rabbinic compilations. Both the Sifre (357:5) to Deuteronomy and the Yalkut Shimoni (to Deuteronomy 34:5) have the word מת (was dead) when asking the question of the possibility of Moses writing about his own death.⁸⁰ Unlike the relationship between the Baba Batra and Menaḥot parallels, which both continue the Baraita in an almost identical manner, the Sifre and Yalkut Shimoni continue in a manner that greatly diverges from

⁸⁰ The most interesting aspect of the Sifre version, for my concerns is the fact that Rabbi Shimon uses a different verse from Deuteronomy to ask his question. (This point will be further addressed in footnotes 89 and 125.) It is interesting to note that the commentary of Elijah of Vilna emends the text of the Sifre in accordance with the Bavli. The Gaon emends the names of the participants in the debate to accord with the Bavli but does not emend the question (i.e. he does not change the word מת to חי) to conform to Menaḥot 30a, probably relying on the use of the word מת in the Baba Batra 15a parallel (*Hagahot HaGra* to Sifre). [See E. Stern, "Elijah of Vilna and the Making of Modern rabbinic Judaism" (United States -- California: University of California, Berkeley, 2008), Chapter 2, for a discussion of the various scholarly opinions regarding the Gaon's emendation strategy in general; the Gaon's emendation strategy for Midrashic texts; whether or not this strategy was based on a certain conceived hierarchy between the Babylonian Bavli and Midrashic literature; as well as the importance of the fact that most of the emendations attributed to the Gaon were the product of editors posthumously copying from the margins of the Gaon's volumes.] On the other hand, it is unclear to what extent the introduction of the *Yalkut Shim'oni* anthology adds to our source critical investigation, both due to its late date (c. 13th century ?) and reliance on the Bavli manuscript tradition. [For scholarly debate on this issue, see bibliography cited in Strack, Stemmerger, and Bockmuehl, *Introduction to the Bavli and Midrash*, 352.] A comparison of the text of the Sifre, the Yalkut Shimoni, and Menaḥot 30 is provided in Appendix F.

their Talmudic parallels.⁸¹ It is these differences in the continuation of the passage as they appear in the Sifre and Yalkut Shimoni that most probably led to a difference in the question that begins the passage.⁸² It is therefore highly probable that the Sifre's version of the Baraita is in fact the original source for the appearance of the word מַת (was dead) in the Vilna version of Baba Batra.⁸³ One might wonder, however, why the Menahot parallel was not changed to conform to the Sifre and Yalkut Shimoni as well.⁸⁴ Having explained two possible approaches to understanding the origin of the difference between the Menahot and the Baba Batra versions of this Baraita, I now return to an exploration of the role of an ambiguous term⁸⁵ within the Baraita on the linearity of the reading process. I do so by locating the space that real historical readers have occupied in this text.

Moses Writes the Torah: Readers Write the Bavli

After posing the question of the impossibility of Moses both writing the Torah and also dying within the Torah that he has written, the Baraita at both locations continues nearly identically.⁸⁶ Two Tannaim dispute as to how to reconcile the incongruity between the verse in Deuteronomy and Moses's mortal state:

Rather, Moses wrote [the text of the Torah] up until the point⁸⁷ [of his death] and Joshua wrote the rest: These are

⁸¹ See Appendix F for a synopsis.

⁸² See footnote 125 for a list of these differences

⁸³ The Vilna edition of Baba Batra, then, would merely be copying the earlier printed editions. The appearance of the word מַת in parenthesis in the Vilna edition marks the fact that the Menahot parallel does not use the word מַת . The Mesoret Hashas to Baba Batra 15a notes that the word הַי appears at Menahot 30a. Although this indication is given in the Mesoret Hashas it does originate with Yehoshua Boaz the son of Shimon Baruch (d. 1557, Italian), the author of that work. None of the early printed editions of the Bavli include this comment within their Mesoret Hashas and its appearance within the Mesoret Hashas marginalia therefore appears to originate in the Vilna edition. It is most probable that the editors of the Vilna edition of Baba Batra chose to place the word מַת in parenthesis rather than delete or replace it with הַי because of the fact that the Maharsha (Shmuel Eidels, 1555-1631, Poland) attests to the word מַת in his [ד"ה: א"ל ר"ש אפשר ס"ת חסר אות אחת כו', Baba Batra 15a, חידושי אגדות (*Hidūšê 'Agādôt*). [חידושי אגדות to Baba Batra 15a, חסר אות אחת כו',

⁸⁴ To my knowledge, all extant manuscripts and printed editions of Menahot have the word הַי .

⁸⁵ This word is: בְּדַמְעָא, with/in tears.

⁸⁶ See footnote 100.

⁸⁷ Literally: Until here.

the words of Rabbi Yehudah⁸⁸ or, as some say, Rabbi Nehemiah.⁸⁹ Rabbi Shimon said to him: Is it possible that a *Sefer Torah*⁹⁰ is missing one letter and yet it is written "Take this *Sefer Torah*..." (Deuteronomy 31:26)! Rather, up until this point [of the Torah text] God⁹¹ dictated⁹² and Moses recited⁹³ and then wrote, from this point [in the text of the Torah and] onward God⁹⁴ dictated and Moses wrote with/in⁹⁵ tears⁹⁶ [בדמע[ות]].⁹⁷ Just as it is stated later on: "And Barukh said to them: He dictated all of these words to me and I wrote them in the book with ink" (Jeremiah 36:18).

A survey of the medieval commentatorial tradition reveals two divergent exegetical streams that attempt to make sense of this passage.⁹⁸ What is most interesting

⁸⁸ The Vilna edition only has the abbreviation R"Y. R"Y can refer to any of a number of rabbis but one can generally surmise who it refers to by appealing to his interlocutor. When the interlocutor is Rabbi Shimon then R"Y invariably refers to Rabbi Yehudah. In addition, The Venice edition has Rabbi Yehudah.

⁸⁹ From a source critical perspective, it is interesting to note that the parallel version of this story in the Sifre (357:5) has the two opinions presented by an unnamed disputant and Rabbi Meir. In addition, Rabbi Yehudah and Rabbi Nehemiah are disputants in another Bavli passage that mentions Joshua's role in the writing the last eight verses of the Torah (Makkot 11a). Louis Jacobs reads the original (prior to Stammaitic intervention) intent of the argument between Rabbi Nehemiah and Rabbi Yehudah in Makkot to have both Rabbi Yehudah and Rabbi Nehemiah assert that Joshua wrote some portion of the Torah. It therefore makes sense to have both of them appear in Baba Batra as disputants of Rabbi Shimon. Louis Jacobs, *Structure and Form in the Babylonian Bavli* (Cambridge University Press, 1991), 37. (The *Yalkut Shim'oni* version has Rabbi Yehudah, Rabbi Nehemiah, and Rabbi Shimon representing the first opinion and Rabbi Meir representing the second.)

⁹⁰ Literally: Book of Law. Idiomatically: Pentateuch.

⁹¹ Literally: The Holy One blessed be He.

⁹² אומר

⁹³ אומר

⁹⁴ Literally: The Holy One blessed be He.

⁹⁵ The ambiguity of the preposition "ב" ("b") in this instance will be discussed shortly.

⁹⁶ Munich has the elided plural "tears" (בדמע'). Vilna has this word in the singular (בדמע).

⁹⁷ See footnote 96

⁹⁸ See, for example, the opinions cited in Ritva (Yom Tov ben Avraham Asevilli, 1250-1330, Spain) to Baba Batra 15a. The one major exception is the approach of the Vilna Gaon who takes a third approach that will be discussed in footnote 113.

about these two lines of interpretation is that they both can be traced back to Rashi.⁹⁹ Rashi reads this passage at Baba Batra 15a in quite a different manner than he does for the seemingly identical parallel found at Menakhot 30a.¹⁰⁰ The student of Rashi's methodology might not find this surprising as Rashi's exegetical considerations are generally driven by local concerns.¹⁰¹ However, local concerns do not seem to be at play

⁹⁹ Rabbi Solomon the son of Isaac (1040-1105, France).

¹⁰⁰ As mentioned earlier, other than the מת/חי (dead/alive) difference, the Baba Batra and Menaḥot parallels are nearly identical. However, there is one slight difference in the section of the text describing whether or not Moses recited the torah prior to writing it down for the section of the Torah that includes all but the last 8 verses. This nuance can be seen in Version 2 in the table below. In the Menaḥot parallel, as presented in the Vilna Shas, the order of the terms "wrote" and "recited" are switched. Rather than Moses reciting prior to writing he writes and then subsequently recites. It is quite possible to read these two versions as really saying the same thing. Such would be the case if we translate the word "אמר" as "while reciting" rather than "and then recited." However if we do not translate it in this manner and see the two parallel texts as presenting a different order of events then Rashi's explanation at Menahot 30a which emphasizes the fact that Moses was unable to verbalize the text prior to writing it down is less plausible.

Version 1 (Vilna-Baba Batra)	Version 2 (Vilna-Menaḥot)
Rather, up until this point [of the Torah text] God dictated and Moses <u>recited</u> and <u>wrote</u> , from this point onward God dictated and Moses wrote "בדמע" (with/in tears).	Rather, up until this point [of the Torah text] God dictated and Moses <u>wrote</u> and <u>recited</u> , from this point onward God dictated and Moses wrote "בדמע" (with/in tears).

¹⁰¹ Rashi's local approach to explaining the Bavli contrasts with the global approach of the Tosafists. David Weiss Halivni explains the difference between the exegetical approaches of Rashi and the Tosafists as originating in each commentary's attitude toward—and objective regarding—*halakha*.

The tosafists were more preoccupied with halakha than was Rashi...The tosafot often challenge Rashi's explanation of a *sugya* on the basis of a conflicting *sugya* in another location. Rashi, however, could be more firm in his commitment to peshat precisely because he was interested in *ad locum* exegesis; his exegetical scope was purposefully restricted, generally, to the *sugya* at hand. The tosafists, far more concerned with the reconciliation of conflicting Talmudic sources—because their primary concern was for the determination and clarification of halakha—were forced to abandon local peshat when Rashi was not...Rashi could, without exegetical unease, interpret a *sugya* according to its peshat even when knowing that his interpretation ran contrary to the Gemara in another location, and he was almost certainly not unaware of the conflicting talmudic sources which the *tosafot* referred to in objecting to his commentary. This can be discerned through his *responsa*, which...do take the full breadth of halakhic sources into account.

in this particular instance, whether at Baba Batra or Menaḥot. A close reading of this passage will bring to light the textual nuances that elicit the two divergent interpretive traditions and how those interpretive traditions, in turn, drive the textual nuances. If we focus on the experience of the reader attempting to make sense of the logic of the passage, it becomes apparent what difficulties allowed Rashi the opportunity to read and write this passage in two different ways.¹⁰²

At the level of language, this text appears quite clear. The reader of this passage, in an attempt to understand its meaning, is faced with only one linguistic ambiguity throughout the course of the Baraita. However, this single linguistic ambiguity drives the possibility for variable meaning at every logical step of the text.

The text presents itself in six stages:

1. An incongruity is introduced (based on the fact that Moses dies during a scene that he has supposedly written.)¹⁰³

[All italics are Halivni's.] David Weiss Halivni, *Peshat and Derash: Plain and Applied Meaning in rabbinic Exegesis* (Oxford University Press US, 1998), 172-173.

¹⁰² Rashi's commentary on the Bavli had such a great impact on subsequent, and therefore practically all, manuscript and printed editions that it is in most cases nearly impossible to untangle his emendations from the text. In most instances where Rashi emends a text we are only left to invent an imagined text that pre-existed his emendation. One is left to wonder to what extent the manuscript tradition assists us in accessing a pre-Rashi text. With the exception of a few genizah fragments, whose dating itself is contested, all of the extant manuscripts post-date Rashi. Additionally, the Spanish commentarial tradition is so greatly affected by Rashi that even the Spanish manuscripts do not assist in solving this problem, even though they are born out of a geographic location far from Rashi's Rhineland. Finally, most of our evidence for alternate Rashi traditions—which would lend insight into the intersection of Rashi's commentary and the text of the Bavli in flux—stem from secondary witnesses, especially the work of the sixteenth century compilation (and commentary) of Bezalel ben Abraham Ashkenazi who quotes from a first edition (manuscript) of Rashi's commentary in his *Shitah Mekubetzet*.

¹⁰³ The Baba Batra passage appears in a discussion of who wrote which Biblical books. The Gemara cites a Baraita at 14b that lists the order of the books of the Prophets and the Writings. After several Stammaitic insertions questioning the order set up in the Baraita a different question is asked. The Stam asks: "And who wrote [these books]?" The Gemara goes on to answer for each of the books of the Prophets and the Writings. It appears that although the question is Stammaitic the answer is a continuation of the previous Baraita. The phrase "תניא קמאן דאמר..." does not help decide whether the Baraita continues because the phrase can alternately be translated as either "There is a Baraita in accordance with the one who says..." or "The Baraita is in accordance with the one who says..." The passage reads: "Moses wrote his book, the portion of Balaam (presumably Numbers 23-24), and the book of Job. Joshua wrote his book and eight verses in the Torah." It is fairly obvious what is meant by the words "his book" in reference to Joshua. However, it is a bit unclear as to what the Baraita means by "his book" in reference to Moses. This is due to the fact the Baraita states that Moses wrote both "his book" and the portion of Balaam. If it refers to the Pentateuch then it seems a bit odd that the Baraita would also state that the portion of Balaam was also written by Moses because that portion is subsumed within the Pentateuch. It seems plausible that the Baraita, by "his book," merely refers to Deuteronomy. This plausibility is grounded on the fact that the Baraita itself undermines the claim that Moses wrote the Pentateuch in its entirety by introducing the notion that Joshua wrote the last eight verses. The problem with explaining the Baraita as referring to Deuteronomy lies in the fact that this explanation would leave a gap—all of the books of the Hebrew Bible would be given authors except for Genesis, Exodus, Leviticus, and most of Numbers. A number of

2. Rabbi Yehudah's position that Joshua wrote the final eight verses answers the incongruity presented in stage 1.
3. Rabbi Shimon objects to Rabbi Yehudah's position based on the verse from Deuteronomy 31:26, in which Moses refers to a *Sefer Torah* (ספר תורה); since a *Sefer Torah* (ספר תורה) cannot be missing even one letter one must presume that it already must have textually existed in complete form by the historical time of Deuteronomy 31:26.
4. Rabbi Shimon explains the manner in which Moses wrote before the verse detailing his death.
5. Rabbi Shimon then differentiates the manner in which Moses wrote the verse that details his death as well as the seven verses that follow. These verses were written [בדמע[ות]]¹⁰⁴ (with/in tears).
6. Rabbi Shimon supports his answer with a verse from Jeremiah.

The reader proceeds linearly through the first four stages of this text and tries to make sense of the logical flow.¹⁰⁵ This reader might pause after stage 1 and wonder about the exact nature of the incongruity. This would certainly be the case for the reader who sees the question as posed in the Baba Batra parallel to be logically different than the version of the question posed in the Menahot parallel.¹⁰⁶ In whatever manner the reader

traditional commentators address this problem. [See, for example, a) Ritva explains that "the portion of Balaam" refers to separate work that has been lost; b) 'Anaf Yosef explains that the portion of Balaam is singled out to explain that Moses paraphrased the words of Balaam rather than quoting him directly; c) 'Iyun Ya 'akov explains that the first four books of the Pentateuch were written by God and Moses wrote Deuteronomy and the portion of Balaam. He reads this explanation into the words of Rashi but certainly is taking liberties.]

¹⁰⁴ See footnote 96

¹⁰⁵ Stanley Fish and Wolfgang Iser both base their reader response theories on an analysis of the temporal flow of the reading experience. The key difference between their approaches to understanding how a reader moves linearly through a text is that Fish focuses on what happens as each word or letter is read and Iser focuses on "word chunks" or sentences. It makes sense to analyze the reading experience one letter or word at a time because that is the way most readers experience a text. [To understand the notion of experiencing a text one letter at a time one must only imagine the ancient Israelite and Greek writing systems which did not employ space markers between words. It is interesting that the Vilna Gaon's understanding of this Talmudic passage entails a conception of a Torah that was written with consecutive letters and containing no space markers by which differentiate the start and end of words (see footnote 113).] However, the importance of words or sentences in the temporal reading process varies depending on the nature of the text and the language in which it is written. In most instances the GB reader is encouraged to digest thoughts in chunks of words and my analysis will focus on the reading process at this level, though there is certainly room to analyze the reading process as it relates to the Bavli in smaller literary units. [See, for example, Fish, "Literature in the Reader." and Iser, *The Act of Reading: A Theory of Aesthetic Response*, 109-110.]

¹⁰⁶ Some medieval commentators did not. For example, the commentary of Shmuel Eidels (Maharsha) notes the textual difference between the parallels yet sees no logical difference between the presentation of the question of the Baraita at each of these locations. See footnote 83.

chooses to frame the conceptual basis for the incongruity in stage 1, this incongruity is certainly resolved by Rabbi Yehudah's position in stage 2, namely, that Joshua wrote the final eight verses of the Torah.¹⁰⁷ Rabbi Shimon's objection in stage 3 breaks the flow of reading process.¹⁰⁸ How is this verse from Deuteronomy an objection to Rabbi Yehudah's position? Does the verse "Take this *Sefer Torah* (ספר תורה)..." necessarily imply that the Torah in its entirety was already written at that point in the Biblical story? Is Rabbi Shimon's application of a law regarding the writing of a Torah a somewhat anachronistic interpretation of what Moses was referring to in that verse? At this point, the reader might reflect on the verse from Deuteronomy cited by Rabbi Shimon, its implications, and possible meaning. How does it relate to the question posed in stage 1 regarding the problem of Moses writing about his own death and the answer offered by Rabbi Yehudah in stage 2 regarding Joshua's role in writing the final eight verses? The reader might also wonder why Rabbi Shimon did not use a different verse to argue his point. Verse 24 of chapter 31 of Deuteronomy, which appears merely two verses prior to the verse Rabbi Shimon cites, would seem to suit his needs better.¹⁰⁹ This verse reads: "And it was when Moses finished writing the words of this *Torah* on a *sefer* (ספר, book) until their completion." Rabbi Shimon's argument hinges on the notion of completion. Deuteronomy 31:24 would therefore more concretely drive home his point. However, these are all questions of logic; each individual reader will try to resolve the logical difficulties within their own conceptual framework and then move forward through the text. Stage 5, however provides a roadblock. An ambiguous term, "ברמע" (with/in tears), is introduced.

¹⁰⁷ In fact this is the precise reason the Baraita was cited in the first place. The Gemara at 14b had proclaimed that Joshua wrote the final 8 verses of the Torah. The Gemara therefore, apparently, cites the Baraita in order to support this assertion with the view of a named Tanna. (See footnote 103.)

¹⁰⁸ Whereas Roman Ingarden sees such obstacles to the flow of reading ("flow of sentence thinking") as a defect of the text Wolfgang Iser argues that obstacles to the continuous flow of sentences serve a very important function in a literary text.

The 'obstacle' condemned by Ingarden enables the sentence correlates to be set off against one another. On the level of sentences themselves, the interruption of expected connections may not be of great significance; however, it is paradigmatic of the many processes of focusing and refocusing that take place during the reading of the literary text. This need for readjustment arises primarily from the fact that the aesthetic object has no existence of its own, and can consequently only come into being by way of such processes.

[Iser, *The Act of Reading: A Theory of Aesthetic Response*, 112-113.]

¹⁰⁹ The Sifre Deuteronomy parallel (357:5) uses yet another verse, Deuteronomy 31:9, "And Moses wrote this Torah..."

The ambiguity of the prepositional marker "ב" ("b") in the word "בדמע" leads to two possible English translations, either "with tears" or "in tears."¹¹⁰ In Hebrew, it is unclear whether Moses used tears, instead of ink, as the instrument of his writing¹¹¹ or whether Moses was so distraught over the knowledge of his impending demise that he wrote these verses while weeping.¹¹² Thus, while whichever English translation one chooses to use for this term the interpretive scale would certainly be tipped—"with tears" would suggest "with tears rather than ink" and "in tears" would suggest "while crying"—the Hebrew version offers no such clue. The Hebrew *בדמע* (with/in tears), rather, maintains a decided and interruptive ambiguity. Given this ambiguity, the GB reader is forced to choose between one of these two interpretations, "in" or "with," in order to find a logical cohesion to the passage.¹¹³ Before retracing and rereading stages 1 through 4 in an attempt to decide between the two likely interpretations of the word "בדמע" (with/in tears), the reader encounters one last clue. Perhaps stage 6 will force an interpretation one way or the other. The reader now reads stage 6 with both possibilities in mind. Which of these possibilities more makes likely sense of the Rabbi Shimon's proof-text? What point does the verse from Jeremiah make about Rabbi Shimon's conception of Moses's involvement in the writing of the final eight verses of Deuteronomy? The key to unlocking the meaning of this Baraita seems to lie in the function of the verse that Rabbi Shimon offers in support of his position. Unfortunately, the proof-text that appears in stage 6 (the Jeremiah verse about Barukh) offers no clue that would tip the scales of interpretive probability one way or the other. Therefore, rather than using the Jeremiah verse in the service of understanding how to translate "בדמע" (with/in tears) each of these two possibilities for "בדמע" (with/in tears) must now be read into the Jeremiah verse in an attempt to yield the content of its own meaning in this context.

¹¹⁰ The Munich manuscript to Baba Batra 15a has the plural *בדמעות* (tears) and the singular *בדמע* at Menahot 30. One could possibly argue that this distinction is the result of Rashi's reading at each location, with the author of the Munich manuscript tradition subtly following Rashi's lead without greatly diverging from the actual text being copied. *בדמעות* would then mean "writing with tears" and *בדמע* would mean "writing while in a state of crying." None of the other manuscripts distinguish between the two locations. All of them have the word as *בדמע*, whether at Menahot 30a and at Baba Batra 15a.

¹¹¹ Offered by Rashi to Baba Batra 15a.

¹¹² Offered by Rashi to Menahot 30a.

¹¹³ The Vilna Gaon (Elijah ben Shlomo Zalman, 1720-1797) offers a third reading of the root *דמע*. He reads this word as etymologically related to the word for "mixing." Moses wrote the Torah without spaces between the letters and only later were the letters separated into words. (*Avodat haGershuni*, Shir Hashirim 5:11) (The Gaon's reading is also discussed in *Ben Yehoyada* [Yosef Chaim of Baghdad, 1832-1909] and *Anaf Yosef* [Hanokh Zundel ben Yosef, Bialystok, Poland, d. 1867]). The Gaon is driven to this reading of the word *בדמע* by concerns beyond the scope of this Bavli passage and I therefore did not offer this alternative earlier when describing the experience of the reader reading this passage linearly. The Gaon is bothered by the idea that the rabbinic notion that the Torah existed thousands of years before Moses (see for example Shabbat 88b or Bereishit Rabbah 8:2) and therefore the whole passage does not seem to make sense.

Real Readers Reading

Before analyzing the text as it appears before us in the Vilna Shas I will return to an examination of how the text evolved by means of the reading practices of those historical readers who shaped the form of the text as it now appears before us. Although I mentioned earlier that the reader of the Bavli always understands a layer of meaning before encountering the next word on the page, this layer of meaning is just an expectation or bias which when not met gives the reader pause. The reading process always begins with these biases and expectations. However, once the reading process has begun, linguistic considerations must, out of necessity, come prior to logical considerations.¹¹⁴ The reader first attempts to understand what a word means before reading that word in context. However, it is impossible to understand a word out of context. The reader therefore engages in a continuously expanding negotiation between the word and its context. First the reader negotiates the word's immediate surroundings and then the reader moves on to the larger context. The reader moves outward in this manner, eventually negotiating a multitude of concerns relating to the much broader cultural context—the cultural context of the reader, the text, and the imagined author. This is a process that never ends but always starts at the level of language. The fact that Rashi allows his two divergent readings of an identical text, Baba Batra 15a and Menahot 30a, to both coexist in his commentary of the Bavli is manifest evidence to the lack of resolution of this process.¹¹⁵

Rashi, at Baba Batra 15a, chooses to interpret "בדמעה" (with/in tears) to mean that Moses used tears as the instrument of his writing, his ink. He therefore reads the verse from Jeremiah in quite a minimalist manner. Jeremiah 36:18, as quoted in the Baraita,

¹¹⁴ For earlier Bavli scholarship on the role of verbal ambiguity in the meaning making process as it relates to rabbinic literature, see Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Indiana University Press, 1994), 57-79; and Aryeh Cohen, *Rereading Bavli: Gender, Law, and the Poetics of Sugyot* (Scholars Press, 1998), 135-141.; [Cohen uses the term polysemy.] Earlier examples of scholarly works which address similar issues are: Susan A. Handelman, *The Slayers of Moses: The Emergence of rabbinic Interpretation in Modern Literary Theory* (SUNY Press, 1982) ; and David Stern, "Midrash and Indeterminacy," *Critical Inquiry* 15, no. 1 (October 1, 1988): 132-161.

¹¹⁵ Once again I emphasize that an appeal to local concerns of Baba Batra 15a and Menahot 30a in an attempt to explain the conflicting interpretations of Rashi in this case would be extremely forced, at best.

states: "And Barukh said to them: 'He dictated all of these words to me and I wrote them in the book with ink.'" According to Rashi at Baba Batra 15a, the verse is merely an example of how prophetic texts were written: by means of dictation. Chapter 36 of Jeremiah has God command Jeremiah to write down all that God has spoken to him. So Jeremiah dictates the words of God to Barukh and Barukh writes them on a scroll. Rashi sums up the function of the Jeremiah prooftext: "just as we find that prophets write from the mouth of their masters."¹¹⁶

However, Rashi at Menaḥot 30a chooses to interpret the word "בדמעה" (with/in tears) quite differently: "Moses wrote the last eight verses of the Bible while weeping." According to this reading, God dictated all but the last eight verses of the Torah to Moses and Moses first repeated what God had said and only then wrote it down. In contrast, for the last eight verses of the Torah, God dictated and Moses wrote without first repeating the words. When read this way, the verse from Jeremiah serves a completely different function. It is used as evidence to the fact that scribes generally verbalize a prophecy prior to writing it in a *sefer* (ספר, book). However, in instances when the subject matter is too painful, as is the case of the prophecy of doom in the Jeremiah text, they write without prior vocalization. Therefore, Rabbi Shimon cites the verse from Jeremiah as an example of a prophet writing a prophecy without prior vocalization. Rabbi Shimon seems to need no textual evidence that the norm is otherwise, that scribes generally verbalize prior to writing.¹¹⁷

These two alternate conceptions of the function of the verse from Jeremiah do not equally cohere with the text that we have before us. Rashi's explanation of the Menaḥot parallel accounts for a textual nuance in stage 4, namely, that for the entire Torah up until the last eight verses God dictated and Moses recited before writing. In contrast, Rashi's explanation of the Baba Batra parallel does not make use of the distinction between the reader's being with or without prior vocalization. However, in spite of these explanations the Baba Batra parallel would be taken into account for the textual advances of stage 4, and the subsequent historical dominance of the text of the Vilna Shas the prevalence of the type of internal rewriting in which the classical medieval commentatorial tradition discussed below engages has greatly been curtailed.

¹¹⁶ Rashi to Baba Batra 15a.

¹¹⁷ In the minds of the medieval commentators verbalization before writing seems a given. We can assume that it was standard practice in their era. Walter Ong claims that medieval manuscripts were always read aloud even in situations where the reader was reading alone. [Walter J. Ong, "Orality, Literacy, and Medieval Textualization," *New Literary History* 16, no. 1 (Autumn 1984): 1-12.] The rabbinic tradition certainly emphasizes reading aloud. [See Mishana Avot 6:5 "בשמיעת ארון. בעיכת שפתים" and the commentatorial tradition to that passage. One example would be the commentary of מדרש שמואל (Samuel the son of Isaac of Uceda, Palestine, b. c. 1540). For important studies on the differences between oral and written cultures as well as ways of understanding textual transmission prior to the printing press see: Jack Goody, *The Interface Between the Written and the Oral* (Cambridge University Press, 1987); Eric Alfred Havelock, *Preface to Plato* (Harvard University Press, 1963); Albert B. Lord, *The Singer of Tales* (Harvard University Press, 1964); Marshall McLuhan, *The Gutenberg Galaxy: The Making of Typographic Man* (University of Toronto Press, 1962); Walter J. Ong, *Orality and Literacy: The Technologizing of the Word* (Methuen, 1982); Milman Parry and Adam Parry, *The Making of Homeric Verse: The Collected Papers of Milman Parry* (Oxford University Press US, 1987).

in the medieval commentatorial tradition.¹¹⁸ A number of early witnesses refer to versions of this text that eliminate the word אומר (recited). I present a comparison chart (Table 1) below. As far as understanding the space that medieval readers occupied vis-à-vis the text, it is unclear which of the variants is the one they are reading and which is the version rewritten to better accommodate an alternate reading of the function of the verse from Jeremiah in stage 6. Although it might appear that version 2 below is the rewritten version, this is not necessarily the case. It only appears so because of the convention I've used in presenting the data: working backwards from the Vilna edition.¹¹⁹ What is clear is that the verbal ambiguity of "בדמע" (with/in tears) is at the center of the attempts of the various historical reader/writers' quests to make this text make sense. Additionally, the uncertain nature of the function of the Jeremiah verse adds to the non-linearity of the reading experience. The reader, or reader/writer, must move back and forth, forward then backwards through the text, adjusting the meaning of the various variables along the way.

Table 1

The two versions of the Baraita:

Version 1 (Vilna)	Version 2 (¹²⁰)
Rather, up until this point [of the Torah text] God <u>dictated</u> and Moses <u>recited</u> and <u>wrote</u> ¹²¹ , from this point onward God <u>dictated</u> and Moses <u>wrote</u> "בדמע" (with/in tears).	Rather, up until this point [of the Torah text] God <u>dictated</u> and Moses <u>wrote</u> , from this point onward God <u>dictated</u> and Moses <u>wrote</u> "בדמע" (with/in tears).

In Version 2, the verse from Jeremiah necessarily takes on a different function than Version 1. Version 2 makes no distinction between the method Moses uses to

¹¹⁸ Ritva is an early witness to these two textual variants as well as the readings they elicit. Tosafot to Menaḥot 30a also mentions the textual variant.

¹¹⁹ The *Yalkut Shim'oni* version, which contains a number of variants to this passage, eliminates stage 4 completely. In the *Yalkut Shim'oni* stage 3 uses a different verse to pose the objection to the view proffered in stage 2 (the players in the debate are also skewed); stage 4 is skipped; and then stage 5 and 6 are presented with a subtle variation. However, the *Yalkot Shim'oni* tradition does not necessarily help us reconstruct the evolution of the text in the Bavli. (See footnote 80.)

¹²⁰ See footnote 118.

¹²¹ The Menaḥot parallel inverts these verbs: "wrote and recited." Although the word "recited" is absent from Munich and Vatican manuscripts as well as the Basel and Krakow prints of Menaḥot Rashi clearly has, or writes, this word in his text and explains the Baraita accordingly. It is important to note that Rashi was so influential in forming the actual text of the Bavli through his emendations that it is, for the most part, impossible to talk about a pre-Rashi text.

transcribe the word of God before and after the last eight verses of the Torah. Therefore, the verse from Jeremiah simply comes to draw a parallel between the type of dictation that Moses took from God and the type of dictation that Barukh took from Jeremiah.¹²² Since there is no distinction between the mode of dictation before and after the last eight verses, whether the text was verbalized prior to writing or not, the word "בדמֵע," if translated as "in tears," no longer means "unable to speak due to grief" but rather that Moses was sad because he knew his demise was imminent. However if, according to Version 2, "בדמֵע" is translated as "with tears" then it would mean that Moses used his tears as ink. The question that arises out of this new binary reading of "בדמֵע" (with/in tears) is whether or not the ambiguity is resolved. Is it possible that the word is still ambiguous yet each of the binary translations produced by the ambiguity both lead to the same idea? The assumption until this point was that what is meant by the image of writing with tears in the place of ink is a picture of a man in sorrow over his own imminent demise. If this were the case then "with tears" and "in tears" would both share an identical meaning.

This odd phenomenon regarding the nature of ambiguity recalls the two versions of the original question that began the Baraita. Is there a difference between question number 1, "Is it possible that Moses was dead and yet wrote 'And Moses died!'," and question number 2, "Is it possible that Moses was alive and yet wrote 'And Moses died!'"? Although the nature of the incongruity is the same in both passages the implications of the incongruity are quite different. Whereas the question posed in Baba Batra is a question of possibility, the question posed in Menaḥot is a question of verity. Baba Batra asks how it would be possible for Moses to have written that he was dead if he was already dead. A dead man cannot write. Menaḥot asks how Moses could have lied about his own death. Rabbi Yehudah answers both of these questions in the same manner: Moses did not write that verse, Joshua did. How does Rabbi Shimon answer both of these questions and how does each question affect the path of the reader?

First, let us deal with the Baraita as it appears in Menaḥot where the question is one of verity. This question can be seen from a moral perspective. Most of the medieval commentators deal with the moral issue and resolve it differently depending on whether they read the word "בדמֵע" (with/in tears) as "while crying" or as "with tears instead of ink." If we follow the "while crying" line of reasoning, then Moses did not "recite" the words and therefore he is not a liar.¹²³ This line of reasoning is somewhat faulty because he would be lying with his written word.¹²⁴ In addition, the implications of the verse from Jeremiah, as a proof-text, would have Moses not lying merely because he was too emotional to lie but not for any moral reason. If we follow the "with tears instead of ink"

¹²² This is the explanation given by Rashi to Baba Batra.

¹²³ This line of reasoning works well with the text as it appears in the Vilna Shas where the distinction between stages 3 and 4 is whether or not Moses recited before he wrote.

¹²⁴ Although there are many rabbinic sources which one could cite to demonstrate that lying is related to "utterance," it is, however, unlikely that any of those sources would promote lying in writing.

line of reasoning then Rabbi Shimon's answer is very similar to Rabbi Yehudah's answer. Simply put, Moses wrote the first eight verses but they did not actually appear on the parchment because they were written with invisible ink: tears. This would certainly resolve the moral issue. According to this reading, Rabbi Shimon's objection (in stage 3) has to do with his conception of the word *sefer* (ספר, book) and he solves this problem by having Moses complete the writing even though there was nothing to read. The writing was done; the last piece of parchment was already sewn; and the scroll was complete. It just had a lot of blank space at the end, owing to the invisible ink. According to this line of reasoning, the verse from Jeremiah is still problematic. Rashi had explained that it was a proof-text about dictation and therefore was not meant to be a specific comment on stage 5, the different mode of dictation used for the last eight verses of the Torah. However, one word in the Jeremiah verse strikes the reader in this context: "ink." The verse from Jeremiah demonstrates that real writing must be done with ink and therefore although Moses wrote a complete *sefer* (ספר, book) it was not real writing and therefore he did not lie.

Now let us turn to the Baraita as it appears in Baba Batra where the question of stage 1 is one of the very possibility of his having written these verses. Neither the "while crying" nor the "with tears instead of ink" line of reasoning satisfactorily eliminates the incongruity. In either case, Moses would be dead and not able to write. The solution lies in Rabbi Shimon's conception of the nature of the possible as it relates to his conception of the nature of a book. Rabbi Shimon's argument that Moses must have written the entire Torah is based on the fact that Moses, in chapter 31 of Deuteronomy, tells the Levites to take the book of the Torah. For Rabbi Shimon, the very fact that Moses referred to a physical object as *sefer ha-Torah* (ספר התורה, the book of the Torah) demonstrates that it was complete. It is quite telling that Rabbi Shimon did not use verse 24 of that same chapter, a verse that would seem to suit his purposes far better. Deuteronomy 31:24 reads: "And it was when Moses finished writing the words of this *Torah* on a *sefer* (ספר, book) until their completion."

Why did Rabbi Shimon not simply use this verse to argue that Moses wrote the Torah in its entirety, from beginning to end?¹²⁵ One may offer that verse 24 might refer

¹²⁵ The parallel Sifre (357:5) passage uses a third verse to ask the same question. The verse quoted in the Sifre's version of Rabbi Shimon's question (though in the Sifre it is Rabbi Meir who asks the question) is from Deuteronomy 31:9: "and Moses wrote this Torah." There are a number of other differences between the Sifre version and that of the Bavli: a) The first opinion of the Baraita (the one that the Bavli states in the name of Rabbi Yehudah or Rabbi Nehemiah) is quoted anonymously in the Sifre; b) The opinion of Rabbi Shimon is stated by Rabbi Meir in the Sifre; c) Rabbi Meir (the position represented by Rabbi Shimon in the Baraita) uses Deuteronomy 31:9, rather than Deuteronomy 31:26, as the basis for his question; d) The word "בדמעות" (with/in tears) does not play a role in the Sifre parallel; and e) The Sifre answer Rabbi Meir's (the position represented by Rabbi Shimon in the Baraita) question with "Moses wrote what God told him to write." As a result, the proof-text from Jeremiah must be seen as being used for slightly different ends; [f) As mentioned earlier, the Sifre uses the word *מת*, rather than *חי*, when asking Rabbi Meir's (or Rabbi Shimon's) question.]

A synoptic table comparing the text of the Sifre with those of the Bavli and the *Yalkut Shim'oni* is given in Appendix F. The Sifre at 357:5 reads:

only to its immediate or extended context—the set of laws that Moses has just delivered or perhaps the entire book of Deuteronomy. However, Rabbi Shimon points to the phrase "*sefer ha-Torah*" (ספר התורה, the book of the Torah) to argue that there was a physical object that was a completed Torah.¹²⁶ This object is referred to in its completed stage within the very story that it tells, a story that has yet to be completed. The common element between Rabbi Shimon's explanation of all but the last eight verses of the Torah in stage 4 and the Jeremiah proof-text in stage 6 drives home this point. It is more than the process of dictation that these two stages have in common. In both instances, there is a recitation prior to the writing, as if the writing can only exist after it has been read. For Rabbi Shimon, a book can exist as a physical object or a string of words before it has been read but the writing happens only after it has been read. It is only this notion of the relationship between reader and writer that allows a book to refer to itself in a manner that defies the logic of linear reading. Rabbi Shimon's use of the verse in Deuteronomy allows us a window into the conception of a book that refers to itself non-linearly, a book that can be complete while still being written. It also allows us to understand the nature of the book in which this conception is offered: the Bavli.

Through an examination of linguistic and logical ambiguity, this chapter touched on the relationship between reading and writing, writing and text, and text and transmission. While the subject matter contained in the nearly identical Baraitot of Baba Batra and Menahot thematized this relationship, the commentatorial (and manuscript) tradition practiced it. Though these Baraitot might¹²⁷ represent an early layer of authorial work in the Bavli, they lay the ground rules and provide a model by which subsequent readers/writers are to conceive of and engage the Bavli, the text in which these Baraitot appear. This chapter also serves as an introduction to the type of non-linear reading that the Bavli requires, how the reader is forced to reread previous sections of the text in order to resolve later ambiguities. In this case, I used an example of two different approaches

וימת שם משה איפשר שמת משה וכותב שם משה אלא עד כאן כתב משה מיכן ואילך כתב יהושע רבי מאיר אומר הרי הוא אומר ויכתוב משה את התורה הזאת איפשר שנתן משה את התורה כשהיא חסירה אפילו אות אחת אלא מלמד שהיה משה כותב מה שאמר לו הקדוש ברוך הוא כתוב כענין שנאמר ויאמר אליהם ברוך מפיו יקרא אלי

"And Moses died there." Is it possible that Moses died/was dead and [still] wrote "And Moses died?" Rather up until this point [in the text of the Bible] it was Moses who wrote [the text]; from this point [in the text of the Bible] and forward [it was] Joshua [who] wrote [the text.] Rabbi Meir says: Behold [the Bible/Moses] states "And Moses wrote this Torah." Is it possible that Moses gave the Torah missing even one letter? Rather [this discrepancy] teaches that Moses wrote what God told him to write, similar to what is stated: "And Barukh said to them, 'he dictated these words to me.'"

¹²⁶ See Gittin 60a where Reish Lakish uses this exact verse to argue that the entire Torah was first given as one complete scroll. Rabbi Yohanan argues and says that the Torah was given one scroll at a time and that this verse refers to some point in time after all of the individually given scrolls were attached to each other.
¹²⁷ It is always difficult to date a Baraita, primarily because there is usually no independent corroboration of their existence outside of the Bavli. In this case, it is unclear whether this Baraita (if a later version of the Sifre) was composed during Tannaitic, Amoraic, or later times. As we have seen, to a certain extent, this Baraita was still being written in medieval times.

to local readings of what apparently was once the same text. An understanding of the habituation of this non-linear reading process as it relates to the Bavli as a whole will, in later chapters, allow for a conception of the role of the Superstam as reader/writer of the text.

Chapter 2: Ambiguity as Subversion: Countering the Logic of the Sugya

An example of the seventh type of ambiguity, or at any rate of the last type of this series, as it is the most ambiguous that can be conceived, occurs when two meanings of the word, the two values of the ambiguity, are the two opposite meanings defined by the context, so that the total effect is to show a fundamental division in the writer's mind... A contradiction of this kind may be meaningless, but can never be a blank; it has at least given a sort of intensity to it...it is at once an indecision and a structure...it marks a centre of conflict... Of course, conflict need not be expressed overtly as contradiction, but it is likely that those theories of aesthetics which regard poetry as the resolution of conflict will find their illustrations chiefly in the limited field covered by the seventh type [of ambiguity].

William Empson, *Seven Types of Ambiguity* (New Directions Publishing, 1966), 192-193

In the previous chapter, I compared the parallel Baraitot (at Baba Batra 15a and Menahot 30a) concerning the death of Moses to illustrate how a linguistic ambiguity drives the quest for meaning in the reading experience. Real historical readers and the choices they are forced to make demonstrate how important the conflation of reading and writing has been in the development of the text we now call the Talmud. The previous chapter engaged in both text and source critical analysis in an effort to demonstrate how divergent textual traditions evolved. In this chapter, I will continue to examine the role that linguistic ambiguity plays in the reader's attempt to make meaning in the text. The first example will be similar to the passage treated earlier to the extent that a single ambiguous prepositional marker will bring an entire *sugya* into a new light. This example is local and self-contained. It serves to highlight the literary effect of a linguistic ambiguity outside, and above, the constraints of a time-bound linear reading experience. The second example will also explore how a linguistic ambiguity, by directing the reader beyond a local passage, serves to both frustrate the linear reading process and subvert the logic to which that local passage seems to drive. These examples will highlight the notion of the Talmud as a book that refers to itself outside of time and will underscore the type of reading experience that such a book fosters.

The epigraph that began this chapter, admittedly, takes liberties with Empson's text. The ellipses in the epigraph mark not the space between words in a sentence but rather the space between salient points strewn throughout the opening paragraphs of the seventh chapter of Empson's book—the chapter which deals with those types of ambiguity most closely resembling those I will treat in this chapter. When Empson speaks of "conflict" he makes reference to Freud's notion of ambivalence.¹²⁸ Empson's discussion of the seventh type of ambiguity is a quest to understand what is accomplished, and what is revealed, when an author uses a word or phrase that simultaneously means both one thing and its opposite. His answer is that it reveals the author's conflicted state of mind, an ambivalence rather than a blank—both things rather than nothing.¹²⁹ It is both within and building upon this conceptual framework that I present my first example. What, according to Empson, would be revealed when an author expresses this conflicted and ambivalent state of mind through the mechanism of not only an ambiguous word or phrase but also one that is superfluous?

¹²⁸ Empson does not actually use the word ambivalence. This is probably because Empson refers to ideas in Freud's *The Interpretation of Dreams* rather than *Totem and Taboo*. Although Freud's analysis of dreams certainly hinges on his conception of ambivalence it is not until *Totem and Taboo* that he fully embraces the term.

¹²⁹ Stanley Fish's approach to ambiguity is similar to Empson's in the sense that both critics believe ambiguity to be a device that allows for the expression of two separate unresolved meanings. For Fish, the reader of Milton's *Paradise Lost* is supposed to experience and be confounded by ambiguities rather than resolve them. [See Jonathan Culler, *The Pursuit of Signs: Semiotics, Literature, Deconstruction* (Psychology Press, 2001).] What separates Empson and Fish is that while Empson argues that ambiguity reveals a conflicted state in the author's mind, Fish argues that Milton's purpose in writing his book was to make the reader experience this conflicted state. [However, it must be noted that the type of ambiguity found in *Paradise Lost* more readily compares to Empson's third type of ambiguity, which is: when "two apparently unconnected meanings are given simultaneously." (Empson, *ibid.* p. v) This type of ambiguity is akin to a pun, where the reader is "conscious of the pun, not of its consequences." (*ibid.* p. 102.) Still, Empson, in his treatment of Milton's *Paradise Lost*, does not ascribe the level of intentionality to Milton as does Fish.] It is difficult to see much of a distinction between the reader-oriented approach of Fish and the author-oriented approach of Empson. The practical difference in these approaches reveals itself in the level of agency given to the author of the ambiguity by these two critics. While Fish is saying something about Milton's consciousness when he makes his claim about Milton's reader, Empson is more likely saying something about Milton's unconsciousness. However, Fish, by detailing the experience of the reader, is able to get at an effect of the text he examines in a way that would not happen had he started his point of inquiry from the perspective of Milton. It is only by examining the reader's experience that Fish is able to make a claim about the text and, therefore, Milton. I take a similar approach in my analysis of ambiguity in the Bavli. By approaching ambiguity from the reader's perspective I am able highlight a literary feature of the Bavli as it relates to the reader's experience of the Bavli. It is quite possible to move from there to a more positivistic claim about the intention, whether conscious or unconscious, of either the author/s of the Bavli or the author/s of the literary features of the Bavli that I locate in this chapter. However, by approaching the Bavli from the reader's perspective I am also able to introduce, hypothesize about, and yet, at the same time, downplay the role of authorial intentionality for the literary features I describe. For Fish, see Stanley Fish, *Surprised by Sin: The Reader in Paradise Lost, Second Edition*, 2nd ed. (Harvard University Press, 1998). 1-11 and 43-45. For Empson on *Paradise Lost*, see William Empson, *Milton's God* (Greenwood Press, 1978).

Example 1 (Baba Kama 32b): Descriptive Language in a Halakhic Sugya

In the Talmud, a statement is sometimes prefaced by the expression "Rava says" ("אמר רבא"). However, at other times, a similar statement might be prefaced by an expression like: "Rava tapped him on the shoe and said..." (טפח ליה רבא בסנדליה אמר) ("ליה..."). This sort of descriptive language might seem superfluous to a reader interested only in the legal positions of two Amoraim¹³⁰ debating a law. However, the Talmud is more than a repository of contrasting legal positions and the argumentation that led to them. On the face of it, the Talmud presents itself as a series of logical arguments seemingly driving toward conclusive legal rulings. However, once one digs deeper, it becomes apparent that the Talmud is a complex literary construction that both purveys and subverts meaning through its modes of expression—the words the Talmud actually uses to convey the logic of those legal arguments. This is true not only for the sections of the Talmud that have historically been labeled Aggada but even for those sections historically labeled Halakha.¹³¹ Understanding the method of the Talmud's conveyance of a dispute and the literary characteristics of that conveyance are essential to understanding the nature of the Talmud as a work of literature.

The Mishnah, at Baba Kamma 32b (3:7), discusses the degree of liability for a person who chops wood in one domain and [a woodchip flies of and] injures someone located in a different domain. The Talmud, later on that page, begins a new discussion with a Baraita that builds upon the Biblical laws pertaining to the city of refuge (עיר מקלט). The Bible details the laws of the city of refuge in Numbers (35:9-28) and Deuteronomy (19:1-13).¹³² One who commits manslaughter may flee to one of six cities of refuge to seek protection from those seeking to avenge the death.¹³³ However, the city of refuge only protects those who kill inadvertently. The Biblical term used to express the level of intentionality that permits refuge is the root ג ג ש (š G G). These Biblical passages address both the state of mind of the killer and the particular circumstances that indicate the killer's state of mind. The plethora of contemporary legal categories defining

¹³⁰ The period of the Amoraim follows the period of the Tannaim and extends from 200 CE to the mid fifth century. Whereas all Tannaim lived in Palestine some Amoraim live in Babylonia and some live in Palestine.

¹³¹ For a reassessment of these historical categories see Barry Scott Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (University of Pennsylvania Press, 2011). pp. 31-62.

¹³² The concept of a place of refuge for those who commit manslaughter is briefly referred to in Exodus 21:13.

¹³³ The avenger is referred to as the גואל הדם (restorer of the blood) and a clan member is probably meant. See Levine who connects the level of familial relationship meant here to Leviticus 25:49. Baruch A. Levine, *Numbers 21-36* (Doubleday, 2000). pp. 564-565. The Bavli presents opinions that expand the category of גואל הדם to anyone (Makkot 12a) or a court appointee (Sanhedrin 45b) in the absence of a גואל הדם however the level of familial relationship required for one to be considered a גואל הדם is never specified.

state of mind (*mens rea*) in homicide cases—such as manslaughter, murder, and their numerous sub-categories—highlights both the dubious nature of and juridical need to ascertain a killer's state of mind. The Bible uses terms like hate (הַשְׂנְאָה [ב]שנאה)¹³⁴ and animosity (הַשְׂנְאָה [ב]איבה)¹³⁵ to counter a case of inadvertent killing (הַשְׂגָּה [ב]שגגה).¹³⁶ The Talmud, however, removes emotions from its discussions of these laws and replaces hate and animosity with the category of מזיד (intentional), thus contrasting the two categories as killing בשוגג (inadvertently) and killing במזיד (intentionally).¹³⁷ The one who kills בשוגג (inadvertently) is afforded both the protection and atonement (כפרה) of exile (גלות) in the city of refuge. The one who kills במזיד (intentionally) is allowed neither.

The relationship between the Mishnah at Baba Kamma 32b, which deals with injury and payment, and the Baraita that follows, which deals with homicide and exile, is one of association. The prototypical example of inadvertent homicide in the Bible is a death that results from chopping wood in a forest.¹³⁸ Although the Biblical case is one where the ax-head detaches from the handle and kills someone, the Mishnah (Makkot 2:1) cites an opinion that expands this case to a woodchip shooting out and killing someone.¹³⁹ The next Mishnah in the second chapter of tractate Makkot (2:2) deals with situations where domain and trespass¹⁴⁰ are considered. These associations between the Mishnah at Baba Kamma 32b and the Mishnayot in Makkot naturally lead the Talmud into a discussion of death by woodchip, trespass, and exile. The Baraita at Baba Kamma 32b reads:

Our Rabbis taught: If one enters the shop of a carpenter without permission and a piece of wood shot off and hit (וַיִּטְפֹּחַ) [the trespasser] on his face and he died: [the carpenter] is exempt. But if he entered with permission then the [carpenter] is liable.

¹³⁴ See, for example, Numbers 35:20.

¹³⁵ See, for example, Numbers 35:21.

¹³⁶ See Numbers 35:11, 15.

¹³⁷ The term מזיד is not used in the Biblical passage of Numbers 35. (See, however, Exodus 21:12-14, in which context the verbal root is indeed used.) For a source critical analysis of this passage as well as the evolution of the terms שוגג, מזיד, and שוגג קרוב למזיד culminating in the construction of this *sugya* see: Aharon Shemesh, “Šōgēg Qārōb lē-Mēzīd: lē-Bīrūr Yēšīrātō Šel ha-Mûšāg bēTōrat hā-'amōrā'īm,” *Šēnātōn ha-Mišpāt ha-'ibrī* 20 (1997): 399-428.

¹³⁸ Deuteronomy 19:5.

¹³⁹ See commentaries of Rambam and Rabbeinu Hananel who do not read the Mishnah in this manner.

¹⁴⁰ The word רשות is central to both concepts. One can enter into someone else's רשות (domain); And one can do so with or without רשות (permission).

This Baraita is somewhat vague and the Talmud seeks to clarify the parameters of the ruling by inquiring into the nature of the liability in the case where the person who was killed had entered with permission. Rabbi Yosi the son of Ḥanina explains, counter-intuitively, that by ruling that the carpenter is "liable" the Mishnah really means that he is "exempt." He explains his logic by stating that "liable" should really be read as "liable for four things (damages, pain, medical fees, and loss of work)"¹⁴¹

Rava does not seem bothered by Rabbi Yosi the son of Ḥanina's apparently blatant misreading of the case of Baraita but rather tries to explain the logic of Rabbi Yosi the son of Ḥanina's ruling in the case where the shop visitor had indeed been killed. Rava argues that the case of a person entering a shop with the shopkeeper's permission is certainly similar to the Biblical case where both parties enter the forest with the *de facto* permission of each other. So, Rava asks why, according to Rabbi Yosi the son of Ḥanina, would the killer be free from exile? Rava explains that the carpenter shop scenario is not a case of inadvertent killing but rather a case that falls into a category that is somewhere in between inadvertent and intentional killing (שווג קרוב למזיד). In general, exile is not to be considered a punishment, but is rather a benefit to the killer because it gives the killer an opportunity for atonement. The person whose homicide is classified as somewhere in between inadvertent and intentional killing (שווג קרוב למזיד) is punished by not being allowed the opportunity for the atonement that exile affords. The killer does not receive capital punishment because there were no witnesses nor warning issued, both prerequisites for capital punishment. However, the killer is still punished by not being allowed the opportunity to receive atonement through exile.¹⁴²

Rava then goes on to question his own explanation of Rabbi Yosi the son of Ḥanina's ruling by comparing it to a case where a court-appointed scourger who, in meting out corporal punishment to an offender,¹⁴³ adds one lash (הוסיף לו רצועה אחת) and

¹⁴¹ In rabbinic law personal injury is assessed as a composite of five modes, the four listed here as well as embarrassment. Payment for embarrassment is only required when the personal injury was intentional. (Mishnah Baba Kamma 8:1)

¹⁴² This conception of the role of exile as an opportunity for atonement rather than as a way to protect oneself from the blood avenger is made possible by the fact that there were no cities of refuge and therefore no blood avengers in the rabbinic period. (See Shemesh, "Šôgēg Qārôb lē-Mēzîd: lē-Bîrûr Yēšîrâtô Šel ha-Mûšāg bēTôrât hā-'amôrā'îm," 427-428.)

¹⁴³ One who transgresses a negative Biblical commandment is liable to lashes. (There are a few exceptions to this rule.) This law is derived from an exegesis of Deuteronomy 25:2-3 (Sifre).

the recipient of the flogging dies from that extra stroke.¹⁴⁴ In such a case, Rava argues, the scourger has committed an act that should be deemed שוגג קרוב למזיד (the category that is in between intentional and inadvertent) and yet the scourger is allowed the benefit of exile. At this point, after Rava has been debating himself for some eight lines of text, an interlocutor enters the discussion. Rav Shimi offers that it is not a case of שוגג קרוב למזיד (the category that is in between intentional and inadvertent) because the circumstances of the case are where the scourger lost track of his count. In such a case it would indeed be considered שוגג (inadvertent) rather than שוגג קרוב למזיד (the category that is in between intentional and inadvertent) and that is the reason why the scourger is allowed the benefit of exile.

What happens next in the text is ambiguous at the level of language. Once again, as was the case with the Baba Batra and Menahot parallels of the previous chapter, the ambiguity is driven by the uncertain meaning of the prepositional marker "ב" ("b"). The word טפה can denote knocking, tapping, hitting, or striking. The phrase טפה ליה רבא "בסנדליה" can therefore either mean that Rava tapped Rav Shimi on his sandal or that Rava struck Rav Shimi with his sandal.¹⁴⁵ The first interpretation would be akin to tapping someone on the shoulder,¹⁴⁶ either to get his attention or to make a friendly point. The second interpretation would either be intended as an insult¹⁴⁷ or as a way of demonstrating his intellectual superiority¹⁴⁸ to Rav Shimi.¹⁴⁹

¹⁴⁴ The rabbinic conception of Biblical corporal punishment was that the offender would receive 39 lashes (—the Bible has 40.) Since 39 lashes was enough to kill some people an assessment was made how many lashes the offender could tolerate and was then sentenced to a lower number of lashes in multiples of three. So for instance, if it was assessed that one could only tolerate 20 lashes then that person would be given 18 (Mishnah Makkot 3:10-11). However, the case we are dealing with would be one where the offender was assessed 18 lashes and the scourger meted out 19.

¹⁴⁵ Either kicking him or removing his sandal and striking him with it. It should be noted that "his" is also ambiguous here.

¹⁴⁶ It helps to imagine them both sitting on the floor while engaged in conversation.

¹⁴⁷ Richard Kalmin comments on a similar occurrence of this phrase at Baba Batra 22a, arguing that both interpretations signify contempt. [Richard Kalmin, *Sages, Stories, Authors, and Editors in rabbinic Babylonia* (Brown Judaic Studies, 1994). p.6 note 25.] Kalmin's assumption is based on a presupposition of who is doing the sandal tapping in that case. In the Baba Batra passage, it is ambiguous whether it is Rav Dimi or Rav Adda who is doing the action. The Paris 1337 manuscript of Baba Batra certainly runs counter to Kalmin's assumption. In addition, the third time this phrase is used in the Bavli certainly seems to have it as an attention getting device (Moed Kattan 25a). Rashi's comment there is quite telling: "like a person who touches his friend's foot secretly in order that those standing around won't hear [what he then says]" i.e. as a way of getting him to lean in. Rashi does not compare it to someone who kicks someone under the table in order to make a point that no one would observe. This is a subtle but telling difference. (See version quoted in *Ein Ya'akov*). I maintain that in our text it is certainly ambiguous and Rashi's commentary here, as in Moed Kattan, offers both possibilities and refuses to decide between the two. (It should be noted that whereas Rashi reads both possibilities in the Baba Kamma and Moed Kattan passages, without deciding between the two, he only offers the "insult" interpretation in the Baba Batra passage.

¹⁴⁸ Barry Wimpfheimer reads the phrase as it appears at Baba Batra 22a in this manner. Wimpfheimer, *Narrating the Law*, 140-142.

After this physical display, Rava counters that it is the judge who is the one doing the counting, not the scourger. Therefore the scourger, not paying heed to the judge's count, should be considered acting on his own. As a result it would indeed be a case of שוגג קרוב למזיד (the category that is in between intentional and inadvertent). Rav Shimi responds to Rava and argues that it must be a case where it was the judge who made the error counting and therefore the scourger is not to blame at all. Consequently the scourger's death would be considered inadvertent (שוגג). The Talmud continues its discussion, for a page or so, coming up with all kinds of different cases and explaining them away in the manner that Rav Shimi does in our text. Rava's original explanation of Rabbi Yosi the son of Hanina's ruling and the resultant dialectic exchange¹⁵⁰ is recapitulated and restructured in two different ways throughout the remainder of the *sugya*. Rather than detail that discussion, I will focus on the effect that that the seemingly impertinent information contained in the phrase טפה ליה רבא בסנדליה (whether Rava hit him with his own sandal or Rava tapped Rav Shimi on Rav Shimi's sandal) has on the reader's understanding of the give and take of the legal arguments made in this local section of the larger *sugya*.

The reader of this passage in the Talmud, when encountering the seemingly superfluous phrase טפה ליה רבא בסנדליה (whether Rava hit him with his own sandal or Rava tapped Rav Shimi on Rav Shimi's sandal), is left to wonder what could be the point of a superfluous phrase that is also ambiguous. Unless, of course, ambiguity is the point. The word טפה (hit) echoes the original Baraita's use of the word to describe the woodchip shooting off and hitting (וטפחה) the trespasser in the face. They are practically identical words and share the same root (T F H). The word סנדל (sandal) also echoes the רצועה (strap) of the case of the court appointed scourger in the following manner. The words רצועה (strap) and סנדל (sandal) are closely associated with each other in the Talmud both as a sandal strap¹⁵¹ and as two of the four tools of a judge,¹⁵² who himself is a player in multiple aspects of this drama.¹⁵³ The appearance of the phrase טפה ליה רבא בסנדליה

¹⁴⁹ Perhaps the image of Rava debating himself should be construed as Rava delivering a lecture. Rav Shimi would then be someone who was in attendance at this lecture and raises a point that opposes his teacher. If this Rav Shimi was Rav Shimi the son of Ashi then he indeed would have been a student of Rava's. Here he is called Rav Shimi the Nehardean. It is unclear whether these are the same people or that Rav Shimi the Nehardean is a different person and a contemporary of Rava. Whether one conceives of Rav Shimi as a student or colleague of Rava would certainly play into how one conceives of their interaction.

¹⁵⁰ i.e. שקלא וטריא - literally, "taking and throwing" or "taking and shaking."

¹⁵¹ See for example: Baba Metzia 78b and 106b; Hagigah 23a; Hulin 123b; Yevamot 102a; Sotah 40a; and Shabbat 111b.

¹⁵² Along with a stick and a horn (Sanhedrin 7b). A judge uses the sandal during the חליצה (*ḥaliṣâ*) ceremony (in order to break a levirate bond.)

¹⁵³ It should be noted that two types of דיינים (judges) play a central role in our passage. There is the mythical judge of the Baraita who is, for the rabbis who constructed that Baraita, from a long forgotten era of Biblically sanctioned capital and corporal punishment. [Mishnah Makkot 10:1 is evidence for the fact

(whether Rava hit him with his own sandal or Rava tapped Rav Shimi on Rav Shimi's sandal) in this passage— whether interpreted as an attention getting device, sign of contempt, or posture that Rava uses to express his own superiority over Rav Shimi— does not seem to add anything to the narration of the story.¹⁵⁴ The approach that I advocate focuses on how the appearance of the ambiguous phrase טפח ליה רבא בסנדליה (whether Rava hit him with his own sandal or Rava tapped Rav Shimi on Rav Shimi's sandal) affects the experience of the reader—how it operates on the reader both outside of, or above, the temporal flow of the passage and against the linear logic of the passage.

If this passage in the Talmud is a description, or retelling, of an actual conversation between Rava and Rav Shimi, then one of the two actions had to be the one that took place in that historical encounter. Either Rava hit Rav Shimi with his own sandal or Rava tapped Rav Shimi on his sandal in an attempt to casually draw Rav Shimi's attention.¹⁵⁵ In addition, Rava must have a particular intention. The one who documented this encounter between Rava and Rav Shimi could have used other language to describe the event if the point was to convey to readers, or hearers, of the story the events that actually took place during that encounter. This historian also could have chosen to describe Rava's intent or state of mind.¹⁵⁶ However, as a literary construction, whether or not such an encounter ever really took place, the phrase טפח ליה רבא בסנדליה (whether interpreted as Rava hitting Rav Shimi with his own sandal or as Rava tapping Rav Shimi's sandal) serves an important function within the context of this otherwise entirely legal discussion. Had the Talmud merely stated "Rava said" without the use of additional descriptive language, then the logic of the legal arguments would have taken center stage. However, by adding this seemingly superfluous "hitting/tapping" phrase (טפח ליה רבא בסנדליה) —a phrase whose actual language also alerts the reader to various important moments within the linear flow of the Talmud's rhetorical arguments¹⁵⁷—the Talmud highlights, for the reader, the ambiguous nature of the intention of Rava's action.

that capital punishment had long been discontinued by the time of the Baraita's construction.] And then there is the Rabbi of the time of Rava and Rav Shimi who considered themselves judges and considered these items the tools of their trade. [For the rabbinic discourse on capital punishment as a constructed rhetorical tool rather than reflecting an actual historical occurrence, as well as for a summary of previous scholarship on this matter, see Beth A. Berkowitz, *Execution and Invention: Death Penalty Discourse in Early rabbinic and Christian Cultures* (Oxford University Press US, 2006), 3-64.

¹⁵⁴ Certainly not in the manner of Wimpfheimer's reading of this term at Baba Batra 22a. See footnote 148.

¹⁵⁵ See footnote 146.

¹⁵⁶ Omniscient narration is quite common in the Bavli.

¹⁵⁷ The ambiguous hitting/tapping phrase, טפח ליה רבא בסנדליה, contains two words other than Rava's name and ambiguous pronouns. Those words are the verb טפח and the noun סנדל. The verb טפח redirects the reader to the וטפחה ([wood shot off and] hit) of the Baraita. Additionally, סנדל (sanda) is a word closely related to the word רצועה (strap of the extra lash that killed the scourgee) throughout the Bavli. (See examples listed in footnote 24), directing the reader's attention to the case Rava uses when explaining Rabbi Yosi the son of Hanina's ruling.

Instead of asking the reader to choose between two readings, the text offers an ambiguity of reading. This ambiguity is an index of the ambiguity of Rava's action and thereby highlights the ambiguous nature of intention in general as perceived by the outside observer, whether this observer be the court, as is the case in the Talmudic passage, or the reader. The superfluously ambiguous "hitting/tapping" phrase (טפח ליה (רבא בסנדליה) therefore serves to undermine the logical conclusion of this *sugya*, which deals with the creation of a new category of intention (שוגג קרוב למזיד) - the category that is in between intentional and inadvertent), a new category which itself calls into question the very categories of שוגג (inadvertent) and מזיד (intentional).

Example 2 (Niddah 64b): Is Shmuel's Boastful Expertise in Exotic Sexual Techniques Meant to Be Taken Seriously?

As was the case with the first example (Baba Kamma 32b), the forthcoming analysis of Niddah 64b (example 2) will also center on the effect of linguistic ambiguity on the meaning-making process. For Niddah 64b, I will examine the role that the appearance of an ambiguous phrase—one that also appears in multiple other Talmud passages, though less ambiguous in those contexts—plays in the global Talmud reader's attempt to come to terms with the meaning of the linear logic of the local Niddah 64b passage being read. The Mishnah at Niddah 64b discusses the laws regarding sexual intercourse during the first night, or few nights, of a virgin's marriage. Biblical law prohibits sexual intercourse with a woman during her menstrual period.¹⁵⁸ The question at play in the Mishnah is in which scenarios one can assume that blood found after intercourse with a virgin is to be deemed a flesh wound, the result of tearing the hymen, and in which scenarios one must assume that the blood is menstrual. If the blood is the result of a flesh wound then the woman is deemed ritually pure and intercourse may be repeated a second time. If the blood is menstrual then the woman is considered ritually impure and intercourse may not be repeated a second time. The Talmud (64b) introduces a debate between two Amoraim, Rabbi Ḥanina and Rabbi Assi.

The case debated is a scenario where a man had sex with a virgin and did not find blood. He then had sex a second time and did find blood. Rabbi Ḥanina deems the woman impure under the assumption that since she did not bleed after the first intercourse, we can assume that she was not actually a physical virgin at the time of the first intercourse. Therefore, the blood found after the second intercourse is assumed to be menstrual. According to the rabbinic conception, not all women who were *halakhic*

¹⁵⁸ A menstruating woman is also prohibited from engaging in sexual intercourse. I only phrase this sentence the way I do because, in the verse, the Torah's directive is aimed at the man. [For a discussion of the rabbinic conception of the Holiness Code being directed only to men and the Qumran Sect's understanding that women are also meant, see Aharon Shemesh, *Halakhah in the Making: The Development of Jewish Law from Qumran to the rabbis* (University of California Press, 2009).]

virgins—women who had never had sexual intercourse—were physical virgins, whether they had lost their hymens to an accident or to the natural deterioration of the hymen with age.¹⁵⁹ Rabbi Assi, on the other hand, considers the woman who only bled after the second act of intercourse as ritually pure because he believes that it should be assumed that her hymen remained intact during the first intercourse and only now tore during the second intercourse.¹⁶⁰ The blood found after the second intercourse is therefore assumed to be the result of a fall. When the Mishnah states that the blood that a woman dips into these mean points, and has the shop visitor not killed the fly, the carpenter would have had to pay various costs and reparations, such as medical bills and workman's compensation. However, had she bled before she had been sexually penetrated, the costs and reparations would not be applicable, she might not even be required to flee to a city of refuge, the standard punishment for manslaughter. Rabbi Yosi the son of Hanina seems to ignore the fact that the Mishnah is dealing with a case where the shop visitor had indeed been killed by the flying woodchip.

¹⁶⁰ The terminology I use here, "intact" and "torn," is not meant to reflect a physical reality but is merely a descriptive convention. Since the point of this section of this chapter (as well as chapter 4) is to examine how the rabbis struggled with the concept of "virginity" vis-à-vis the physical reality, I choose to use terminology that works well to highlight that struggle. Hanne Blank explains the problematics of this terminology in relation to the physical realities of hymens as follows.

It seems strange, since we think of them as being static unless they are "torn" or "broken," but hymens change shape all by themselves. Between birth and age three...hymens can go through quite a bit of alteration in shape and size. The changes take place painlessly, silently, and virtually unnoticeably, without the girl in question...noticing any change...the best way to think of it is that like other body parts, the hymen continues to develop after birth, and this means that sexual penetration is absolutely not required for a hymen to be different or look different from one day, one week, or one month to the next. This calls into question the very notion of the "intact" hymen: if the hymen can change all by itself, can we ever accurately call it "intact" or "unaltered"?

Hanne Blank, *Virgin: The Untouched History* (Bloomsbury Publishing USA, 2008).

These are not terms that the rabbis themselves would choose to use. The Rabbis do not use terminology for loss of virginity status that refers directly to what happened to the hymen (בתולים) (e.g. terms like "torn" or "broken".) They might, though rarely, use the root אבד (see, for example, Yerushalmi Sotah 3:4) but this word can equally be translated as "lost her hymen" or "her hymen was destroyed." They instead conceive of the hymen in one of five ways. One, they work backwards from the appearance of genital blood and try to assess if the appearance of genital blood is related to a wound (מכה) that would remove a woman from the category of a physical virgin. Two, they work with an understanding that the hymen repairs itself up until the age of three (see, for example, Niddah 45a). Three, they understand the hymen to disappear gradually over time, so that the hymen of a twelve and a half year old (בוגרת) is considered to either have diminished or be completely gone. (See, for example, the use of the terms כלו לה בתוליה and מקצת בתולים at Yevamot 59a.) Four, the hymen can be removed (or dissolved) with friction (מיעכה) (see Yevamot 34b.) or "fall away" (נושרת) from "taking large steps" (Shabbat 63b). It is unclear in either of these cases if blood ever appears. Five, they compare it, by way of parable (משל), to a bolt on a door (Ketubot 10a). [Ketubot 10b presents other possibilities why a virgin woman might not bleed upon a sex act but they are not necessarily related to a conception of the hymen. It also appears, from Ketubot 10b, that the existence of a hymen is not something that can be verified visually.]

that the woman is deemed ritually impure; And Rabbi Assi says that the woman is deemed ritually pure.

[The Talmud explains:] Rabbi Ḥanina says that she is ritually impure because if the blood was the blood of virginity then it would have appeared initially (i.e. during the first intercourse). And Rabbi Assi says that she is ritually pure [because] perhaps [the first sex act] happened like [the scenario of] Shmuel, as Shmuel said: "I am able to have sex [with a virgin] a number of times without [the appearance of] blood."¹⁶¹

And how would Rabbi Ḥanina respond [to Rabbi Assi's argument]?¹⁶² Shmuel is different because רב גובריה.

("שאני שמואל דרב גובריה"— *the translation of this phrase will be discussed presently*).

Etymologically, the root גבר, as an abstract noun, means something like manliness, potency, strength, force, or power. The root רב, as an adjective, means great or large. Accordingly, the phrase רב גובריה should be translated as: because his potency, strength, force, power, or manliness was great or large.¹⁶³ Any of these translations would work to undermine the idea that the linear logic of the Talmud means to express—that Shmuel was able to have sex with an individual woman many times while her hymen remained intact. The image of great manliness, force, or power, evoked by the words רב גובריה, if not that of a man with a large penis, would certainly not be that of a man who would engage in the delicate act of sex that is presumably required in order to keep the virgin's hymen from tearing—assuming such an act is even possible, especially when repeated many times, as Shmuel boasts.¹⁶⁴

¹⁶¹ In the rabbinic imagination, there was a sexual technique called הטייה (bending/tilting/leaning?) which allowed one to have sex without tearing the hymen. (See Ketubot 6b.)

¹⁶² Literally: And the other?

¹⁶³ The most interesting etymologically driven reading of this phrase is probably that of the Samuel the son of David Moses Halevi Segal [Poland, 1625-1681.] In his work *Naḥalat Shiv'ah* (chapter 60), Segal states that what is meant here is that Shmuel was so potent that he was able to impregnate a virgin by shooting his seed like an arrow into the womb of a virgin without actually penetrating her fully. [Samuel ben David Moses, *Sefer Naḥalat Shiv'ah* (Amshtēlerdam [i.e. Amsterdam]: S. ben D.M. ha-Levi, 427AD).] Segal is certainly reading this text in concert with a parallel text (Ḥagigah 15a) in which Shmuel makes the same boast and where the topics of seed shooting like an arrow and virgin pregnancies are broached. The phrase רב גובריה does not appear in the parallel at Ḥagigah 15a. Jacob Ettlinger (1798-1871, Germany) takes issue with Segal's reading precisely because רב גובריה means "great expertise" and not "great potency" at Niddah 24b. (Jacob Ettlinger, *Sefer 'Arukh La-Ner 'al Masekhet Nidah: Bo Niḳbetsu Hidushim U-Ve'urim* (Jerusalem: s.n., 725).glosses to Niddah 64b.)

¹⁶⁴ The Rabbis most likely constructed their conception of physical possibility from a combination of real scientific knowledge, traditional folk science, and a desire to see reality in the Biblical conception of the physical world. It is the degree of negotiation of—and trust and distrust for—these various sources and how that negotiation is expressed literarily in this Niddah 64b passage that is the subject of this section. As

The reader that the Talmud assumes—that reader who is familiar with the book in its entirety, the reader expected to understand every cryptic reference to obscure passages strewn throughout the Talmud's close to two million words¹⁶⁵—knows that the phrase רב גובריה is not only idiomatic but additionally has a special association with Shmuel. Aside from its occurrence at Niddah 64b, the phrase רב גובריה appears a mere three other times in the Talmud. Shmuel plays a role in two of those instances.¹⁶⁶ The first, in terms of proximity to Niddah 64b, appears at Niddah 25b. This passage is also of note because the

is the case with any anatomical part of the human body, the shape and elasticity of the hymen differs greatly from person to person. [See, for example, Krishan Vij, *Textbook Of Forensic Medicine And Toxicology: Principles And Practice* (Elsevier India, 2008).] [On the general lack of knowledge about hymens in the ancient world, see Kathleen Coyne Kelly, *Performing Virginity and Testing Chastity in the Middle Ages* (Psychology Press, 2000).

¹⁶⁵ The set of Bavli texts which will be discussed in chapter 3 of this dissertation represents a typical instance where a Bavli passage (Ketubot 11a) expects its reader to already know the conclusion of a passage that appears several tractates, and hundreds of pages, later in the Bavli (Gittin 33a). In explicating that passage, I will further refine the concept of the "Bavli reader."

¹⁶⁶ The only time that this phrase is used outside of a direct relationship with Shmuel is at Avodah Zarah 8a. Although Shmuel is directly involved in that discussion he is neither the one saying the phrase nor its subject. The appearance of the phrase רב גובריה at Avodah Zarah 8a is similar to its appearance in our text in the sense that it is used as part of the larger expression שאני דרב גובריה. The subject of the expression is Moses and the meaning of the expression in the Avodah Zarah context so vague that it is difficult to understand which etymological aspect of root גבר is being summoned. The Bavli at Avodah Zarah 7b relates a debate between Tannaim regarding the correct order of prayer. Should one first ask God for his own needs and then offer praise or vice versa? One of the opinions coincides with a verse from the Bible. In Deuteronomy 3:24-25, Moses first praises God and only then asks God to allow him to cross over the Jordan and see the Promised Land. The Bavli argues that this is no proof because רב גובריה, meaning: Moses is different because רב גובריה. Is Moses's difference to be found in his potency, strength, force, power, or manliness? It seems that none of these definitions would satisfyingly explain why Moses prayed in the order he did. Rashi to Avodah Zarah explains that it is the strength of Moses's wisdom and deeds that allow him to pray in that particular order. [It should be noted that the phrase appears with a slightly different spelling at Menahot 61b: "ורב גבריה." In that instance, it appears that "expertise" is meant in a manner similar to the phrase's meaning at Niddah 25b, a text that will be discussed presently. Rashi ad. loc. certainly reads it that way. The Paris manuscript to Menahot 61b indeed has the word spelled גובריה rather than גבריה. The Vatican manuscript to Niddah 20a has the expression כמה נפיש גובריה which contextually means "how great is the man." The Vatican manuscript of Niddah 20a is probably a corruption of the phrase כמה נפיש גברא which is how the phrase appears in the rest of the manuscripts as well as at Hullin 7a, where it also means "how great is the man." The word גובריה also appears in the Munich manuscript to Yevamot 17a, a text which will later be treated in chapter 3. In that instance, the word appears in a phrase which reads as מה גברא ומה גברא ("what a man and how great [he would be]") in the rest of the manuscripts. It seems fair to argue that the cause for the appearance of the spelling גובריה in the Vatican manuscript to Niddah 20a and the Paris manuscript to Menahot 61b, as well as, on the other hand, the appearance of the spelling of גבריה in all other MSS to Menahot 61b (and the appearance of the spelling of גברא in all other MSS Yevamot 17a) is both the ambiguity of the meaning of this phrase in the other passages in which it appears as well as an attempt on the part of the copyists to align, or disjoin, the various meanings of the various texts with, or against, each other.]

phrase שאני שמואל דרב גובריה (Shmuel is different because....), as was the case in our Niddah 64b passage.

Niddah 24b and Yevamot 104a: The Formation of a Web of Meaning

Niddah 25b addresses two seemingly contradictory stories concerning Shmuel and his legal rulings regarding the nature of miscarriages. According to biblical law, a woman who gives birth to a child is subject to special purity laws.¹⁶⁷ If the child is male, she is subject to the purity laws of a menstruant for seven days. She then begins counting thirty-three days during which the appearance of blood is considered the result of the birthing process and not menstrual blood. Thereafter, if she were to see blood then it would be considered menstrual blood. However, if the child was female then the woman is subject to the purity laws of a menstruant for fourteen days, after which she counts sixty-six days in which the appearance of blood is considered the result of the birthing process rather than menstrual blood. The same applies for a woman who miscarries. However, these rules only apply if the woman miscarries a fetus. If the woman miscarries an embryo then the rules do not apply. In the rabbinic worldview, an embryo becomes a fetus (ולד) forty days after conception.¹⁶⁸

The two contradictory stories involving Shmuel are as follows. In the first story, Shmuel tells one of his students not to give a practical ruling as to whether a miscarriage is an embryo or fetus unless the aborted fetus has hair. A fetus certainly does not grow hair until long after 40 days after conception. Therefore only when the questionable miscarriage has hair can one be sure that it is a fetus. Another student relates that Shmuel explained this ruling to him as hedging his bet on both ends.¹⁶⁹ In other words, the woman must assume that the miscarriage was indeed a fetus and observe menstrual purity

¹⁶⁷ Leviticus, chapter 12.

¹⁶⁸ See Mishnah Niddah 3:7 for the general rule; Berakhot 60a (regarding Leah and Dinah and sex assignment); Sotah 2a, Sanhedrin 22a, and Moed Katan 18b (40 days is specified in the London, Munich, Columbia, Vatican 108, Vatican 134 manuscripts but not in Oxford nor the Pesaro or Vilna prints) parallels where the phrase ארבעים יום קודם יצירת הולד בת קול יוצאת ואומרת בת פלוני לפלוני (forty days before the forming of the fetus, a heavenly voice calls out "the [future] daughter of so and so [will be married] to so and so") implies that the heavenly voice calls out at the time of conception and the embryo becomes a fetus at forty days. There is an opinion in Mishnah Niddah 3:7 that holds that a male fetus is formed after 40 days but a female fetus is only formed after 80 days. [For the fetus and embryo in rabbinic literature see Gwynn Kessler, *Conceiving Israel: The Fetus in rabbinic Narratives* (University of Pennsylvania Press, 2009). I thank Charlotte Fonrobert for alerting me to this work.]

¹⁶⁹ This principle is expressed in the Bavli (though not explicitly here) as: ספוקי מספקא ליה ועביד/ואזיל הכא להומרא והכא להומרא ("He was doubtful; and he [therefore] acted stringently in both cases."). [See for example, the Bavli's discussion of the opinion of Rabbi Yehoshu'a on the previous page (Niddah 25a); Berachot 36a; and Beitzah 4b.]

laws for fourteen days (just in case the fetus was female) but she does not enjoy the privilege of the thirty-three or sixty-six clean days (i.e. if she were to see blood during this period then she would indeed be deemed a menstruant). This implies that Shmuel was doubtful concerning one's ability to assess the precise age of an embryo or fetus. Had he been sure, then he would not need to follow the stricter requirements of both possibilities.

In the second story, a miscarriage is brought before Shmuel for assessment and he declares that the fetus is forty-one days old. Shmuel then calculates backwards to the date that the woman last used the ritual bath and discovers that it was less than forty days earlier.¹⁷⁰ Shmuel therefore decides that the woman's husband must have impregnated her while she was ritually impure.¹⁷¹ The rabbinic authorities tied the husband up until he admitted to his indiscretion.¹⁷² The degree of precision in which Shmuel acted in this case demonstrates that he was not doubtful about one's ability to discern the exact age of a fetus. The Talmud answers this apparent contradiction regarding Shmuel's view on this matter by stating: *רב גובריה* (the translation of this phrase will be discussed presently). From the context, the phrase presumably means that Shmuel is different than his students in the sense that he is an expert. Although, etymologically, the noun *גבר* (potency, strength, force, power, or manliness) combined with the adjective *רב* (great, large) does not mean "expert" the context implies that this is in fact what the idiom *רב גובריה* means in this instance.

If the reader returns to the original Niddah 64b passage armed with this information, then the phrase *רב גובריה* makes perfect sense. Shmuel was able to have sex with a physical virgin many times while her hymen remained intact because he was an expert on such matters.¹⁷³ But why not use a different formulation to express

¹⁷⁰ Apparently the dates of the woman's use of the ritual bath was a matter of public record.

¹⁷¹ According to rabbinic law, a woman must wait seven days after her menstrual period and then immerse in the ritual bath before having sexual intercourse.

¹⁷² *כפתיה ואודי*. Perhaps this phrase implies that they imprisoned him until he confessed.

¹⁷³ It is interesting to note that when the sexual technique of *הטייה* (bending/tilting/leaning?) is discussed at Ketubot 6b (see footnote 161) the term *בקי* is used denoting "expert." In a discussion of whether or not one may engage in a first sex act on the Sabbath the Bavli discusses whether such a sex act will definitely result in a wound. If that were the case then it would be prohibited. The text develops as follows:

לא כהללו בבליים שאין בקיין בהטייה אלא יש בקיין בהטייה אם כן טורד למה
לשאינו בקי יאמרו בקי מותר שאינו בקי אסור רוב בקיין הן

(Not like those Babylonians who are not experts in "leaning" but rather there are those who are experts in "leaning." If [he is an expert in this sexual technique] then why would he be nervous [i.e. why would he be permitted to skip the reading of the Shema on account of nervousness as the Bavli had previously declared]? that was referring to one who is not an expert. So why not say that an expert is permitted [to engage in

this idea? Why use a phrase that literally appears to mean the opposite of what it is intended to express?¹⁷⁴

The third appearance of the phrase רב גובריה in connection with Shmuel both complicates and sheds light on the matter. According to Biblical law, in order to break the levirate bond, one must perform a ritual called *ḥalīẓā* (הליצה).¹⁷⁵ The Talmud at Yevamot 104a assumes that one must perform this ritual in front of witnesses, using a sandal, and during the day. Rabbah the son of Ḥiyya of Ctesifon performed this ritual by himself, using a shoe, and at night. Each of these three aspects of the performance of the ritual has a precedent. However, the precedents do not necessarily conform with the majority opinions on each matter. Upon hearing of Rabbah's actions, Shmuel commented: כמה רב גובריה דעביד כיהידאה, meaning, how great is his strength that he acted in accordance with the minority opinion.¹⁷⁶ Here the phrase appears to more readily conform to its literal sense, rather than the idiomatic sense that we ascribed to the phrase when used at Niddah 25b. The phrase here could also mean "expertise" but it is more likely to mean "power" or "strength" in the sense of "authority."

In addition to the fact that the phrase רב גובריה as used at Yevamot 104a does not appear to conform to the meaning connoted at Niddah 25b, two other factors are

a first sex act on the Sabbath] while a non-expert is prohibited [from doing so]? Most people are experts [in this sexual technique.]

Rashi's comment on the words דרב גובריה at Niddah 25b recalls the text of Ketubot 6b and therefore highlights the association between the three passages Niddah 64b, Niddah 25b, and Ketubot 6b: הוא בקי ואין כולן בקיאים (He is an expert, but not everyone is an expert.)

¹⁷⁴ It should be noted that the Bavli also operates on an aesthetic level that is poetic beyond the meaning of words. How words sound or look can also play a role in which words are used to express an idea. The words that follow רב גובריה in this passage are דרב בוגרת, which is the start of a new but related discussion. דרב בוגרת and רב בוגרת are practically anagrams, especially the way they appear in MS Munich: 'דרב גוברי' א' רב בוגר'. Although the scribe who wrote the Munich manuscript did not have the best handwriting, to say the least, he apparently paid attention to certain visual details and oftentimes lines up similar words and phrases appearing on consecutive lines in his text. Chapters 3 and 5 will briefly address, and provide examples of, the role of phonetic or sonic considerations—how the text sounds—in the Bavli's literary aesthetic.

¹⁷⁵ The Bible describes a scenario where a man dies childless. In such a case, his brother must either marry his widow (this is called levirate marriage or יבום) or perform the הליצה (*ḥalīẓā*) ritual. The laws of the levirate marriage are detailed in Deuteronomy (25:5-10) and in tractate Yevamot of the Bavli. The Biblical הליצה (*ḥalīẓā*) ritual basically involves the following: the man refusing to marry his brother's widow; the woman verbally alerting the city elders to his refusal; the elders attempting to persuade the man to change his mind; and finally, the woman removing the brother's footwear and spitting (either in his face or in front of him) while making the proclamation "thus shall be done to the man who does not build his brother's house."

¹⁷⁶ In following the Bavli's give and take, the reader discovers that Shmuel's issue with Rabbah lies more in the fact that he performed the ritual alone than in the fact that he performed it at night or with a shoe. Therefore, Shmuel's comment of דעביד כיהידאה has a dual meaning. He acted alone in performing the הליצה (*ḥalīẓā*), just as he acted alone in rendering his interpretation of the law (by following the minority opinion, which is generally referred to as יהיד—as in the phrase "יהיד ורבים הלכה כרבים")

important for the reader of Niddah 64b. The first is that it is Shmuel who makes the comment. The second is that the comment is sarcastic. At first glance it might seem that Shmuel is complimenting Rabbah the son of Ḥiyya of Ctesifon, marveling at Rabbah's sense of authority and the confidence Rabbah feels in the power of his own opinion against the many. But the reality is that Shmuel is mocking him.¹⁷⁷ This becomes clear as the reader encounters the next few words that appear in the Talmud immediately following Shmuel's statement. The Talmud asks: מאי קשיא? (What was bothering [Shmuel]?) Obviously Shmuel was bothered by Rabbah's actions and therefore his comment about Rabbah's greatness was meant to be taken censoriously.

Returning to the reader of Niddah 64b, this reader is confronted with a logical argument concerning whether or not a woman who was a *halakhic* virgin—a woman who had never had sex—can still be considered a physical virgin after she had sex for the first time. Does the fact that she did not bleed during her first act of intercourse mean that she was not in fact a physical virgin or does it mean that she was still assumed to be a physical virgin and therefore might bleed from her second act of intercourse? What is at stake is whether or not her subsequent bleeding would be considered menstrual blood or the blood of a wound, the result of her hymen tearing. If the blood is considered menstrual blood, then she would be ritually impure and therefore not allowed to engage in a second sex act. If the blood is considered the blood of a wound, then she would be allowed to engage in a second sex act. The Bavli cites Shmuel's boast as a proof that it is possible for a physical virgin to no longer be a *halakhic* virgin.¹⁷⁸ That being the case, then when she does subsequently bleed, the blood would not be deemed menstrual blood. The terminology with which the Bavli expresses this possibility draws on the imagery of two other Bavli passages. One passage, by providing an idiomatic interpretive option, subverts the literal meaning of the actual words (רב גובריה). The other passage introduces the possibility that the phrase רב גובריה expresses a sarcastic use of language.

The local reader of the Niddah 64b passage, when confronted with the words רב גובריה, already knows from the rhetorical structure of the passage that the words are meant to explain how a man can have sex with a virgin while her hymen remains intact. The words themselves however, when read literally, seem to imply the opposite—whether translated as "large manhood" or "great force, potency, or strength." The global reader of the Bavli understands, from Niddah 25b, that these words are meant to imply "great expertise" and that would certainly explain their use at Niddah 64b. This reader, however, also knows, from Yevamot 104a, that these words can also be tinged with sarcasm. The result of reading Niddah 64b in conjunction with both Niddah 25b and Yevamot 104a is that the reader understands that the idiomatic meaning of רב גובריה runs counter to its etymological, or literal, meaning. The idiomatic meaning of the phrase accords with the linear logic of the Talmud at Niddah 64b and serves to explain how

¹⁷⁷ Rashi (ad. loc.) feels the need to point this out.

¹⁷⁸ A woman would also be a physical virgin but not a *halakhic* virgin if she had had anal intercourse. For the rabbis, heterosexual anal intercourse and vaginal intercourse have equal status as a sex act. [See, for example, Kiddushin 22b]. The Biblical basis for this rabbinic view regarding anal sex will be discussed at some length in chapter 5 of this dissertation.

Shmuel was able to have sex with a virgin many times while her hymen remained intact. This reader, however, is left to wonder whether or not this claim should be taken seriously. The Talmud could have used any number of words to explain the idea that Shmuel's expertise in exotic sexual techniques makes him different than the general population. However, the literal meaning of the words רב גובריה coupled with their sarcastic usage at Yevamot 104a work to undermine the very idea those words mean to express. Niddah 64b, therefore, when read as part of a web of passages, reflects and represents a conflicted state or ambivalent attitude toward Shmuel's boast. The fact that it was Shmuel himself who used the phrase sarcastically at Yevamot 104a subtly highlights this ambivalence. It is as if the Talmud has turned Shmuel's own doubts about Rabbah the son of Hiyya of Ctesifon back onto Shmuel.

Conclusion

If Empson is correct that ambiguity works to express an ambivalence in the mind of the author, then the first example (Baba Kamma 32b) demonstrates a conflicted state of mind in the author of that *sugya*. Alternatively, if the *sugya* is seen as the product of many authors over a long period of time and the ambiguous "hitting/tapping" phrase is viewed as a later addition to the *sugya*, then the ambiguity represents a conflicted state of mind in either the editor who added that ambiguous phrase or the hand that shaped the final version of the *sugya* that we now read. The second example (Niddah 64b) dealt with the effect of an ambiguity as it relates to the interaction between multiple *sugyot*. It is impossible in this instance to diachronically reconstruct the order of editorial events in each of the three *sugyot* at play in the network of meanings fostered by the interplay of those *sugyot*. It is unclear which of two appearances of שאני שמואל (Shmuel is different) came first and in what order each of the three appearances of רב גובריה (great expertise) were added to the text of the Talmud. We might therefore be limited in concluding that the ambivalence expressed in the second example is the reflection of the overall ambivalence of the culture that produced the final edits to those passages of the Talmud that were cited in the second example. However, as I will argue in later chapters, by citing numerous examples of this phenomenon throughout the Talmud, it is more likely that the modes of ambivalent expression argued for in this chapter is the result of hundreds of years of artisans, editors, and oral transmitters, re-crafting an already closed Talmudic text—a text which, at the time of the activity of these literary artisans, had already been largely considered structurally fixed. The Bavli was already widely known and disseminated. However, these scribes, redactors, readers, or transmitters felt comfortable making these changes at to the text at the level of language because, for them, it was a normative part of the text's dissemination.¹⁷⁹ These literary artisans continued the rhetorical process of the Talmud—a process that works to subvert

¹⁷⁹ Gregor Schoeler, James Edward Montgomery, and Uwe Vagelpohl, *The Oral and the Written in Early Islam* (Taylor & Francis, 2006), 33-39.

resolution in an attempt to continue the Talmudic debate—long after the Talmud was fixed. They accomplished this by inserting or exchanging alternate words or phrases within the body of the already fixed text. These words or phrases work to either subvert the logical conclusions of individual *sugyot* or create networks between webs of Talmud passages to the same end.¹⁸⁰

¹⁸⁰ This idea will be developed throughout the remainder of this dissertation, especially in chapter 4 and 5.

Chapter 3: Ambiguity and the Process of Making Meaning in a Nonlinear, Self-referencing, and Circular (Global) Text

I am less interested in detailing *what* a Talmudic passage "means" after all of the pertinent information is fleshed out than examining *how* the Talmud means. In other words, I am concerned with poetics rather than hermeneutics, the process rather than the result. The facet of the poetics of the Bavli that I wish to explore here is to be found precisely in how the Bavli subverts its own arguments through the particular words it uses to express those arguments. By doing so, the Bavli succeeds in continuing that "process of Bavli" found also found within—or originating in—its own actual rhetorical, or logical, arguments. That is, the Superstam continues the work of the Stam, albeit in a subversive manner, at a time when the structural form of the Bavli's argumentation had been, for the most part, sealed. The process of Bavli to which I refer can be defined as a continuous pursuit of questions masquerading as a quest for answers. That is, while the rhetorical structure of the Bavli makes it appear as if the Bavli drives toward resolution, the Bavli, in fact, in most instances, thwarts the resolution to which it seemingly drives. Even in those moments when the individual Bavli passage seems to rest at resolution, I argue, the words that the Bavli employs to reach that resolution subvert that resolution by pointing the reader to other Bavli passages containing the same words.¹⁸¹ This can occur either when the second Bavli passage uses the word differently than the way it is used in the original passage being read, denoting a different meaning for the word, or when the overall message of the second passage in which the word appears controverts the message of the original passage being read. It is this work that takes place at the level of the interactions between *sugyot* in the book that I deem the work of the Superstam.

As detailed in my analysis of the parallel Baraitot concerning the death of Moses in the first chapter (Baba Batra 15a and Menahot 30a), the Bavli's implied reader, when encountering the next set of words on the Talmudic page, anticipates the rhetorical function of those words before actually reading them. As the GB reader moves linearly through a block of text, this reader understands what the Bavli is trying to do long before understanding how it is that the Bavli achieves its goal. This prior understanding, in turn, mediates the subsequent reading. My analysis of the parallel Baraitot at Baba Batra 15a and Menahot 30a—whether the Baraita is struggling with either the postmortem feasibility or the verity of the account of Moses's writing the Torah, and whether Moses wrote the last eight verses of the Bible with tears instead of ink or while crying—focused

¹⁸¹ This notion of the "process of Bavli" will be elaborated upon in the following chapter.

on both the role that ambiguous terminology plays in the reader's quest for meaning as well as how ambiguous terminology undermines the linearity of the reading experience.

My analysis of the "sandal tapping/hitting" incident of Baba Kamma 32b, in the second chapter, detailed an example of a similar type of linguistic ambiguity and how the ambiguity of a seemingly superfluous phrase operates on the reader. In that case, the ambiguity served to both highlight and call into question an aspect of the logical argument of the passage. The ambiguity worked to express a conflict or ambivalence on the part of the text and its overall commitment to its own rhetorical agenda. The ambiguous "sandal tapping/hitting" phrase (טפח ליה רבא בסנדליה) of Baba Kamma 32b did not play an actual role within the logic of the text as it unfolded. Rather, the ambiguity worked as a literary device that was above and against the linearity of the reading experience. The effect of the phrase did not take place at any particular moment within the linear reading experience. Rather, the ambiguous phrase acted outside of the temporal flow of the words on the page to draw attention to the text's level of commitment to the very reasoning presented in the linear and temporal flow of its argument. In other words, the effect of the ambiguous "sandal tapping/hitting" phrase does not take place, for the reader, at the moment of its appearance in the text. Rather, the phrase exerts its influence at a later moment in time by lingering in the reader's consciousness as the reader moves through later portions of the text.¹⁸² The ambiguous phrase was not itself an integral part of the structure of the *sugya* nor part of its argumentation. I therefore also see here the work of the Superstam. For this *sugya*, while the Stam engages in an attempt to define how a court is to divine the intentions of a killer, the Superstam undermines that process with the introduction of a superfluous ambiguous phrase that serves to question the Stam's endeavor.

My analysis of Shmuel's boast of sexual expertise at Niddah 64b, the second example treated in the previous chapter, dealt with an ambiguous phrase as well. In that case too, the literal meaning of a phrase seems to call the conclusion-driven linear logic

¹⁸² Alternatively, a meditation on the moment of impact on the reader of this phrase can be used to call into question Wolfgang Iser's understanding of the reader of the literary text as always being positioned within the text itself. [See chapter one for a discussion of Iser.] In this instance, the reader can be viewed as experiencing the effects of the text by being exposed to a contrast between that interior position and the position of the reader as observer of the textual object from without. As the two examples treated in the previous chapter, as well as the Ketubot 11a example I will treat in this chapter, demonstrate, assessing the actual position of the Talmud reader vis-à-vis the text—whether this relationship is subject-object or one of a moving viewpoint—is a very slippery proposition. [See Wolfgang Iser, *The Act of Reading: A Theory of Aesthetic Response* (Johns Hopkins University Press, 1980).] The Talmud reader is, out of necessity, either expected to operate while simultaneously positioned both inside and outside of the text being read or, at the very least, expected to oscillate between those two vantage points. The second example of the previous chapter (Niddah 64b), as well as the Ketubot 11a example I will treat in this chapter, complicate Iser's dichotomy by exploring the meaning-making process of that reader who while forced from a local context still operates within the confines of the Talmud. While the reader that Iser explores is one that reads a text from beginning to end, the Talmud reader never really has a starting, or end, point. The Talmud reader is caught up in an endless hermeneutic circle. Is such a reader to be viewed as always situated as interior to the Talmud or does such a reader's viewpoint vacillate between the observation of local passages while moving back and forth through the Talmud?

of the *sugya* into question. It is only the idiomatic meaning of the phrase רב גובריה—when translated as "expertise," as found elsewhere in tractate Niddah—that allows the linear logic of the text to cohere. However, the phrase's literal meaning, coupled with its sarcastic and censorious usage, in yet a third passage (Yevamot 104a), leaves the reader to wonder whether the Bavli, hypostatized as such, truly believes Shmuel's boast. The combination of the three factors—the literal meaning of the phrase רב גובריה ("large manliness" or "great force") at Niddah 64b; the idiomatic use of the phrase רב גובריה ("expertise") at Niddah 25b; and Shmuel's sarcastic usage of the phrase רב גובריה at Yevamot 104a—operates as a web of signs to convey an attitude of ambivalence toward Shmuel's alleged ability to have sex with a virgin many times while her hymen remained intact. In this way, just as was the case for the Baba Kamma 32b (hitting/tapping) passage, these three רב גובריה texts, when viewed together, stand against both the logical structure and rhetorical drive of the passage when viewed in isolation. In other words, the three passages simultaneously work together to both support and subvert Shmuel's outrageous assertion. The Stam of each independent *sugya* works locally to convey a particular meaning relevant to each local *sugya*. In this case, only one of the *sugyot* deals with virginity. Yet, the Superstam creates a web of ambivalent expression highlighting the anxiety surrounding the culturally dominant concept of female virginity and the problems raised by attempts to conceive of female virginity as a physically marked state.¹⁸³

A slowed-down, frame by frame, reflection on the Niddah 64b passage that asserts Shmuel's sexual prowess begins to help us understand how the GB reader—that reader trained by the expectations and assumptions of the text— is forced to navigate the meaning-making process. At the same time, this decelerated reading technique begins to help us understand how the Bavli thwarts the reader's attempt to make meaning in the text. As argued in the first chapter, any reader, by way of practicality, must start the meaning-making process at the level of language. The letters and words on the page appear one after the other in a linear fashion and an attempt must be made to digest them with a linear logic. However, the Bavli, when viewed as a whole, is not a linear book but rather a circular, or spherical, one. Therefore, the Bavli's implied reader (the Global Bavli reader described in the introduction, and defined throughout) is never starting; this reader is always in the middle, and confronts the words on the page with a preconceived idea of what is about to take place in the linear logic of the text about to be read. When there is a schism between the language on the page and the reader's logical expectations, the reader is forced off the page—either to a moment in the past of the text (as was the case in the Niddah 64b example) or to a moment in the future of the text (as the Ketubot

¹⁸³ Many have seen Empson's work as anticipating post-structuralism and deconstruction. [See the essays collected in Christopher Norris and Nigel Mapp, eds., *William Empson: The Critical Achievement* (Cambridge University Press, 1993).] I thank Naomi Seidman for pointing out that Derrida uses the word "hymen" itself to describe what "is neither confusion nor distinction, neither identity nor difference, neither consummation nor virginity, neither the veil or the unveiling, neither the inside nor the outside, etc... Neither/nor, that is, simultaneously either/or..." see Jacques Derrida, *Positions*, trans. Alan Bass (University Of Chicago Press, 1981), 42-43 as quoted in Jacques Derrida, *Dissemination*, trans. Barbara Johnson (London: The Athlone Press, 1981), xvii.]

11a example treated in this chapter will show), a future that, paradoxically, as we will later see, has already happened.

When the linear flow of the words on the page forces the reader to abandon lexical or etymological modes of finding meaning, the reader must resort to the realm of "pragmatics," which I define here as contextual usage,¹⁸⁴ and "semiotics," which I define here to refer to how a word is generally used within the entire Bavli (and, to a lesser extent, those earlier works to which the Bavli overtly refers).¹⁸⁵ In such instances, the words on the page being read no longer convey their meaning literally, but rather convey their meaning through their contextual usage, not only on the page being read but also in other Bavli passages that appear both before and after that page.

As was the case with the two examples of the previous chapter (Baba Kamma 32b and Niddah 64b), this chapter's Ketubot 11a example will also demonstrate how ambiguity works to express the ambivalent attitude that a Bavli passage has toward the logic of its own argument. Only, in this example, the very notion of one's ability to read the Bavli linearly is itself called into question. This, in turn, raises serious doubts concerning the project of freezing a particular Bavli passage in time and holding it down long enough to assess its "meaning." Individual Bavli passages are always both overtly and covertly pointing their readers away from the local context and directing them toward other Bavli passages, as if to tell the reader to find meaning elsewhere. The local meaning of any given Bavli passage can only be understood in the global context. This is due to the Bavli's use of key phrases and concepts, within its rhetorical arguments, which both directly and indirectly appeal to knowledge assumed to have been acquired prior to the reading of the local passage. This is the case even when that knowledge is only to be found in subsequent tractates of the Bavli.¹⁸⁶

Ketubot 11a overtly frustrates the very concept of logical linearity by appealing, within the very linear flow of its argument, to another passage that has yet to be encountered by the linear reader of the Bavli. The referenced text only appears hundreds of pages, and a number of tractates, later in the Bavli. Yet, it is only through the

¹⁸⁴ Generally, "pragmatics" is a term used to define a broader range of considerations than those to which I limit the use of the term in this chapter. When I use the term "pragmatics" in this chapter, I only refer to that aspect of pragmatics that deals with how ambiguity is resolved through appeal to the textual context in which an ambiguous word or phrase is used.

¹⁸⁵ When I use the term semiotics in this chapter, I refer only to linguistic semiotics. Broadly defined, semiotics is the study of how signs operate to convey meaning within a culture. These signs may also be visual, auditory, tactile, and olfactory. [Umberto Eco argues for an extremely broad range of subjects to be included in the study of semiotics in Umberto Eco, *A Theory of Semiotics* (Indiana University Press, 1978).

¹⁸⁶ The extent to which the Bavli refers to itself, both implicitly and explicitly, makes it an exemplary case of the "hermeneutic circle" explored most notably by Spinoza, Heidegger, and Gadamer. See chapter 7 of Benedictus de Spinoza, *Theological-Political Treatise*, trans. Samuel Shirley and Seymour Feldman (Hackett Publishing, 2001), 86-104. and Hans Georg Gadamer, *Truth and Method*, trans. Joel Weinsheimer and Donald G. Marshall (Continuum International Publishing Group, 2004), 268-306.

referenced passage of the later tractate,¹⁸⁷ found at Gittin 13a, that the reader understands an ambiguous phrase's meaning within the Ketubot 11a passage being read. This ambiguous phrase, markedly truncated at Ketubot 11a to literally imply the opposite of what it actually means to express, once again serves to call into question the Bavli's conviction toward the logic, and therefore message, of its own local arguments.

Terminology

My analysis of Ketubot 11a will build upon the two examples of the previous chapter in explaining both how ambiguity in the Bavli acts as an expression of cultural ambivalence and how the GB reader is impacted by the process of trying to resolve ambiguity. While the Ketubot 11a example is far more complex than the previous two examples, it serves to demonstrate a similar effect. However, due to its complexity, an analysis of Ketubot 11a requires further theorization and the introduction of some new terminology. In analyzing Ketubot 11a, I will focus on the interplay among: the linguistic modes in which the Bavli expresses its ideas; the logic of the text as it unfolds; and the synchronic-philological and semiotic considerations that the reader must negotiate. In particular, I wish to explore those moments in time when a reader moves between a hyper-local 'lexio-semantic' (dictionary-based) mode of finding meaning, a local pragmatic (context-driven) mode of finding meaning, and a global 'semiotic' understanding of the use of terminology within the larger Talmudic linguistic network.

By 'lexio-semantic' mode, I mean the process of understanding what a word means when found in a lexicon, when the reader understands a word via its derivation. This mode, itself, is informed by a kind of semiotic understanding of the ways that both word roots and the exact forms of those roots (when conjugated or declined in a particular way) are used throughout the literary canon. The problems raised by the circularity of this process will later be addressed. By 'pragmatic' mode, I mean the process of understanding what a word means through its contextual usage within a particular Bavli passage. By 'semiotic' mode, I mean how a reader understands a word's meaning when viewed as part of the larger Talmudic sign system—the Bavli as a comprehensive, synchronic, and self-referencing body of literature. It is my argument that a key feature of the Bavli's poetics is to be found in the ambivalence expressed, for the reader, at the nexus of the 'lexio-semantic,' 'pragmatic,' and 'semiotic' understanding of the Bavli's words— those moments when the reader corrects an initial dictionary-based ('lexio-semantic') misunderstanding of the meaning of a word by appealing either

¹⁸⁷ Of course, for the GB reader, there is no concept of "earlier" and "later." I only use these terms to highlight (throughout the chapter) the incompatibility of these terms when applied to the GB reader. However, it is only through a linear presentation of what might take place in time that I can present a conception of how the GB reader might perceive the texts once they are read simultaneously.

to its local contextual usage ('pragmatics') or to its usage in the Bavli as a whole ('semiotics').

By virtue of the extreme self-referentiality of the Bavli's rhetorical presentation, the Bavli's implied reader—the GB reader—is encouraged to approach ambiguity in an intra-textual and synchronic manner rather than through an extra-textual and diachronic process. This reader, upon encountering linguistic ambiguity, incorporates aspects of 'lexio-semantic,' 'pragmatics,' and 'semiotics,' and then weighs and balances the various factors contributed by those three approaches to semantic understanding. However, all of these stages act as feedback mechanisms for each other. There is therefore a fine line between the reader's initial confrontation with an ambiguous term, which itself is informed by a kind of semiotic approach— what a word's root means when used throughout the Bavli (and to a lesser extent the works to which the Bavli explicitly refers)¹⁸⁸

One can hypothesize that the extent to which the feedback mechanism is transparent varies according to the rareness of a particular word root or form throughout the canon. The distinction between two possible moments in which a reader processes an ambiguous term or phrase is more visible when the word is rare or part of a phrase that is rare. In such an instance, the semiotic factors played out on the road to meaning can at least be laid bare and assessed. An analysis of the reader's confrontation with the ambiguous phrase עבדא בהפקירא,¹⁸⁹ based on an outward progression from lexio-semantic to pragmatic to semiotic understanding, is somewhat contrived. Every initial phase in the process is equally informed by a phase that has yet to occur. The point of such an exercise is therefore to highlight the problematics of understanding *what* a particular Talmudic passage 'means' when read linearly. Any attempt to read a Bavli passage linearly will itself demonstrate how the Bavli subverts that process. However, an attempt to linearly understand *how* a Bavli passage means will reveal an important aspect of the Bavli's poetics, an aspect that I began to explain in the two examples presented in the previous chapter (Baba Kama 32b and Niddah 64b).

¹⁸⁸ See Avodah Zarah 4a for the Bavli's conception of the differences between the Babylonian rabbis's lack of Biblical fluency when compared to their Palestinian counterparts. The Bavli there ascribes the difference between the two groups of rabbis vis-à-vis attention to the biblical text as stemming from a lack of Christian adversaries in Babylonia. Too much should not be made of this passage, yet it raises the question as to how seriously Babylonian Rabbis studies the Bible itself when compared to what we call Bavli. Bavli is defined at Sanhedrin 24a: מאי בבל א"ר יוחנן בלולה במקרא בלולה במשנה בלולה בתלמוד (What is Bavel? Mixed with Bible, mixed with Mishnah, [and mixed with Talmud.] Here the Bavli plays on the root בלל (to mix) in defining itself. Though this remark can be seen contextually as self-depreciative (among other reasons, the two comments in the Sanhedrin text are put in the mouth of Palestinian Rabbis), the Tosafists (Rabbeinu Tam, in particular, ad. loc.) see, in this comment, a loophole for avoiding the rabbinic requirement to spend a third one's time engaged in Bible study (see Kiddushin 30a). For the Tosafists, near exclusive study of Bavli suffices.

¹⁸⁹ Possible translations of this phrase will be discussed at length.

To understand the effect of the ambivalence expressed at the nexus of the 'lexio-semantic,' 'pragmatic,' and 'semitotic' understanding of the Bavli's words, I will explore the GB reader's attempt to resolve the ambiguity of the phrase עבדא בהפקירא¹⁹⁰ in the continuation of the Ketubot 11a passage, presented below. When the GB reader approaches a word whose root is פקד, this reader knows that this word root is common throughout the Bavli and can be interpreted in a number of ways. The fact that the word, in this context, is associated with the word for slave (עבדא) mitigates the reader's choice as to how to understand the root פקד. In this instance, the reader is encouraged to initially misunderstand the word in a manner that is quite opposite from the reader's later correction of that initial misreading. The later correction of the initial misreading is encouraged by the use of the phrase עבדא בהפקירא in another Bavli passage (Gittin 13a). In that passage, the phrase עבדא בהפקירא appears as part of the larger phrase עבדא בהפקירא ליה ניהא ליה זילא ליה שכיחא ליה פריצא ליה (the translation of this phrase will be addressed later). While the longer phrase found at Gittin 13a is contextually unambiguous, the truncated phrase found at Ketubot 11a is misleading at the semantic level. It is only the appearance of the phrase in its entirety at Gittin 13a that leads to the correction of the initial 'lexio-semantic' misreading of the phrase at Ketubot 11a. I will first explore the reader's inchoate misunderstanding of the phrase based on word derivation and only later return to the semiotically derived correction of that misunderstanding. Finally, I will assess the impact that the contrast between those two reading phases has on the reader who stands outside of, or beyond, the linear reading experience.

The purpose of this chapter, accordingly, is twofold. First, it is an attempt to understand the complexity of the notion of linearity and temporality as it relates to the reader's attempt to find meaning in the Bavli. Second, it is an effort to recognize the subversive effect that the Bavli's use of ambiguous terminology has on its reader—how the Bavli, for the reader moving between the three meaning-finding modes detailed above, questions and undercuts those conclusions at which the Bavli logically or rhetorically seems to drive by employing the literary mechanism of polysemous or ambiguous words and phrases. Later chapters will demonstrate how the same subversive phenomenon permeates the Bavli, at the level of language, through words and phrases that are not necessarily markedly ambiguous or polysemous.

Ambiguity in Ketubot 11a

The Bavli at Ketubot 11a discusses the laws of a minor¹⁹¹ converting to Judaism. The passage begins with:

¹⁹⁰ Possible translations of this phrase will be discussed at length.

¹⁹¹ For a male, under the age of thirteen; for a female, under the age of twelve.

Rav Huna said that Rav said: We immerse¹⁹² a minor convert [in the ritual bath (מקוה)] at the direction of the court (על דעת בית דין).

Before exploring the text of the Bavli, it is necessary to provide some background information. The medieval commentators differ as to how to conceive of the case of the conversion of a minor. The spectrum of interpretation ranges from: minors converting on their own; to a mother who converts her child after the father had died; or to children whose parents are alive but did not convert their children with them at the time of their own conversion.¹⁹³ What is at stake, for the medieval commentators, is the notion of "דעת" (degree of knowledge necessary for legal consent) as it exists for a minor, as well as the logical coherence of this particular Bavli passage when viewed in light of other such passages that discuss parents converting both with and without their minor children. The Hebrew term על דעת בית דין, as it appears in this passage, can either be translated as "at the direction of the court" or "with consent of the court". Although one might choose to translate this expression idiomatically, as "at the direction of the court," such a translation must also consider the weight of the term "דעת" (degree of knowledge necessary for legal consent) that is the primary concern in those cases dealing with the efficacy of the legal actions of a minor. The term here therefore connotes, in some way, that the court supplies the דעת (consent) that the minor lacks.¹⁹⁴

Ketubot 11a: What Does it Mean to be in a State of Ownerlessness?

The following explication of the *sugya* at Ketubot 11a will follow the reader through the meaning-making process. This method will serve to display the complex relationship that the GB reader has with time and meaning as a time-bound event. The first step will be to consider the interplay between the language that the text uses with that of the logic that the text assumes. In order to accomplish this task, it is necessary to slow down the reading process and lead the reader through the various considerations and choices that this reader must make along the road to meaning. I base my claims about the

¹⁹² Ritual immersion is a requirement for conversion. Circumcision is an additional requirement for male converts. The conversion process is discussed at length in the Talmud in the fourth chapter of Yevamot, especially 47a-b.

¹⁹³ See, for example, Rashi, Ritva, Rashba, and novellae of Rabbi Aharon Ha-Levi of Barcelona 1235-1290. For a critical analysis of the evolution of the rabbinic conceptualization of the role of the court in the conversion process, as well as the laws of a minor convert, from the Tannaitic period and onwards see Joshua Kulp, "The Participation of a Court in the Jewish Conversion Process," *The Jewish Quarterly Review* 94, no. 3, New Series (Summer 2004): 437-470. I thank Barry Wimpfheimer for drawing my attention to this article. For critical analysis of this passage see Joshua Kulp, *Mahadurah 'im perush ha-sugyot le-perek Betulah nišet* (Universitat Bar-Ilan, 2002).

¹⁹⁴ In this regard, see Kulp, "The Participation of a Court in the Jewish Conversion Process." pp. 465-466.

poetics of the Bavli on a single moment in this process—a moment that occurs before actual resolution is achieved. The second step will be to move outside of the linear flow of the argument of the local passage and view the Ketubot text in light of the global Talmudic context to which it directly and overtly calls. In this case, it is another Bavli passage located at Gittin 13a. The third step will be to look at the poetic effect of the contrast between the reader's initial 'lexio-semantic' encounter with the local phrase (at Ketubot 11a), based on the derivation of the words in the phrase, and the reader's later 'pragmatic' and 'semiotic' corrections of the initial misreading of the phrase, based on the Bavli's use of the phrase in another context (Gittin 13a). The phrase in question, בהפקירא ליה, appears twice at Ketubot 11a. Lexio-semantically, the phrase appears to mean "it is good for him to be in a state of ownerlessness." All occurrences of the (masculine) abstract noun "הפק[י]רא" in the Bavli, except for the one example discussed below, translate as "state of ownerlessness."¹⁹⁵ Both occurrences of the phrase at Ketubot 11a, דעבד ודאי בהפקירא ליה and עובד כוכבים בהפקירא ליה (the translation of these ambiguous phrases will be discussed at length), appear in truncated form when compared to the exceptional case where הפקירא does not mean "state of ownerlessness." It is only the abridgement of the phrase at Ketubot 11a that makes it ambiguous. The expanded phrase found at Gittin 13a, עבדא בהפקירא ליה זילא ליה שכיחא ליה פריצא ליה, (the translation of this phrase will also be discussed at length), works to reveal the meaning of the ambiguous truncated phrase found at Ketubot 11a. However, I will argue that it is in the very contrast between the 'meaning' elicited in these two reading phases—one meaning elicited by a local reading and one meaning globally driven—that the Bavli expresses its ambivalence toward its own local logical or rhetorical arguments.

Ketubot 11a proceeds as follows:

Rav Huna said that Rav said: We immerse a minor convert
at the direction of the court (על דעת בית דין).
What does this come to teach us?

¹⁹⁵ Berakhot 40b - "But according to the one who says that they are dates blown down by the wind, why would tithing be necessary in a case of certainty [i.e. where they certainly were not tithed before]? They are in a state of ownerlessness! We are dealing here with a case where he made a collection [i.e. a pile] of them."); Shabbat 120a (חשבון מאי עבידתיה) - "Why would he have to make a reckoning? They are in a state of ownerlessness!"; Yoma 75a - "And according to the one who says that 'real fish' were meant, what does 'for nothing' mean? That they were brought to them in [it. from] a state of ownerlessness [i.e. no one owned the fish]."); Beitza 39a - "One holds that the well is ownerless and one holds that the well is owned in partnership."); Nedarim 42b (מאי שנא דאוכל מן) - "Why is it different if he eats the overhanging [fruit]? Is it because they are ownerless? But the land is also ownerless!"; Baba Kama 115b - "I acquire ownership from [its] state of ownerlessness."); Baba Metzia 109a (סילקא וירקא ביובל הפקירא הוא) - "during the Jubilee year, vegetables and beets are ownerless."); Hullin 105b (לית כל מיילי דצייר וחתים וכייל ומני) - "We have no permission to take anything that is wrapped up, sealed, measured, or counted, but [we may] only [take something] if we find it in a state of ownerlessness.")

That it is a benefit for him. And we may act to the advantage of a person who is not present; but we cannot act to the detriment of a person who is not present.¹⁹⁶

[But] we already learnt this: "And we may act to the advantage of a person who is not present; but we cannot act to the detriment of a person who is not present!"¹⁹⁷

The reader encounters the first four stages of this passage in a straightforward manner:¹⁹⁸ what "new" principle—aside from the fact that one may act to someone's advantage, but not detriment, outside of their presence—did Rav Huna mean to teach with his statement about a minor convert? The following 2 stages of the sugya's dialectics, (stages 5 and 6,) however, contain a certain level of linguistic ambiguity. At the same time, they overtly direct the reader to another Bavli passage. The interplay between these two Bavli passages, as well as the linguistic peculiarity of a particular mode of expression, leads the reader to question the very conclusion that is assumed. As was the case with the Niddah 64b example of the previous chapter, I will first translate an obscure idiom found at Ketubot 11a lexio-semantically—literally, or based on its word root derivation.

The Reader's Synchronic Philological Encounter with the Phrase "עבדא בהפקירא"

Throughout the Bavli, the verbal root פקיר has one of two basic meanings. The first is to declare ownerless or renounce ownership; the second is to be irreverent or act promiscuously.¹⁹⁹ The phrase המפקיר עבדו יצא לחירות (if one declares his slave free, he

¹⁹⁶ For the possibility of reading this statement (stage 3) as two distinct clauses see *Shitah Mekubetzet* (of Bezalel Ashkenazi, a 16th century Talmudist) to Ketubot 11a.

¹⁹⁷ This principle is already attested to in the Mishnah (Eruvin 7:11 and Gittin 1:6). The assumption being, Rav Huna, an Amora, would have no need to reiterate a principle already stated in the earlier canonical Tannaitic work, the Mishnah.

¹⁹⁸ The reader may choose to inflect stage 3 in an alternate manner, as a question. [see Ritva, also see *Shitah Mekubetzet* who discusses Ritva's reading.] In other words, the reader may choose to read this part of the text as saying "Is Rav Huna trying to teach the law of...? That would not make sense because we already know that law!" Regardless, the meaning and function of stages 3 and 4 remain the same. In either case, whether stage 3 is read as an answer or as part of stage 4's question, the reader is still left wondering what novel idea Rav Huna was trying to teach by making his statement.

¹⁹⁹ Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Baltimore and London: Johns Hopkins University Press, 2002). Jastrow adds "to break into, trespass" and

goes out to freedom)²⁰⁰ is a legal principle that is unanimous throughout the Bavli.²⁰¹ In fact, aside from the two Bavli passages presented throughout the remainder of this chapter, the verbal root פקר never appears adjacent to the word עבד (slave) in the entire Bavli except for in the phrase המפקיר עבדו יצא לחירות (if one declares his slave free, he goes out to freedom). Therefore, when the GB reader approaches this word combination (עבד and פקר) in the continuation of the Ketubot passage the image of 'freedom' evoked by the root פקר is at the foreground. Additionally, in the two texts that I will address in this section (Ketubot 11a and Gittin 13a), the root פקר is expressed in the form of a (masculine) abstract noun, "הפק[י]רא." This form of the root פקר is found at ten different locations in the Bavli.²⁰² I will later explore the word's meaning in two of those instances. However, in each of the other eight Bavli passages in which the word הפק[י]רא appears, it means "state of ownerlessness."²⁰³ For a slave, "state of ownerlessness" would translate to "free" or "manumitted"; if a slave has no owner then he is free, especially according to the aforementioned Talmudic principle of יצא לחירות המפקיר עבדו (if one declares his slave free, he goes out to freedom). Finally, in the Ketubot 11a passage that will be explicated presently, a comparison seems to be made between the "state of ownerlessness" of a non-Jew and the "state of ownerlessness" of a slave. One must assume, at first glance, that the non-Jew's "state of ownerlessness" must refer to a freedom from serving a master, God. One must therefore presume that the slave's "state of ownerlessness" also refers to his freedom from serving a master, his slave-owner. If, however, it was the second definition of the verbal root פקר that was intended—either "to be irreverent" or "to act promiscuously"—then, in the instance of the non-Jew, one must also presume that the verbal root פקר would seem to carry more the connotation of irreverence with respect to God's commandments²⁰⁴ than sexual promiscuity.

However, both the logic of the overall passage and the referenced source (Gittin 13a) to which the passage overtly points preclude such an interpretation. In fact, בהפקירא will eventually, once the initial misreading is corrected, be defined as "sexual freedom." What I wish to explore are the ramifications of this "first glance" reading—or

"to be skeptical." Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli, and Yerushalmi, and the Midrashic Literature*, vol. II, 2 vols. (Luzac, 1903). Ibid.

²⁰⁰ The הפעיל (active causative construct) of the verbal root פקר means: to declare free; to renounce ownership; to declare a property ownerless. [Ibid.]

²⁰¹ Yevamot 48a; Nazir 62b; Gittin 38a, 38b, 39a; Kiddushin 72b; Keritot 24b. Debates surrounding the principle only revolve around whether or not the slave additionally needs a manumission document in order to marry a Jewish woman.

²⁰² Berakhot 40b; Shabbat 120a; Yoma 75a; Beitza 39a; Nedarim 42b; Baba Kama 115b; Baba Metzia 109a; Hullin 105b; and the two passages treated in this chapter, Ketubot 11a and Gittin 13a.

²⁰³ See footnote 195 for a detailed list of all of those occurrences and the actual meaning of the word in each Bavli context.

²⁰⁴ See the usage of this term at Sanhedrin 38b, 48a, 60a, 100a where the term is used to describe antinomian or heretical behavior.

misreading—of *בהפקירא* as "state of ownerlessness" or "manumitted state" as it contrasts to the overall meaning of the passage, once the idiomatic phrase *בהפקירא ניהא ליה* has later been corrected to translate as "sexual freedom"—how the Bavli's particular word choices or linguistic modes of expression work to undermine the logic that the linear flow of the Talmudic argument assumes; in other words, how the form of a Talmudic expression works to express an ambivalent attitude toward the Bavli's own rhetoric. To demonstrate my point, my translation of Ketubot 11a will initially reflect this "first glance" misreading.

Ketubot 11a: A 'First Glance' Misreading

To review, the first four stages of the Ketubot 11a passage consisted of a statement by Rav Huna that minors are converted at the direction of the court.²⁰⁵ The Bavli then asks: what new principle does Rav Huna's statement teach us? It could not teach us that 'one may act to someone's advantage, but not detriment, outside of their presence' because that principle is already known from the Mishnah (at Eruvin 7:11 and Gittin 1:6).²⁰⁶ Stage 5 unfolds as follows:

I would have thought that it is a benefit for a non-Jew to be in a state of ownerlessness (*עובד כוכבים בהפקירא ניהא ליה*).²⁰⁷

Two factors operate simultaneously on the reader trying to find meaning at this point in the reading experience. First, the reader understands the logical function of stage 5 before digesting the actual words that play out that function. This is due to the repeated use of this rhetorical structure throughout the Bavli. The reader, upon encountering stage 5, knows that in an attempt to explain Rav Huna's need to state the obvious—why Rav Huna's seemingly obvious statement was actually not so obvious—the Bavli will supply the reader with the possible alternate thought process that Rav Huna's statement was meant to preempt. At the same time, the word *הפקירא*, "to be in a state of ownerlessness," causes pause. How does ownerlessness apply to a non-Jew? The following statement in

²⁰⁵ Rav Huna's actual statement was: "We immerse a minor convert at the direction of the court" (גר קטן) (מטבילין אותו על דעת בית דין). This statement does not say that a court may convert a minor but rather that a court immerses a minor convert. The medieval commentators therefore debate the actual scenario to which Rav Huna's statement refers. Is it a case where a minor converts on their own, a case of a mother who converts her child after the father has died, or a case of a child whose parents are alive but did not convert their child with them at the time of their own conversion? (See footnote 193, above.)

²⁰⁶ See footnote 197.

²⁰⁷ "Star worshipper" in the Vilna edition; "גוי" in all of the manuscripts. The Vilna edition uses the virtual euphemism "Star worshipper" (*עובד כוכבים*) for "גוי" in most instances. This is done in order to afford protection from Christian censorship.

the Bavli, stage 6, sheds some light on this question. The reader encounters the prefix "ד" ("d") in stage 6 and understands that what comes next is a support for stage 5.²⁰⁸

As we have already established, it is certainly a benefit for a slave to be in a state of ownerlessness (דעבד ודאי בהפקירא ניהא ליה).

If stage 6 is cited as a proof for stage 5, as the prefix "ד" ("d") implies, then there must be some logical comparison between the desire of a non-Jew to exist in a state of ownerlessness and the desire for a slave to exist in a state of ownerlessness. In fact, the original question of the Bavli, that Rav Huna's statement was obvious, itself arises out of the fact that it is a benefit for a slave to be free. The very principle of 'one may act to someone's advantage, but not detriment, outside of their presence' (זכין לאדם שלא בפניו) appears in the Mishnah at Gittin 1:6 in the very context of freeing a slave. The Mishnah there states that if one sends a manumission document to his slave through an emissary and subsequently decides to retract the commission of that emissary, he is not allowed to do so. This is because the emissary has already acquired the document on behalf of the slave due to the principle of זכין לאדם שלא בפניו ואין חבין לאדם שלא בפניו ('one may act to someone's advantage, but not detriment, outside of their presence'). The principle only works to effect the emissary's acquisition of the slave's behalf because of the understanding that it is a benefit for a slave to acquire his freedom.

It follows, for the reader of stages 5 and 6 of Ketubot 11a, that the intuitive connection between the state of ownerlessness of a slave and that of a non-Jew is that they both want to be free from a master. In the case of the slave, the master would be the slave-owner; in the case of the non-Jew, the master would be God. It would be a benefit to be free from the highly regulated ritual and ethical life of a Jew, who is, in essence, a slave to God.²⁰⁹ The analogy between the slave and the Jew, according to this reading, would serve to explain why Rav Huna's statement was not so obvious.²¹⁰ If it is not

²⁰⁸ The existence of witnesses to textual variants that alter the flow of question and answer in this passage, having stage 6 as a question (דהא קיימא לך instead of לך קיימא דהא), is evidence to the confusion that historical readers experienced while trying to understand the function of this sentence. This confusion existed at a period in time (as late as the thirteenth century) when the text was still in a state of flux and the effect of readers writing meaning into the text had actual impact on various textual traditions. (See, for example, Vatican 112 which has "והא" and Vatican 130 which does not mention the slave at all. Also see the commentaries of Ritva and Rashba to Ketubot 11a which discuss the various textual variants. Also see Moshe Herschler, ed., *Dikdukei ha-Soferim ha-Shalem: Masekhet Ketuvot*, vol. 1 (Jerusalem: Yad HaRav Herzog, 1962).

²⁰⁹ The appellation 'עבד ה' (slave of God) is used to describe Moses in the verse that was the subject of Chapter 1 of this dissertation. (Deuteronomy 34:5) Moses is repeatedly called by this appellation throughout the books of the Prophets and Writings. Joshua is also given this appellation. The conception of worship of God as עבודה (the same root as the word for slave) is ubiquitous throughout the Talmud. Idolatry is referred to as עבודה זרה, strange worship; the Gentile in our Talmud passage is referred to as עובד כוכבים, star worshipper.

²¹⁰ There is another possible way of reading the Talmud's analogy between freeing a slave and conversion. When a slave is freed he is automatically converted to Judaism. Therefore the Talmud may more simply just be comparing two cases of conversion. The factor of slavery would, in that case, merely be a red

desirous for a non-Jew to become a Jew, then the court would presumably not be able to act on the minor non-Jew's behalf and therefore would not be able to affect his conversion to Judaism without his consent. Since a minor lacks the ability to consent, he can therefore not convert. Hence, Rav Huna's statement is necessary because it is quite unexpected and certainly not obvious. In fact, Rav Huna will now be required to justify his opinion and explain why the court may indeed convert a minor without his consent, against his will, and ultimately, to his detriment.

The problem for the reader at this point is whether or not to move forward in the Ketubot 11a text. The GB reader already knows what is about to occur in the linear logic of the passage based on the passage's use of a familiar rhetorical structure common throughout the Bavli. This reader knows that the Bavli will explain why it is that the comparison between the freedom experienced by a slave and the freedom experienced by a non-Jew is not in fact comparable. Once that is explained, then Rav Huna's statement, which has already proven to be novel, will also be justified on legal grounds. If the reader does decide to move forward in the text then it will become clear that the reason why the two cases are not comparable has something to do with the fact that while the non-Jew is a minor, the slave is an adult.²¹¹ The reader's other option is to, at this point, move off of this page in the Bavli and engage the Talmudic context that 'established' the fact (presented in stage 6) that 'it is certainly a benefit for a slave to be in a state of ownerlessness' (דעבד ודאי בהפקירא ניהא ליה). After all, stage 6 is introduced with the term דהא קיימא לך (as we have already established).

The principle appealed to in stages 3 and 4, that we may act to someone's advantage in absentia, is not an innovation, but a reference to a principle already

herring. However, when the Talmud discusses the benefits of freeing a slave at Gittin 11b-13a the pros and cons of being a Jew is not a factor considered in the discussion. Since my exploration of this Ketubot text will now turn to that passage in Gittin, I therefore choose to avoid unnecessarily complicating matters at this point in my analysis by treating this possibility. It should be pointed out that any reader who does chooses to take that fork in the analytical road will regardless inevitably end up turning to the Gittin passage. For the sake of brevity and in attempt to avoid further complicating an already complicated matter, I therefore skip that step in my analysis.

²¹¹ Ketubot 11a continues as follows:

[Rav Huna] comes to teach us that that only applies to a major who has already tasted what is forbidden.

However, it is a benefit to a minor.

It is of note that Stages 7 and 8 address Rav Huna's statement but do not directly address the statement regarding a slave. In fact, it is even difficult to see them as addressing the statement about the slave indirectly. The issue at stake in Rav Huna's statement is דעת (degree of knowledge necessary for legal consent.) If it is sexual activity that is the object of the forbidden taste, then a "minor" would not be the category addressed but rather a boy who is nine years old. For in the Talmud, whereas the age of sexual activity for a male is nine years old, a "minor" is a boy below the age of 13. Stages 7 and 8 therefore do not work to resolve the ambiguity and the reader must therefore look outside of the Ketubot 11a passage for guidance.

established. It is interesting to note that the reader trying to read this passage linearly has already been dragged out of that linearity by the passage's appeal to two facts established elsewhere in the Bavli. The first fact is 'that we may act to the advantage of a person who is not present; but we cannot act to the detriment of a person who is not present.' The linear reader of the Bavli has already encountered this principle in the Mishnah (both at Eruvin 7:11²¹² and Gittin 1:6). It is indeed a common assumption of the Bavli and is used in a number of disparate Bavli passages dealing with topics that are quite diverse.²¹³ However, the principle put forward in stage 6 regarding the benefit of freedom for a slave has not yet been encountered by the linear reader of the Bavli. This principle is established only in a later tractate. The linear reader of this Bavli passage is dragged from the linearity of that experience in an attempt to find meaning in the text. This highlights the complexity of understanding the relationship between a linear and non-linear reading of the Bavli. In fact, it raises serious questions about the linearity of the reading experience in general.²¹⁴

Gittin 13a: The Referenced Text

The referenced passage in tractate Gittin deals with a Baraita (located at Gittin 12b) that discusses whether or not it is a benefit for a slave to go free.²¹⁵ The practical

²¹² Even that reader who does not separate the layers of Mishnah and Talmud, by first reading the Mishnah in its entirety before reading the Talmud to those Mishnayot, will still have already encountered this Mishnah as part of the Talmud because it appears in an earlier tractate. (The Talmud is made up of both the Mishnah and the Gemara. It is unclear to what extent the Mishnah was studied, historically, independent of the Gemara. On the one hand, many medieval manuscripts do not include the Mishnah in its entirety as part of the text, leaving one to assume that those who read these manuscripts were expected to already know the Mishnah by heart. On the other hand, many medieval Talmud manuscripts incorporate a version of the Mishnah that is different from the Mishnah contained in separate Mishnah manuscripts [e.g. MSS Parma, Kaufman, and Cambridge] of Palestinian origin. These medieval Talmud manuscripts contain a version of the Mishnah that is greatly affected by the Babylonian discussion of the Talmud. [See Hermann Leberecht Strack, Günter Stemberger, and Markus N. A. Bockmuehl, *Introduction to the Talmud and Midrash* (Fortress Press, 1996).])

²¹³ Most occurrences of this phrase in the Talmud are in a context where the principle is taken for granted (e.g. Yevamot 118b; Kiddushin 23a; Baba Metzia 12a; and a number of the discussions that quote either the Mishnah in Gittin or Eruvin). Kiddushin 42a seeks a Biblical source for the principle.

²¹⁴ See footnote 71 of Chapter 1 regarding the Nuerath boat analogy popularized by Quine in the field of philosophy of science.

²¹⁵ For an analysis of this *sugya* in isolation that focuses on linear versus non-linear readings of the *sugya* in quite a different way than I treat the subject see Aryeh Cohen, *Rereading Talmud: Gender, Law, and the Poetics of Sugyot* (Scholars Press, 1998). pp.193-223. Cohen's reading strategy, which he call "Sugyaetics," proceeds in three stages. The first reads the *sugya* linearly; the second analyzes the non-linear structure of the *sugya*; and the third seeks out "narrative of the *sugya*'s subtext." (ibid. p. 193)

difference revolves around a case where a master sent a manumission document to his slave via an agent. May the master retract and cancel the emissary's commission at some point before the document reaches the hand of the slave or not? Does the agent effect the manumission on behalf of the slave before actually delivering the document to the slave? Or, alternatively, does the manumission only take effect once the slave (or the slave's own agent) receives possession of the document? The Mishnah at Gittin 11b presents a debate between Rabbi Meir and the Sages regarding this case. Rabbi Meir says that the master may recant and the Sages say that he may not. Both parties to the debate agree to the principle that we may act to someone's advantage *in absentia*. What they disagree about is whether or not it is an advantage for a slave to acquire his freedom.²¹⁶ The Bavli at Gittin 12b quotes a Baraita that appears to elaborate upon the dispute in the Mishnah.²¹⁷ In this Baraita, Rabbi El'azar recounts a debate between himself, together with unnamed parties, and Rabbi Meir. The Baraita reads:

Rabbi El'azar said: We said to Meir "But is it not a זכות (advantage) for a slave to go free?"

[Meir] said to us: "[No, it is actually] a חרב (disadvantage) for if he was the slave of a כהן (priest) then he would be disqualified from [eating] תרומה (priest's share of the crop)."

We said to him: "But if [the slave's owner] wants to deny [the slave] food or sustenance [would he not be allowed]!"

Cohen's focus in this *sugya* is on the gendered representation of slaves as feminine. For an introduction to Cohen's "Sugyaetics" method, see *ibid.* pp. 131-150.

²¹⁶ The Mishnah at Gittin 11b reads as follows:

If a man says [to an agent]: "Give this גט (writ of divorce) to my wife" or "Give this manumission document to my slave": If he wants to retract, he can do so in both cases, these are the words of Rabbi Meir. And the Sages said: [This is true] for writs of divorce, but not for manumission documents because we may act to the advantage of a person who is not present but we cannot act to the detriment of a person who is not present. For if he wanted to refrain from feeding his slave he would be permitted but he would not be permitted to refrain from feeding his wife. [Rabbi Meir] said to them: But he can disqualify his slave from eating תרומה (priest's share of the crop) just as he can his wife. [The Sages] said to him: Because [the slave] is his property.

²¹⁷ The Baraita is a quote from the Tosefta (Gittin 1:10). The Talmud perceives this Baraita to be an explanation of the somewhat cryptic Mishnah found at Gittin 11b. In other words, the Baraita is a more comprehensive presentation of the dialogue which took place in the Mishnah. [While the Tosefta has traditionally been viewed as an explanation of the Mishnah, and it certainly is seen by the Talmud to be so in this instance, recent scholarship has brought to light a number of problems with that assumption as well as alternative conceptions. See, for example, Shamma Friedman, *Tosefta 'atikta: Masekhet Pesah Rishon: Maḳbilot Ha-Mishnah V'eha-Tosefta Pirshon, Be-Tseruf Mavo Kelali* (Ramat-Gan: Universitat Bar-Ilan, 2002). Judith Hauptman, "Mishnah As a Response to "Tosefta"" in Shaye J. D Cohen, ed., *The Synoptic Problem in rabbinic Literature* (Providence, RI: Brown Judaic Studies, 2000).]

[Meir] said to us: "Whereas the slave of a priest who runs away...²¹⁸ [still] eats תרומה (priest's share of the crop) [the freed slave] does not eat תרומה (priest's share of the crop)."

Rabbi Meir believes it is a disadvantage for a slave to acquire his freedom and Rabbi El'azar, as mouthpiece for the Sages, believes it to be an advantage. The Bavli explains the exchange between Rabbi Meir and Rabbi El'azar as follows. In statement B, Rabbi Meir introduced the fact that the slave of a priest is at a disadvantage when freed because he can no longer eat תרומה (the priest's share of the crop). Rabbi El'azar, in statement C, argues that a master is under no obligation to feed a slave in the first place and it therefore cannot be considered a disadvantage to be free. Rabbi Meir then retorts, in D, that the level of advantage to the master is not what is at issue here. For Rabbi Meir, we must view advantage and disadvantage solely from the perspective of the slave. Even though the master is under no obligation to feed the slave, the slave is still at an advantage while enslaved because he may eat תרומה (the priest's share of the crop) that he procures on his own.²¹⁹

The Bavli at Gittin 13a questions Rabbi Meir's opinion—that a slave-owner may cancel the emissary's commission to free his slave because it is a disadvantage for a slave to go free—on the basis that it only seems to apply to the slave of a כהן (priest), a small percentage of the population. According to Rabbi Meir, it would only seem to be a disadvantage for a priest's slave to go free. Why would it be a disadvantage for the slave of a ישראל (non-priest) to acquire his freedom? The Bavli theorizes another angle as to why it would even be a disadvantage for the slave of a non-priest to go free. The Bavli's approach at this point in the discussion is to contrast the slave's current and future sexual and marital prospects. Rabbi Shmuel the son of Rav Yitzhak begins the discussion, in defense of Rabbi Meir, by explaining why it is even a disadvantage for the slave of a ישראל (non-priest) to acquire his freedom.

²¹⁸ The Baraita here includes a wife who rebels against her husband (i.e. denies her husband sexual intercourse) in this statement. The Baraita then closes with the rabbis conceding to Rabbi Meir:

[Rabbi El'azar recounts the rabbis' retort]: Rather it is a disadvantage for a woman [to receive a writ of divorce] because it disqualifies her from תרומה (priest's share of the crop) and causes her to lose her food allowance.

The Talmud explains the vague exchange at the conclusion of the Baraita by reading it in conjunction with the vague exchange in the Mishnah (see footnote 217). The details of the Talmud's reconstructed exchange between Rabbi Meir and the Sages in both the Baraita and Mishnah are not important for our analysis.

²¹⁹ תרומה (priest's share of the crop) is cheap owing to excess supply and limited demand. It is also easy to procure as it can be collected on the threshing floor. (See Tosafot)

Rabbi Shmuel the son of Rav Yitzhak said: Because it causes [the slave] to lose [access to] a non-Jewish slavewoman.

Just the opposite! [Freedom is a benefit to him because] it permits him to a free woman!

A slave prefers sexual promiscuity (עבדא בהפקירא ניהא) — [a non-Jewish slavewoman] is lascivious with him,²²⁰ she is readily available to him, [and]²²¹ she is licentious with him (זילא ליה שכיחא ליה פריצא ליה).

Stage i argues, for Rabbi Meir, that it is a disadvantage for a slave to go free because as a freedman he can no longer marry a slavewoman. Stage ii counters that a freedman is actually in a far better position because he would be permitted to marry a free woman. This would certainly give the slave more sexual or marital options. Additionally, the women with whom the slave would now be permitted to engage in sexual or marital relations would be of a higher social class. The argument of Stage ii is therefore one of both quantity and quality. This argument presents a problem according to Rabbi Meir's opinion that it is a disadvantage for a slave to go free. Stage iii answers for Rabbi Meir and explains that a slave would rather have sexual access to a slavewoman because of the quality of that sexual experience. The slave would be willing to forgo access to a larger number of women who also belong to a higher social class, not to mention his freedom, because of the type of sex that he can have with a slavewoman.

²²⁰ Or "she is debased to him." The word זילא is the passive participle of the verb זלל, which means to debase, become cheap, or disgrace. In Syriac, this verbal root carries the additional meanings of: to be lascivious, to make dirty, to lead into vice, to despise, to stagger, to become vile, and to act shamelessly. For the Syriac ܙܠܠܐ as "female whore" see Carl Brockelmann, *Lexicon Syriacum*, Ed. 2, aucta et emendata. (Halis Saxonium: Sumptibus M.Niemeyer, 1928). p. 197, as cited in Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*. Benjamin Mussafia (c. 1606-1675, born in Spain, died in Amsterdam), in his work *Musaf he-'Arukh* (additions to Nathan the son of Yehiel's [c. 1035-1106, Italy] Talmudic lexicon, *Arukh*), points out that the Aramaic Targum translates the Biblical words נקלה (Proverbs 12:9) and קלוהי (Job 40:4.) with the Aramaic root זלל. [Nathan ben Jehiel and Benjamin ben Immanuel Mussafia, *He-'Arukh u-Musaf he-'Arukh*, vol. 2, 3 vols. (Bnei Brak: Pardes, 1992). Brown-Driver-Briggs translates קלון, a form of קלל (Proverbs 12:9), and קלל (Job 40:4) in those instances as, respectively, "dishonor" and "to be slight." [Bruce Einspahr, *Index to Brown, Driver & Briggs Hebrew lexicon* (Moody Press, 1976). Other translations for this word root, given by Brown-Driver-Briggs, that could be relevant here are: "be easy;" "despise;" "of little account;" lightly esteemed;" "contemptible;" "worthless;" "frivolity;" and "burnished" (from "light, quick movement of rubbing").

²²¹ The word "and" appears in all MSS except Vatican 130 but not in the Vilna or Venice prints. Vatican 130 also omits the word ליה (to him) at the end of the phrase. Therefore, Vatican 130 has the final three words of the phrase as שכיחא ליה פריצא, which leads to a different translation of the sentence. Instead of the Talmud listing three reasons why the slave wants to remain a slave it only lists two. The translation of the last part of the sentence according to Vatican 130 would then be: "she is lascivious with him; licentiousness is readily available to him."

The Bavli does not go into detail about the nature of that type of sexual encounter but cryptically lists three reasons why a slave would sexually prefer a slavewoman to a free woman. A slavewoman is vulgar or wanton (זילא), readily available (שכיחא), and licentious (פריצא).

To review, in the Gittin passage, the longer expression עבדא בהפקירא ניהא ליה זילא ליה (A slave prefers sexual promiscuity; [a non-Jewish slavewoman] is lascivious with him, she is readily available to him, and she is licentious with him) was used to explain the fact that it is a disadvantage for a slave to acquire his freedom. As a slave, he has ready access to a certain kind of sexual activity. The basis for this argument lies in the rabbinic conception of either the sexual tendencies of slavewomen or the perception of those slavewomen by the slave.²²² Lines i and ii of Gittin 13a juxtapose the respective benefits of one's sexual access to either a slavewoman or a free woman as they relate to the question of the beneficial nature of freedom. Presumably, it is sexual access though marriage that is implied in this initial comparison. Line iii introduces the notions of type and frequency of sexual activity in order to trump the concerns of number and status—how many women are available and what social caste those women belong to. Whereas a freedman has theoretical access to many women,²²³ a slave, though having access to fewer women, has realistic access to a more appealing woman, where part of the appeal of this woman is the frequency (שכיחא ליה) in which she is available to him sexually; and this, despite her low social status. The slave prefers access to this kind of woman against all other considerations, even his own freedom. It is therefore a disadvantage for him to be free. In any event, the expression עבדא בהפקירא ניהא ליה, as defined at Gittin 13a, is a principle that is about sex and the slavewoman.

Before returning to examine the impact of Gittin 13a on the reader of Ketubot 11a, it is important to keep in mind how the Bavli, in the Gittin *sugya*, reached the conclusion that had been presented at Ketubot 11a as an "established fact." The Bavli reached this conclusion only after analyzing each question and answer in the dialogue between Rabbi Meir and Rabbi El'azar.²²⁴ This analysis integrated their respective arguments with textual evidence augmented from the Mishnah (at Gittin 11b that the Baraita seeks to explain.)²²⁵ However, the Bavli, at the conclusion of its investigation into the meaning of each phase of the dialogue in the Baraita, manufactures an argument for Rabbi Meir's opinion. This argument, that it is a benefit for a slave to remain

²²² This depends on whether "advantage" is viewed as an objective judgment regarding the slave's situation or contingent upon the slave's perception of his situation.

²²³ According to Mishnah Kiddushin 4:1, a freedman is permitted to marry within 9 of the 10 social castes. A freedman is only precluded from marrying a priestess.

²²⁴ I omitted this portion of the text (Gittin 12b-13a) for the sake of brevity.

²²⁵ This is according to the Talmud's conception of the role of this Baraita. The Baraita is also found in the Tosefta at Gittin 1:10. See footnote 217.

enslaved so that he can have easy access to sexually promiscuous women, has no textual basis in either the Baraita or the Mishnah. Additionally, Rabbi Meir would be considered a minority opinion vis-à-vis the Sages (whose arguments are recounted by Rabbi El'azar in the Baraita). Therefore, Ketubot 11a's presentation of the Bavli's explanation of Rabbi Meir's opinion—that a slave does not desire to be free merely so that he can engage in a certain type of sexual activity—as an "established" fact is actually a bit of rhetorical flourish. In fact, the medieval commentators grapple with this issue and wonder whether or not the Bavli's conclusion at Gittin 13a indeed establishes this fact, especially according to the Sages who disagree with Rabbi Meir.²²⁶

Returning to Ketubot 11a: The Effect of Correcting the "First Glance" Misreading

How does the use of the phrase עבדא בהפקירא ניהא ליה at the conclusion of the Gittin passage impact the reader of Ketubot 11a? And how does the difference between the actual words employed in the phrase, in each instance, influence the reader? In other words, what effect is elicited and highlighted by the contrast between the wording of the two phrases, the longer "עבדא בהפקירא ניהא ליה זילא ליה שכיחא ליה פריצא ליה" of Gittin 13a and the shorter "עבדא בהפקירא ניהא ליה" of Ketubot 11a?

To review, the first four stages of the Bavli at Ketubot 11a had developed as follows: 1) Rav Huna made a statement implying that the court may convert a minor;²²⁷ 2) The Bavli asked what novel idea Rav Huna was trying to teach; 3) The Bavli answered that Rav Huna is teaching the principle that we may act to the advantage, but not to the detriment, of a person who is not present; 4) The Bavli objects to the fact that Rav Huna's statement was intended for the purpose of teaching this principle because this principle is already explicitly stated in the Mishnah (Eruvin 7:11 and Gittin 1:6). The Bavli's assumption is that Rav Huna, an Amora, would not make a statement that merely reiterates a statement made by a Tanna. If Rav Huna made a statement then it would have to serve the purpose of introducing a novel idea.

Stages 5 and 6 of Ketubot 11a serve to explain why Rav Huna's statement was necessary. Stages 5 and 6 perform this function by introducing a hypothetical thought that the reader might have presumed were it not for Rav Huna's statement. However, stage 6 contains a linguistic ambiguity, the phrase עבדא בהפקירא ניהא ליה. The reader's lexio-semantic encounter with this phrase, an encounter informed by the dictionary meaning of the words, encourages the reader to translate הפקירא as "state of

²²⁶ For example, see Tosafot to Gittin 13a [ד"ה: עבדא בהפקירא ניהא ליה]. Also see Tosafot to Gittin 5b [ד"ה: : והא קיימא לן].

²²⁷ See footnote 205.

ownerlessness." This lexio-semantic encounter is further informed by the association of the words "slave" (עבד) and "state of ownerlessness" (הפקר) as referring to "freedom" due to the Talmudic principle of *המפקיר עבדו יצא לחירות* (if one declares his slave free, he goes out to freedom). Outside of the phrase *עבדא בהפקירא ניהא ליה*, the word roots עבד and פקר never appear as part of one phrase throughout the entire Babylonian Talmud. Accordingly, at the lexio-semantic phase of reading, the reader is encouraged to translate *עבדא בהפקירא ניהא ליה* as "freedom is a benefit to a slave." Stages 5 and 6 would, accordingly be translated as:

I would have thought that a state of ownerlessness (read: *freedom*) is a benefit to a non-Jew (*עובד כוכבים בהפקירא ניהא ליה*),
 As we have established that a state of ownerlessness (read: *freedom*) is certainly a benefit to a slave. (*עבדא בהפקירא ניהא ליה*)

The correction of this misreading occurs as follows. The reader of stage 5 surmises that the "freedom" a non-Jew prefers has something to do with the strictures of Judaism and the rules required for the worship of its God. This would probably sit well with the reader as something that one might think. The reader might next expect to be told why this thought is wrong, or perhaps a different reason for Rav Huna's ruling will be introduced.²²⁸ However, the reader is instead offered further support as to why they might think that one would prefer the freedom of not being Jewish. This further support is offered from an established fact about slaves: *עבדא בהפקירא ניהא ליה*, defined at Gittin 13a to mean that a slave wants sexual freedom more than he wants physical freedom.²²⁹ However, the Ketubot passage masks that connotation by quoting only half of the phrase. Whereas in the Gittin passage the sentiment that a slave would prefer to remain a slave is expressed by the phrase "*עבדא בהפקירא ניהא ליה זילא ליה שכיחא ליה פריצא ליה*," the Ketubot passage merely quotes half of that phrase: "*עבדא בהפקירא ניהא ליה*." What effect is accomplished by the Bavli's quotation of only part of this line in the Ketubot passage?

²²⁸ An appeal to slavery seems completely unnecessary at this point in the text. In fact, the Vatican 130 manuscript completely avoids mentioning slavery.

²²⁹ Once the association between slavery and sexual promiscuity is made, the reader might be reminded that the root פקר does appear in the general context of two discussions of a half-slavewoman/half-freewoman, (Yevamot 66a and Gittin 38b), though not as part of a phrase. Additionally, the 'woman is referred to as *הציה שפחה וחצי בת חורין*, so there is no linguistic association between the word roots פקר and עבד. In these instances, the Talmud is concerned about a woman who is half slave and half free being sexually abused (מנהג הפקר מהגו בה).

Reading Both Passages Simultaneously: A Global Reading

In the Gittin passage, the meaning of the otherwise ambiguous term "בהפקירא" obviously means "sexual promiscuity" because the sentence ends with "she is lascivious with him, she is readily available to him, she is licentious with him" (זילא ליה שכיחא ליה) (פריצא ליה ליה). In the Ketubot passage, however, the reader is confronted with a phrase that literally means the opposite of what it actually seeks to express. In other words, the truncated phrase עבדא בהפקירא ניהא ליה, which seems to translate as "it is good for a slave to be in a state of ownerlessness" (i.e. a slave wants his freedom) is used to express the idea that a slave does not want his freedom. This truncated phrase has been presented as an established fact, a fact that, for the linear reader of the Bavli, has not yet been established.²³⁰ Additionally, as mentioned earlier, the Gittin passage does not itself really seem to establish the fact. This "established fact" was, in Gittin, only offered as hypothetical solution to a problem that Rabbi Meir faced in a debate with the Sages. All other proposals for the rationale behind Rabbi Meir's position in the Baraita at Gittin 12b had been woven into the textual fabric of the Baraita itself. In other words, the Baraita presented a cryptic dialogue between Rabbi Meir and the Sages. The Bavli then sought to understand the meaning of the words of that dialogue in a manner that made sense based on the possible theoretical positions that Rabbi Meir and the Sages could have held, positions in line with those put forth in the original debate presented in the Mishnah at Gittin 11b. After presenting the Baraita, the Bavli at Gittin 12b asked "מאי קאמרי ליה" ("What did they say to him; and what did he answer to them?") The Bavli sought to explain the meaning of each statement in the dialogue. However, in conclusion, the Bavli at Gittin 13a offered a final reason for Rabbi Meir's position. This reason did not in any way correlate to any statement that Rabbi Meir made in the Baraita. In the Baraita, Rabbi Meir argued that it is a benefit for a slave to remain a slave solely on the basis of his access to תרומה (priest's share of the crop). Rabbi Meir's whole argument centers on תרומה, and תרומה only. Rabbi Meir debated his position based on the different kind of relationship that, on the one hand, a wife, and on the other hand, a slave, have toward תרומה. The fact presented at Ketubot 11a as "established" in tractate Gittin—that a slave wants to remain a slave so that he can have sex with slavewomen—is, in the

²³⁰ It is of note that this previously established fact has yet to be established in the linear flow of the Talmud. For the reader of Ketubot 11a, the previously established fact has only been established in a tractate, Gittin, which has yet to be read. Such an occurrence in a text like the Talmud can easily be explained from a compositional standpoint. Put simply, the Talmud was not written in a linear manner and therefore the *sugya* at Ketubot 11a could be explained to post-date the *sugya* at Gittin 13a and therefore refer to it. However, from a reader's standpoint, the fact that the Talmud refers to itself out of order highlights the problem of a notion of a "beginning" and "end" to the analysis of a *sugya*. This problem, of "beginning" and "end" becomes compounded once an analysis the whole Talmud or multiple *sugyot* within the Talmud is endeavored.

Gittin passage itself, merely a manufactured hypothetical defense of a minority position in the Baraita.

The net effect of Bavli's use of the half expression *עבדא בהפקירא ניהא ליה* in the Ketubot passage is to undermine the conclusion of the Gittin passage and lead the reader to wonder about the establishment of such a counterintuitive fact, that a slave is not interested in acquiring his freedom. Had the reader of the Ketubot passage been unaware of the Gittin passage to which it refers, such a reader would have no basis to understand *הפקירא* sexually. The analogy between the slave and the convert would have simply been understood to refer to the disadvantages of conversion in the following manner: since a slave, who is automatically converted upon manumission, would rather remain a slave than be burdened with God's many ritual and ethical commandments, *a fortiori* a free non-Jew would also not want to convert. Additionally, the Ketubot passage could have just as easily expressed the idea that it is a disadvantage for a slave to go free in a number of other ways without referring to the Gittin passage. The Ketubot passage could simply have stated "it is a disadvantage for a slave to go free", as the Bavli does elsewhere.²³¹

The fact that the Bavli expressed the idea that "a slave wants to remain a slave" by using a truncated and ambiguous phrase, one that is only understood through an appeal to the Gittin passage, impacts the Gittin text in a far more powerful manner than the function the phrase seeks to serve in the Ketubot passage. The Ketubot passage could have easily made its point without an appeal to the concept of slavery. It could simply have relied on the fact that a non-Jew would not want to be burdened by God's many ritual and ethical requirements.²³² Therefore, the mode of expression in Ketubot works to undermine that very conclusion of the Gittin passage that the Ketubot passage takes as its given. The reader is left wondering as to the Bavli's actual commitment to the idea that a slave would prefer a certain kind of sexual activity over his freedom from bondage. Once both passages are sorted out, the contrast between the reader's initial "first glance" misreading and the reader's later correction of that misreading serves to highlight the Bavli's ambivalence toward its own rhetorical conclusion, that slaves want to remain slaves. In this way, much as in the Baba Kamma 32a and Niddah 64b examples of the previous chapter, the Bavli's use of a particular expression works above and against the logic of the *sugya* to express, for the reader, an ambivalent attitude on the part of the Bavli's own commitment to its rhetoric. The use of a phrase that, when read literally and at first glance, calls the logic of the passage into question highlights the conflict within, and ambivalence toward, the logical conclusion of the passage. Once both passages (Ketubot 11a and Gittin 13a) are viewed simultaneously, the effect, for the reader trying to make meaning in, and of, the text, is that the Bavli seems to want to both say something and unsay it at the same time. If, as Empson argues, the use of ambiguous and contradictory terminology—terminology that does not say nothing but says both things—reveals a state of conflict in the mind of the author then here we have a representation of

²³¹ Kiddushin 23a and Gittin 12b.

²³² This appears to be the approach of the author of the Vatican 130 manuscript tradition, as noted in footnote 228 above.

the Bavli's conflicted state regarding slavery. On the one hand, slavery is a Biblical institution and therefore sanctioned by God. On the other hand, the Bavli seems to be is uncomfortable with that fact.²³³

The interplay between the linear reading experience and the non-linear expectations of the text serve to call into question the assumption of a final resolution to any given text in the Bavli. As we move, in later chapters, to larger examples that involve greater numbers of texts, each requiring the reader to step outside the linear reading process in order to make sense of particular statements and words, the notion of a linear trajectory toward resolution will become more and more vague. What will become more clear is how the Bavli's use of particular words or phrases act to undermine the resolution at which the individual Bavli passages, in which they appear, seem to drive, when those words or phrases are read in light of the global Bavli context.

Summary of Part One: Ambiguity

In part one of this dissertation, I explore the role ambiguity plays in a particular reader's meaning making process. In doing so, I define the Bavli's implied reader as the global Bavli (GB) reader, a heuristically constructed reader who is fashioned by the

²³³ The source of this ambivalence can stem from the fact that Biblical law does not seem to allow for freeing slaves. Regarding non-Jewish slaves and slavewomen, Leviticus 25:44-46 states:

(מ) וְעַבְדְּךָ וְאִמְתְּךָ אֲשֶׁר יִהְיוּ לְךָ מֵאֶת הַגּוֹיִם אֲשֶׁר סְבִיבֹתֶיכֶם מִהֶם תִּקְנוּ עֶבֶד וְאִמָּה. (מה) וְגַם מִבְּנֵי הַתּוֹשְׁבִים הַגֵּרִים עִמָּכֶם מִהֶם תִּקְנוּ וּמִמְשֻׁפְחָתָם אֲשֶׁר עִמָּכֶם אֲשֶׁר הוֹלִידוּ בְּאֶרְצְכֶם וְהָיוּ לְכֶם לְאֻחָזָה. (מו) וְהִתְנַחֲלָתֶם אֹתָם לְבְנֵיכֶם אֲחֵרֵיכֶם לְרֵשֶׁת אֻחָזָה לְעֹלָם כִּי־לֹא תִפְדּוּ וּבְאֶחָיֶכֶם בְּנֵי יִשְׂרָאֵל אִישׁ בְּאֶחָיו לֹא תִרְדּוּ בּוֹ כְּפָרְדָּ.

(44) And your male slave and your slavegirl whom you may have from the nations that are around you—from them you may buy a male slave and a slavegirl. (45) And also from the children of the settlers sojourning among them—from them and from their clan that is with them you may buy whom they have begotten in your land, and they shall become a holding for you. (46) And you shall hold them in your estate for your children after you to inherit a holding forever.

[Translation by Robert Alter in Robert Alter, *The Five Books of Moses: A Translation with Commentary* (W. W. Norton & Company, 2004).]

Based on verse 46, Rav Yehudah (a mid-3rd century Babylonian Amora) prohibits the freeing a slave (Berakhot 47b and, Rav Yehudah in the name of Shmuel, at Gittin 38b.) [The Talmud additionally discusses a debate between tow Tannaim, Rabbi Akiva and Rabbi Yishma'el (early 2nd century), whether or not it is a requirement to own a non-Jewish slave in certain instances. (See Sotah 3a-b.)] Later, in chapter 5, I will address another moment of rabbinic ambivalence that appears to arise out of gap between the value system, or cultural and jurisprudential concerns, of the rabbis and the realities of legislating Biblical law in a culture and time that is foreign to the Biblical system. Chapter five will deal with virginity claims in that light.

expectations and assumptions of the text. This reader paradoxically operates while simultaneously omniscient vis-à-vis the entire Bavli and ignorant vis-à-vis the linear flow of the Bavli's arguments. The purpose of constructing the reader in this manner is to allow for a conception of the impact of the literary mechanisms of the Bavli outside of the temporal flow of the text. The GB reader finds meaning at the junction of the different readings the text produces. This idea is most apparent in my discussion of the ambiguous "sandal tapping/ hitting" phrase in the first half of chapter two. As a matter of convention, I must present the different readings produced by the text in a linear manner. However, even if the events of the reading process I describe are conceived of in an opposite manner the results are the same. It is not the order of misreading and reading that I present in this chapter that is significant. What is important is that both readings stand in marked contrast to each other.

My description of the effect of ambiguity on the readings of historical readers, in the first chapter, aimed to highlight the position of the reader vis-à-vis the Bavli text. The historical readers I explore operate from a vantage point situated within the text, altering and rewriting the text as they read, when negotiating the ambiguities of the text. Ultimately, however, Rashi's two commentaries to the parallel Baraitot of Baba Batra and Menahot serve well to depict a frozen moment of undecidability. Rashi's two mutually exclusive commentaries both now sit alongside one another (though hundreds of pages apart) in the printed version of the Bavli we read today.

I introduce historical readers in the first chapter, whether via manuscript evidence or via commentaries, in order to propose a conception of the Bavli as a text that is still being written—if not today, then certainly in the twelfth and thirteenth century. The writing being done by such Bavli readers is not significant quantitatively. However, as I demonstrated in the first three chapters, the introduction of a couple of seemingly superfluous words, the switching of the order of two words, and the replacement of a word with a synonym (oddly, the words "yes" and "no" can be synonyms in the Bavli) can all serve to subvert the rhetorical drive or greatly complicate the meaning of a Bavli text. I label this type of literary activity, and the people who perform it, the Superstam. Where the Stam works to stabilize the Bavli's mode of meaning conveyance the Superstam acts to destabilize the work of the Stam. This activity happens at the level of language and words rather than rhetorical or logical argument.

The first three chapters of this dissertation deal with a mode through which the Bavli expresses its ambivalent attitude toward the decidability of key social and religious issues. Ambivalent attitudes toward the authorship of the Bible, capital punishment, slavery, and the concept of female virginity as a physically marked state are all expressed through the use of ambiguous terminology. Sometimes, (as was the case in chapter one and the first example of chapter two), the ambiguity is never resolved. In such cases the ambiguity's lack of resolution is what expresses the cultural anxiety. Other times, (as was the case in the second example of chapter two and chapter three), the cultural ambivalence is expressed when the reader attempts to resolve the ambiguity by appealing to other occurrences of the same ambiguous phrase throughout the Bavli.

Part two of this dissertation builds on the concepts of the GB reader, the Superstam, and the non-linearity and circularity of the reading process introduced in part

one. However, part two explores an expression of the Bavli's ambivalence toward paternity, virginity claims, and rabbinic authority through the impact of a different type of literary mechanism: the effect of trigger words and simultexts on the experience of the GB reader. Part two builds upon the type of readings described in the second example of chapter two and chapter three. Once the idea of the GB reader has been introduced, I explore how this reader is affected by occurrences of rare— but, in these cases, not necessarily ambiguous—terminology throughout the Bavli. Much in the way I describe how the GB reader forms a complex web of meaning through the association of the three separate Bavli passages discussing Shmuel's expertise (in the second example of two), the remaining three chapters provide examples of webs of Bavli passages similarly linked by recurring rare terminology. These webs of passages also serve the function of undermining or subverting the apparent meaning or, more accurately, rhetorical drive of a particular Bavli passage, when that passage is read locally or in isolation.

PART II: TRIGGER WORDS

Chapter 4: Reading Beyond the Aggadic *Sugya*: Toward a New Theory on the Bavli's Composition

In the following three chapters, I highlight a central feature of the Bavli's mode of conveying meaning to its implied reader. In turn, an exploration of the effect of trigger words and similtexs on the global Bavli (GB) reader paves the way to a new understanding of the Bavli's redaction, creation, or authorship: the effect of. The reader I explore, the GB reader, is that reader that the text assumes and fashions. The GB reader is characterized by an *a priori* knowledge of the entire Bavli and a bias toward associative and non-linear modes of reading. By focusing on the experience of this heuristically constructed reader, I continue to demonstrate how the type of meaning that is found in the book as a whole often runs counter to what one might perceive when dividing the Bavli into its constituent parts. In doing so, I ask the question: who controls the meaning conveyance mechanisms of the text? If the Stam constructs the *sugya*, and therefore works to control its mode of transmitting meaning to its readers, then there is a different hand at work in the counter-meaning conveyed by the interactions between two, or more, *sugyot*. This counter-meaning is only conveyed to a certain kind of reader and through particular literary mechanisms.

The Bavli's mode of presentation assumes that its reader already knows every obscure reference made by a local Bavli passage. This is true even of references that have not yet occurred in the linear flow of the text, as was described in chapter three. The GB reader attempts to engage the Bavli linearly, following the rhetorical flow of words on the page, yet is constantly driven from that linear reading experience by two factors. The first is the Bavli's mode of presentation. Although the Bavli imparts itself to its reader in a linear fashion, the introduction of each new set of words on the page often drives the reader backwards through the text, forcing the reader to remap meaning on words already read. This process was described in chapter one. The second factor is the mode through which the GB reader works to resolve ambiguity. This reader resolves ambiguity by understanding a word or phrase through its contextual usage elsewhere in the Bavli. This form of associative reading was described in the second half of chapter two.

Through an analysis of the role ambiguity plays in the GB reader's meaning making process, the first part of this dissertation focused on how the Superstam expresses ambivalence in moments of heightened cultural tension. The second part of this dissertation describes how the Superstam also expresses that same ambivalence through the use of non-ambiguous terminology. In the following three chapters I locate the work of the Superstam through an exploration of the effect of trigger words and similtexs on the GB reader. Trigger words are rare words or phrase which operate on that reader already habituated to non-linear and associative modes of reading. This reader is also familiar with the Bavli in its entirety. Due to the GB reader's training and

knowledgebase, trigger words function by activating those particular other Bavli passages in which those trigger words also appear, the simultexts. For the GB reader, the trigger words activate the simultexts, and all of their content and context, in the same manner in which the GB reader has been accustomed to resolving ambiguity. The GB reader simultaneously reads the activated passages together with the original passage and forms a complex web of meaning. Often, the web of meaning acts to counter the logic or rhetoric of the original passage read in isolation. The mark of the Superstam is found in these moments. The examples I use to describe the trigger word/simultext effect, in the following three chapters, demonstrate that Super-stammaitic activity is not limited by genre. Rather the Superstam acts to unify the Bavli, for its reader, into a single book by virtue of the associations that Super-stammaitic activity encourages. I therefore provide examples found in sections of the Bavli classified as *halkahic* (legal) and *aggadic* (non-legal), as well as in combinations of the two.²³⁴

In this chapter, I first explore a local reader's attempt to logically make sense of an ambiguous dialogue between two rabbis and a noblewoman. As was the case with in the Bavli passages concerning Moses death, treated in chapter one, I describe how the reader's attempt to linearly read a Bavli passage is thwarted by the ambiguous presentation of the words in the text. With the introduction of each new line of dialogue the reader is forced to reassess the meaning of the previous lines of dialogue. I then explore how the meaning of the passage is altered when the story is read in its extended and, then, global contexts. In treating this Bavli passage, I provide manuscript evidence as to the late (post-Geonic) and recurring nature of Super-stammaitic activity. To detail this phenomenon, I have selected a short Bavli passage, which features a confrontation between two rabbis and a noblewoman. This Baba Metzia 84a story is the eponymous tale of the book in which the theory of a Super-stammaitic force in the Bavli upon which I build is presented: the fat rabbis.²³⁵

At the conclusion of the story the reader is left believing that the rabbis have bested the noblewoman at a game of wits. The story is immediately followed by another related passage that contains a unique place name, הרפניא (Harpania), that is only found in a handful of other locations in the Bavli. In one of those locations the etymology of the town's name is defined in a manner that calls the conclusion of the Baba Metzia story into question. The appearance of this rare place name at Yevamot 17a, and the context in which it appears, causes the GB reader to reevaluate whether or not the rabbis, of Baba Metzia 84a, had actually won their verbal joust with the noblewoman. Interestingly

²³⁴ I build here on the work of Barry Scott Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (University of Pennsylvania Press, 2011).

²³⁵ Daniel Boyarin, *Socrates and the Fat Rabbis* (University of Chicago Press, 2009). Boyarin is perhaps the first to describe the organizing force of the Bavli, a literary activity that is beyond and against the work of the Stam. Boyarin describes the organization of the multiple voices in dialogue in the Bavli as the work of the "Stam of the Bavli," an author function distinct from that of the Stam of the *sugya*. I use the term Superstam to denote a different kind of activity. However, both Boyarin and I are interested in understanding the literacy nature of the Bavli when viewed as a unified book rather than a miscellany.

enough, one of the six extant medieval manuscripts for Baba Metzia 84a replaces the place name with that of another town. That town also appears at Yevamot 17a but elicits an opposite effect, reinforcing the fact that the rabbis had succeeded in defeating the noblewoman in their debate. The author of this variant manuscript tradition was obviously impacted by the association between the Baba Metzia and Yevamot passages but altered the effect of that association without erasing it. The existence of this type of textual tweaking at such a late date (probably in the twelfth century) raises questions about the nature of the evolution of the text of the Bavli in the first place.

The Fat Rabbis Story

The story of Rabbi Ishmael the son of Rabbi Yosi and Rabbi Elazar the son of Rabbi Shimon, "the fat rabbis", appears as one of a series of stream of consciousness narrative asides sandwiched in between two halves of one of the longest self-contained biographical sketches in the Bavli. The subject of this long biographical tale, which extends from Baba Metzia 83b through 85a, is one of the fat rabbis, Rabbi Elazar. In order to understand an important linguistic nuance of the fat rabbis story, which I will later address, it is necessary to have in mind the general outline of the Bavli context in which the shorter "fat rabbis" story appears.²³⁶ The longer biographical narrative begins when Rabbi Ela'zar is appointed a policeman by the Roman government and charged with catching thieves. When a certain laundryman taunts Rabbi Elazar for turning Jews over to the Roman government, Rabbi Elazar responds by turning the laundryman over to the authorities. When Rabbi Elazar realizes that he has overreacted, he feels remorse and tries to save the laundryman from execution. But it is too late. The man has already been executed. Rabbi Elazar is very distraught. Even when he is told that the laundryman had actually committed grave sins punishable by death, he cannot be consoled. Rabbi Elazar decides to divine whether or not he has acted properly in turning the laundryman over to the Romans for execution. The test would be whether or not his fat would putrefy when laid out in the summer sun. Rabbi Elazar has a liposuction procedure performed on him and buckets of fat are removed from his body and placed in the summer sun. His fat does not putrefy, signaling his guiltlessness.

The narrative is then interrupted by several digressions before continuing, more than a page later, and as if these digressions never happened.²³⁷ The second half of the

²³⁶ For a translation of the entire long biographical tale of Rabbi Elazar the son of Rabbi Shimon, see Daniel Boyarin, *Carnal Israel* (University of California Press, 1995), 219-225.

²³⁷ The first digression tells us that Rabbi Ishmael the son of Rabbi Yosi, the other fat Rabbi, was similarly appointed a policeman by the Roman government. The introduction of Rabbi Ishmael, his similarity to Rabbi Elazar, and the image of the buckets of fat being removed from Rabbi Elazar's stomach, lead to the digression of the fat rabbis story. That story is then followed by the list of the sizes of various Rabbi's organs which is begun by Rabbi Yoḥanan commenting on the size of Rabbi Ishmael the son of Rabbi Yosi's

story opens with a postoperative scene. Rabbi Elazar is still downtrodden over his role in the laundryman's execution. The exonerating evidence of his non-putrefied fat does not help assuage his grief. Rabbi Elazar prays for afflictions to befall him in order to effect his atonement. His afflictions result in enormous medical costs. When his wife finds out that his ailments were self-inflicted, caused by his prayers and not the result of his surgery, she is furious. Apparently she had been paying his medical expenses with her father's money. She decides to leave her husband and move back to her father's house. While separated from his wife, Rabbi Elazar's financial condition changes considerably. He is now rich.

Meanwhile, Rabbi Elazar's wife, curious about his situation, asks their daughter to go check up on him. Rabbi Elazar sends his daughter back to his estranged wife bearing a message about his newfound wealth. Rabbi Elazar's wife had left him over money issues and now he wants her to know that money will no longer be a problem. The text of the story does not present his wife's response nor the details or timeframe of her return but she does appear to be living with him at the time of his death.

Having explained the context in which the fat rabbis story appears in the Bavli, I now present a literal translation of the text as it appears at Baba Metzia 84a:

(Key= rabbinic Hebrew; *Babylonian Aramaic*; Biblical Hebrew)

When Rabbi Ishmael the son of Rabbi Yosi²³⁸ and Rabbi Elazar the son of Rabbi Shimon would encounter²³⁹ one

organ. The next digression contrasts the grotesqueness of the fat rabbis to the beauty of Rabbi Yoḥanan. This digression leads to a story of how Rabbi Yoḥanan would hang around ritual baths so that women would see him when they exited the baths. This would cause them to have children who would both be as physically beautiful as him as well as be able to study Torah like him. The combination of Rabbi Yoḥanan's physical beauty, Torah knowledge, and bathing, leads to the final digression which returns to the subject of thieves, insults, and heaviness of heart. A thief, named Reish Lakish, sees the beautiful Rabbi Yoḥanan bathing and mistakes him for a woman. After a brief exchange in the water, Rabbi Yoḥanan convinces Reish Lakish to leave the life of thievery behind and study Torah with him in exchange for his far more beautiful sister. This final narrative digression ends in tragedy when Rabbi Yoḥanan, later, insults Reish Lakish by reminding him of his past life as a thief. Both of them end up dying from the heartache that ensues from the insult. The typesetters of the Bomberg Talmud (Venice, 1520s)—perhaps as a joke or perhaps accidentally—organized the text so that when one turns the page from 84a to 84b the reader is abruptly brought back into the original biographical story of Rabbi Elazar the son of Rabbi Shimon as if none of the digressions ever happened. Most subsequent major Talmud editions follow the Bomberg pagination.

²³⁸ MS Escorial elides this name and merely has "Rabbi Ishmael the son of Rabbi." Rabbi Ishmael the son of Rabbi Yosi initially made his appearance in this chapter when he was compared to Rabbi Elazar the son of Rabbi Shimon. This appearance occurs immediately following Rabbi Elazar's liposuction. The comparison made between Rabbi Elazar and Rabbi Ishmael had to do with the fact that they were both appointed enforcers of civil law by, and for, the Roman government. In the course of their duties as Roman

another a herd²⁴⁰ of oxen would pass²⁴¹ between them²⁴²
and not touch²⁴³
A certain noblewoman (מטרוניתא)²⁴⁴ said to them: "Your
sons are not yours." (בניכם אינם שלכם)
They responded: "Theirs²⁴⁵ are greater²⁴⁶ than
ours."²⁴⁷ (שלהן גדול משלנו)
"All the more so!"²⁴⁸ (כל שכן)

law enforcers they both found themselves in a position to turn over Jews to the secular authorities. It is only after that association that they are brought face to face and are compared physically.

²³⁹ Literally: "would happen to come upon each other".

²⁴⁰ MS Escorial has פדנא (yoke of oxen) instead of בקרא (herd of oxen).

²⁴¹ Literally "enter". Florence specifies "pass between them."

²⁴² MS Escorial specifies "under their stomachs."

²⁴³ MS Hamburg has פגעא instead of נגעה meaning "would not reach them."

²⁴⁴ מטרוניתא (*matrônîṭā*) is generally understood to mean a Roman woman of high stature. Women bearing this appellation are often seen interacting with rabbis in the Talmud. For a discussion of the Matrona literature as well as an alternate conception as to how to understand this character in rabbinic literature see Tal Ilan, *Mine and Yours are Hers: Retrieving Women's History from rabbinic Literature* (Leiden: Brill, 1997), pp. 240-262, 297-310.

²⁴⁵ The term used here is שלהן. While the narrative portions of this story are presented in Babylonian Aramaic the dialogue is presented in rabbinic Hebrew. It is important to note that in authentic rabbinic Hebrew a final "נ" does not necessarily denote the feminine. In rabbinic Hebrew a final "נ" can be used for both the masculine and the feminine. This fact is often obscured in our printed editions because of a history of scribal emendations reflecting this arcane grammatical anomaly. Not so arcane at all, nor a grammatical anomaly; it's simply a linguistic fact that final m and final nun merged. I point this out to highlight the obscure nature of this dialogue. Since the noblewoman's response is itself vague it is therefore not immediately obvious to the reader whether "bigger" refers to the only subject introduced thus far, their sons, or some other unmentioned feminine subject such as their wives. The Escorial manuscript has שלהם which would certainly mean the subject is their sons.

²⁴⁶ The Vilna edition as well as the Soncino Print, the Escorial, Munich, Vatican 115, and Vatican 116-117 manuscripts all have the masculine form גדול rather than the feminine גדולה which appears in the Florence and Hamburg manuscripts. This discrepancy highlights the vagueness of what exactly is the referent of "greater."

²⁴⁷ Vatican 116-117 has משלכם instead of משלנו meaning "theirs is greater than yours." This word is very confusing because it is the masculine plural for "yours" and therefore has no obvious referent since they appear to be speaking only with an individual female.

²⁴⁸ I present this here as the noblewoman's retort in following with the manuscript tradition. The Escorial, Munich, and Vatican 115 manuscripts all have language denoting a change of speaker. The Escorial, Florence, Hamburg, Munich, Vatican 115, and Vatican 116-117 manuscripts all have the phrase אי הכי before the phrase כל שכן implying the speaker has changed. This would be translated as "If that is the case

There are those who say (איכא דאמרי) that this is what they said to her: "As is the man, so is his virility"²⁴⁹ (כי כאיש גבורתו).

There are those who say (איכא דאמרי) that this is what they said to her: "Love squeezes the flesh" (אהבה דוחקת את הבשר) And what was the reason why they answered her? Does it not state "Do not answer a fool according to his folly [lest you also become like him]"²⁵⁰?

In order not to cast suspicion on their sons.²⁵¹

then all the more so!" However, in the Vilna edition and the Soncino Print it is not introduced with language denoting a change of speaker and it is therefore up to the reader to decide whether the speaker has changed or, alternatively whether this exclamation is the conclusion of the rabbis' response to the noblewoman. Since the meaning of the exchange is extremely vague in the first place the reader is therefore placed in a highly active role in deciphering the content and meaning of the exchange between the parties as it is presented in the printed editions.

²⁴⁹ Judges 8:21.

²⁵⁰ Proverbs 26:4. The conclusion of the verse is only included in the Florence manuscript. Hamburg has וגו'.

²⁵¹ Literally "cause the spread of evil talk." MSS Escorial and Hamburg complete the sentence שהם/ן ממזרים/ן (that they are bastards) with MS Hamburg using the more arcane and accurate form for the masculine in rabbinic Hebrew (see footnote 245). There is a significant amount of textual variation between the manuscripts for this passage. I have offered a translation of the Vilna edition and provide a chart detailing all of the MSS and Prints below. Some manuscripts seem to make more sense from a literary perspective and have some kind of even descending progression as far as sizes [e.g. 9, 7, 5, 3.] From a content perspective, the most important variation is whether or not Rabbi Elazar the son of Rabbi Shimon is included in the list and whether his penis is given at 9 *qab*, in with Rabbi Ishmael's, or as 7 *qab* and therefore of lesser stature. One other important difference between the manuscripts is the town used to describe the type of basket that Rav Papa's organ is compared too. This point will be discussed at length later.

	Rabbi Ishmael the son of Rabbi Yosi	Rabbi Elazar the son of Rabbi Shimon	Rabbi Yoḥanan	Rav Papa
Vilna	9		5, some say 3	Jug from Harpania
Escorial	9	9, some say 5	5, some say 3	Jug from Harpania
Florence	9			Jug from Harpania
Hamburg	9	7	3, some say 5	Jug from Harpania
Munich	9		5, some say 3	Jug from Harpania
Soncino Print	9		5, some say 3	Jug from Harpania

Rabbi Yoḥanan said: The organ²⁵² of Rabbi Ishmael the son of Rabbi Yoṣiḥ²⁵³ like a nine 'qab'²⁵⁴ water skin²⁵⁵.
 Rav Papa said: The organ of Rabbi Yoḥanan is like a five qab water skin
 Rav Papa himself was like a Harpanian²⁵⁶ jug²⁵⁷. דקורי (פנאי)

Vatican 115	9	9	5, some say 3	Jug from Harpania
Vatican 116- 117	9	9	5	Jug from Nahar Pema

²⁵² I have translated איבריה as "organ" rather than "penis" to maintain the euphemistic language of the original Talmudic text. Nearly all commentators understand the word to mean penis with the exception of two cited by Beṣalel Ashkenazi (c. 1520- c. 1592, Egypt and Jerusalem) in *Shittah Mekubetzet* in an attempt to censor Rashi's dominant reading. 1) An anonymous student of Isaac Alfasi (known as the Rif, 1013-1103, North Africa and Spain), understands this word to mean "appetite" (אכילתו). 2) Yom Tov ibn Asevilli (1250-1330, Spain, known as the Ritva [or Ritba]) believes the word to mean either "arm" or "thigh." [It should be noted that Rashi does not actually comment on this word. Ashkenazi probably surmises that Rashi's earlier comment—that the verse "as is a man, so is his strength" refers to the size of the rabbis' penises—must have stemmed from his understanding of איבריה (organ) as "penis."] Judah the son of Beṣalel Loew (known and the Maharal of Prague, 1520-1609), in *Hidushei Aggadot*, understands the word to mean "penis" but understands it symbolically.

²⁵³ I suppose that this could alternately be translated as "was" but it is unclear where the narrator is situated time-wise at each moment in the narration. If the narrator is positioned at each progressing chronological moment of the rabbis making the statement then "is" is more accurate.

²⁵⁴ A קב (*qab*) is the basic unit for measuring volume in the Talmud. All other measurements are derived from it [e.g. a רובע (*rôba*) is a quarter of a קב (*qab*); a סאה (*se'â*) is 6 קב (*qab*); etc.] A קב (*qab*) is approximately somewhere between 1.5 to 2.5 liters.

²⁵⁵ חמת (*hēmet*) is a liquid container made from the skin of a goat. The skin is removed intact from the animal and the bag is filled from the hole in between the legs. It is a word that appears in the Biblical story of Hagar and the young Ishmael in the desert (Genesis 21: 14, 15, 19). In that story the water-skin is empty and Hagar fears for her son's life; then she see a well, fills the water-skin, and her son is saved. It is interesting that our list of Rabbi's penis sizes starts with Rabbi Ishmael and although the rest of the paragraph is written in Aramaic one Biblical word is used. This word only appears in the Bible the chapter dealing with Ishmael, which is also the same chapter as, and directly following, the circumcision of Isaac. Additionally the words that end the verse directly preceding that in which the word חמת (*hēmet*) makes its first appearance in the Bible closes with the words כי זרעך הוא (for he is your seed). It is most interesting that the terminology used to describe the size of these rabbis' penises is a feminized one, a receptacle. Even the one instance where a Rabbi's penis size is described by a different term than חמת (*hēmet*) the term used is ריקודא which is a jug. חמת (*hēmet*) is also used in the Talmud to describe the rabbinic incomprehensibility of man's desire for women and just how unnatural this desire would be were it not for God's command to procreate: "It was taught [in a Baraita] A woman is a water-skin (חמת) filled with excrement and her mouth is filled with blood yet all run after her." (Shabbat 152a)

²⁵⁶ Harpanian jugs are only mentioned one other time in the Bavli; and that instance is also in the context of size comparison. Shabbat 127a uses Harpanian jugs as an example of small jugs. The exact size of the jugs is not discussed.

As is the case with most Bavli passages, the meaning of this text is not obvious at first glance. The reader is therefore ~~forced to~~ ~~exercise~~ ~~an~~ ~~active~~ ~~role~~ when attempting to both make sense of the simple meaning of the text and understand its deeper signification when viewed in the broader context of the Bavli. The logic of the dialogue is quite obscure. Several interpretive problems immediately present themselves: What exactly did the noblewoman mean when she said "Your children are not yours"? When the rabbis respond "Theirs are greater than ours," who exactly are the subjects referred to by "theirs" and what is the unnamed object that is "greater than ours"? What does the noblewoman mean when she retorts "All the more so! "? How do each of the rabbis' final alternate responses—the Biblical quote from Judges, "As is the man so is his strength," and the folk saying, "Love compresses the flesh"—address the noblewoman's retort? Finally, does the paragraph that follows this story in the Bavli, delineating the size of various rabbis' organs, shed light on any of these questions?

The logical flow of the dialogue in this short narrative is so perplexing that, to date, there have only been, to my knowledge, three commentators²⁵⁸ who have endeavored to detail exactly what is taking place in each and every line of dialogue: Rashi, Moses the son of Isaac of Pizentz;²⁵⁹ and Daniel Boyarin. (Of course, one cannot overlook the role that the somewhat bawdy nature of the subject matter might have played in deterring some prudish commentators.)²⁶⁰ The lack of clarity in this passage is more the result of vagueness than ambiguity.²⁶¹ A line of dialogue is vague when it is not clearly expressed, and ambiguous when it clearly expresses more than one thing. Therefore, vagueness is not an expression of ambivalence; it is rather not much of an expression at all.

There are two aspects of this dialogue that are vague. The first is linguistic vagueness. It is unclear what the referents are for the rabbis' statement "Theirs are greater than ours." The second vague aspect of this dialogue is the lack of clarity as to

²⁵⁷ There seems to be some confusion as to the correct spelling of this term. Sokoloff has דקורא as correct. [Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Baltimore and London: Johns Hopkins University Press, 2002), 1093.] However, all manuscripts besides MS Florence have דקורא .

²⁵⁸ The Maharal of Prague (Judah Loew the son of Bešalel, d. 1609), in his *Hidushei Aggadot*, comments at great length in providing a symbolic interpretation of the story. I do not include him in this list because he does not endeavor to explain the logic of the narrative.

²⁵⁹ Late sixteenth century, Bzenec [Bisenz], Moravia.

²⁶⁰ See Daniel Boyarin, *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man*, 1st ed. (University of California Press, 1997), 97 n.38; and footnote 252, above.

²⁶¹ However, in this case, the clarification of the dialogue's vagueness might result in a kind of ambiguity. The reader still might not be able to decide between two possible readings.

the intentions of the parties when making their statements. The language used by the noblewoman is not vague. Both of her lines of dialogue, "Your sons are not yours" and "All the more so" are clear on a linguistic level. What is unclear is her intention in, and motivation for, saying these lines.

Much like my analysis of the reading process in chapter one, I will follow the reader's attempt to read this text linearly. In doing so, I demonstrate how each new line of dialogue, presented in the text, forces the reader to move backwards and re-interpret what has already been read. For the reader of the Bavli, any attempt at linear reading itself leads to non-linear reading.²⁶² One of the primary ways in which the Bavli fashions the GB reader is through the habituation of this non-linear mode of reading. In the second part of this chapter, I analyze this passage both contextually and globally. In doing so, I will show how the Bavli fashions the GB reader's associative reading technique.

A Linear Attempt at a Local Reading

When confronted with a text of this sort, the local reader must begin from a spectrum of possibilities and then work backwards, as each new clue presents itself, in an attempt to limit those possibilities and arrive at a feasible and coherent interpretation of the text as a whole. The first sentence of the story is significantly important to the reader as it provides the starting point for the imaginary process through which the reader understands the logic of the dialogue between the rabbis and the noblewoman. By imaginary process, I mean the creation of images in the mind of the reader. Since descriptive language is very rare in the Bavli, the reader is therefore forced to provide that missing imagery.

The opening sentence of the story merely states that the two rabbis were so extremely large that when they would stand together oxen could pass between them.²⁶³ What remains obscure is whether the outlandishness of this image is one of larger-than-life gigantism or their overindulging-in-life obesity? Are the rabbis of monstrous proportions because of a freak occurrence in the natural world or simply because of their inability to control their own physical desires? It is this dichotomy of images that drives the interpretations of those few interpreters who have ventured to explicate the logic of this passage over the course of the last thousand years.

As the local reader moves line by line through the dialogue, a series of logical possibilities must be considered for each line of dialogue. For the first line of dialogue, "Your sons are not yours," there are five likely interpretations. Each of these interpretations correspond, to varying degrees, either with the image of the morbidly

²⁶² This process was treated at length in the first chapter of this dissertation.

²⁶³ The images of "herd" and "pair" present different pictures.

obese rabbi whose fat conceals his genitals or the image of the freakishly giant rabbi whose genitals are also proportionally large. Likewise, each of these interpretations correspond to the noblewoman questioning either the physical possibility of intercourse between the rabbis and their wives or the likelihood that these rabbis would be able to keep their wives from straying.

The chart below will serve as a visual aid for the analysis that follows:

		<u>Image Evoked:</u>	
<u>Possible Meaning of "Your sons are not yours"</u>		Morbidly Obese	Freakish Giant
1)	You're physically repulsive and therefore certainly cuckolded	X	
2)	You're too fat to have sex	X	
3)	Your penises are too big to have sex		X
4)	It's physically impos sible for a woman to carry your child		X
5)	Your sons do not resemble your appearance	X	X
<u>Possible Meaning of "Theirs are bigger than ours"</u>		<u>Answer to:</u>	<u>Refers to:</u>
	Our wives are also repulsive	#1	Wives' stomachs
	Our wives are also obese	#2	Wives' stomachs
	Our penises can fit	#3	Wives' vaginas
	Our wives can carry a large baby	#4	Stomach/Womb
	Our sons do look like us	#5	Son's stomachs /bodies
<u>Possible Meaning of "All the more so!"</u>		<u>Addresses:</u>	<u>Answered with:</u>
	It is certainly impos sible for <i>two</i> obese people to have sex with each other	#2	Both "As is the man, so is his strength/virility" (כי כאיש גבורתו) and "Love compresses the flesh" (אהבה דוחקת את הבשר)
	In any event, you're not a sexual match for your wives and therefore they surely turned to someone else to satisfy them.	#3	"As is the man, so is his strength/virility" (כי כאיש גבורתו)

The possibilities for the first line of dialogue are: 1) The rabbis are too ugly and repulsive and their wives would certainly stray; 2) The rabbis are simply too fat to have sex; 3) Due to their gigantism their penises would be too big to have sex with a regular sized woman; 4) It would be physically impossible for a woman to carry their offspring;

5) Their sons do not resemble their own appearances.²⁶⁴ The final two interpretations are the weakest due to the following. The rabbis themselves must have had a mother who carried them. It is also unclear whether the noblewoman had ever seen their sons to make an assessment about the appearance of the rabbis' offspring. (Though it should be noted that Rabbi Elazar's son is described, a page later, as being so physically desirable that prostitutes would pay him to have sex with them [Baba Metzia 85a].) She certainly had never seen their wives.²⁶⁵ However, before dismissing these possibilities outright the reader waits to see which possibilities are illuminated by virtue of the logic of the dialogue.

As the reader moves forward to the second line of dialogue all five possibilities remain intact. Each interpretation of "Your sons are not yours" is countered with a possible reading of "Theirs are bigger than ours." 1) Our wives' stomachs are bigger than ours—they are also repulsive and therefore wouldn't stray; 2) Our wives are also obese; and if obese people cannot have sex, then how did they have children to begin with?; 3) Our wives' vaginas are bigger than our penises. Therefore, sex with them is possible; 4) Our wives' stomachs (or wombs) are large enough to carry giant offspring; 5) Our sons do look like us. Although interpretations 4 and 5 were initially deemed unlikely they have not yet been overruled by the second line of dialogue. Once the third line of dialogue is introduced, however, only two of the original five possible interpretations remain logically feasible.

When the noblewoman responds "All the more so" only two of the five possibilities continue to make sense. Interpretations number 1, 4, and 5 no longer make sense. "All the more so" would not be a logical response to the claims that their wives are more repulsive than they are, their wives can carry large babies, or that their sons resemble them in appearance. This is because interpretations 1, 4, and 5 would not provide the noblewoman with a reason to believe that the rabbis' sons were not the result of a union between the rabbis and their respective wives. The noblewoman, however, can be understood to be responding to interpretations number 2 and 3.

According to interpretation number 2, where the rabbis respond that their wives are also obese, the noblewoman would be countering with: If your wives' stomachs are bigger than yours, you would certainly be unable to engage in sexual intercourse with your wives. According to interpretation number 3, that their wives' vaginas are bigger than their penises, she would be responding: Then you certainly would not be able to satisfy them sexually and they surely turn elsewhere to seek sexual satisfaction. The noblewoman's response following interpretation number 3, however, is the less likely of the two because the insult is less stinging. In following interpretation number 3, the noblewoman would simply be going back and forth between opposite claims of sexual incompatibility. Her initial claim would have been that their penises were too large to

²⁶⁴ The gender of the rabbinic Hebrew word for "theirs" is uncertain and therefore may either refer to the rabbis' wives or their sons. (See footnotes 246 and 247)

²⁶⁵ Though this fact is not known until the reader sees the rabbis' response. Also, see footnote 268.

have sex with their wives. Her retort, then, would be the exact opposite: that their penises were too small to satisfy their wives.

The two alternate answers that close the dialogue, "As is the man so is his strength/virility" and "Love compresses the flesh," also mitigate in the direction of reading number 2 (that it is certainly impossible for two obese people to have sex with each other) over reading number 3 (that the rabbis and their wives are sexually incompatible). Whereas both of the alternate answers seem to address reading number 2, reading number 3 seems to not be addressed by "Love compresses the flesh", only by "As is the man so is his strength/virility." For reading number 2, "As is the man so is his strength/virility" has the rabbis responding to the impossibility of two obese people having sex by explaining that the rabbis had extremely long penises that extended beyond their fat. Likewise, "Love compresses the flesh" alternately explains how two obese people may in fact engage in sexual intercourse.

However, for reading number 3, only one of the alternate responses make sense. "As is the man so is his strength/virility" seems to only address the issue of the rabbis inability to satisfy their wives. According to reading number 3, the dialogue would go as follows: a) the noblewoman question the legitimacy of the rabbis' children by questioning how two giants with enormous penises can possibly have sex; b) the rabbis respond by saying that their wives vaginas are even larger; c) the noblewoman responds that, in any event, the rabbis and their wives would still have incompatible sex organs and therefore the rabbis would not be able to satisfy their wives and keep them from straying; d) the rabbis then respond that their virility ensures their wives' sexual satisfaction. According to this reading, the alternate response "Love compresses the flesh" does not seem to address the issue of their mismatched genitals.

Accordingly, reading number 2 is the most logical interpretation of the referents of the words in this vague dialogue. Reading number 3 appears to fall short for two reasons. The first is that it does not appear to account for the alternate response "Love compresses the flesh." The second is that such a reading makes reduces the argument between the rabbis and the noblewoman to: a) "you're not sexually compatible with your wives"; b) "yes we are"; c) "no you're not"; d) "yes we are." However, the fact that the noblewoman is silenced, signaling the rabbis have won the debate, might have something to do with the fact that the rabbis, with their final response, changed the issue of the debate. Whereas the first three lines of dialogue had to do with genital compatibility, the rabbis won the debate by arguing that there is more to sexual compatibility than sexual compatibility. Once this fact is introduced, the second alternate answer begins to make some sense. "Love compresses the flesh" becomes a response to the noblewoman's claim that the rabbis would not be able to satisfy their wives because their penises are too small for their wives vaginas; it is a description of a physical process that resolves the issue of the genital incompatibility.²⁶⁶

²⁶⁶ In the Bible, the word בשר (flesh) sometimes refers to genitals. (See Appendix B)

to the problem of incoherence in this passage, namely, that the parties misunderstand each other. However, rather than saying what he means outright, Pizentz obscures his commentary in a sea of rich symbolic imagery that highlights several of the issues at play in this story.²⁷³

Daniel Boyarin follows Pizentz's lead in explaining the logic of the dialogue by appealing to the fact that the parties misunderstand each other.²⁷⁴

²⁷³ *Derash Moshe* (Krackow, 1589). My transcription follows the Krackow 1589 edition.

זה המאמר נכון וכשר הדבר בעיני לפרשו ולבאריו לפי שהו[א] קשה הציור וביחו[ד] כי לאיזו תועל[ת] השיבוה שלהן גדול משלנו. ואומר שהנה הם הבינו כוונת שאילתה ואמרה בניכם אינן שלכם כלומר אינכם יכולין להיזקק לנשותיכן הבינו הם דבריה לסיבת רוב עוביים וכובדם אשר לזאת הסיבה מבלתי יכולת נשותיהן לסבול לבא עליהם כדרך כל הארץ כי לא יכלה ארץ מגוריהם לשאת אותם ולזה השיבוה שלהם גדול משלנו ובזה נחה שקטה שילתה זאת. ו"קל. ואמנם היא להיות דבריה וכוונתה מחמת עצמם לא מחמת מניע(ת) נשותיהם כפי שהבינו הם בלתי כי בעבור כי שמנו עבו דשנו כסו בשרם כסל למו ואח"כ וריהם (ואחריהם [בפיהם ירצו סלה]. תהלים מט:יד). ולזה שאלה לפי דבריהם כ"ש (כל שכן) וכדי שלא להוציא לעז על בניהם ענו אותה על כל שתי אלו השאלות ולפי ה"אד (האיכא דאמרי) הראשון ענו ואמרו לה כי כאיש גבורתו כלומר אם דעתך כפי הבנתינו בראשונה כבר ענינו על זה בראשון שלה[ן] גדול משלנו וזהו כי כאיש גבורתו מה שיורה על גודל כריסת נשותיהן ו"קל. ואמנם על השאלה[ה] השניה ענו אהבה דוחקת את הבשר והוא ה"אד האחרון. ומר אמר חדא ומר אמר[ר] חדא ולא פליגי וכל זה כדי שלא להוציא לעז על בניהם ענו אותה
כן ולכן פירשנו זה המאמר.

²⁷⁴ In 1991, the fat rabbis story first made its appearance in Daniel Boyarin's published work. In an article entitled "Literary Fat rabbis: On the Historical Origins of the Grotesque Body," Boyarin brings this Talmudic tale to the English speaking academic community for the first time. His treatment of this story in that article is more concerned with content than logic and meaning. Rather than engage with the particularities of the problems in the text Boyarin seems to simply use the text as evidence that grotesqueness, reproductive anxiety, gender roles, and the like, are indeed dealt with in the Talmud in a literary manner. The appearance, in 1992, of his chapter "The Great Fat Massacre" signals Boyarin's first attempt to actually make sense of the logic of the narrative, what exactly is going on in each line of dialogue. It is this reading that also appears in *Carnal Israel* (1995) and *Unheroic Conduct* (1997) that I detail above. Although, in each of these books, Boyarin reads the logic of the dialogue in the same way he, nonetheless, explicates the story's meaning in a very different manner in each account. I find it interesting that Boyarin attributes the solution to the problems of the logic of the dialogue to two other scholars. He credits David Satran for introducing the interpretive notion that "vaginas" is the object of "greater" and Christine Hayes for introducing the notion that the rabbis and the noblewoman misunderstand each other. Boyarin is certainly giving credit where credit is due; but he also can be seen as trying to distance himself from a reading that he is not fully comfortable with due to its excess cleverness as well as its anachronistic conception of the way rabbinic stories work. The latter can be understood from later comments about his earlier reading and the fact that he finally abandoned this reading entirely. In his latest work, *Socrates and the Fat Rabbis* (2009), he refers to his earlier readings as "baroque" (ibid. p. 181) and opts for an extra-Talmudic solution where he explains the confused logic of the dialogue as a butchered attempt by the Bavli to acculturate a similar Hellenistic tale that had been circulating in the ancient world. His account is quite compelling but runs counter to the type of intra-Bavli reading that I espouse in this chapter. An earlier iteration of Boyarin's extra-Talmudic reading can be found in his chapter in the *Cambridge Companion to the Talmud and rabbinic Literature*. [Daniel Boyarin, "Literary Fat rabbis: On the Historical Origins of the Grotesque body," *Journal of the History of Sexuality* 1, no. 4 (April 1991): 551-584.; Daniel Boyarin, "The Great Fat Massacre" in Howard Eilberg-Schwartz, *People of the Body: Jews and Judaism from an Embodied Perspective* (State University of New York Press, 1992).; Boyarin, *Carnal Israel*., pp. 197-225;

dialogue as follows: When the noblewoman says "Your sons are not yours" she meant that their stomachs were too big for them to possibly have sex. The rabbis, however, understood her statement to be about the size of their penises, being too large to possibly have sex. The rabbis therefore answer that their wives' vaginas are bigger than their penises. The noblewoman, in keeping with her original thought and oblivious to the rabbis' misinterpretation of her statement, thinks that the rabbis mean that their wives' stomachs are bigger than their stomachs. She therefore says, "All the more so!" The rabbis now realize that they had originally misunderstood the noblewoman and realize that she was referring to the size of their stomachs and not the size of their penises. They answer her by either saying, depending on which tradition we follow, that their penises are long enough to make it past their stomachs or by saying something like "when there's a will there's a way."²⁷⁵ The irony of this reading is that what had originally been seen as an argument against the possibility that these rabbis were able to have sex with their wives, the enormity of their penises, eventually, according to the first tradition, becomes the argument for the possibility that they had sex with their wives. Though this enormity, over the course of the dialogue, shifts from girth to length.

However one goes about deciphering the verbal exchange that transpires in this story there is one thing that is clear. The two rabbis are confronted with a hostile adversary who engages them in a battle of wits, attacks their manhood, and casts doubt on the legitimacy of their offspring. The rhetorical structure of the story leads the reader to understand that the rabbis have bested the noblewoman, even if the details of what each party meant with each individual statement are obscure. The rabbis have the last word— or words, if the alternate answers are taken into account. The story thus ends and a new passage begins with a seemingly different narrative voice. Whether or not this second passage regarding the size of the organs of various rabbis is logically connected to the preceding story about the fat rabbi is the subject of debate among commentators.²⁷⁶ Regardless, this second passage contains one very important word, "Harpania" (הרפנאי), that operates on the Bavli reader to call into question the very conclusion of the preceding fat rabbi story. Before addressing the impact of that word on the Bavli reader, I will first address the effect elicited by a phrase that appears within the fat rabbi story itself: "Theirs are greater than ours" (שלהן גדול משלנו).

Boyarin, *Unheroic Conduct.*, pp. 86-107.; Boyarin, "Hellenism in Jewish Babylonia.," Daniel Boyarin, *Socrates and the Fat Rabbis*, 1st ed. (University Of Chicago Press, 2009), pp. 174-186.

²⁷⁵ In his 1997 book *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man*, pp. 86-107, Boyarin sticks with his former reading but places added emphasis on the psychic revelation of the rabbis misunderstanding. The rabbis misunderstood the noblewoman because of the gender position by which they perceive themselves versus the surrounding Roman culture in which they live. Are rabbis feminine or masculine? What is femininity and masculinity for each of these opposing cultures? How secure is each culture with its own gender definitions?

²⁷⁶ See footnote 252.

Reading the Fat Rabbis Story in its Larger Baba Metzia Context

The reading strategies of Rashi, Pisentz, and Boyarin, in this instance, focus on a particular passage in the Balvi as an independent literary unit. However, they do not take into account how the passage interacts with its extended context. I would like to explore two linguistic markers in this passage that connect it first to the larger context in which it appears and then to the Bavli as a whole. It is my contention that the Bavli reader discussed earlier, the oral reader, sees the Bavli as if from the center of the inside of a ball and moves around through the text in a non-linear manner. This reader is particularly attuned to how associations of rare words or phrases create networks of meaning that might run counter to the meaning as understood when the text is viewed in a linear fashion. The first linguistic marker is the cryptic phrase "theirs are greater than ours" (שלהן גדול משלנו). This phrase, which was the fat rabbis' initial response to the noblewoman's taunts, does not appear in any other context in the Bavli. However, the opposite formulation, "ours are greater than theirs" (שלנו גדול משלהם), does appear one other time. Interestingly enough, it appears on the following page, Baba Metzia 84b, in the second half of the longer biographical narrative dealing with Rabbi Elazar's illness and subsequent marital issues—what we'll call "the separation story." To review, When Rabbi Elazar's wife realizes that his illness was self-inflicted she is furious because it was she who had been paying his medical bills from her father's estate. So she leaves him and returns to her father's house. Subsequently, Rabbi Elazar happens into a fortune. When his daughter comes to check up on him he sends her back to his wife bearing a message in what becomes a successful attempt to lure her back. The message he sent with his daughter was: "ours are greater than theirs" (שלנו גדול משלהם), meaning, we now have more money than your father's family. And his wife returns.

The use of the phrase "theirs are greater than ours" (שלהן גדול משלנו) in the fat rabbis story is an obvious verbal echo of the opposite phrase, "ours are greater than theirs" (שלנו גדול משלהם), as used in the separation story. The implications are twofold. First, it reminds the reader that Rabbi Elazar and his wife were living apart. This lends credence to the noblewoman's suspicion about the legitimacy of their children. Rabbi Elazar's troubled relationship with his wife, marked by time apart, is recalled. Second, and more profoundly, if the words "ours are greater than theirs" (שלנו גדול משלהם) in the separation story are code for "reason for reconciliation" then the opposite formulation "theirs are greater than ours" (שלהן גדול משלנו) in the fat rabbis story is code for "reason for separation." The noblewoman had opened the dialogue implying that the enormous Rabbi Elazar could not satisfy his wife—either because he could not actually have sex with her or because he was grotesquely obese. When Rabbi Elazar answers the noblewoman's taunt with "theirs are greater than ours" (שלהן גדול משלנו) he actually greatly weakens his position by virtue of the connotation drawn from his own words, known from the later separation story. Despite the fact that the rhetorical structure of the fat rabbis story has the rabbis as besting the noblewoman at a battle of wits—by virtue of

the fact that that they had the last word—the non-linear reader is left wondering who truly bested whom.²⁷⁷

Reading Baba Metzia With an Echo from Yevamot

The second linguistic marker is the Harpanian jug, which was used to describe Rav Papa's organ in the final line of the passage. The reader of Baba Metzia 84a is struck by the appearance of the word Harpania (הרפנאי) at the end of the list of the sizes of various rabbis' organs. Every other organ size is presented in terms of *qab* and therefore the Harpanian jug seems a bit odd and out of place. The Bavli reader knows from Shabbat 127a that a Harpanian jug is smaller than other jugs but the image of "smaller"—as this list seems to detail rabbis in descending order of size and chronology—could just as easily have been conveyed by continuing the list symmetrically with "Rav Papa's own organ was one *qab*." The appearance of the word Harpania in this passage has a much more dramatic effect for the reader. Harpania is a Babylonian town that is only mentioned in a handful of other contexts in the Bavli.²⁷⁸ The Bavli reader naturally forms a composite of the nature of this town and the image it conjures when making its sparing appearances within a particular text. For the Bavli reader, Harpania is a town that represents only one thing in particular. The end of the first chapter of tractate Yevamot consists of a series of loosely connected short passages that discuss the tainted

²⁷⁷ This argument certainly works better according to the reading that understands that the noblewoman's initial taunt was meant to imply that they could not prevent their wives from straying.

²⁷⁸ In three of those instances an object unique to that town is described: Harpanian fruits (Eruvin 19a); Harpanian jugs (Shabbat 127a); [funeral shrouds of the] dead [people] of Harpania (Sanhedrin 48b.) Here Harpania is described as the only place where funeral shrouds would be woven only after a person dies. Rashi explains that the reason for this is that the people of Harpania were very poor and therefore only after a person died would a public collection be taken up to raise funds to weave the deceased a shroud. However, we see from the Eruvin 19a and Avodah Zarah 74b, Harpania was actually a town that had desirable produce and certainly had a strong export economy. It would make more sense to explain this practice as stemming not from the poverty of the people of the town but rather from the fact that the people of this town did not have family members who would provide for the funeral arrangements as will become clear from Yevamot 17a. Avodah Zarah 74b describes how Rava would protect his empty casks from contamination when sending them to Harpania to be filled with wine. Finally, in one instance a person is given the appellation הרפנאי (from Harpania) (Eruvin 59b). It should be noted that a place called נהר פניא (the Pania River) is also mentioned a couple of times in the Bavli. This would probably mean a town named after the Pania River or perhaps a town located where the river turns or empties—similar to the town פומ נהרא or פומ נהרא (Pema River or Mouth of the River) that will be discussed later on. It is however quite possible that נהר פניא is simply a corruption of הרפניא. Gittin 65b talks about wine from נהר פניא. If נהר פניא is indeed a corruption of הרפניא then this would work well with the Avodah Zarah 74b source. Nedarim 55a has a large order of produce being requested from נהר פניא. (Alfasi to Nedarim 55a has נהר פקוד in this instance, however if Alfasi's version is the one that is corrupt it can be explained by the close proximity of a similar word in his text.)

genealogical makeup of the populace of various cities. Toward the close of this chapter (Yevamot 17a) a Baraita folk-etymologizes the town name Harpania.

What is [the etymology of the word] Harpania? Rabbi Zeira said: A mountain where all [people who are of suspect genealogy] turn to [to find wives.]²⁷⁹ It was taught in a Baraita: Whoever does not recognize his family or tribe was turned away to there.

Therefore, Harpania, as it is defined at Yevamot 17a, brings to mind a place where people do not know who their fathers are. Its appearance following the story of the fat rabbis creates an echo in the mind of the reader that enforces the original claim of the noblewoman: "your sons are not yours" (בניכם אינם שלכם). The result is that although on a rhetorical level the story had come to a close with the rabbis having defeated the noblewoman with their logic and wit, on a poetic and semiotic level, one that highlights the Bavli's use of words, the very conclusion of the story has been reopened a paragraph later. As the reader moves linearly beyond the fat rabbis story and forward through the page a voice reaches out from Yevamot 17a and questions the veracity of the story's conclusion. The appearance of the word "Harpania" leads the reader to wonder if these rabbis were indeed the fathers of their wives' sons as the story had purported.²⁸⁰

²⁷⁹ הַר שֶׁהַכֹּל פּוֹנֵין בּוֹ . I have elucidated this cryptic acrostic folk etymology according to Rashi. Although the literal translation of this phrase would simply be "a mountain that all turn to" Rashi's reading derives from the more easily understood Baraita, that follows, which details a similar folk etymology. It is important to note that in a span of a few sentences this passage has already played on two meanings for the both the root כָּפַר and the root גָּבַר as well as provided a linguistic basis in the form of a folk etymology for the naming of a town that houses people of suspect genealogy.

²⁸⁰ It should be noted that the word הרפניא (Harpania) is not the only linguistic marker that connects Baba Metzia 84 and Yevamot 17a. The Bavli often uses linguistic markers in groups that form networks of passages that are linked through the similarity of words and phrases shared among them. [For an example, see the sixth chapter of this dissertation.] The Bavli's discussion that immediately follows the Yevamot 17a passage [that is presented in block quotes below] continues with a cause and effect list of various cities and the origin of their tainted bloodlines: פסולי דהרפניא משום פסולי דמשון (the genealogically disqualified of Harpania because of the genealogically disqualified of Mishon.) This is followed by an explanatory folk saying קבא רבא וקבא זוטא מיגנדר ואזיל לשאול ומשאול לתרמוד ומתרמוד למישון וממישון להרפניא (The large *qab* and the small *qab* roll down to the netherworld, and from the netherworld to Tarmod, and from Tarmod to Mishon, and from Mishon to Harpania.) A third Bavli passage completes the network of linguistic markers that enforces the connection between Yevamot 17a and Baba Metzia 84. Kiddushin 49b has עשרה קבים (ten *qab* of brazenness came down to the world, nine of which were taken by Mishon.) In this instance brazenness denotes bastards (see Kiddushin 70b and minor tractate Kallah where brazenness is a sign of disqualified genealogy and bastardry respectively, also see Kiddushin 71b where it is implied that all of the residents of Mishon are bastards.) Thus we have a network of passages that enforce the echo "your sons are not yours" through the linkage of the nine *qab*, Mishon, and bastards of Kiddushin 49b; the linkage between Harpania and Mishon as well as the large and small *qab* comparison of Yevamot 17a; and the nine *qab*, large and small *qab* comparison, as well as the use Harpania at Bab Metzia 84. Solomon Luria (1510-1573, Lithuania) in *Hokhmat Shelomo* to Baba Metzia 84a also associates the Kiddushin and Baba Metzia passages in an interesting manner.

The evidence of a historical association between Yevamot 17a and Baba Metzia 84a in the mind of Bavli readers is most glaring in the one manuscript of Baba Metzia 84a in which the word Harpania does not actually appear. This manuscript is Vatican 116-117. Instead of the size of Rav Papa's organ being compared to a "Harpanian jug," Vatican 116-117 compares it to "a jug from Nehar Pema (נהר פמא)." Nehar Pema is the same town that is alternately called Pum Nahara (פום נהרא). To understand the significance of this textual variant it is necessary to first examine a short story that appears merely a few lines from the site of the folk etymology for Harpania given at Yevamot 17a:

Rav Hamnuna sat before 'Ulla and was discussing a legal tradition. ['Ulla]²⁸¹ said: "What a man (גברא)! And how great (גברא) he would have been had he not been from Harpania!"²⁸² [Rav Hamnuna] was embarrassed (איכסיף).²⁸³ ['Ulla] said to him: "Where do you pay your capitation tax (כסף)?"²⁸⁴ [Rav Hamnuna] said to him: "To Pum Nahara."²⁸⁵ ['Ulla] said to him: "If that is the case, then you are from Pum Nahara."

In the story of Rav Hamnuna and 'Ulla—which I will call "the insult story"—Pum Nahara is the name of the town that 'Ulla substitutes for Harpania in order to placate Rav Hamnuna after insulting him when he said: "Imagine how great you would be had you not been from Harpania." Once 'Ulla sees that Rav Hamnuna was not in the least bit pleased by his backhanded compliment, 'Ulla appeases Rav Hamnuna by reminding him that since he paid his taxes to Pum Nahara he is therefore actually considered a resident of that city and not a resident of Harpania. With this story in mind, let us return to the single significant textual variant found in manuscripts of the fat rabbis story. Instead of the size of Rav Papa's organ being compared to a "Harpanian jug," the Vatican 116-117

²⁸¹ 'Ulla apparently was impressed with what Rav Hamnuna was saying.

²⁸² Vilna, Moscow 1017, Oxford 248, and Vatican 111 have מה גברא ומה גברא אי לאו דהרפמיא מאתיה . Oxford 20 has מאן גברא ומאן גברא אי לאו דהרפמיא מאתיה . Moscow 594 has מה גבר...גובריה אי לאו דהרפמיא מאתיה . Munich 95 and the Pesaro Print have מה גבר' ומה גברא . Although these minor differences do not necessarily effect how one would translate or interpret the sentence the slight textual differences do, however, highlight the relationship between the word for "man" and the word for "greatness/strength" in different ways. The corollary relationship between the different meanings of the root גבר in the Baba Metzia 84 passage and how these meanings are echoed in Yevamot 17a will be addressed later.

²⁸³ איכסיף in all of the manuscripts and prints except Munich 95 which has כסיף .

²⁸⁴ כסף גולגלתא . The root of this word, גלגל, here meaning skull but also "to roll" is echoed later in the text with the word מגנדר, its Aramaic corollary.

²⁸⁵ For the linguistic similarity of פום נהרא, sometimes referred to as פמא, and הרפניא, sometimes referred to as נהר פניא (see for example the last word of the first chapter of Yevamot in the Pesaro Print)

manuscript compares it to a jug from Pum Nahara. The alternate reading presented in this divergent manuscript therefore maintains the association between the fat rabbis story and the insult story yet it reverses the implication of that association. Rather than use the linguistic marker Harpania to undermine the conclusion—and therefore, meaning— of the fat rabbis story, it uses the linguistic marker Pum Nahara to enforce the conclusion that the rabbis had indeed defeated the noblewoman and that their sons were indeed theirs. The divergent manuscript does not erase the negative association of Yevamot 17a, the site of the insult story, completely, but maintains that association and uses the linguistic marker Pum Nahara to elicit an opposite effect. The author of the alternate textual tradition represented in the divergent Vatican 116-117 manuscript has censored the text of the fat rabbis story but in doing so reinforces its association with the insult story located at Yevamot 17a.

The importance of this alternate manuscript tradition for understanding exactly how late in history the process of Bavli operates is invaluable. If the activity of the Superstam, the crafter of the book rather than the *sugya*, is to be found in the subtle way that rare words connect seemingly unrelated Bavli passages in a meaningful manner, then this manuscript is an example of such an activity at a moment in time that is hundreds of years beyond the latest dating of the "Stam" proposed thus far. Although I have defined the Superstam's mode of operation as one that calls into question the conclusions of a *sugya*, we still see in this example the type of maneuver that bears the mark of the Superstam—a struggle for control over the meaning of the text that is fought out through the alteration of linguistic markers. These trigger words steer the reader to a seemingly unrelated *sugya* in a way that importantly impacts the process of making meaning in the original text being read. This operation is performed by readers who have been impacted by this aesthetic of the Bavli and continue to encourage its performance by rewriting the Bavli as they transmit it. The author of the divergent Vatican 116-117 manuscript tradition is certainly an example of such a reader.

What can we learn from the dominant manuscript tradition—the one that compares Rav Papa's organ to a Harpanian jug? When the fat rabbis story is removed from its literary and cultural context, its meaning is located in its rhetorical structure. Exactly what this meaning is can be the subject of much debate. However, once the story is read as part of the larger Baba Metzia story in which it appears and then as part of the Bavli, its meaning becomes destabilized. The story can no longer be frozen in time and assessed. Instead, its shape constantly shifts as the reader moves beyond the story to Baba Metzia 84b (the separation story) and Yevamot 17a (the insult story). It is precisely the fact that the word Harpania does not appear within the actual fat rabbis story, but immediately following it, that demonstrates how the Bavli operates on its reader through its overall composition and not through its disembodied parts. It is for this reason that the *sugya* unit is the wrong unit through which to assess *what* the Bavli means. It certainly is the wrong unit by which to assess *how* the Bavli means.

This is but one small example of how a particular trigger word operates on the Bavli reader to activate a seemingly unrelated passage within the massive Bavli network. Yevamot 17a is certainly known to the reader of Baba Metzia 84—it, after all, appears

earlier in the book— but it would not be called into the meaning making process were it not for the presence of the rare word Harpania. The semiotic effect of rare words in the Bavli on its reader is reinforced by the Bavli's own self-referential system. The Bavli is a work of literature that constantly asks its reader to read it against itself. In this instance, "against itself" is to be taken quite literally. The fact that a reader of such a work of literature would make associations between passages marked by common rare language does not require much in the way of argument. However, once the prevalence of these kinds of linguistic associations between multiple Bavli passages is established, associations that operate on a semiotic level to undermine the rhetorical or logical function of the individual *sugya*, the Bavli begins to be seen as a work of literature defined by this activity. This in turn calls for a new understanding of how the Bavli came to be such a work of literature.

Who is this Superstam that creates this type of text? How does this Superstam relate to the multi-Stams that Boyarin talks about? What role does this Superstam play in the dialogicity of the Bavli? The Bavli, when viewed on the level of the individual *sugya*, appears to be a work defined by logic or rhetoric. However, once the Bavli is viewed as a unified whole it appears to operate on the reader in a manner more akin to the way poetry works. While poetry says one thing with its sense of logic, it always says something else with the symbolic power carried by the individual words that it uses to express the idea that the words work against. This is manifestly evident when particular words throughout the Bavli create a network of meaning that works to undermine the apparent meaning, or historical evolution, of a particular *sugya*. Who put those words there? Which *sugya* contained the words first? When the network of words, found elsewhere in the Bavli, are not part of the evolution of the *sugya* itself there is no way of determining which came first. Therefore, one must conclude that the Bavli, if viewed as a book rather than a miscellany, was formed not by individual moments of concrete design but rather by myriads of moments of textual tweaking performed by generations of literary artisans. These craftsmen were affected by both the Bavli's semiotic reading strategy as applied to the Bible as well as the Bavli's own aesthetic representation of its ideas. In turn, they furthered the work of those who came before them and continued the process of Bavli, which is a quest for questions rather than answers.

Chapter 5: The Virgin and the Slaughtered Ox: Reading the Bavli Beyond the Halakhic *Sugya*

Virginity as Commodity²⁸⁶

Female virginity was a commodity in Ancient Israel.²⁸⁷ I mean that literally. A woman's first sex act was something that had a monetary value placed upon it. It was something that could be bought and sold. For Israelite culture, this fact is evident from the short Biblical passage concerning a man who seduces a virgin, found at Exodus 22:15-16. In such a case, the seducer must pay the former virgin a bride-price in the event that she decides to marry him (or, more accurately, if her father allows her to marry him.) The seducer apparently has no choice in the matter. If, however, her father refuses the match, then the seducer must pay the father the bride-price of a virgin. In ancient Israelite culture, virgins and non-virgins had different bride-prices. Since the father can no longer marry, or sell, off his daughter for the more valuable virgin bride-price, the seducer must therefore pay the father the money that the father has potentially lost.²⁸⁸

By the time of the Mishnah (ca. 200 CE), the value of virginity was no longer thought of in terms of bride-prices, the amount of money a man would pay to a virgin's father for his consent to their marriage. Instead, the value of virginity was expressed in terms of the marriage contract, the amount of money a man would be required to pay if

²⁸⁶ Ketubot is the second tractate in the Mishnaic order of "Women." The fact that this order is called Women rather than something like "Sexual Matters" informs the reader of the content, and more importantly, the perspective, presented in this order. The order of Women, like all Mishnaic orders, is presented by men who see women as one of many factors that a comprehensive ethno-cultural text must be legislate. And they treat women in the same manner as they would civil relationships, the calendar, and ritual observances, the main facets of rabbinic life that are detailed in the other Mishnaic orders. In my treatment of the content of the Talmudic passages concerning women I try to keep this perspective in mind. By presenting these texts from a perspective on women that either objectifies or enslaves them to the will of a dominant other I hope to offer a true portrayal of andro-centric rabbinic culture that is neither apologetic nor anachronistic. I hope that my reader keeps in mind that the attitude, tone, or style that I convey toward women while explicating Talmudic texts is not my own.

²⁸⁷ This is certainly also true today. However, what I want to emphasize is the fact that in Ancient Israel female virginity was valued at a fixed price. Therefore if a man seduced a virgin, he would be required to pay the virgin's father a fixed sum. Rape laws were conceived of in the same manner. (See Exodus 22:15-16; and Deuteronomy 22:28-29)

²⁸⁸ I say "potentially" because there is always the possibility that the girl would have remained unmarried, or at least remain unmarried until she reaches adulthood. Once the girl reaches adulthood her father is no longer the beneficiary of her bride-price.

he chooses to divorce her, or if he dies before she does. The standard virgin marriage contract was double that of a non-virgin and commensurate with the Biblical virgin bride-price. This cultural shift in conceptualization of the value of virginity makes sense once we understand that the father is no longer in the picture. Once women started to marry at an older age, older than 12 years of age, they were no longer the property of their fathers and therefore owned their own virginity.

The fact that the woman now owns this commodity has other ramifications for how its value is understood. According to the Biblical conceptualization of virginity, a man is willing to pay more money to marry a virgin and a virgin is therefore more valuable to her father. Virginity itself, according to the Biblical conception of it, does not necessarily have any value to the girl.²⁸⁹ The man can pay the father for the right to take the girl's virginity and then divorce her with no consequence. In the Mishnaic conception of virginity, it is the young woman who reaps the benefit of her own virginity. Since the value of the commodity is not realized at the inception of the marriage, but only at its termination, the woman's virginity actually acts to provide her with security. Since the man must pay the woman double if he chooses to divorce her, he is discouraged from doing so. This provides the woman with added marital, as well as fiscal, security. She can rest comfortably assured that she will be provided with food, clothing, and shelter for the duration of the marriage. This duration is stabilized by the penalty that the man would have to pay should he decide to terminate the marriage. If the man does choose to divorce her, or if he dies, then she is to receive a large settlement that will enable her to provide for herself as a single woman, no small task in the ancient world. Another aspect of the Biblical conception of virginity had become altered by the rabbinic period. Whereas the Bible seems to understand a woman's virgin state as something that is provable, the rabbis understood that it is not so simple. The Rabbis, legislating Biblical law for their own times, express the anxiety of this understanding in several different manners.

In the previous chapter, I demonstrated how the appearance of a unique word leads the Bavli reader to understand that the Bavli is questioning its own stated conclusions. It does so by bringing a seemingly unrelated *sugya* into the conversation through a verbal echo, what I call a "trigger word." I argued that the very existence of linguistic markers unifying disparate *sugyot* within the Bavli raises serious doubts about the prevailing academic consensus that the *sugya* is authored by the Stam. For if the Stam authored the *sugya*, then the Stam would have control over how meaning is manufactured in that *sugya*. However, the existence of linguistic markers that reach beyond the *sugya* unit and that serve to call the *sugya*'s meaning into question, demonstrates an authorial role to the force that unites the Bavli through the web of meaning fostered by these linguistic markers. I call this force the Superstam. The example I provided in the previous chapter was Aggadic in nature. I showed how one story's meaning changes when viewed alongside another story wherein the two stories are

²⁸⁹ That is, unless she reaches adulthood unmarried. In such a case she would be more desirable to a prospective husband if she were a virgin.

connected by a common linguistic marker. In this chapter, I expand the parameters and complexity of my theory by demonstrating that the exact same effect holds true for the Bavli's halakhic *sugyot*.

Halakhic *sugyot* are far more complex than Bavli stories. I do not mean to say that it is the underlying meaning to be found in Halakhic *sugyot* that makes them more difficult to understand. Rather, I mean that in order to understand a halakhic *sugya*, one must first have access to much requisite background information. The uninitiated can read the biographical story of Rabbi El'azar the son of Rabbi Shimon and at least understand what has taken place in the story, even though this reader might be completely mystified as to what is at stake. Additionally, halakhic *sugyot* are not self-contained. They are necessarily dependent on other halakhic *sugyot*. They are therefore much more valuable for demonstrating the way that the Superstam works beyond the *sugya* unit. Classic Talmudic source criticism works to explain how a *sugya* developed, how it borrows and alters earlier sources, in a chronological manner. Source critical methodology can be used to explain the historical evolution of the *sugya* but it is deficient in explaining the evolution of the Bavli as a book. The creative force which I demonstrate is at work in the Bavli calls the positivism of that source critical school into question. The source critical school of academic Talmud study has yet to account for the activity of the Superstam. In providing the background information for the *sugya* I later treat, Ketubot 16a, I provide some of the materials that can be useful for a source critical analysis of virginity claims in the Bavli. I do so not to posit a chronology of the evolution of a rabbinic idea, but merely to demonstrate that the rabbis, in general, are struggling to come to terms with legislating a cultural heritage that they find to be unrealistic in real life circumstances. Put simply, how is it possible for a man to prove that his wife was not a virgin at the time of the consummation of their marriage?

The first part of this chapter therefore aims to show that the rabbis had anxiety about the legislation of virginity claims. I draw from a variety of sources from the rabbinic corpus to paint this picture. The second part of this chapter provides the background information necessary for reading Ketubot 16a. In order to begin to read Ketubot 16a, which is the opening *sugya* of the second chapter of Ketubot, it is necessary to know most of what has taken place, textually and rhetorically, in the first chapter of Ketubot. Finally, in the third part of this chapter, I display how the rabbis' anxiety over legislating virginity claims is manifested in the exact same literary manner that was detailed in the previous chapter. The logic of the *sugya* at Ketubot 16a purports to say, or do, one thing yet the images conjured from other seemingly unrelated *sugyot*, connected by common linguistic markers, or trigger words, work to undermine the conclusion that the Bavli logically and rhetorically puts forth as its final word.

Virginity Claims in Ancient Jewish Texts: Why the Anxiety?

The first Mishnah of tractate Ketubot explains the reason why the wedding of a virgin woman is to take place on a Wednesday. Courts were in session on Mondays and

Thursdays. Therefore, if a man discovered that his newlywed wife was in fact not a virgin he would be able to immediately go to court on Thursday morning and put forth his claim.²⁹⁰ When the Biblical text discusses a claim of virginity it only does so in a very particular context. Deuteronomy 22:13-21 presents two scenarios, what the court is to do in both the case when the man who claimed the woman he married was not a virgin is proven to have told the truth and when she is proven to have lied. Verses 13-19 present the case where a man married a woman and claims that he discovered she was not a virgin. In this first scenario, the bride's father proves that his daughter had indeed been a virgin at the time of the consummation of the marriage and that the husband's claim was false. In this case, the bride's father is awarded 100 silver [coins]²⁹¹ and the husband, furthermore, is punished²⁹² and deprived of his right to ever divorce her. Verses 20-21 present the alternate scenario, where the husband's claim is found to be accurate and the woman is deemed to have not been a virgin at the time of their marriage. In this case, the woman is sentenced to death by stoning.

Two aspects of this Biblical passage are striking to the modern reader. First, how would it be possible for the father to retroactively prove his daughter's virginity? Second, why would the fact that she was not a virgin warrant such a harsh penalty?²⁹³ The Bavli explains the second issue by elaborating on the Biblical case and differentiating between a woman who had lost her virginity before her betrothal and one who had done so afterwards.²⁹⁴ The Biblical case is merely referring to the latter.²⁹⁵ However, the case of

²⁹⁰ It would seem that according to this reason, virgin marriages should also take place on Sundays. The Gemara to this Mishnah explains the reason why virgins were not to marry on Sundays. The rabbis wanted to ensure that there would be at least three days of wedding preparations. Observance of the Sabbath would interfere with preparations for a Sunday wedding. (BT Ketubot 2a ff.)

²⁹¹ מאה כסף . The text merely states "100 silver." It is unclear how large each piece of silver was and whether or not it is coins that are referred to. The Rabbis interpret this amount as 100 סלע.

²⁹² The Biblical passage at Deuteronomy 22:18-19 reads: ...ויסרו אתו. וענשו אתו מאה כסף ונתנו לאבי הנערה כי... הוציא שם רע על בתולת ישראל ולו תהיה לאשה לא יוכל לשלחה כל ימיו. (...and punish him, and they shall fine him a hundred weights of silver and give it to the young woman's father, for he put out a bad name for a virgin in Israel.) [Robert Alter's translation, [Robert Alter, *The Five Books of Moses: A Translation with Commentary* (W. W. Norton & Company, 2004).] It is unclear whether "ויסרו" means that they admonish, chastise, or discipline him and whether this discipline is explained by what follows or is a separate punishment. There are opinions within the Talmud that see this term to refer to lashes. It seems that by Talmudic times it was universally accepted that the husband would receive lashes if found to be lying in a virginity claim. However there was some debate as the Biblical source for lashes in this case. (See footnote 310)

²⁹³ For source-critical explanation of this text, its Ancient Near Eastern counterparts, and its relationship to Biblical sex laws in general see Alexander Rofé, *Deuteronomy: Issues and Interpretation* (Continuum International Publishing Group, 2002), pp. 169-187.

²⁹⁴ For the rabbis, marriage consists of two phases, ארוסין (betrothal, this phase is alternatively called קידושין) and נישואין (wedding, or consummation of the marriage). Betrothal is not similar to our modern conception of engagement. If a betrothed woman would sleep with someone other than her husband then she would be liable to the death penalty and in some cases she would even be liable to a more severe death

a woman who had already lost her virginity prior to her betrothal—that case to which the rabbis say the Biblical passage does not refer—is merely a civil matter and in such a case the woman's marriage contract is either reduced in value or completely annulled, depending on the exact nature of the case.²⁹⁶ Regarding the first issue, as to how exactly the father retroactively proves his daughter's virginity, the Bavli's silence is quite telling. Throughout the entire first chapter of Ketubot, even as every imaginable claim and counterclaim between a man and his wife regarding her virginity, or lack thereof, is discussed, the nature of the physical evidence for their claims is never addressed. The Biblical verses that deal with the issue of virginity claims, upon which the Bavli ostensibly builds its laws, details the father's counterclaim as follows:

And the father of the young woman, and her mother, take and bring out the tokens of virginity of the young woman to the elders of the city at the gate [of the city.] And the father of the young woman says to the elders: "I gave my daughter to this man and he hated her. And he put forth baseless charges saying 'I did not find your daughter [to have] tokens of virginity.' Yet, these are the tokens of my daughter's virginity!" And they spread out the garment

penalty. (See Deuteronomy 22:22-24) It is for this reason that it matters whether or not this woman lost her virginity before or after her betrothal.

Originally, betrothal could be effected in one of three manners (Mishnah Kiddushin 1:1): (1) The man hands the woman money and pronounces one of a number of versions of a phrase that indicates that the money is meant to effect the betrothal, such as, "behold you are betrothed to me," and she accepts the money (See Kiddushin 6a for alternate phraseology); (2) The man gives the woman an object (for example, paper or potshard) containing such a phrase and she accepts (see Kiddushin 9a-b); (3) The couple have sexual intercourse while intending for the sex act to effect the betrothal. After the betrothal, in rabbinic times, the woman would remain in her father's house until her husband solicited her for marriage (תבועה). Once the husband solicited her, she would continue to be supported by her father for a period of a year. During this period, the bride and groom would occupy themselves with preparations for the wedding. If one year lapsed and the wedding did not take place, then the husband was required to support his wife even though she is still living in her father's house. (Mishnah Ketubot 5:2) The נישואין (wedding, or consummation of the marriage) phase of the marriage is effected in one of two ways, חופה (canopy) or ביאה (sex). The husband either brings the woman from her father's house to live under his roof or they have sex. It is unclear whether both requirements were necessary. It is also unclear whether a single sex act, for the couple who decided to effect betrothal via sex, is sufficient to also effect the נישואין (completion of the marriage). (See Kiddushin 10a-b) By the early third century, using a sex act to effect a betrothal had become outlawed by the rabbis and the rabbis would publicly flog anyone who continued this practice. (See Kiddushin 12b) It would make sense that this practice had been discontinued for some time before that period and the discussions of virginity claims in the Talmud seem to take this for granted. (See Mishnah Ketubot 1:5 for intimacy during the betrothal period and how it effects virginity claims.)

²⁹⁵ See for example Ketubot 11b.

²⁹⁶ The central discussion of this issue extends throughout the entire first chapter Ketubot and into the second chapter (2a-16a).

before the elders of the city. And the elders of that city take the man and they discipline him.

The spreading out of the garment before the elders of the city is a mode of publicly clearing the woman's name. This is a matter of great importance in this instance as the woman's reputation is the central driving force of this passage. In fact, when the rabbis discuss any laws related to this Biblical passage, they simply refer to the case by the shorthand מוציא שם רע (bringing about a bad name). It would seem that when the father declares, in the previous verse, "these are the tokens of my daughter's virginity" that he is referring to the garment. It is therefore of note that any discussion of this 'garment' is conspicuously absent from the first chapter of tractate Ketubot, a chapter dedicated to virginity claims. In fact, even when the opportunity for such a discussion presents itself, the Bavli skirts the issue. When the Judean²⁹⁷ custom of appointing friends²⁹⁸ to accompany the bride and groom into the bridal chamber is discussed, it is only Rashi who posits that this custom served to curtail the possible misappropriation of the garment containing proof of blood.²⁹⁹

Ketubot 46a: Garment Really Means Witnesses

When the Bavli finally, in a later chapter,³⁰⁰ does broach the subject of the nature of the evidence that the father brings in support of his counterclaim it does so in a manner that performs substantial violence to the Biblical text. Although my argument in this chapter centers on the absence of such discussion over the course of the first 30 (or 15 double-sided)³⁰¹ pages of the tractate, and the manner in which two strange words found at the close of that lengthy discussion work to undermine the entire discussion, it is nonetheless quite interesting to see how the Bavli deals with this "garment" when it

²⁹⁷ Contrasted to Galilean custom not to do so.

²⁹⁸ שושבינין

²⁹⁹ The Tosefta 1:5 and the Yerushalmi (Palestinian Talmud) 2b introduce the concept of פישפוש (examine, investigate), which although vague (more so in the Tosefta, but certainly vague enough in both sources) can be read according to Rashi's idea.

³⁰⁰ Ketubot 46a (cited in text below)

³⁰¹ A double-sided page is called a דף (*daf*). It is standard to reference pages in the Talmud by *daf* followed by side (whether a or b). Additionally, all tractates of the Talmud begin on page 2a. So, for example, the 29th page of a tractate would be 16a and the 30th page would be 16b.

finally does make its only appearance nearly 100 (or 50 double-sided) pages into the chapter. The Bavli at Ketubot 46a quotes a Baraita:³⁰²

How is a bad name brought about (כיצד הוצאת שם רע)? (i.e. What is the nature of the case discussed in aforementioned Biblical passage?)³⁰³ [The husband] came to court and declared "[I], so and so,³⁰⁴ did not find your daughter [to have] tokens of virginity. "If there are witnesses that she had illicit sex while betrothed³⁰⁵ to him [then] her marriage contract is 100³⁰⁶ (rather than the marriage contract of 200³⁰⁷ designated for virgins)."

The Bavli interjects the Baraita at this point and asks:

³⁰² A synopsis of all of the extant Bavli manuscripts for Ketubot 46a as well as the Soncino and Vilna prints is provided in Appendix O.

³⁰³ It is common in Tannaitic literature to use the term כיצד, literally "how", to inquire about the details of a legal case-type discussed in the Bible. (See for example, the opening words to tractate Makkot.) כיצד, as "how," is an idiomatic contraction of כי איזה צד (or, according to Maimonides כאי זה צד, Moses Maimonides, *Commentary to the Mishnah: Tractate Berakhot* (Fez, Morocco, 1168), 6:1) and therefore carries the weight of the its initial meaning which when expanded could be literally translated as "like which [logical] side, border, or parameter?" This would figuratively translate to "what are the parameters of the case?" (Another idiomatic Talmudic phrase that incorporates the word צד is "הצד השווה שבהן," which means "the common denominator") See MS Vatican 487 which, to some extent, preserves an expanded form of כיצד. Vatican 487 has, in this instance, only the word כאיזה written in the hand of the original copyist and the word צד inserted above and before the next word in the hand of another.

³⁰⁴ This sentence reads ... בא לבית דין ואמר פלוני לא מצאתי in most of the MSS. The syntax of this sentence is somewhat unclear as far as where to place the word פלוני. Is פלוני the one declaring? Or is an unnamed party, understood to be the husband, declaring something starting with the word פלוני? As a result this sentence can alternatively be translated "So and so came to court and declared 'I did not find...'" The word פלוני is absent in both MS Munich 95 and MS Vatican 130. I chose to translate the sentence as I did because the word פלוני is a somewhat technical term and it would seem more likely that the author of this Baraita would use it to denote technical court language rather than as a designation for the actor in this instance. Such a designation would be unnecessary and an unnamed actor would more likely be presented without the word פלוני such as is the case in MS Munich 95 and MS Vatican 130.

³⁰⁵ Literally "under him." I translate this as "betrothed" here because the punishment of stoning only applies to a betrothed virgin woman and not a married woman. A married woman's punishment in a such a case would either be death by strangulation (See Mishnah Sanhedrin 7:4; 7:9; and 11:1) or, in the case of a priest's daughter, by burning (See Mishnah Sanhedrin 9:1).

³⁰⁶ 100 זוזין. *Zuz* was a type of ancient silver coin.

³⁰⁷ See previous footnote.

If there are witnesses that she had illicit sex while betrothed to him [then] her marriage contract is 100?! She is liable to death by stoning!

The Bavli rereads this section of the Baraita³⁰⁸ and then continues:

This is what [the Baraita] is saying: If there are witnesses that she had illicit sex while betrothed to him [then she is liable to death by] stoning; If she had illicit sex from the beginning (i.e. before their betrothal) [then] her marriage contract is 100. If it is discovered that the [husband's] allegations were false,³⁰⁹ then [the husband] receives lashes³¹⁰ and must pay 100 סלע (type of silver coin)³¹¹ whether he had sex [with her] or not.³¹² Rabbi Eli'ezer the son of Ya'akov says: These things only apply³¹³ in a case where he had sex [with her.]

³⁰⁸ There is scholarly dispute as to whether the appearance of term הכי קאמר ("here it is saying") is an attempt to establish a correct version of the actual text of a Tannaitic source or simply an attempt to elucidate it. See, in this regard, J. N Epstein, *Mavo Le-Nusah Ha-Mishnah: Nusah Ha-Mishnah Ve-Gilgulay Lemi-Yeme Ha-Amora'im Ha-Rishonim Ve-'ad Defuse Yom-Ṭov Lipman Heler*, vol. 1, 2 vols. (Jerusalem, 1948), pp. 645-670.

³⁰⁹ Literally "that the 'bad name' was not a 'bad name.'"

³¹⁰ This law is discussed earlier in the fourth chapter of Ketubot (45b-46a) and derives from the words ויסרו אהו (and they discipline him) found in Deuteronomy 22:18 regarding what is done to the man after the father has proven his daughter's innocence. Rabbi Abbahu demonstrates how a series of word usages within the Bible connect the word ויסרו in this passage with the injunction for lashes found in Deuteronomy 25:2 via the laws of the rebellious son in Deuteronomy 21:18. However, the association of the Biblical Hebrew word יסר, which means something like "admonish" or "chastise" (BDB), with the [Palestinian] Aramaic word יטר which means to bind (BDB) and the rabbinic Hebrew meaning of the root as "to cause to suffer" (Sokoloff, who gives no etymology for this word in his entry) certainly informs Rabbi Abbahu's semiotic endeavor. Although it is quite possible that all of these meanings are merely variations of the same idea, the particular ways in which the word root is used in Biblical Hebrew, rabbinic Hebrew, and Palestinian Aramaic are quite different from each other. [Francis Brown, S R Driver, and Charles A Briggs, *Brown-Driver-Briggs Hebrew and English Lexicon*, 8th ed. (Peabody, Massachusetts: Hendrickson Publishers Inc., 2004), p. 415. BDB differentiates between the meaning of the Aramaic word and its usage in the Talmud.); Michael Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period* (JHU Press, 2002), pp. 239-240 and 243.]

³¹¹ This amount, 100 סלע, should not to be confused with the 100 זוז marriage contract previously mentioned. 100 סלע represents the nondescript מאה כסף (one hundred silver) that appears as the proscribed penalty in the Biblical verse (Deuteronomy 22:19). A סלע is equal to 8 זוזין .

³¹² Literally: or whether he did not have sex.

³¹³ Literally: were only said

The Talmud now analyzes the two opposing opinions presented in the Baraita, Rabbi Eli'ezer the son of Ya'akov (hereafter referred to as REB"Y) and the anonymous, and therefore supposed, majority opinion that he disputes. The Talmud will later refer to this anonymous majority opinion as "The Rabbis."³¹⁴ The debate between REB"Y and "The Rabbis" hinges solely on whether or not the Biblical case where the husband's allegations are found to be false refers only to a situation where the husband actually had sex with the wife he claims was not a virgin. Note how the 'evidence' has shifted from the Biblical 'garment' to the rabbinic 'witnesses.'³¹⁵ The Talmud will point to six words, or phrases, from the Biblical passage in an attempt to prove whether it is the opinion of REB"Y or that of "The Rabbis" that is the correct one. The Biblical passage from where these quotes are drawn, Deuteronomy 22:13-17, partially quoted above, reads as follows:

If a man takes a woman and comes to her and hates her. And puts forth baseless charges³¹⁶ against her; and puts out a bad name for her; and says "I took this woman and I came close to her and I did not find her to have tokens of virginity. And the father of the young woman, and her mother, take and bring out the tokens of virginity of the young woman to the elders of the city at the gate [of the city.] And the father of the young woman says to the elders: "I gave my daughter to this man and he hated her. And he put forth baseless charges saying 'I did not find your daughter [to have] tokens of virginity.' Yet, these are the tokens of my daughter's virginity!" And they spread out the garment before the elders of the city.

It is quite apparent according to the plain meaning of the Biblical passage that the husband did indeed have sex with his wife. Not only does the language used in phrases like "comes to her"³¹⁷

³¹⁴ When discussing the opinion attributed to רבנן I use the capitalized "The Rabbis." When discussing the overall group representing rabbinic thought in rabbinic Literature I use the lower case "the rabbis." In a number of instances I refer to "the rabbis" at the start of a sentence. In such cases "the rabbis" will appear as "The Rabbis" even though "the rabbis" is meant. The context in those cases will serve a guide as to which of the two I am referring.

³¹⁵ It is interesting that Targum Yonatan translates ולא מצאתי לה בתולים (I did not find her to have tokens of virginity) as ולא אשכחית לה סהידון. The Aramaic word סהדא is equivalent to the Hebrew word עד. Both mean "witness" or "evidence." This dual meaning is perhaps what originally opened the possibility for the rabbis to transfer the meaning of the evidence of the Biblical text from "garment" to "witness."

³¹⁶ Literally: Wantonness of words

³¹⁷ The Biblical root בא ("come") is used to denote sex. For example: Deuteronomy 22:13 has כִּי יִקַּח אִישׁ אִשָּׁה וּבָא אֵלֶיהָ וְשָׂנְאָהּ (Should a man take a woman, and come to bed with her and hate her); or Dueteronomy 25:5 כִּי יֵשְׁבוּ אַחִים יחדו ומת אחד מהם ובן אין לו לא תהיה אשת המת החוצה לאיש זר ובמה גבא עליה ולקחה לו לאשה ובמה, (Should brothers dwell together and one of them die and have no son, the wife of the dead man shall not

father's use of the garment as a counterclaim would make absolutely no sense had the man not slept with his wife. What would a bloodstained garment prove had he not had sex with her other than the fact that bloodstained garments aren't reliable in virginity claims? Therefore it seems that REB"Y would certainly have the upper hand in his debate with The Rabbis. What follows the Baraita at Ketubot 46a is a formulaic routine put forth in the anonymous voice of the Bavli that systematically points to how The Rabbis deal with each Biblical word or phrase that seems to support REB"Y's opinion. Four textual instances that seemingly support the opinion of REB"Y will be presented. In the first three cases, the anonymous voice of the Bavli will defend the opinion of The Rabbis and in the final case a named Amora will address the issue.

- 1) It is correct according to REB"Y; that is why it is written "and comes to her" [and] "I came close to her". However according to The Rabbis what [is the meaning of] "and comes to her" and "I came close to her"?

"and comes to her": with "baseless[ness]"; and "I came close to her": with "words."³¹⁸

- 2) It is correct according to REB"Y; that is why it is written "I did not find your daughter [to have] tokens of virginity." However according to The Rabbis what [is the meaning of] "I did not find your daughter [to have] tokens of virginity"?

"I did not find" certifiers³¹⁹ (כשרי) "of your daughter's virginity."

- 3) It is correct according to REB"Y; that is why it is written "these and he takes close to her in virginity" ~~How~~ ~~inter~~ ~~course~~, the

become wife outside to a stranger. Her brother-in-law shall come to bed with her and take her to him as wife, and carry out a brother-in-law's duty toward her.) [Translations, Alter, *The Five Books of Moses*, pp. 987 and 1001, respectively.] Additionally, the word for sexual intercourse in rabbinic Hebrew is ביאה.

³¹⁸ The Rabbis do not here interpret the words "and comes to her" (ובא אליה) as denoting sex but rather that the husband initially approached the relationship with trickery or pretext. The phrase בא בעלילות carries this connotation. See, for example, Esther Rabbah 7:13: המן הרשע בעלילה גדולה בא על ישראל (Haman, the wicked, acted with great trickery in dealing with Israel.) The Midrash goes on to explain Hama's trickery: "Haman said to Xerxes, "The gods of these people hate fornication. Set up whores for them, and make a party for them, and make a decree that they all must attend." Also, see how the phrase שבאו בעלילה is used earlier in the Esther Rabbah passage.

³¹⁹ כשרי means "what makes fit" or "what makes right." In this case, it is witnesses who establish, or certify, her virginity status.

according to The Rabbis what [is the meaning of] "yet, these are the tokens of my daughter's virginity"?

"Yet, these are" certifiers³²⁰ (כשרי) "of my daughter's virginity"?

- 4) It is correct according to REB"Y; that is why it is written "and they spread out the garment." However according to The Rabbis what [is the meaning of] "and they spread out the garment (השמלה ופרשו)"?

Rabbi Abbahu said: They explain (פרישו)³²¹ the charges he put forth against her (מה ששם לה).³²²

As it is taught in Baraita:³²³ "and they spread out the garment": This teaches that [the] witnesses of each³²⁴ [party] come and clarify the matter like a new garment. REB"Y says: The words are to be taken literally: an actual garment.

The anonymous voice of the Bavli has defended The Rabbis against any textual evidence brought in support of REB"Y by violently rereading each textual instance that seems to overwhelmingly support the opinion of REB"Y. Rabbi Abbahu replaces the anonymous voice of the Bavli in the fourth, and final, segment. He uses a clever

³²⁰ The textual basis for the Sages' reading of the Biblical verse in this manner is unclear.

³²¹ This is a play on "and they spread." "To explain" and "to spread" are spelled the same way in Hebrew (פרש). However, in Hebrew, the letters *shin* and *sin* are neither etymologically related in any way nor are they pronounced at all in the same way. They merely look the same and a diacritic mark is used to differentiate between them in vocalized texts. "And they explain" (ופרשו) is pronounced *u-parshu*; "And they spread" (ופרשו) is pronounced *u-parsu*. Rabbi Abbahu practices all kinds of language and semiotic games throughout this section of Ketubot. (In a forthcoming commentary to the fourth chapter of Ketubot, Ari Tuchman treats Rabbi Abbahu's semiotic methodology and in what manner it differs from other similar rabbinic hermeneutics.)

³²² Note that Rabbi Abbahu is involved in three different semiotic games in this *sugya*. See footnote 310 above as well as the similar type of interpretive maneuver offered by Rabbi Abbahu at Ketubot 45b around 17 lines from the bottom (in the Vilna edition.)

³²³ It is unclear to the reader whether this Baraita is brought as a continuation of Rabbi Abbahu's statement or in the anonymous voice of the Bavli.

³²⁴ Literally: "The witnesses of this one and the witnesses of this one come"

wordplay³²⁵ that essentially erases the actual 'garment' from the Biblical text. This 'garment' no longer exists. The Baraita that follows implies that this whole discussion was merely an exercise, one used to flesh out a pre-existing debate: Should this Biblical passage be read literally or not? In fact, if we return to the earlier Baraita, where REB"Y and the anonymous Rabbis debate over whether or not the parties in the Biblical passage had actually had sex, the issue of whether or not the Biblical passage should be read literally is also at play. That earlier Baraita had already replaced the Biblical 'garment' with rabbinic 'witnesses.'³²⁶

Pre-Bavli Conceptions of the Garment: An Elaborate Case of Witnesses

A survey of rabbinic literature that pre-dates the Bavli demonstrates that the debate as to whether or not to read this Biblical passage literally is not a Babylonian invention. The Mekhilta³²⁷ has Rabbi Ishmael supplying a non-literal reading of "and they spread the garment" in the context of a discussion of two other Biblical verses that he reads non-literally. Rabbi Ishmael tersely explains "'And they spread the garment': They clarify the words like a garment." Ironically, the nature of this simile is far from clear.³²⁸ The Sifre³²⁹ provides an expanded version of the Mekhilta³³⁰:

³²⁵ Deuteronomy 22:14 opens with the phrase *וּשָׁם לָהּ עֲלִילַת דְּבָרִים*, which means "And he put forth baseless charges against her." The words, *וּשָׁם לָהּ* (and he put forth) contain the letters for "garment" (*שְׂמֵלָה*) consecutively.

³²⁶ David Weiss Halivni explains that these two Baraitot represent two separate opinions found in earlier sources, that of Rabbi Ishmael and that of Rabbi 'Akiva (detailed below.) The Bavli has conflated these two separate opinions into one that is represented by the anonymous Rabbis in the Bavli text. See David Weiss Halivni, *Sources and Traditions: A Source Critical Commentary on Seder Nashim* (Tel Aviv: Hw̄ṣa' at Dbiyr, 1968). pp. 186-189, where Halivni explains the nuances of the two opinions in their earlier sources.

³²⁷ Nezikin 13

³²⁸ To be fair, Rabbi Ishmael is commenting on a different verse and then subsequently says that his non-literal interpretation of that verse is similar (*כִּי־וְצָא בֵר*) to two other verses that are explained non-literally. He therefore seems to refer to a fuller text that the reader is supposedly aware of and merely seems to be reminding the reader of that interpretation found elsewhere.

³²⁹ Piska 237:17

³³⁰ This is not to say that one of these texts predates the other. Rather, the Mekhilta text appears in a context of one of the other verses that Rabbi Ishmael interprets non-literally and the Sifre comments on this actual verse.

'And they spread the garment': They shall clarify the words like a garment. This is one of the instances³³¹ where Rabbi Ishmael would explicate the Bible allegorically (במשל)...³³² Rabbi Akiva says: When it states 'And they spread the garment before the elders of the city' [it means] the husband's witnesses are found to be זוממים (a particular category of false witnesses).³³³ 'And they spread the garment' [means] that the witnesses of each party shall come before the elders of the city and present their cases.³³⁴ REB"Y says: The words [of the Biblical passage] are to be taken literally.

The Sifre has a named Tanna as the opponent of REB"Y in the dispute as to how exactly to interpret 'and they spread the garment.' Rabbi Akiva here has not only bought into the concept that the 'evidence' in the Biblical passage actually refers to 'witnesses' but he deems them to be a special kind of witness, זוממים (*zomemim*, deliberate or plotting witnesses). According to rabbinic law, when a set of witnesses contradict another set of witnesses they simply cancel out each other's testimonies. Both testimonies are stricken from the record and the status quo is maintained as if neither set of witnesses had ever testified. There is one exception to this rule. This exception is the case of עדים זוממים (*zomemim*, deliberate or plotting witnesses).

Testimony is deemed contradictory (הכחשה) when the witnesses differ as to the details of the case: One set of witnesses say that A killed B; and one set of witnesses say that C killed B. In such a case, neither A nor C is found guilty because the witnesses contradict each other and both testimonies are stricken from the record. However, in a case where one set of witnesses comes forward and claims that A killed B and then a

³³¹ זו אחד מן הדברים. This sentence can alternately be translated: "This is one of the [group of] words from the Bible that Rabbi Ishmael would explicate allegorically.

³³² משל (*mashal*) is a word that can be translated literally as "likeness." Scholars have debated as to the exact connotation of this word in the rabbinic context, whether it refers to parable, allegory, fable, metaphor, or some other metonymic or synecdochal signifying system. [See David Stern, "Rhetoric and Midrash: The Case of the Mashal," *Prooftexts* 1, no. 3 (1981): 261-291.] In truth the word משל has many meanings and the context itself should suffice to define the term. In this instance, משל is simply the difference between what the text states and how Rabbi Ishmael reads the text. A comparison of all three Biblical instances that Rabbi Ishmael reads במשל in this Sifre passage would lead to a better understanding of what exactly משל means to the author of the Sifre, or, at the very least, this paragraph within the Sifre. In my presentation of this Sifre text, I have elided the two other examples given. From a source critical standpoint, it seems that the extra examples are merely an insertion into the body of this paragraph of the Sifre. The evidence for this is the fact that the two examples are followed by this same 'and they spread the garment' example. It therefore seems like the three examples are supplied parenthetically from a borrowed standalone source.

³³³ *zomemim* witnesses (עדים זוממים) are a particular kind of false witness, the exact nature of which will be addressed at length in my explication of this passage and the next.

³³⁴ יבואו עדיו של זה ועדיו של זה ויאמרו דבריהם לפני זקני העיר

second set of witnesses comes forward and declares that, although they have no knowledge of the murder, they do know that the first set of witnesses are liars. This is because they happen to have been with that set of witnesses at the time of the murder in a different city. In such an instance, the first set of witnesses is deemed זוממים (*zomemim*). The case of זוממים (*zomemim*) witnesses is an exceptional case of contradictory testimony and in such a case the testimonies do not cancel each other out. Rather, the second set of witnesses is believed and the lying first set of witnesses, the זוממים (*zomemim*), is given the punishment that they attempted to bring upon the defendant. In this particular example, where the witnesses were found to falsely accuse A of murdering B, the witnesses would get the death penalty because they had attempted to bring the death penalty upon A.

The introduction of זוממים (*zomemim*) witnesses in the Sifre text is quite interesting. The case of זוממים (*zomemim*) is itself an apparent rabbinic invention that radically rereads a Biblical passage.³³⁵ So here we have Rabbi Akiva doing double violence to the Biblical passage, further erasing the Biblical evidence, the 'garment', and replacing it not only with witnesses to an act of adultery but witnesses who disprove those witnesses. The second set of witnesses disprove the first set by claiming that the witnesses to the adultery must have been lying since they were, in fact, in a different city at the time of the alleged adultery. It would appear that Rabbi Akiva would also agree with the anonymous Rabbis of the first Baraita who did not necessitate an act of sex in the case of a רע מוציא שם רע claim (where the husband claimed that his wife had not been a virgin at the time of their marriage).³³⁶

The Yerushalmi³³⁷ takes it one step further. [The Yerushalmi's treatment of the 3rd Mishnah of the 4th chapter of tractate Ketubot, the same Mishnah dealt with in the aforementioned discussion of Bavli 46a, consists primarily of a list of short exegeses, in rabbinic Hebrew, of verses 13, 14, 19 and 21 of the Deuteronomy 22. Initially, this discussion is only intermittently interrupted by an anonymous voice or named Amora. Later, as the discussion continues, the anonymous voice as well as named Amoraim begin to make more frequent appearances and textual exegesis begins to all but disappear.]

³³⁵ See Makkot 2b: "How do we know *zomemim* from the torah?" The appearance of the phrase "רמז...מן" marks instances of rabbinic invention. See Aharon Shemesh's treatment of this phrase in relation to the laws of ritual slaughter in Aharon Shemesh, "מסורות הלכה ופירוש המשותפות למגילות מדבר יהודה ולספרות", in *ofnat Pa'neah: Mehkare Lashon Mugashim Le-Elisha' Kimron Bi-Melot Lo Shishim Ye-Hamesh Shanah* (Be'er Sheva': Hotsa'at ha-sefarim shel Universitat Ben-Guryon ba-Negev, 2009), 383-394.

³³⁶ Literally: "put out a bad name." In the Talmud, the words רע מוציא שם רע stand for the entire Biblical section that deals with the case of a man who claims that his wife was not a virgin at the time he married her.

³³⁷ (Palestinian Talmud) Ketubot 26a (28c in *editio princeps* pagination).

"And I came close to her and I did not find her to have tokens of virginity." — And [are we not] worried [that] perhaps he found [evidence of blood] and destroyed it?

[It is a case] where the husband brought witnesses that she had illicit sex while still in her father's house.³³⁸

"Yet, these are the tokens of my daughter's virginity!" — And [are we not] worried [that] perhaps it is the blood of a bird?

[It is a case] where the father brought witnesses to make the husband's witnesses *zomemim* (להזים עידי הבעל).

Rabbi Yosi the son of Rabbi Bôn stated: This [Biblical] passage (i.e. Deuteronomy 22:13-21) contains: witnesses; [a second set of witnesses] who make [the first set of witnesses] *zomemim* (זוממיהן); and [a third set of witnesses] who make the [second set of witnesses] *zomemim* (זוממי (זוממיהן)). [i.e.] The husband states: "Here are witnesses that she had illicit sex while in her father's house." Then, the father brings witnesses to make the husband's witnesses *zomemim* (להזים עידי הבעל). Finally, the husband brings witnesses to make the father's witnesses *zomemim* (להזים (עידי האב...³³⁹

A Baraita teaches: Rabbi Eli'ezer the son of Yaakov says: "Let the words be said (interpreted) as they are written (i.e. literally)."

What [does Rabbi Eli'ezer the son of Yaakov] mean [when he says,] "Let the words be said (interpreted) as they are written"?

Rabbi Yosi the son of Rabbi Bôn stated: Really [the husband] is not liable [to be punished for bringing about a

³³⁸ Ostensibly, after her betrothal. In rabbinic times a man would betroth a virgin and she would remain in her father's house under his support indefinitely. At some point the man solicits her (תבעה) for marriage (נישואין). From the point of the solicitation he has one year (or 30 days, if she is a widow,) to marry her, after which point, if he does not consummate the marriage, he is responsible to support her. (Mishnah Ketubot 5:2) (See Maimonides *Hilkhot Ishut 10:17*).

³³⁹ I've elided the text here. The missing text, basically, recapitulates the Sifre.

bad name] until he enters, has sex, makes a virginity claim, and spreads out the sheet. Spreading out the sheet is not the end of the matter, rather, only until they clarify the words like a sheet.

It would seem that a number of factors led the rabbis, with the exception of REB"Y, to move away from reading the Biblical passage of מוציאה שם רע (where the husband claimed that his wife had not been a virgin at the time of their marriage) literally. The driving force is to be found within the Biblical text itself. However, other social and legal factors work in concert with the Biblical text to eventually lead rabbis like Rabbi Akiva to introduce the concept of זוממים (*zomemim*) witnesses. Whereas the first half of the Biblical passage of מוציאה שם רע (where the husband claimed that his wife had not been a virgin at the time of their marriage) deals with a case where the husband was found to be lying, the second half of that passage (Deuteronomy 22:20-21) deals with a scenario where the woman is indeed found to be guilty of non-virginity and sentenced to death.

And if the matter is true, the woman was not found to have tokens of virginity, [and]³⁴⁰ they take the young woman out to the doorway of her father's house and the men of her city stone her with stones. And she dies. For she has done a disgraceful thing by Israel[*'s standard*], to play the slut [while] in her father's house. And you shall expurgate³⁴¹ the evil from your midst.

Several problems present themselves in this second scenario — where the husband is found to be true in his allegations that his wife was not a virgin — that did not exist in the first Biblical scenario where he was found to be a liar. Contrastingly, the Biblical verses quoted above (Deuteronomy 22:20-21), which deal with the second scenario, contain far less procedural detail than those found in the first scenario (Deuteronomy 22:13-19) where the husband is found to be a liar. How exactly is it that the husband was found to be telling the truth in this second scenario? Did he produce a bloodstainless garment? What kind of evidence would that be? Perhaps there was in ancient times an obligation for the father to produce a bloodstained garment the morning after a virgin's wedding and the failure of the father to do so would be enough 'evidence' to constitute guilt, resulting in his daughter's death by stoning. If, indeed, a

³⁴⁰ This verse would translate more smoothly if the word "and" was deleted. The function of the word "and" in this sentence is more paratactic than conjunctive.

³⁴¹ Literally: "you shall burn". One would assume the punishment for such a woman would be "death by burning" had the previous verse not specified death by stoning. The term "you shall burn" is therefore translated figuratively and meant to designate a removal of an evil from a society. I therefore translate the word ובערה as "and you shall expurgate."

bloodstainless garment was proof of the young woman's lack of virginity, then how would the husband prove that he actually had sex with her on top of said garment? What kind of controls were in place? Remember, it was the father who produced the garment. How was it that he had possession of the evidence?

These factors most probably led Rabbi Yosi the son of Rabbi Bôn to his extremely radical reading of both the Biblical passage and REB"Y, a reading that seems at great variance with the written text. First, Rabbi Yosi the son of Rabbi Bôn not only makes the evidence in the passage about witnesses and *zomemim* (זוממים), but he introduces the concept of counter-*zomemim* (a third set of witnesses who turn the second set of witnesses in *zomemim*.) It seems like he is motivated by a necessity to explain the primary mystery of the Biblical text: How is it possible for a husband to ever prove that his claim is correct, that his wife was not a virgin? As discussed earlier, it is nearly impossible for the husband to prove that his wife was not a virgin, a bloodstainless sheet would hardly be considered physical evidence. The only way to prove she was not a virgin was to bring witnesses to testify that she had sex with someone else. Rabbi Yosi the son of Rabbi Bôn wants to additionally explain the second clause of the Biblical passage which has the husband proving himself correct in his claim. This second clause can be either read as an alternate scenario or, as Rabbi Yosi the son of Rabbi Bôn does, a continuation of the first clause. Rabbi Yosi the son of Rabbi Bôn solves the problem of how a husband can prove his claim by having the husband's second set of witnesses make the father's witnesses themselves *zomemim* (זוממים) witnesses. This is the only possible way to discredit the father's witnesses since they are not actually testifying about the woman's virginity. Second, Rabbi Yosi the son of Rabbi Bôn interprets REB"Y's literal stance not to exclude witnesses, but rather to require both a sheet and witnesses. Perhaps he means witnesses that the sheet was not tampered with.

Legislating the Biblical Scenario: What Problems the rabbis Faced

The effectiveness of a bed sheet, or garment, in providing evidence in virginity claims is not the only problem the rabbis faced when trying to legislate this Biblical passage. Anal sex presents a major problem for claims of virginity according to the rabbinic understanding, and legislation, of sex. According to rabbinic interpretation, anal sex and vaginal sex are identical in the sense that they are both considered a sex act of equal legal standing. The Rabbis arrive at this notion through their analyses of the Biblical laws against male homosexuality. Both in Leviticus 18:22 and 20:13 the injunction against male homosexuality is put in terms of heterosexual sex. Leviticus 18:22 has: "And a male shall not lie down [with a man] the layings down of women."³⁴² Leviticus 20:13 has "And a man who lies down with a male, [in a manner of] the layings

³⁴² וְאֵת זָכָר לֹא תִשְׁכַּב מִשְׁכַּב אִשָּׁה תוֹעֵבָה הוּא

down of women: they have both done an abomination; they shall certainly die; their blood is upon them."³⁴³ How would two men engage in a homosexual act that can be compared to a heterosexual act? It is only through the recognition of heterosexual anal sex as an intercourse. This recognition stems from the Bible's use of the plural "layings down" (מִשְׁכָּבֵי) when referring to the type of sex that a man can have with a woman. Therefore the rabbis state in explanation of the words "the laying down of women" (מִשְׁכָּבֵי יְאִשָּׁה) (Leviticus 20:13; 18:22): "The Bible equates usual (vaginal) sex with unusual (anal) sex."³⁴⁴ So, for the rabbis, if a woman were to have had anal, but not vaginal, sex then although she would be considered a physical virgin she would not be considered a *halakhic* virgin.³⁴⁵ She therefore might be able to produce a bloodstained garment, upon consummation of her marriage, even in a case where there were witnesses that she had had (anal) sex with someone other than her husband. Along these lines, the Bavli also recognizes the possibility that a man might be skilled in the sexual art of הטייה (bending/tilting/leaning?).³⁴⁶ The particularities of this practice have been lost with time. What is known about הטייה is that it is a sexual technique which allows a man to have sex with a virgin while her hymen remains intact.³⁴⁷

Another factor, the age of the woman in question, also presents a problem for the rabbis trying to legislate the Biblical laws of מוציא שם רע (where the husband claimed that his wife had not been a virgin at the time of their marriage) in their current Babylonian cultural setting. The Rabbis recognize that as a woman grows older her hymen naturally deteriorates.³⁴⁸ She therefore has less of chance of bleeding upon her first act of sexual intercourse. In Biblical times, girls were married off by their fathers at a very young age. This is apparently the case in the Biblical מוציא שם רע (where the husband claimed that his wife had not been a virgin at the time of their marriage) passage as is evident from the fact that the husband is engaged in a dispute with the father rather than the girl. By rabbinic times, this practice had all but disappeared and, barring a few exceptions, when the rabbis discuss betrothal they imagine it to be an agreement between a woman and a

³⁴³ ואיש אשר ישכב את זכר משכבי אשה תועבה עשו שניהם מות יומתו דמיהם כם

³⁴⁴ (משכבי אשה כתיב הקישה הכתוב כדרכה לשלא כדרכה) This formulation is found at Kiddushin 22b. Sanhedrin 54a and Horayot 4a and 4b have different formulations of this principle. The principle itself is uncontested in the Bavli and is the unspoken assumption behind tens of Bavli passages.

³⁴⁵ See the second example of chapter two for a discussion of *halakhic* (versus physical) virginity.

³⁴⁶ See footnote 173.

³⁴⁷ See Ketubot 6b; 10a; and Niddah 64b. It has been argued that the existence of the hymen was unknown in the ancient world. See Kathleen Coyne Kelly, *Performing Virginity and Testing Chastity in the Middle Ages* (Psychology Press, 2000). . However, see page 20 where she explicates the metaphor of the bolt, the door, and the bar found at Ketubot 10a.

³⁴⁸ See footnote 160.

man rather than man and a girl's father.³⁴⁹ To complicate matters, there are four categories of womanhood in the rabbinic conception of maturation. (1) A girl under the age of three (פחותה מבת שלש שנים ויום אחד).³⁵⁰ (2) A girl older than three that has not yet began the process of puberty (קטנה). Physical signs, rather than age, define puberty in rabbinic law.³⁵¹ The age, however, is generally understood to be around 12.³⁵² (3) A girl who is in the process of puberty (נערה). (This stage is either defined by a six month period or by physical signs).³⁵³ (4) A woman who has completed the process of puberty (בוגרת).³⁵⁴ Due to the rabbinic understanding that a woman's hymen naturally deteriorates with age or certain non-sexual activities,³⁵⁵ they rule that a woman who has reached the fourth stage, בוגרת, can no longer have a virginity claim brought against her.³⁵⁶ This law is put forth in a Tannaitic text, a Baraita.³⁵⁷ Therefore, the entire Tannaitic conversation concerning virginity claims brought by a husband against a wife is limited to cases where a woman was betrothed on her own accord while in stage 3 (as a נערה).

³⁴⁹ Although, on a theoretical level, the girl's father is a major part of the discussion of marriage in the Bavli, the role of the girl's father is almost absent from anecdotal discussions of marriage in the Bavli.

³⁵⁰ The Rabbis consider the ages when a sex act is actually halakhically considered to be sex as nine years old for a male and three years old for a female. (See, for example, Niddah 44b and Yevamot 96b) Additionally, the rabbis imagine that if a girl had sex before she was three then her hymen would grow back (Niddah 45a). Such a girl is therefore considered both a physical and a *halakhic* virgin.

³⁵¹ The physical sign of the onset of puberty can be the appearance of two pubic hairs (Ketubot 29a) as well as other secondary physical indicators (either those expressed figuratively [במשל] at Mishnah Niddah 5:7 or those mentioned in relationship to breast development at Mishnah Niddah 5:6.)

³⁵² See for example Yevamot 12b. The reason for the use of physical signs in some instances and age in others has to do with what the Court can assume in situations where the presence of physical signs is unknown. This is often the case owing to the fact that the physical signs are on a part of the body that is generally hidden from view.

³⁵³ This debate between Rav and Shmuel is discussed at Kiddushin 79a. Shmuel's opinion is cited independent of Rav at Ketubot 36a and Niddah 65a. As for the nature of the physical signs that end this stage (of נערה) see Mishnah Niddah 5:8 which details a dispute between Tannaim regarding these signs. All of the opinions in this Mishnah relate to a stage in the formation of the girl's breast or nipples.

³⁵⁴ A woman who never developed physical signs of puberty is considered a בוגרת at the age of 20. (Mishnah Niddah 5:9)

³⁵⁵ See Shabbat 63b regarding a certain family whose girls would take large steps while walking and their hymens would fall away (בושרות). They (it is unspecified who) made a chain, attached between their legs, to prevent them from taking large steps.

³⁵⁶ Ketubot 36a.

³⁵⁷ Tannaitic literature that is similar to the Mishnah but not canonized as such.

Perhaps owing to a number of these considerations, the Talmud introduces a new kind of virginity claim that is not found in the Mishnah, Baraitot,³⁵⁸ or Tosefta: פתח פתוח מצאתי (I found an open door). A couple of discussions found in the anonymous layer of the Bavli distinguish between two types of virginity claims: a blood claim and an open door claim.³⁵⁹ It is unclear exactly what the nature of an "open door" claim is.³⁶⁰ What

³⁵⁸ Although a פתח פתוח claim is discussed in legal cases or dicta involving Tannaim these instances are not presented as Baraitot. (See for example Ketubot 10a where a tradition is passed down from a Tanna, by an Amora, involving a פתח פתוח claim. Additionally, on that same page, Rabban Gamliel is seen commenting on a case of פתח פתוח. Although the Rabban Gamliel case is presented in Hebrew, giving the impression that it is of Tannaitic origin, a closer look reveals that the introduction of the story as well as the connecting words are both given in Aramaic. In any event this story is not introduced by the type of formulaic language that would imply that it is a Baraita.)

³⁵⁹ Ketubot 9b and 36b. In each of these cases the Bavli does not elaborate on the difference between these two claims. However, both MS Saint Petersburg 187 and Vatican 112 to Ketubot 36b contain additional texts that do not appear in the printed editions or any of the other manuscripts. The added text in MS Saint Petersburg explains the case of פתח פתוח מצאתי to be one where a man claims that he found an open door but did not check for blood. The additional Saint Petersburg text, following a lemma that states that there is no virginity claim for a בוגרת (quoted from a Baraita at Ketubot 36a), reads:

והאמ' רב בוגרת נותנין לה לילה [ה]ראשון הכא במאי עסקינ' דקא טעין פתח פתוח פירוש אי אמ' בעלתי ולא מצאתי דם טענה מעליותא היא והכא דקתני אין לה טענת בתולים דקא טעין ואמ' פתח פתוח מצאתי ועל הדם לא בדקתי אם נמצא בה אי לא אי דקא טעין טענת פתח פתוח הכי נמי הכא במאי עסקינ' דקא טעין טענת דמים

But did not Rav allow a בוגרת [to have sex multiple times] on her first night of marriage? (This would prove that a בוגרת does bleed and that Rav assumed that the blood that she saw was the result of tearing her hymen rather than menstrual blood. Rav therefore allows her to have a second time during her first night of marriage. Had Rav assumed that a בוגרת does not bleed then he would have been forced to assume that the blood that she saw was indeed menstrual. In such a case he would not have allowed her to have sex a second time.) The case of [the Baraita] is one of an 'open door' claim, explained as follows, if he said 'I had sex and did not find blood,' then it is a good claim. And when it says here [in the Baraita] that there is no 'virginity claim' for a בוגרת [it is a case] where he said, 'I found an open door, but I did not check to see whether or not there was blood.' If his claim was an 'open door' claim then it would be [a] good [claim.] [But in the Baraita] he [had] made a blood claim. (And there is no blood claim for a בוגרת. This would agree with Rav.)

Tosafot to Ketubot 36b appears to have a text similar to the Saint Petersburg manuscript. The printed editions follow Rashi's text. Rashi, in explaining his version of the text, does explain the difference between the two claims. Rashi says that once a woman becomes a בוגרת her vagina is no longer as tight as

is known is that an "open door" could only be detected by someone with considerable sexual experience.³⁶¹ Finally, the Bavli at Ketubot 10b seems to ward off blood virginity claims in general by making use a wine barrel test³⁶² or providing exceptions based on medical reasons or genetic makeup. The last two provide reasons why a virgin woman may possibly not bleed during her first sexual encounter.³⁶³

Background for Ketubot 15b-16a: the Four Cases

The Talmudic passage that I will use to demonstrate the unifying force of the Superstam, a force that goes beyond the *sugya* unit and one that operates at the level of language, is located at Ketubot 15b-16a. As I have proposed in earlier chapters, the global Bavli reader is a reader that is familiar with the entire book. The appearance of rare words in any *sugya* therefore creates a link, in the mind of the Bavli reader, between all *sugyot* in which the word appears. The Bavli reader understands what a word means in its current context and then compares its meaning in that context with the way that the same word means in the other contexts. When the Bavli reader turns to the second or third context in which the rare word appears, he returns not only with the meaning of a particular word but with the entire weight of the context in which that word appears.

it was beforehand and therefore the husband thinks that she was not a virgin (משבגרה אין רחמה צר כבתחילה (ד"ה: ה"ג אי דקא טעין טענת דמים הכי נמי הב"ע דקטעין טענת פתח (ודומה לו כאילו פתח פתוח פתוח

³⁶⁰ Perhaps פתח פתוח is similar to "vaginal laxity", a gauge currently used in India to determine whether or not a rape victim had previously been "habituated to sex." Nilanjana S. Roy, "For Indian Rape Laws, Change Is Slow to Come," *The New York Times*, September 21, 2010, sec. World / Asia Pacific, http://www.nytimes.com/2010/09/22/world/asia/22iht-letter.html?_r=1.

For traditional commentators who struggle with the nature of פתח פתוח and its relationship to a blood virginity claim see Tosafot to Ketubot 9a (ד"ה האומר) and the 'Arukh's entry to פתח א. For a comprehensive analysis of the different conceptions of the signs of physical virginity in the Ancient and Medieval world see Kathleen Coyne Kelly, *Performing virginity and testing chastity in the Middle Ages* (Psychology Press, 2000). pp. 17-39.

³⁶¹ See Ketubot 10a. The discussion involving Rav Nahman could be seen as a *Stammaitic* invention.

³⁶² In this test, the woman sits on a wine barrel. If her breath smells of wine then she is not considered to be a virgin. If her breath does not smell of wine then she is considered a virgin. It is unclear from the context whether or not this test is to be taken seriously. If such a test is to be taken seriously then it certainly favors the woman, unless, of course, she has a couple of drinks before taking the test. The test can also be seen as mode of stripping control over knowledge of virginity away from a suspecting husband and placing this control in the hands of the rabbinic authorities.

³⁶³ For the Bavli's anti-virginity claim stance, see Shulamit Valler, *Women and Womanhood in the Talmud*, trans. Betty Sigler Rozen, Brown Judaic Studies 321 (Atlanta, Ga: Scholars Press, 1999), pp. 29-50.

This reader then rereads the current context with all of that other information raised to the surface. Since the rabbis apply this type of semiotic reading technique in their interpretation of the Biblical text, it makes sense that their culture would produce a text that lends itself to operate on its reader in a similar manner. This is all the more true if the Bavli reader learns how to read by mimicking the reading practices of the rabbis, the reading practices employed by the Bavli.

As far as Bavli *sugyot* go, the opening *sugya* of the second chapter of Ketubot, located at 16a, is quite usual in its program. It seeks to reconcile Tannaitic material both with itself and with the Amoraim who have interpreted this material previously. The *sugya* is also standard in the sense that it ties together all of this material in a manner that leaves the reader wondering if all of the steps taken by the *sugya* were merely designed to as a buildup to some predetermined conclusion.³⁶⁴

The *sugya* that begins the second chapter of Ketubot (15b-16a) will be the focus of the literary feature of the Bavli that I seek to highlight in this chapter. The amount of prerequisite Talmudic material necessary to understand the basic dialectic (שקלא וטריא - literally, "taking and throwing" or "taking and shaking") of that *sugya* is quite vast. I therefore will first summarize the most essential information that the reader is expected to know when confronting that *sugya*. Four consecutive Mishnayot in the first chapter of Ketubot (1:6-1:9) present four different court cases, all of a sexual nature, where the believability of a woman's testimony regarding herself is called into question.³⁶⁵ There are no witnesses in any of these court cases. In each of the cases Rabban Gamliel and Rabbi Eli'ezer (hereafter referred to as R"G and R"E) side with the woman while Rabbi Yehoshu'a (hereafter referred to as R"Y) sides with the husband. The first two cases involve virginity claims put forth by the husband;³⁶⁶ the third case involves the genealogical status³⁶⁷ of the man with whom she is purported³⁶⁸ to have had sex; the

³⁶⁴ In this regard, see pp. 296-301 of Shamma Friedman, "A Critical Study of Yevamot X with a Methodological Introduction," in *Mehkarim U-Mekorot*, ed. Haim Z Dimitrovsky (New York: Bet ha-Midrash le-Rabanim ba-Amerikah [distributed by Ktav Pub. House], 1977), 278-441.

³⁶⁵ On the admissibility of a woman's testimony in general, and differences between a woman's testimony regarding herself and regarding others, in rabbinic law, see Judith Hauptman, *Rereading the rabbis: A Woman's Voice* (Westview Press, 1998). pp. 196-220.

³⁶⁶ The header of the first Mishnah defines the case as: "If one marries a woman and did not find her [to have] (literally: 'find to her) tokens of virginity." Although the case, as such, is presented from the perspective of the husband it is presented in a factual tone.

³⁶⁷ I use the term "genealogical status" rather than "lineage" because one's lineage does not always determine one's genealogical status. For example if a priest marries a divorced woman (even if she was also a priestess) then the child is a חלל (halal) rather than a priest. A חלל (halal) is not allowed to marry into the priesthood.

The concept of מיגו ("since") is generally employed as follows. When a person testifies and makes a weaker claim than they could have made, they are believed in their weaker claim on the basis of the stronger claim that they could have theoretically made. This is so "since" they could have lied and won the case outright by making the stronger claim. The court therefore assumes that they are telling the truth when they make the weaker claim because the court presumes that if someone would lie then they would tell the best lie possible. In this case, the woman could have simply stated that she had lost her tokens of virginity not through rape but rather as the result of an accident.³⁷² A woman who has had an accident of this sort is referred to in the Mishnah as a מוכת עץ ("one who was struck by wood") and is the subject of the following Mishnah (which will be case number 2.) When the woman, in this first case, claimed she was raped, she had actually weakened her own position because she disqualified herself from ever marrying a priest (כהן) in the future.³⁷³ She is therefore believed to have been telling the truth because she could have avoided disqualification to the priesthood by lying and saying she was a מוכת עץ ("one who was struck by wood"). This would explain why R"G and R"E believe the woman's testimony. Rabbi Yehoshu'a, however, does not believe the woman's testimony, apparently because he does not apply the principle of מיגו ("since") in this case.³⁷⁴

The second case presented in the Mishnah (at Ketubot 1:7), regarding a woman's believability in a virginity claim is where she admits to having no tokens of virginity but claims that it is merely the result an accident (מוכת עץ) ("she was struck by wood"). The husband then enters a counterclaim, saying that she had in fact lost her tokens of virginity to a man and not via accident. In this case too, R"G and R"E believe the woman's testimony while R"Y does not. This case is a little more complicated than the other three

³⁷² The Bavli does not specify the actual מיגו but rather alludes to it.

³⁷³ A priest may not marry a woman who was raped while betrothed or married. This stems from the prohibition against a priest marrying a זונה (Leviticus 21:7). Although the word זונה is usually translated as "harlot" the rabbinic conception of the meaning of the term in this context is far more broad than that translation. The opinions range from a woman raped while married (Yevamot 56b), to an איילוניית (category of woman who can't conceive) (Yevamot 61a), to a woman who had sex while unmarried (Yevamot 61b). The most extreme opinion, brought in the Bavli, is that even a woman who practices tribadly with another woman is considered a זונה as far as the prohibition of marrying a priest (Yevamot 76a). The prevailing opinion seems to be the one offered by the Sages (in the Mishnah at Yevamot 6:5): "A זונה is none other than a convert; a freed slavewoman; and one who had illicit sex (בעילת זנות)." Although rape is not considered illicit *sex vis-à-vis a non-priest* it is considered illicit *sex vis-à-vis a priest* (Ketubot 51b). *Yevamot 56b specifies that although when the wife of a non-priest is raped she is permitted to her husband she is still disqualified, by that rape, from subsequently marrying a priest.*

³⁷⁴ Three mitigating factors are introduced by the Bavli in trying to understand the legal basis behind the opinions of R"G and R"E, on the one hand, and R"Y, on the other. The Bavli grapples with these mitigating factors by introducing a comparable case. The three mitigating factors at play are: (1) The fact that woman is sure in her claim that she was raped but the husband's claim as to the timing of her loss of tokens of virginity is merely conjecture; (2) The fact that a woman is born a virgin and is therefore assumed to be one unless proven otherwise; (3) The fact that in monetary claims it is the party seeking to remove money from the party who is in possession of the money that bears the brunt of proving their claim.

because the claims of either side can be understood differently depending on the position one takes on two related rabbinic debates, one Amoraic and one Tannaitic. The Bavli presents the opinions of two Amoraim who dispute the nature of the monetary claims of this Mishnah. Rabbi Yohanan says that the woman is asking for the full 200 *zuz* marriage contract while the husband is asking that it be decreased to 100 *zuz*. According to Rabbi Yohanan's interpretation, this Mishnah is different from the previous one in that the husband is not seeking to invalidate the marriage contract completely but rather to reduce it. Accordingly, the Mishnah would be referring to a case where the husband's counterclaim is that his wife had indeed had sex with a man but that this sexual encounter occurred prior to his betrothal to her, rather than after their betrothal, as was the case in the previous Mishnah. Rabbi El'azar,³⁷⁵ however, interprets the competing claims in the Mishnah to be where the woman is seeking 100 *zuz* and the man is seeking to void the contract entirely.³⁷⁶ This Amoraic debate hinges on a Tannaitic debate as to the status of a woman who lost her virginity as the result of an accident. Rabbi Meir holds that such a woman is entitled to 200 *zuz* while the Sages hold that she is only entitled to 100.³⁷⁷

³⁷⁵ Late third century Palestinian Amora. Not to be confused with Rabbi Eli'ezer of the Mishnah who was active in the late first/early second century.

³⁷⁶ It is unclear whether the husband's claim in this Mishnah is that she had had sex with a man while betrothed to him or beforehand. Had the Mishnah been referring to a case where the husband claims that his wife had had sex while married to him then that would be one way to explain why, according to Rabbi El'azar, the contract is voided entirely. The anonymous voice of the Bavli, however, does not take this tack. The *shakla vetarya* (give and take) of the anonymous voice of the Bavli perceives the debate between Rabbi Yohanan and Rabbi El'azar to be about the law in a case where a man marries a woman under the assumption that she had never had sex with a man only to later find out that she had had sex with a man. Rabbi Yohanan believes that in such a case the woman is still entitled to 100 *zuz*. In other words, Rabbi Yohanan does not differentiate between the loss of tokens of virginity by accident or through sexual intercourse as it applies to invalidating the marriage contract. In both cases, the marriage contract is set at 100 *zuz* and not voided entirely. Rabbi El'azar would say that, in such a case, the contract would be considered to have been made under false pretenses and therefore voided.

³⁷⁷ It would seem that what is at stake in this discussion is whether or not the 200 *zuz* marriage contract of a virgin refers only to a physical virgin or to a *halakhic* virgin as well. (A *halakhic* virgin is any woman who has torn her hymen but yet has never had sex with a man.) One should keep in mind that there are times when a woman would be considered a physical virgin and not a *halakhic* virgin. A woman who has only had anal sex would be such a case. This possibility, I will later claim, led to increasing anxiety over the viability of adjudicating virginity claims in the first place.

The debate between Rabbi Meir and the Sages, when first presented at Ketubot 11a-b, is further complicated by an Amoraic debate as to the nature of the case that they are debating. Did the Tannaitic debate occur in a case where the man knew, prior to the writing of the marriage contract, that this woman had lost her tokens of virginity via an accident? Or, did it occur in a case where the husband only found out after the fact? This debate is between Rami the son of Hama and Rabbi Hiya the son of Rav Avin in the name of Rav Sheshet. It will not be relevant to the passage at Ketubot 16a that I will later discuss.

Rabbi El'azar would be siding with the Sages while Rabbi Yohanan would be siding with Rabbi Meir.³⁷⁸

The third case, presented at Ketubot 1:8, is one where a woman was seen "speaking" with an unknown man. When she is asked the nature of this man's genealogical status, she offers his name as well as the fact that he is a priest.³⁷⁹ Once again, R"G and R"E believe the woman's testimony while R"Y does not. Two Amoraim engage in a debate as to the meaning of the word "speaking" (מדברת) in this Mishnah. Ze'iri says that, by "speaking," seclusion with the man is meant. Rav Asi says that "speaking," in this instance, means that she was actually seen engaging in sexual intercourse with the man. This debate, as will be discussed later, has an impact on the nature of the woman's theoretical מיגו ("since") claim.

The fourth case, presented at Mishnah Ketubot 1:9, is one where an apparently unmarried pregnant woman is asked to identify the fetus's father. She replies that the father is so-and-so who is a priest. Here too, R"G and R"E believe the woman's testimony while R"Y does not. According to R"Y, both the woman and the child would be disqualified from marrying a priest in the future.

These four cases set the stage for a fifth case, which is presented in the first Mishnah of the second chapter of Ketubot, where R"Y finally believes a similar type of testimony, albeit one not involving a woman. It is interesting to note that one could garner, from R"Y's use of language,³⁸⁰ that his refusal to believe the woman in any of the four previous cases arises not out of any conceptual basis but rather from his negative

³⁷⁸ The concept of מיגו ("since") is also at play in the Gemara to this Mishnah but I will save the discussion of this מיגו ("since") for my explication of the *sugya* at Ketubot 16a.

³⁷⁹ It is unclear whether this exchange took place in court or on the street following the event. This case is different than the previous two because there is no plaintiff. It is the State, so to speak, which brings the court case against her in trying to establish whether or not she will later be permitted to marry a priest. Had she had sex with a man who was ineligible to her (e.g. a bastard) then she would be disqualified from ever marrying a priest. (*Kiddushin* 74b).

³⁸⁰ לא מפיה אנו חיין (we do not live by her mouth), which could be interpreted as "we do not trust women in general." The actual terminology used by R"Y, "mouth" is, in some instances, used as euphemism for vagina (see footnote 255). This image is enforced by the use of the verse *אכלה ומחתה פיה ואמרה לא פעלתי און* ("She eats and wipes her mouth; and says I did no wrong") (Proverbs 30:20) to explain why Rav Asi interprets the "speaking" of the Mishnah (1:8) to mean "sex." According to this reading, R"Y can be seen to ironically highlight the misogyny of his position by echoing the fact that all men do indeed enter life only by passing through the vagina of a woman, which is to say that indeed *מפיה אנו חיין*—we, men, only live by virtue of women. It is these women that R"Y seeks to dominate by denying them the same rights that a man has in making legal claims. Whether or not the rabbis were misogynistic is a hotly contested topic in recent scholarship. It is interesting to note, though, that Daniel Boyarin, who takes an approach that minimizes the misogyny of Rabbis, claims that the only two "misogynistic diatribe[s] in all of classical rabbinic literature" are attributed to Rabbi Yehoshu'a. [Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (University of California Press, 1995). Charlotte Elisheva Fonrobert, *Menstrual Purity: rabbinic and Christian Reconstructions of Biblical Gender* (Stanford University Press, 2002). 33-36, for a nuanced critique of Boyarin's assessment of rabbinic misogyny. See, also, Judith Baskin's critique of Boyarin in Judith Reesa Baskin, *Midrashic Women: Formations of the Feminine in rabbinic Literature* (UPNE, 2002).

view of the testimony of women in general. The fact that the one case in which he finally concedes to R"G and R"E is a case that does not include the testimony of women certainly does not detract from this hypothesis. However, the Bavli certainly does not interpret R"Y's rulings in this manner. When treating each of R"Y's rulings, the Bavli imposes upon them strictly theoretical legal bases.

The Fifth Case: Rabbi Yehosh'ua Finally Concedes

The first Mishnah of the second chapter of Ketubot begins with a case where a woman who has been widowed or divorced comes to collect her marriage settlement. For whatever reason, there was no actual written contract available.³⁸¹ Therefore, the standard minimums of 200 *zuz* for a virgin and 100 *zuz* for a non-virgin would apply. The woman claims that she had, perhaps many years earlier, originally been betrothed as a virgin and is therefore entitled to the full 200 *zuz*. Her ex-husband claims—or in the case of a widow, her former husband's heirs claim—that she was already a widow³⁸² from another man at the time of their betrothal and therefore is only entitled to 100 *zuz*. In such a case, the Mishnah anonymously states, if there are witnesses that the wedding had been a wedding ceremony in the manner of the weddings of virgins then she receives the full 200 *zuz*.³⁸³

The second Mishnah of the second chapter of Ketubot, which will be the driving force behind the *sugya* at 16a, features the return of R"Y after a two Mishnah hiatus. R"Y's sudden return, as well as the conspicuous absence of his former adversaries (R"G and R"E) prompt the Bavli to delay its primary discussion of the first Mishnah of the

³⁸¹ The Bavli debates whether this is because it was not the custom to write a marriage contract in that locale or whether it was because the contract was lost or destroyed. (Ketubot 16b)

³⁸² The Mishnah here is simply trying to set up a general principle. Therefore, due to the multitude of types of cases for which this principle would apply, the actual cases presented in the Mishnah become somewhat muddled. This was the case for the appearance of the man putting forth a claim from the grave, in the instance where she is now a widow, that we interpreted to refer to his heirs. Similarly, this woman could just as easily have been some other form of non-virgin (such as in cases of a divorcee, pre-marital sex, etc.) at the time of her betrothal to her last husband. The introduction of non-virginity via accident, was certainly avoided in this Mishnah owing to the first chapter Tannaitic debate as to whether such a woman is even entitled to the full 200 *zuz* virginal marriage contract (Mishnah Ketubot 1:3).

³⁸³ The anonymous first opinion says "if she went out *בהינומא* and her head was *פרוע* then can collect the full 200 *zuz*. While the term *פרוע* means either that her hair was uncovered or that she wore her hair wild (or unbraided) the meaning of the term *בהינומא* is unknown even to the *Amoraim* who work to interpret the Mishnah. The second opinion offered in the Mishnah, attributed to Rabbi Yohanan the son of Berokah, expands the definition of what can be taken as evidence of a wedding ceremony in the manner of the weddings of virgins to even include the presence of roasted wheat at the wedding. Apparently, the ancient Mediterranean version of popcorn was only passed out at the weddings of virgins.

second chapter only until after treating the oddness of R"Y's reemergence. The Mishnah states:

And Rabbi Yehoshu'a concedes (ומודה) that [in a case] where A says to B³⁸⁴: "This field [previously] belonged to your father yet I bought it from him" A³⁸⁵ is believed.³⁸⁶ Because the mouth that prohibited (impaired A's claim to the land) is the mouth that permitted (repaired B's claim to the land) (הפה שאסר הוא הפה שהתיר). However,³⁸⁷ if there are witnesses that [the land] belongs to B's³⁸⁸ father and A³⁸⁹ said that he bought it from B's³⁹⁰ father, [then] A³⁹¹ is not believed.

To whom does R"Y agree? And in which case would he not agree? It does not appear as though R"Y is addressing the anonymous opinion presented in the previous Mishnah that dealt with witnesses to a wedding ceremony that took place in the manner of the weddings of virgins.

The Sugya at Ketubot 16a³⁹²

(I present here a summary of the first part of the Bavli's discussion at Ketubot 16a rather than a translation of the text in block quotes. The Bavli text that appears in this part of the *sugya* is highly nuanced and an English translation would render it

³⁸⁴ Literally: One says to his fellow

³⁸⁵ Literally: He

³⁸⁶ Literally: "that he is believed." I moved the word "that" to the beginning of the sentence for the sake of sentence flow.

³⁸⁷ Literally: And

³⁸⁸ Literally: His

³⁸⁹ Literally And he

³⁹⁰ Literally: His

³⁹¹ Literally: He

³⁹² I provide a synopsis of all of the extant Bavli manuscripts to Ketubot 16a, as well as the Soncino and Vilna prints, in Appendix M.

incomprehensible without extensive elucidation.) The Bavli starts with an inference from the first Mishnah of the second chapter of Ketubot. In the four Mishnayot from the first chapter, the four cases outlined above, there were no witnesses brought in defense of either the husband or the woman in any of the court cases. Yet in each case R"G³⁹³ believes the woman. However, in the first Mishnah of the second chapter, the woman would only be believed in her claim that her marriage contract had been a virgin's marriage contract if she produces witnesses that she had a wedding in the style of virgins. The Bavli suggests that this Mishnah must therefore not follow the opinion of R"G. The assumption being that R"G would have believed the woman without the assistance of witnesses in this case too. The Bavli strikes down this hypothesis by appealing to concepts of ברי (certain claim) and שמא (uncertain claim).³⁹⁴ By appealing to these concepts, the Bavli argues that the Mishnah can even accord with R"G.

The concepts of שמא (uncertain claim) and ברי (certain claim) are employed by the Bavli as follows. In a court case that pits the word of one claimant against another (with no witnesses to corroborate the words of either of their claims) there is quite a difference between a scenario where the two different parties differ as far as the level of certainty of their claims than when they do not. A scenario when one of the parties claims "I believe X" and the other party claims "I know Y" is very different than a scenario when both parties say "I know," when making their claims. In all of the cases of the first chapter the woman was making a ברי (certain) claim. The woman knows whether or not she was a virgin and exactly how and when she lost her tokens of virginity. She also probably has a better idea of who it was that she was secluded with, slept with, or got pregnant from, than random witnesses or the state. In contrast, both the husband of the first two cases and the State and street witnesses of the latter two cases have a שמא (uncertain) claim. In each of the four cases, they simply "suspect" her of wrongdoing. In none of the four cases do they seem to say they "know" or can prove their claims.³⁹⁵ This must be the

³⁹³ For some reason R"E is not mentioned here or in this entire *sugya* save for situations when a Mishnah from the first chapter is quoted directly. This is true for all of the MSS as well as the Soncino and Vilna prints. Perhaps the reason for this is to avoid confusion between the Tanna Rabbi Eli'ezer of the first chapter Mishnayot and the Amora Rabbi El'azar who makes his way into this *sugya* (see footnote 375). Additionally, MS Vatican 130 and MS Vatican 112 introduce R"Y at this point and conjecture that the first Mishnah must be in accordance with R"Y. The Venice, Basel, and Vilna prints, as well as MS Vatican 487 and MS Munich 95, leave R"Y for later and focus on whether or not this Mishnah is in accordance with R"G. The approach presented in the Vilna actually makes for better reading as it creates suspense by not introducing R"Y until necessary. In contrast, the approach of MS Vatican 130 and MS Vatican 112 makes R"Y's later appearance anticlimactic.

³⁹⁴ These concepts had already made their appearance in the Bavli to the first case of the first chapter (1:6).

³⁹⁵ I say "seem to say" because in the first two cases (1:6 and 1:7) the tone of the husband's claim is one of certainty: "It happened before I betrothed you" (1:6) and "You were trodden by a man" (1:7). However, in these two cases had the husband actually known for certain that his claim was true he would never have betrothed her in the first place. In both of those scenarios it was not until he found her to be lacking tokens of virginity that he decided to bring his wife to court. In the latter two cases (1:8-1:9) there is no question that neither the street witnesses nor the State have any idea who her mysterious paramour is.

reason, the Bavli posits, why R"G believes the woman in all four cases of the first chapter. However, in the first Mishnah of the second chapter both parties have "certain" claims. This is so because the dispute is not about tokens of virginity but rather about the amount of the marriage contract, a contract that had not been contested at the start of the marriage. Both sides, therefore, have equal certainty as to the amount initially agreed upon at the time of the contract. This is why the Mishnah could actually present the opinion of R"G even though the woman would only be believed if she brought witnesses that the wedding had been virgin-style.

At this point, the Bavli is so persuaded that the anonymous Mishnah (2:2) actually represents the opinion of R"G, despite its requirement for the woman to bring witnesses in order to win her claim, that it questions its own previous thought (הוה אמינא) to have suggested otherwise. The Bavli then defends its initial claim, that the Mishnah does not accord with R"G, by explaining that the Mishnah (2:1) is actually not a case of competing "certain" claims but is more akin to a case where a "certain" claim competes against an "uncertain claim." This is so because of the fact that most women get married as virgins. This fact mitigates, making the woman's claim stronger than the man's. It is for this reason that R"G would not require witnesses because it is indeed similar to the four cases of the first chapter. And since the Mishnah does require witnesses it must not accord with R"G.

Now that the Bavli has explained why its initial suggestion—that the Mishnah does not accord with R"G—was a valid hypothesis, the Bavli returns to its initial conclusion that the Mishnah does accord with R"G. Even though the Mishnah (2:2) is a case of "certain" versus "uncertain"—due to the fact that that most women marry as virgins, which makes the woman's claim stronger than the man's—still, in this case, R"G veers from his earlier position and does not believe the woman's claim. Since the uncertainty of the husband's claim derives from a legal assumption rather than either party's testimony—the fact that most women marry as virgins—the "certain versus uncertain" of this case is different than the "certain versus uncertain" of the four cases dealt with in the first chapter. R"G therefore "concedes" to R"Y that the woman is not believed in this case. The Bavli attempts to prove this point—that the anonymous first Mishnah of the second chapter of Ketubot represents R"G conceding to R"Y—from the fact that the second Mishnah of the second chapter begins with "And R"Y concedes." It makes sense, the Bavli argues, for the second Mishnah to say "And R"Y concedes" because the first Mishnah has, though not explicitly, stated "R"G concedes." Why else would the second Mishnah begin with "And R"Y concedes"? The Bavli answers this question with a rhetorical question that shifts the focus away from the issue of "certain versus uncertain claims" and onto the concept of מ"ג ("since" principle) claims.

Do you [really] think that [when] R"Y [concedes] he is referring to [the first Mishnah of] this chapter³⁹⁶ [and the

³⁹⁶ Vatican 487 and Vatican 112 have "here" instead of "this chapter."

legal concept of "certain versus uncertain"]? [No!³⁹⁷ When R"Y concedes] he is referring to the first chapter and [the legal concept of] מיגו ("since").

Which [of the first chapter cases does R"Y refer to when he "concedes"? After all, there were four.]

If you say that it is this one³⁹⁸—"She was pregnant and they said to her"³⁹⁹ 'what is the genealogical nature of this fetus?' [and she responded] 'It is from so-and-so and he is a priest.': R"G and R"E say she is believed; R"Y says we do not live by her mouth (i.e. we do not believe her)—in that case what מיגו is there? Her stomach is between her teeth!

In other words, the concept of מיגו only applies in a scenario when the woman could have told a better lie. In this case she could not lie and say that she did not have sex. The court sees her stomach and knows that she is pregnant. She therefore must have had sex, and therefore has no "better lie" to tell.

Rather ["R"Y concedes" must] refer to this:⁴⁰⁰ "They saw her speaking with someone and they said to her"⁴⁰¹ 'What is the genealogical nature of this man?' [and she replies] 'he is so-and-so and he is a priest': R"G and R"E say she is believed; R"Y says we do not live by her mouth (i.e. we do not believe her)."

In that case what מיגו would there be?⁴⁰²

It is well according Ze'iri Who says that by "speaking"⁴⁰³ "seclusion" is meant. [The מיגו is:] Since if she wanted she could have said 'I did not have sex' yet she said 'I had sex'

³⁹⁷ Munich 95 actually has the word "no" in its text.

³⁹⁸ Quoting Mishnah Ketubot 1:9.

³⁹⁹ The words "and they said to her" are absent from all of the extant manuscripts. These words are also absent in both the Parma and the Kaufmann manuscripts to Mishnah Ketubot. Those manuscripts read 1:8 as היתה מעוברת מה טיבו העובר הזה מאיש פלוני וכהן ; And 1:9 as היתה מדברת עם אחד מה טיבו שלזה איש פלוני וכהן הוא ; And 1:9 as היתה מעוברת מה טיבו העובר הזה מאיש פלוני וכהן ; And 1:9 as היתה מדברת עם אחד מה טיבו שלזה איש פלוני וכהן הוא in Kaufmann. Parma has זה instead of הזה. As far as the appearance of the phrase in the Bavli Manuscripts to the first chapter of Ketubot: Vatican 112 and 113 do not have the phrase. Vatican 130 is the oddest of the manuscripts because it does not have the phrase in 1:9 but 1:8 has the phrase לו אמרו which certainly makes no sense.

⁴⁰⁰ Quoting Mishnah Ketubot 1:8.

⁴⁰¹ Once again, this phrase is absent from all extant manuscripts (see footnote 399).

⁴⁰² Literally: Is there.

⁴⁰³ These two words are absent from Vatican 112 and Munich 95.

[and she is therefore] believed. However, according to Rav Asi, who said that by "speaking" "had sex" is meant, what מִיגו would there be?⁴⁰⁴

As mentioned earlier, the legal concept of מִיגו applies when someone could have told a better lie and been believed. In this case, if she was seen in seclusion and admitted to having sex then we believe her when she tells us that the man was not someone who would have disqualified her from ever marrying a priest. The reason we believe her is because she could just as easily have told us that although she was secluded with the man she did not actually have sex with him. However, if she were seen having sex, as Rav Asi reads the Mishnah, then she has no better lie to tell. In accordance with its general program, the Bavli seeks to have the Mishnah make sense according to all opinions. If the Mishnah at Ketubot 2:2 did not make sense according to Rav Asi, then the Bavli could have used the Mishnah at Ketubot 2:2 to disprove Rav Asi's reading of the Mishnah at 1:8.⁴⁰⁵ The Bavli therefore continues its search for the מִיגו case to which R"Y would not concede.

Rather ["R"Y concedes" must] refer to this:⁴⁰⁶ "She says, 'I am one who was injured by [a piece of] wood (i.e. I lost my tokens of virginity through an accident).' And he says, 'Not so! Rather you have in fact been trodden by a man'.⁴⁰⁷ R"G and R"E say she is believed; R"Y says we do not live by her mouth (i.e. we do not believe her)."

There too what מִיגו ("since" principle) would there be?⁴⁰⁸

It is well according to Rabbi El'azar who says [that the dispute between the husband and wife in this case] is over 100 [zuz] and no payment at all. [The מִיגו is:] Since if she wanted she could have said 'I became one who was injured by [a piece of] wood while under you (i.e. after our betrothal)' and she would get 200 [zuz]⁴⁰⁹ yet she said [that

⁴⁰⁴ Literally: Is there.

⁴⁰⁵ As mentioned in the previous chapter, the Bavli has absolutely no qualms about presenting material out of order. In fact, in its discussion of Mishnah 1:6 (12b), the Bavli uses Mishnah 1:9 to try to corroborate a theory that it had used to explain 1:6.

⁴⁰⁶ Quoting Mishnah Ketubot 1:7.

⁴⁰⁷ Literally: You are one who has been trodden by a man.

⁴⁰⁸ Literally: Is there.

⁴⁰⁹ Literally: And 200 is to her. Vatican 487 and Vatican 112 have לֵי instead of לָהּ. Therefore it is possible to read those MSS as implying that the claim that she would have been deserving of 200 is actually part of her statement rather than the narrator's commentary on her statement, as I translated it. However, the mid-

her accident occurred] from the beginning (i.e. before her betrothal), [a claim that would] only entitle her to 100 *zuz*, she is [therefore] believed. However, according to Rabbi Yohanan who says [that the dispute between the husband and wife in this case] is over 200 [*zuz*] and 100 [*zuz*] what *מיגו* would there be?⁴¹⁰

As mentioned earlier, two *Amoraim* debated as to how to interpret Mishnah 1:7, the second case involving a woman who admits to having no tokens of virginity but claims that it is merely the result an accident (*מוכת עץ*) ("she was struck by wood"). In that case, the husband entered a counterclaim, saying, that his wife had in fact lost her tokens of virginity to a man, not via accident. The *Amoraim* debated, was this Mishnah a case where the wife is looking to receive the full 200 *zuz* while the husband seeks to reduce the marriage contract to 100 *zuz* or is it a case where the wife is looking to receive a partial 100 *zuz* settlement while the husband seeks to nullify the contract completely? If it is a case where the wife is only asking for 100 then she could have told a better lie. She could have claimed that she was betrothed to him while her tokens of virginity were still intact and lost them to an accident some time during the period before they consummated the marriage. However, if she is seeking the full 200 *zuz* then she has no better lie to tell. A *מוכת עץ* ("one struck by wood") would only get 100 *zuz*.⁴¹¹ The court therefore has no reason to believe her. For the *מיגו* ("since") principle is only applied in cases where the claimant could have told a better lie. Once again, the *Bavli* seeks to have the Mishnah make sense according to all opinions and continues its search for the *מיגו* ("since" principle) case to which, according to all *Amoraic* opinions, R"Y would not concede.

Rather ["R"Y concedes" must] refer to this:⁴¹² "[In a case where] one marries a woman and did not find her to have tokens of virginity. She says, 'I was raped after I was betrothed and his field was flooded (*נסתחפה שדהו*).⁴¹³ And

sentence shift from rabbinic Hebrew to Babylonian Aramaic that such a reading would entail renders it unlikely. Vatican 130 has *ליה* which makes no sense altogether.

⁴¹⁰ Literally: Is there.

⁴¹¹ According to the Sages (who dispute with Rabbi Meir on this point at Ketubot 11a-11b. There is also an *Amoraic* debate as to whether Rabbi Meir and the Sages are referring to a case where the woman did not deceive the man or only when she deceived him.)

⁴¹² Quoting Mishnah Ketubot 1:6.

⁴¹³ My translation follows Rashi (at 2a) who uses a verse from Proverbs (28:3) as his prooftext: *גבר רש ויעשק דלים מטר סחר ואין לחם*. The sentence is generally translated something like "A poor man who oppresses the weak [is like a] hard rain [that leaves] no food." The simile offered by this proverb is a quite vague. In any event, Rashi reads this sentence to mean that when a rain falls hard it floods the field. The context in which Rashi gives his reading is not the context of our Mishnah but rather in a case where a woman got sick and could not marry at the allotted time. In such an instance, would the husband have to start paying

for her food? Can she say "it is your bad luck that caused this"? So for Rashi, reads נסתחפה שדהו as having to do with bad luck (מזלך גרם). A flooded field is just bad luck. The Arukh, on the other hand, draws his interpretation from the other time that this root appears in the Bible (Jeremiah 46:15): מדוע נסהף אביריך לא כי ה' הדפו עמד, translated as "Why are your mighty ones cut down? He did not stand because G-d threw him down." The 'Arukh then offers "lost and destroyed due to your luck" as an explanation of our Mishnah. The verse that the 'Arukh has chosen actually emphasizes the true meaning of the root סחה which is something like "throw down," which is why it would be translated as a "hard rain" in Proverbs. The imagery of "thrown down" makes sense in our Mishnah because it is a discussion of a rape. Both Rashi and the Arukh, however, incorporate all Biblical usages of the term in arriving at their "luck" oriented interpretations. In Tannaitic material the term נסתחפה שדהו appears in our Mishnah as well as in another one, also in tractate Ketubot (7:8), which reads as follows.

היו בה מומין ועודה בבית אביה האב צריך להביא ראיה שמשנתארסה נולדו בה מומין
הללו ונסתחפה שדהו נכנסה לרשות הבעל הבעל צריך להביא ראיה שעד שלא נתארסה
היו בה מומין אלו והיה מקחו מקה טעות דברי רבי מאיר וחכמים אומרים במה דברים
אמורים במומין שבסתר אבל במומין שבגלוי אינו יכול לטעון ואם יש מרחץ באותה
העיר אף מומין

שבסתר אינו יכול לטעון מפני שהוא בודקה בקרובותיו

If she had physical blemishes while still living in her father's house, then the burden of evidence is upon the father to prove that his daughter's blemishes were sustained only after her betrothal; and that it was the husband's field that was flooded. [However,] Once she entered into her husband's domain, it is upon the husband to prove that her physical blemishes pre-existed their betrothal; and that his transaction (i.e. the betrothal) transpired under false pretenses. These are the words of Rabbi Meir.

The Sages say: To which case does [Rabbi Meir's] words apply? Only to a case where her physical blemishes were located on a concealed [part of her body.] However, if the physical blemishes were located on a revealed [or visible part of her body,] then he has no claim. And if there is a bathhouse in the city, then he also has no claim vis-à-vis concealed blemishes. This is so because he can check her [for physical blemishes at the bathhouse] via his [female] relatives.

This Mishnah follows up the previous Mishnah which discusses what happens when a man marries a woman and finds her to have blemishes. In such a case he may divorce her without paying the marriage contract. "Blemishes" is defined as anything that would invalidate a priest from Temple service. The Mishnah cited above continues to discuss this case. According to Rabbi Meir if the woman had the blemishes while still living in her father's house then it is upon the father to prove that his daughter got the blemishes after her betrothal and that the husband's field was flooded (ונסתחפה שדהו). Once the woman enters her husband's house it is up to the husband to prove that the blemishes existed prior to their betrothal. The Sages limit the case to blemishes that are not located in concealed places; and even when in concealed places, only when there is no bathhouse in her city because he can get his relatives to check her while at the

he says, 'Not so! Rather it⁴¹⁴ happened before I betrothed you [...⁴¹⁵] R"G and R"E say she is believed; R"Y says we do not live by her mouth (i.e. we do not believe her)."
[⁴¹⁶

[The מִיגו is:] Since if she wanted she could have said 'I became a מוֹכַת עֵץ (one who was injured by [a piece of] wood) while under you (i.e. after our betrothal)⁴¹⁷ which would not disqualify her from the priesthood (i.e. marrying a priest in the future) and [still] she said 'I was raped' which disqualifies her from the priesthood.

bathroom. In this case וְנִסְתַּחֲפָה שְׂדֵהוּ does not have the connotation of "thrown down" as had been possible in the case of rape. The phrase וְנִסְתַּחֲפָה שְׂדֵהוּ appears in three other contexts in the Bavli. Nedarim 90b-91a asks whether the wife of a priest receives her marriage contract if she is raped. Does the fact that a priest can no longer live with his wife if she is raped make her similar to the wife of a non-priest who had consensual sex? Or can the woman say "I am fit but it is the man whose field is flooded." Meaning, had the woman been married to a non-priest she would have received her marriage contract and it is only the man's special status that has made him ineligible to continue living with her. The second case, mentioned above, is where the woman got sick and could not marry the husband on the previously determined date. The third, if a woman became a menstruant and therefore could not marry the husband on the previously determined date. The Bavli then goes on to qualify the case as being one where the woman became a menstruant on a day that was not part of her regular cycle. (These two cases, especially the latter, do not make so much sense because in both cases the woman is permitted to marry. See Ritva to או שפירסה נדה (א) If we take the sum total of all the meanings in these cases then וְנִסְתַּחֲפָה שְׂדֵהוּ is not as much about "luck" as it is about "fault." When the woman is not at fault then the phrase applies. The commentaries of R. Aharon Ha-Levi of Barcelona (הרא"ה) (Ketubot 2a, c.1235-c.1290), Nahmanides (הרמב"ן) (2a, 1194-1270, Catalan), and R. Yom Tov Asevilli (א) (הרמב"ם) (2a, 1250-1330, Spanish) explain the term to mean something like "fault." רמב"ן and רמב"ה even see Rashi's use of the term "luck" to mean something like "fault."

⁴¹⁴ Vatican 487 and Munich 95 explain the "it" to mean "the rape" by adding the word נִאֲסַת (you were raped). This word does not appear in any of the other MSS nor the Kaufmann and Parma Mishnah manuscripts. This leaves open the possibility that the husband does not concede her claim of rape at all, and by "it" he simply means "you lost your tokens of virginity." However, the grammar of the sentence would seem to imply that "it" refers to rape. Additionally, the husband's counterclaim would be stronger if he concedes the rape and still argues for a purchase under false pretenses.

⁴¹⁵ Vaticans 487, 130, 112, and Munich 95 all add וְהָיָה מִקְחִי מִקַּח טְעוּת - (And my purchase was a mistaken purchase.)—which is what appears in the Parma and Kaufmann Mishnah MSS. This phrase means that the purchase occurred under false pretenses. The Biblical and rabbinic conception of betrothal is one of a purchase or acquisition. When the Bible describes a betrothal it says כִּי יִקַּח אִישׁ אִשָּׁה (when a man takes a woman). The verb for "taking" (קִיחָה) and the noun for "purchase" (מִקָּח) derive from the same root. In discussing the use of money to effect a betrothal, the Bavli uses another Biblical instance of the verb for "taking" (קִיחָה) to demonstrate that betrothal in an acquisition (קִנְיָן). See Kiddushin 2a.

⁴¹⁶ Vaticans 487, 130, 112, and Munich 95 all insert some version of the question "What מִיגו would there be in this case?" here.

⁴¹⁷ Note that it would not have been better for her to say she was a מוֹכַת עֵץ before marriage, as in the previous case, because then she would have certainly deceived him in some way.

That is why R"G⁴¹⁸ says that she is believed.⁴¹⁹
 And R"Y says⁴²⁰ to R"G: In this מיגו [of the Mishnah] here
 (2:2) I concede to you. [However,] in that מיגו [of the
 Mishnah] there (1:6) I disagree with you.

The Bavli now examines the reason why R"Y would not agree with R"G in Mishnah 1:6 yet would agree with R"G in Mishnah 2:2. If they are both cases of מיגו then why would R"Y not maintain a consistent ruling in both cases?

Now that this [is a case] of מיגו (a "since" principle) and that [is a case] of מיגו⁴²¹ (a "since" principle) what is the difference between this מיגו ("since" principle case) and that מיגו ("since" principle case)? Here (the case of the Mishnah at Ketubot 2:2) there is no slaughtered ox in front of you (שור שחוט לפניך). There (the case of the Mishnah at Ketubot 1:6), behold a slaughtered ox is in front of you.⁴²²

What exactly is a "slaughtered ox" and what does it have to do with either of these cases? Even without the Bavli's explanation it would not be hard to see the difference between the case in which R"Y concedes (2:2) and the case in which he does not (1:6). The Mishnah in the second chapter is one of הפה שאסר הוא הפה שהתיר (the mouth that prohibited is the mouth that permitted).⁴²³ The Mishnah in the first chapter is one of מיגו

⁴¹⁸ On the absence of R"E here: see footnote 393 above.

⁴¹⁹ Vatican 487 and 122 omit this sentence and just have "she is believed" which can be read as a continuation of the last sentence.

⁴²⁰ I translate the word קאמר both here and in the previous sentence as "says" because it is less confusing than "is saying". "Is saying", though, would be more correct for the following reason. Oftentimes קאי (contraction of participle for קום, standing) is added to a participle as a prefix, creating a more emphatic effect. So here the translation would be "R"Y is saying to R"G." The effect is that the Bavli is entering the present tense of a moment of the Mishnah text and explaining what is going on in that moment.

⁴²¹ Vatican 130, Munich 95, and the Soncino print omit the first half of this sentence. Vatican 130 and the Soncino print begin from this point in the sentence. Munich 95 simply replaces this whole sentence with "What is the difference?"

⁴²² Vatican 130 reverses the order of this sentence and has the synonym טבוח instead of שחוט. Vatican 487 switches "here" and "there" making the Mishnah at 2:2 the case that is שור שחוט. It is easier to explain this away as an inconsequential mistake rather than viewing this manuscript as saying something else about what שור שחוט means. One must keep in mind, though, that שור שחוט is a very strange term that really only means something in this context by reading it with an understanding of the differences between the two cases.

⁴²³ הפה שאסר הוא הפה שהתיר appears here at 2:2; twice at 2:5.

(since). מיגו (the "since" principle) and הפה שאסר הוא הפה שהתיר (the principle of "the mouth that prohibited is the mouth that permitted") are simply two different legal concepts. מיגו (since) is shorthand for מיגו דאי בעיא אמרה ליה ([believe her when she says X] since if she wanted to she could have said [Y] to him [and been believed]). מיגו (since) is applied by the court when a witness or claimant makes a worse claim than they could have made. A special provision is made in such cases and the witness or claimant is believed without further evidence. In contrast, in the case of הפה שאסר הוא הפה שהתיר (the mouth that prohibited is the mouth that permitted) the court can say: If he wanted to he could have said nothing. This is not at all similar to the principle of מיגו (since), which is applied as: "If the court wanted to, they could have provided the liar with a better lie." This is reason enough for R"Y to hold different opinions in cases of מיגו (since) and הפה שהתיר הוא הפה שאסר (the mouth that prohibited is the mouth that permitted). They are simply two different types of cases.

So why the "slaughtered ox"?

Beyond the Sugya: Reading Ketubot 16a as Part of the Bavli

It would be one thing if the "slaughtered ox" was a common legal principle, idiom, metaphor, or symbol in the Bavli. If that were the case, then its appearance here would seem less odd. However, as a legal principle it makes only one other appearance in all 36 volumes of the Bavli. In fact, the term "slaughtered ox" only appears one additional time, when not used as a legal concept, throughout the entire Bavli. Interestingly enough, these two other occurrences take place within pages of each other in tractate Niddah (15a and 19b). The first appearance of the phrase in tractate Niddah is identical in form and function to its appearance in Ketubot. Niddah 15a, as was the case with Ketubot 16a, has the image of the "slaughtered ox" being used to explain why a Mishnaic Tanna "concedes" his otherwise adversarial position. The reference to the "slaughtered ox" in tractate Niddah is likewise a legal scenario that would pit a claim backed by "evidence" against one that is not.

(The following is an abridged version of Niddah 15a. I have omitted all details, disputes, and complications and have only retained the essence as it relates to Ketubot 16a. For a comprehensive explanation of the context in which this "slaughtered ox" passage appears in tractate Niddah, as well as an overview of some of the background information necessary for understanding the passage in context, **see Appendix I.**)

The Mishnah at Niddah 2:3 deals with two cases. In the first case, the Sages and Rabbi Akiva disagree. In the second case, the Sages "concede" to Rabbi Akiva. The first case is one where a woman waits a little while after having sex before checking herself for menstrual blood. Upon discovering blood, and unsure whether she had begun to menstruate at the time that she had had sex, the woman is deemed retroactively ritually

impure for twenty-four hours by rabbinic decree. The dispute in the Mishnah between Rabbi Akiva and the Sages centers on the man who had had sex with her during the previous twenty-four hour period. Does the Rabbinically ordained retroactive ritual impurity extend to him or not? The Sages do not extend the ritual impurity to the man; Rabbi Akiva, however, does.

In the second case of the Mishnah, a woman discovers a bloodstain on her garment. In such a case the woman is considered ritually impure, by rabbinic decree, only from the time that she discovered the bloodstain and onward. What is the status of a man who has sex with this woman after she discovered the bloodstain? In such a case, the Sages would "concede" to Rabbi Akiva and render such a man ritually impure.

What is the point of the Mishnah telling us that the Sages would render this man ritually impure? He had sex with a woman who already knew she was ritually impure;⁴²⁴

The other occurrence of the term "slaughtered ox" in the Bavli is found at Niddah 19b. Here the term is not a legal concept. It is actually just a slaughtered ox. Therefore not much background information is necessary to understand the context in which this slaughtered ox makes its appearance. The Mishnah (2:6) details five colors of menstrual blood that render a woman ritually impure. One of the five is red blood (האדם). The following Mishnah (2:7) asks: "Which is red?" In other words, what hue of red is this red similar to? The Mishnah answers: "Like the blood of the wound" (כדם המכה). [Note that the Mishnah does not state "like the blood of a wound" but rather "the blood of the wound." Whether or not the Mishnah knowingly equates this color red with the color of the wound of defloration, or of a מוכת עץ, is unclear. The image is certainly alive.]

The Bavli, however, is unsatisfied with the Mishnah's comparison and seeks a further comparison:

⁴²⁴ Whether or not she told him of this fact is never addressed by the Bavli.

What is 'like the blood of the wound'? Rav Yehudah said [that] Shmuel said: Like the blood of a slaughtered ox (כדם (שור שחוט).

And why not say 'like the blood of slaughtering' (כדם (שחיטה)?

If he would have said 'like the blood of slaughtering' [then] I might have thought 'like the [blood of] the entire slaughtering.' [He] comes to tell us: 'like the blood of the wound' [i.e.] like the first strike of [the] knife.

'Ulla says: Like the blood of a living bird.

Ketubot 16a had concluded its discussion of R"Y and מייגו (the legal principle of "since") by explaining why R"Y does not believe a woman who claims she was a virgin in the face of her husband's claim to the contrary. R"Y, who allows for מייגו (the legal principle of "since") in the case of the father's field, does not allow for מייגו (the legal principle of "since") in the case where the wife claims she was raped because of the "slaughtered ox" in that case—, where "slaughtered ox" symbolizes the husband's evidence. The fact that the husband has evidence disallows the possibility of מייגו (the legal principle of "since"). The Bavli concludes the discussion of virginity claims, a discussion that has gone on for some 30 (15 double-sided) pages, with: "Here there is no slaughtered ox in front of you. There, behold a slaughtered ox is in front of you." This expression marks the conclusion of the discussion and it represents the final word on one of the longest treatments of any individual subject in this entire ancient canon. The logic and rhetoric is convincing, certainly to the reader drawn in to the overall structure and organizational scheme of the Bavli *sugya* in which it appears (Ketubot 15b-16a). However, it is the Bavli's poetic layer, a layer that draws on both words and the images behind those words, that makes the Bavli the rich text it is.

When the reader of Ketubot 16a encounters the slaughtered ox, two other Bavli texts (located at Niddah 15a and 19b) are activated. Once activated, the reader experiences Ketubot 16a with the symbolic weight of these two other Bavli texts. The slaughtered ox of Niddah 15a and 19b provide the reader of Ketubot 16a with two simple, distinct, and undeniable images. The first, derived from Niddah 15a, is of a bloodstained garment. The second, derived from Niddah 19b, is one of female genital blood. It is these two images that are invoked when the reader faces the strange expression "slaughtered ox" at Ketubot 16a. Without the Niddah texts the reader is merely left understanding that by "slaughtered ox" "evidence" is meant. However, the images of a bloodstained garment and genital blood, provided by Niddah 15a and 19b, remind the reader of the nature of this supposed evidence that the husband claims to have.⁴²⁵ The

⁴²⁵ Once the association is made, the reader also notices the phallic imagery provided by Shmuel's first striking of the knife, conjuring the wound of defloration. It is also fascinating that it is 'Ulla who provides the image of bird blood. 'Ulla was a Palestinian Amora who, through his numerous travels, often functions, in the Bavli, as a conduit for the transfer of Palestinian traditions to Babylonia. Bird blood, in the Yerushalmi, represents the image of the virginity ruse. It placed on the marital sheet by a woman

Chapter 6: Ambivalent Artistry: The Effects of the Bavli's Unifying Use of Language on Its Local and Global Readers

Kiddushin 70 and the Problem of Translation

Scholarly opinion is split as to how to properly render the Bavli into English; this is especially true when the goal is to portray the Bavli's literary characteristics. Several different methods have vied for what might be called industry standard: a) direct block text translation followed by analysis, modeled after Soncino Press' translation of the Bavli;⁴²⁶ b) the "Harvard-outline" format, such as is used by Jacob Neusner;⁴²⁷ c) elucidation, in which the critic inserts words within the text, usually in brackets, to guide the reader through the logical flow of a laconic Talmudic passage; and d) synopsis, where the critic evades the problems presented by translation, avoiding actual presentation of the text completely. I have used each of these four techniques at different points in this dissertation. However, in this chapter, when presenting the story of the court case adjudicated by Rav Nahman, involving Rav Yehudah and the anonymous man from Neharde'a,⁴²⁸ I opted for a radically different form, that of a play. While the story's extreme length, multiple scenes, rapid fire dialogue, and conspicuous use of props invite this form of presentation, my point in presenting the story as a theater script is to encourage the reader to think differently about the Bavli and how it functions literarily. The Bavli itself provides its reader little in the way of indicators of intonation or expression when presenting dialogue. Instead, the Bavli invites the reader to supply what description is missing in the text. By presenting the story as a play, I ask the reader to act at once as director, actor, and theatre-goer, encouraging this reader to notice a number of areas of emphasis that might otherwise escape notice.⁴²⁹

To begin with, at many points in the narrative presented at Kiddushin 70, the Talmudic text does not inform the reader which character is actually delivering a

⁴²⁶ Edited by Isadore Epstein (London: 1970). Soncino Press' translation of the Talmud is in British English. Most contemporary scholarly work, even when done in Great Britain, translates the Talmud into American English.

⁴²⁷ Harvard outline format divides the text into a series of statements each demarcated in an increasingly indented series of numbering systems (e.g. I; A; 1; a; i).

⁴²⁸ Bavli Kiddushin 70.

⁴²⁹ See Norman Rabkin, *Shakespeare and the Problem of Meaning* (Chicago: University of Chicago Press, 1981), 27.

particular line of dialogue.⁴³⁰ This, in turn, forces the reader into a more active and authorial role—the role of director—in imagining how this dialogue might be performed.⁴³¹ What expression is on the actor's face as he or she performs a certain line of dialogue? What is the tone or inflection in his or her voice?

Secondly, the form in which I present the Kiddushin 70 story encourages the reader, in two ways, to pay close attention to how the words in this passage actually sound⁴³²—a feature that is crucial to unlocking the passage's true literary nature. The first is the form in which I present the story. A play implies oral performance and therefore sound. The second is the extent to which I translate. Throughout my translation I leave those words that are essential to understanding the story's literary aspects untranslated. (I do, however, provide both translation and transliteration in parenthesis for each of these occurrences.) As I argue in this dissertation, the key to understanding the literary genius of the Bavli is found in the Bavli's use of language. How does the Bavli choose to express a given idea? How does a particular choice of words, at any given moment, work in concert with other moments of word selection, to create an aesthetic that defines both the art and unity of the Bavli? It is very difficult to convey this literary effect in translation while remaining true to the original text.

Thirdly, I encourage the reader to think of the actors in this drama as characters rather than historical figures and the props as symbols that function as characters in the Bavli's world. The point of this exercise will become clear in my final contextualized reading. When envisioning the literary role of named persons in the Bavli, one should imagine the manner in which these characters are portrayed throughout the Bavli rather than trying to elicit some true picture of the historical life they led. For example, if a character is portrayed as living in two distinct time periods, then that character, in the

⁴³⁰ At some points in the narration there is no textual indication that one person has stopped speaking and another has begun. It is up to the reader to figure out who would be delivering a particular line of dialogue. In other cases, textual indicators are given, in the form of אָמַר לֵיהּ (*āmar lêh*) ("he said to him"). However, even in such cases the reader must remain active. For example, in lines 40 and 41 are both spoken by Rav Naḥman, however, אָמַר לֵיהּ (*āmar lêh*) introduces both lines leading the reader initially to believe that Rav Yehudah will deliver a line which would only logically be delivered by Rav Naḥman. The effect of this literary device in rabbinic literature has been examined at length in Bernard Septimus, "Iterated Quotation Formulae in Talmudic Narrative and Exegesis," in *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel*, ed. James L. Kugel, Hindy Najman, and Judith Hood Newman (Leiden: Brill, 2004), 371-398. See note 3 on page 372 for a general bibliography for the function of this literary device.

⁴³¹ Line 23 of Scene 2 is an example of a line of dialogue that highlights this point. (See footnote 472 there.)

⁴³² This element is crucial in Scenes 2 and 3. The important words, which will be addressed throughout my analysis of the passage, are both presented in Hebrew or Aramaic as well as in transliteration. The Hebrew or Aramaic words are presented in bold font and the transliterations are placed in italics. [For the use of sound as a literary device in rabbinic texts see Galit Hasan-Rokem, *Web of Life: Folklore and Midrash in rabbinic Literature* (Stanford University Press, 2000), 22.]

Bavli, is one that lived for the entire time span (say 150 years) dividing these periods.⁴³³ Additionally, the multiple props, which appear in this drama, should also be conceived of symbols (or odd characters) who make other appearances in the Bavli.

Finally, I want to reinforce my conception of the evolution of this passage (and the Bavli as a whole) as the result of hundreds of years of oral performances. Each performance slightly altered the one which came before it, most importantly on the level of language.⁴³⁴ According to this conception of the evolution of the Bavli, a number of these performances were frozen at the moment of their accidental or intentional writing or publication.⁴³⁵ When we refer to the "Bavli," we must mean either any or all of the existing recordings, the manuscripts or printed editions— or even, in some cases, an imagined original upon which they all are based.

The particular version of the Bavli that I use as the starting point for my translation is the Vilna edition, published by the widow and brothers Romm (1886). This edition is the most popular edition of the Bavli and since my analysis of the Bavli does not seek to recover an "original" text—but rather learn something about reading— it makes sense to analyze the version of the Bavli that is most read. I have, however, included all of the textual variants for the Oxford 248,⁴³⁶ Munich 95 (Paris: 1343), Vatican 111⁴³⁷ manuscripts, as well as the Spanish (1485?)⁴³⁸ and Venice (Bomberg, 1521) prints in the notes to my translation. Each of these versions of the Kiddushin 70 passage contains its own literary qualities. I therefore, throughout my treatment of the literary features of Kiddushin 70, point out the linguistic and logical nuances of each manuscript or printed edition. It is of importance, when assessing the literary quality (rather accuracy of the historical transmission) of each version, to see how many of the literary features contained in the Vilna edition also exist in each of the other witnesses as

⁴³³ I do not refer to extremely unrealistic lengths of time within the Bavli's own conception of a possible lifespan. In such a conception 150 is not extremely unrealistic. (See Megillah 28a regarding Rabbi Yehoshua the son of Karḥah; also see Kiddushin 72a-b for a number of Rabbis whose lives are presented as spanning multiple eras; additionally, a number of rabbis are said to have lived 120 years [equating to the "ideal" lifespan of Moses].) I only contrast to those scholars who, while searching for historical accuracy, miss out on the Bavli's internal narrative logic. According to the Bavli's internal logic, two characters bearing the same name, who appear to be one and the same person in the Bavli, should not be considered to actually be two different people simply because the span of their activities is historically unrealistic.

⁴³⁴ See footnote 117; and Gregor Schoeler, James Edward Montgomery, and Uwe Vagelpohl, *The Oral and the Written in Early Islam* (Taylor & Francis, 2006), 28-142.

⁴³⁵ See Martin S. Jaffee, "rabbinic Authorship as a Collective Enterprise," in *The Cambridge Companion to the Talmud and rabbinic Literature*, ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee (New York: Cambridge University Press, 2007), 33; Susan Niditch, *Oral World and Written Word: Ancient Israelite Literature* (Louisville: Westminster John Knox Press, 1996), 117-124. A. N. Doane, "Oral Texts, Intertexts, and Intratexts: Editing Old English," in *Influence and Intertextuality in Literary History*, ed. Jay Clayton and Eric Rothstein (University of Wisconsin Press, 1991), 75-113.

⁴³⁶ Date unknown. Probably 14th century.

⁴³⁷ Date unknown. Probably 14th century.

⁴³⁸ There is considerable scholarly debate as to the year this text was printed. See Marvin J. Heller, *Printing the Bavli* (Im Hasefer, 1992), pp. 15-49.

well as what literary features found in the other witnesses are missing from the Vilna edition.

My analysis of the story at Kiddushin 70 will proceed in three stages.⁴³⁹ The first stage will analyze the story as its own literary unit. I will examine both the story's logic and, more importantly, pay careful attention to the Bavli's use of language in the process of narration. I will then detail how meaning and emphasis shifts when the story is viewed within its immediate context—the two Mishnayot between which it sits in the Bavli. Finally, I will read the story as part of the entire Bavli-complex. This third reading demonstrates the primary feature of the Bavli's literary art, how the Bavli's choice of words (at any given moment) works to unify the entire book, or 36 books, into a complex web of mutually destabilizing meaning.

Kiddushin 70: Presented as a Theater Script⁴⁴⁰

SCENE I

I A certain man from Nehardea⁴⁴¹ goes to the slaughterhouse in Pumpedita⁴⁴².

⁴³⁹ For treatment of this story, see Ya'akov Elman, "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of rabbinic Legal Tradition," in *The Cambridge Companion to the Bavli and rabbinic Literature*, ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee (New York: Cambridge University Press, 2007), 165-197; Catherine Hezser, "The Slave of a Scholar is Like a Scholar," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammim) to the Aggada*, ed. Jeffrey L. Rubenstein, *Texts and Studies in Ancient Judaism* 114 (Tübingen: Mohr Siebeck, 2005), 181-200; Richard Lee Kalmin, *The Sage in Jewish Society of Late Antiquity* (Routledge, 1999), 52-57; Jacob Neusner, *A History of the Jews in Babylonia*, vol. 2 (Leiden: Brill, 1968), 65-67, 142-145; Adiel Schremer, *Zakhar U-Neqevah Bar'am: Ha-Nišu'im Be-Shilhe Yeme Ha-Bayit Ha-Sheni Uvi-Tekufat Ha-Mishnah Veha-Bavli* (Yerushalayim: Merkaz Zalman Shazar le-Toldot Yiśra'el, 2003); Moulie Vidas, "The Bavli's Discussion of Genealogy in Qiddushin IV," in *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World*, ed. Gregg Gardner and Kevin Lee Osterloh, *Texts and Studies in Ancient Judaism* 123 (Tübingen: Mohr Siebeck, 2008), 285-326; and Barry Scott Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (University of Pennsylvania Press, 2011), 147-163.

⁴⁴⁰ Note on the translation: First, this translation attempts to stay as true to the text as possible while maintaining a sense of normal conversational language. In instances of stage direction I switch past Bavli's tense to present tense. As different cultures tell stories in different ways I believe that when presenting this story as a play what would be deemed past tense in the Aramaic telling of the story can be altered to present tense in the English staging of the story as a play without losing any textual integrity. When a character's name appears before a line it represents the Aramaic "אמר ליה" (*amar lēh*), literally meaning "he said to him." When a character in the text speaks and that character's line is not introduced by "אמר ליה" (*amar lēh*) I place the character's name in parenthesis. Second, stage directions are presented in italics. Third, for all occurrences of words that will be important to my later discussion, I have provided the original Hebrew or Aramaic, followed by a translation and transliteration in parenthesis. Fourth, I have detailed manuscript and print variants in footnotes. Fifth, I have provided a synopsis of the extant manuscripts and major print editions in Appendix N.

⁴⁴¹ The identification of this man as Nehardean only appears in Vatican 111, but is absent from Oxford 248, Munich 95, as well as the Venice and Spanish Prints.

- 2 MAN FROM NEHARDE[‘]A: Give me meat!
- 3 PUMPEDITANS: Wait until the servant (שמעיה, *šam‘eh*) of Rav Yehudah the son of יְהוֹזָקָאֵל (yēḥezqē‘l, Ezekiel) [the rabbinic leader of Pumpedita] takes⁴⁴³ and then we will give you⁴⁴⁴.
- 4 MAN FROM NEHARDE[‘]A: Who is Yehudah⁴⁴⁵ the son of שׁוֹיִסְקָאֵל (glutton, *šēwīsqē‘l*)⁴⁴⁶ to go first and take⁴⁴⁷ before me!⁴⁴⁸
- 5 *The PUMPEDITANS go and relate [the incident] to RAV YEHUDAH.*
- 6 *[RAV YEHUDAH⁴⁴⁹] places the [MAN FROM NEHARDE[‘]A] under a ban.*
- 7 *[PUMPEDITANS⁴⁵⁰:] This Nehardean man is in the habit of labeling people (אינשי, *‘ynšī*) [as] slaves.*
- 8 *RAV YEHUDAH publicly proclaims the MAN FROM NEHARDE[‘]A a slave.*
- 9 *The MAN FROM NEHARDE[‘]A summons⁴⁵¹ RAV YEHUDAH to appear in court before RAV NAḤMAN [in Neharde[‘]a.]*
- 10 *[RAV YEHUDAH] brings the writ of summons⁴⁵² before RAV HUNA [the rabbinic leader of a third city, Sura]*
- 11 *[RAV YEHUDAH:] Shall I go (appear in court before Rav Naḥman in Neharde[‘]a) or shall I not go⁴⁵³?*

⁴⁴² The order of these words is switched in Vatican 111.

⁴⁴³ Oxford 248 has "takes meat" (בישרא, *bīšrā*). Munich 95 and Vatican 111 have "takes first" (ברישא, *bērēšā*). The word is absent in the Venice and Spanish Prints.

⁴⁴⁴ The word "you" is absent in Munich 95.

⁴⁴⁵ Oxford 248 and Venice Print: יהודה בר שויסקיל (*yēhūdā bar šēwīsqēl*); Munich 95: יהוד' שויסקאל (*yēhūd' šēwīsqē'l*); Vatican 111: בר שויסקאל (*bar šēwīsqē'l*); Spanish Print: רב יהודה שביסקאל (*rab yēhūdā bar šēbīsqēl*).

⁴⁴⁶ This word is of disputed origin but appears to have something to do with meat. Note the play on words here. The words יְהוֹזָקָאֵל (*yēḥezqē'l*) and שׁוֹיִסְקָאֵל (*šēwīsqē'l*) end with the same three letters, קאל (*qē'l*). Additionally the ס ("s") and ז ("z") sounds that precede those three letters might, in certain dialects (and dialect is an important theme of this passage), sound more similar than they look when following a long "ī." It is helpful to think about how an "s" sounds in the English word "gas," depending on the dialect, this word is pronounced with a "z" sound, an "s" sound, or a cross between the two.

⁴⁴⁷ Oxford 248 adds "meat." Venice Print is the only witness to double this expression, the rest of the witnesses merely say "to take before me."

⁴⁴⁸ Literaly "who goes first...who takes..."

⁴⁴⁹ Munich 95 and Spanish Print add "brought out horns"; Vatican 111: "his horn."

⁴⁵⁰ Vatican 111 adds "they came."

⁴⁵¹ The import of the textual variants of this sentence will be discussed later. Munich 95 and Vatican 111 have the bringing the writ of summons to Rav Yehudah in the form of טסקא (*tasqā*) and דסקא (*dasqā*) Vatican 111.

⁴⁵² These words only appear in the Venice Print, the significance of which will be discussed later.

⁴⁵³ The Spanish Print has "shall I go or not?"

12 [RAV HUNA:] There really is no need for you to go because you are a great man (גברא רבה), *gabrā' rabā'*,⁴⁵⁴ however out of respect for the house of the presidency (בי נשיאה), *bē nēšîā*) [you should indeed] arise⁴⁵⁵ and go⁴⁵⁶.

SCENE II

- 13 [RAV YEHUDAH] goes⁴⁵⁷ [to NEHARDEA] and finds [RAV NAḤMAN] making a מעקה (fence, *ma'āqeh*).⁴⁵⁸
- 14 RAV YEHUDAH: Do you not agree with the statement of Rav Huna⁴⁵⁹ the son of Idi⁴⁶⁰ in the name of Shmuel⁴⁶¹: When a man is appointed a public official he is prohibited from working in the presence of three [people]?
- 15 RAV NAḤMAN: I am⁴⁶² just making a small⁴⁶³ דגונדריתא⁴⁶⁴ (fence, *dē-gūndērīyā*).
- 16 RAV YEHUDAH: Do you despise [the term] מעקה (fence, *ma'āqeh*) which is written in the Bible, or [the term] מחיצה (fence, *mēḥîṣā*) used by the rabbis⁴⁶⁵?
- 17 RAV NAḤMAN: [Please] sit אקרפיטא⁴⁶⁶ (on a chair, *aqrapīṭā*).
- 18 RAV YEHUDAH: Do you despise [the term] ספסל (chair, *sapsāl*) used by the rabbis, or איצטבא (chair, *'iṣṭebā*)⁴⁶⁷ used by אינשי ([ordinary] people, *'īnšī*)?
- 19 RAV NAḤMAN: [Please] eat an אתרונגא⁴⁶⁸ (citron, *'atrūngā*).

⁴⁵⁴ Rav Yehudah's greatness can either refer to his status as a scholar or to the fact that he was the leader of the Jewish community in Pumpedita. [This line appears in the all of the printed editions but not in any of the extant manuscripts.]

⁴⁵⁵ This word is absent from Oxford 248 and Munich 95.

⁴⁵⁶ This word is absent from Oxford 248, Munich 95, and Vatican 111.

⁴⁵⁷ Literally: "Went" (or in the present tense: "Comes.") This word is absent in Oxford 248.

⁴⁵⁸ Vatican 111 adds "for his roof."

⁴⁵⁹ Oxford 248, Munich 95, and Vatican 111, substitute נהילאי (*nēhīlā 'ī*); Spanish Print: ניהלאי (*nīhālā 'ī*)

⁴⁶⁰ These words are absent from Oxford 248.

⁴⁶¹ Oxford 248 substitutes: Shmuel.

⁴⁶² This word is absent from Oxford 248, Venice Print, and Spanish Print.

⁴⁶³ Munich 95 substitutes: 'צורת' (*ṣūrt*', probably meaning "form").

⁴⁶⁴ Oxford 248: דגונדריא (*dē-gūndērīzā* '); Munich 95: 'דגונדר' (*dē-gūndēr* '); Vatican 111: דגונדרנא (*dē-gūndērñā* '); Venice Print and Spanish Print: דגונדריא (*dē-gūndrēyā*).

⁴⁶⁵ The last few words of this sentence are elided in the Spanish Print.

⁴⁶⁶ Oxford 248 spells this word קופיטא (*qôpīṭā*).

⁴⁶⁷ The Spanish Print has מצטותא (*maṣṭawtā* '), probably a corruption of מצטבתא (*maṣṭabtā*)."

- 20 RAV YEHUDAH: This is what Shmuel said: Whoever says אַתְּרוּגָא (citron, 'atrûngā') is one third filled with arrogance (רְמוּת רוּחָא, *rāmût rūhā*). Either [use the term] אַתְּרוּג (citron, 'etrôg)⁴⁶⁹ as it is called by the rabbis or אַתְּרוּגָא (citron, 'atrûgā'),⁴⁷⁰ [the term] used by [ordinary] people (אִינְשִׁי, 'īnšī).
- 21 RAV NAḤMAN: [Please] drink some אַנְבְּגָא (alcoholic beverage, 'anbĕgā').⁴⁷¹
- 22 RAV YEHUDAH: Do you despise אִסְפָּרְגוּס (alcoholic beverage, 'īspargôs) as it is called by the rabbis, or אַנְפָּק (alcoholic beverage, 'anpak) [the term] used by [ordinary] people (אִינְשִׁי, 'īnšī)?
- 23 RAV NAḤMAN: Let דוּנָג⁴⁷² (*dōnag*, [presumably,] Rav Naḥman's daughter) come give us [something] to drink.
- 24 RAV YEHUDAH: This is what Shmuel said: It is forbidden to make use of a woman.
- 25 (RAV NAḤMAN:)⁴⁷³ [But] she is [just] a minor⁴⁷⁴!
- 26 (RAV YEHUDAH:) Shmuel explicitly said: One may make no use of a woman whatsoever⁴⁷⁵, neither adult nor minor.
- 27 (RAV NAḤMAN:)⁴⁷⁶ [Please]⁴⁷⁷ send greetings to יַלְתָּא (*yaltā*, Rav Naḥman's wife).
- 28 RAV YEHUDAH: This is what Shmuel said: [The] voice of a woman is sexually illicit.⁴⁷⁸
- 29 (RAV NAḤMAN:) Perhaps [send greetings] through a messenger.

⁴⁶⁸ The Spanish Print spells this word with a ט (אֶתְרוּגָא) instead of ת (אֶתְרוּגָא). (Note that the order of the נ (n) and ג (g) are also switched in the edition.) The use of ט (t) in variant spellings of similar words throughout the Bavli is significant as part of a composite point made later in this chapter.

⁴⁶⁹ Munich 95 has these words in a different order.

⁴⁷⁰ The Spanish Print spells this word with a ט (אֶתְרוּגָא) instead of ת (אֶתְרוּגָא). The use of ט (t) in variant spellings of similar words throughout the Bavli is significant as part of a composite point made later in this chapter.

⁴⁷¹ Spanish Print has אַנְסָג ('ansag).

⁴⁷² Spanish Print adds the words "do you think [she should]?" This is a moment in the text where the reader must imagine a number of possible ways that these lines are delivered vis-à-vis their tones and inflections.

⁴⁷³ אַמַר לֵיהּ (*āmar lēh*) appears in Oxford 248 as well as Spanish Print.

⁴⁷⁴ Vatican 111 adds "but that is for an adult (גְּדוּלָה, *gĕdōlā*) but she is a minor."

⁴⁷⁵ The beginning of this sentence does not appear in Munich 95, Vatican 111, nor Spanish Print. In these editions it is merely implied.

⁴⁷⁶ אַמַר לֵיהּ (*āmar lēh*) appears in Munich 95, Vatican 111, as well as Spanish Print.

⁴⁷⁷ Munich 95 has "Shall you not...?"

⁴⁷⁸ Munich 95 shortens this part of the dialogue, omitting line 29 and combining lines 28 and 30. Oxford 248 does something similar.

- 30 RAV YEHUDAH: This is what Shmuel said: It is forbidden to exchange greetings with a woman.
- 31 (RAV NAḤMAN:) [Even] through her husband?
- 32 RAV YEHUDAH: This is what Shmuel said: It is forbidden to exchange greetings with a woman in any situation.
- 33 [RAV NAḤMAN's] wife (**YALTA**)⁴⁷⁹
- 34 (MESSENGER:) Settle his business (שרי ליה תגריה, *šērê lēh tūgrêh*) so that he does not make you into an עם הארץ (ignoramus, 'am *hā'āreš*).⁴⁸⁰

SCENE III

- 35 RAV NAḤMAN: What [is the purpose of] your travel here?
- 36 RAV YEHUDAH: You sent (שדר מר, *šdar mar*) me a subpoena document (טסקא, *tasqā*).⁴⁸¹
- 37 RAV NAḤMAN: Seeing that I am not knowledgeable in your manner of speech (שותא, *šūtā*'), would I have sent you (משדרנא למר, *mēšadarnā' lēmar*) a subpoena document (טסקא דהזמנותא, *tasqā' dēhazmēnūtā*)⁴⁸²?⁴⁸³
- 38 [RAV YEHUDAH] pulls out the subpoena document (דיסקא, *dēyasqā*)⁴⁸⁴ from his chest [pocket] and shows it to [RAV NAḤMAN.]⁴⁸⁵

⁴⁷⁹ Oxford 248, Munich 95, and Spanish Print specify "Yalta" but omit "wife." The scholarly debate over Yalta's relationship to Rav Naḥman and is discussed later in the chapter.

⁴⁸⁰ This term is only used in the Venice Print. This *editio princeps* version is important for my discussion of the use of this term in this passage later in this chapter. The term used in the other witnesses is אינשי ('*inšê*, [ordinary] people), which nicely echoes the use of this term lines 7, 18, 20, and 22.

⁴⁸¹ Here the witnesses vary greatly. The Venice Print reads as Vilna.

Oxford 248: "For judgment before you. We're summoned for judgment." He pulled out the writ (דיסקא [דֵּיִסְקָא] *[dēyasqā]*) of summons and showed it to him. (Line 39 is then omitted and the text continues with line 40.)

Munich 95: "You imposed (*shadi mar abatrai*) a writ (דיסקא [דֵּיִסְקָא] *[dēyasqā]*) of summons on me. (the dialogue continues with line 37.)

Vatican 111 and Spanish Print: "I'm summoned for judgment before you."

⁴⁸² Vatican 111 and Spanish Print omit the word "writ." Munich 95 spells it דיסקא (*dēyasqā*'), Venice Print spells it as טסקא (*tasqā*').

⁴⁸³ This line is absent from Oxford 248.

⁴⁸⁴ This transliteration follows the lead of Sokoloff who has the correct spelling of the word as either דיִיִסְקָא (*dēyyasqā*') or דיִאִסְקָא (*dēya'sqā*'). Sokoloff cites the vocalized Yemenite manuscript, where the spelling is דיִסְקָא (as is the case with the Vilna printed edition I work from). The Yemenite manuscript vocalizes the as *dēyisqā*'. In any event, the ך (y) is pronounced as a consonant. [Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Baltimore and London: Johns Hopkins University Press, 2002), 330.]

- 39 RAV YEHUDAH: Behold the man (הא גברא, *hā gabrā'*) and behold the document (דסקא, *dasqā'*).⁴⁸⁶
- 40 RAV NAḤMAN⁴⁸⁷: Since you came here⁴⁸⁸ let us discuss [the Nehardean man's] matter⁴⁸⁹ so that they will not say that the rabbis favor (מהנפי, *mēhanpī*) one another.
- 41 RAV NAḤMAN⁴⁹⁰: Why did you place that man under a ban⁴⁹¹?
- 42 (RAV YEHUDAH:)⁴⁹² He aggravated a rabbinic emissary.
- 43 (RAV NAḤMAN:.) [In that case] you should have whipped him⁴⁹³ – as Rav whipped a person who aggravated a rabbinic appointee⁴⁹⁴.
- 44 (RAV YEHUDAH:.) I did better than that to him.⁴⁹⁵
- 45 (RAV NAḤMAN:.) Why did you proclaim⁴⁹⁶ him a slave?
- 46 RAV YEHUDAH:⁴⁹⁷ Because he regularly calls people slave. And [a Baraita] taught: And anyone who [genealogically] disqualifies is [genealogically] disqualified; and [this person] never speaks in praise [of anyone.] And Shmuel says: With his own blemish he [genealogically] disqualifies.
- 47 (RAV NAḤMAN:)⁴⁹⁸ Shmuel's statement was only intended to mean to suspect⁴⁹⁹ him [of disqualification.] Do [you really think the intent of Shmuel's] statement [was] to proclaim him [disqualified]?
- 48⁵⁰⁰

⁴⁸⁵ This line is absent from the Spanish Print.

⁴⁸⁶ This line only appears in Venice Print which reads as Vilna.

⁴⁸⁷ Spanish Print omits the words אמר ליה (*āmar lēh*).

⁴⁸⁸ This word is omitted in Spanish Print.

⁴⁸⁹ Spanish Print: "Let his speech (שותיה, *šūtēh*) be heard."

⁴⁹⁰ אמר ליה (*āmar lēh*) does not appear in Munich 95, Vatican 111, nor Spanish Print.

⁴⁹¹ These last two words are elided in Spanish Print.

⁴⁹² אמר ליה (*āmar lēh*) appears in Oxford 248 and Munich 95.

⁴⁹³ This line is omitted in Oxford 248, Vatican 111, and Spanish Print, it appears in Hebrew in Munich 95. Spanish Print reads as Vilna.

⁴⁹⁴ Spanish Print reads as Vilna. All other witnesses omit the citation of Rav.

⁴⁹⁵ This line is omitted in Oxford 248, Vatican 111, and Spanish Print.

⁴⁹⁶ Oxford 248 and Spanish print have "call" (קרי) instead of אכריז (*'akrīz, proclaim*).

⁴⁹⁷ Munich 95 omits אמר ליה (*āmar lēh*).

⁴⁹⁸ אמר ליה (*āmar lēh*) appears in Munich 95 and Spanish Print.

⁴⁹⁹ Vatican 111 has לאחזוקי, (*lē'ahāzūqē, to assume*).

⁵⁰⁰ Vatican 111 inserts a few previously omitted words into the dialogue at this point. Vatican 111 has Rav Yehudah respond "I did better!" The placement of this sentence at this point in the dialogue greatly impacts its rhetorical and narratological flow. See footnote 583 below.

SCENE IV

'At this point the MAN FROM NEHARDE' 501 enters⁵⁰² and addresses RAV YEHUDAH:⁵⁰³

49 MAN FROM NEHARDE'A: You call me a slave? Me, who descends from the royal Hasmonean dynasty?) *sends him [a message:]*

50 RAV YEHUDAH:⁵⁰⁴ This is what Shmuel said: Whoever says "I come from the Hasmonean dynasty" is a slave.

51 RAV NAḤMAN⁵⁰⁵: Do you not agree with the statement that Rav Abba made in the name of Rav Huna⁵⁰⁶ who said in the name of Rav?: Any scholar who teaches legal rulings and [a case] comes [before him] if [the legal ruling] was prior to the act [about which the ruling is being taught] then we listen to [the scholar.] If not, we do not listen to him!

52 RAV YEHUDAH: But there is Rav Matna who supports me!

53 RAV MATNA, *having not seen Neharde'a for thirteen years, comes [to Neharde'a] on that very day (ההוא יומא, hahû' yômā')*.

54 RAV YEHUDAH: Do you remember what Shmuel said when he was standing with one foot on the bank and one foot on the bridge?

55 RAV MATNA⁵⁰⁷: This is what Shmuel said: Whoever says "I come from the Hasmonean royal dynasty" is a slave.⁵⁰⁸ For there only remained [of the Hasmonean dynasty] a certain young girl who ascended to the roof and shouted: "Whoever says 'I come from the Hasmonean royal dynasty' is a slave." She fell from the roof and died.

SCENE V

56 *They proclaim [the Nehardean man] a slave.*

57 *On that very day (ההוא יומא, hahû' yômā'⁵⁰⁹) they tear up many marriage contracts in Neharde'a.*

⁵⁰¹ Literally: Nehardean litigant.

⁵⁰² Literally: "Went" (or in the present tense: "Comes.")

⁵⁰³ Oxford 248 and Spanish print omit this line, leaving the reader to wonder at what point the Nehardean man arrived. Was he there all along?

⁵⁰⁴ Oxford 248 omits אמר ליה (*āmar lēh*).

⁵⁰⁵ It is unclear from the text whether it is Rav Naḥman or the man from Neharde'a who is talking. The content of the statement seems to imply that it is Rav Naḥman who is talking.

⁵⁰⁶ Munich 95 has Ravasi the son of Rav huna. Oxford 248, Munich 95, and Vatican 111 omit Rav as the source of this tradition.

⁵⁰⁷ Spanish Print omits אמר ליה (*āmar lēh*).

⁵⁰⁸ The following two sentences are omitted from Munich 95, Vatican 111, and Spanish Print. Oxford 248 and Venice Print read as Vilna.

⁵⁰⁹ These words are omitted from Oxford 248 and Spanish Print.

- 58 When [RAV YEHUDAH] exits [the city] they⁵¹⁰ chase⁵¹¹ after him [threatening] to stone him.
- 59 RAV YEHUDAH: If you remain silent then silence, but if not I will reveal regarding you that which Shmuel stated: Two families exist in *Neharde'a*; One is called The House of the Dove while the other is called The House of the Raven.
- 60 And your mnemonic note is:⁵¹² Impure is טמא (impure, *tāmē*); pure is pure.⁵¹³
- 61 They throw the stones from their hands and אטמא (a foundation wall, 'atmā') forms in King River (נהר מלכא, *nēhār malkā*).
- 62 RAV YEHUDAH⁵¹⁴ announces in *Pumpedita* [that] Ada and Yonatan are slaves; Yehudah⁵¹⁵ the son of Papa is a bastard;⁵¹⁶ **Bati the son of Tuvyah**, with arrogance (רמות רוחא, *rāmût rûhā*), did not take his manumission document [upon being freed from slavery.]

Kiddushin 70 as a (Self) Reflection on Bavli's use of Language: A Local

Reading with an Emphasis on Language

The following analysis details the literary features and characteristics of this passage of the Bavli when viewed by a local reader. The purpose of this exercise is to

⁵¹⁰ "Everyone" in Oxford 248.

⁵¹¹ Literally: go out

⁵¹² It is unclear whether this statement is a continuation of Rav Yehudah's statement or an editor's comment.

⁵¹³ Spanish Print has a textual variant that completely changes the meaning of the sentence and therefore has great impact on the meaning of the story. Spanish Print reads: "One is qualified and one is disqualified. And your mnemonic note is: Impure is pure; pure is pure.

⁵¹⁴ Munich 95 has Rav Naḥman in שכנציב (šēkanšīb). Vatican 111 and Spanish Print have this line but it is then repeated by Rav Naḥman in שכנציב (šēkanšīb) according to the Spanish Print and שכנסיב (šēkansīb) according to Vatican 11. These two witnesses also have Rav Naḥman proclaiming Yiṣḥaq (this word is not in Spanish Print) bar Papa to be a bastard.

⁵¹⁵ Munich 95 has Yiṣḥaq.

⁵¹⁶ Munich 95 has Rava proclaiming this in Meḥuza.

demonstrate how this type of reading would change once the text is subsequently read against the backdrop of its immediate extended context and then, ultimately, as part of the entire Bavli complex.⁵¹⁷ I present the three different reading modes of this chapter in this sequence for heuristic purposes. The Global Bavli (GB) reader, however, would experience these three readings as a hybrid and might move back and forth between them, finding meaning at the moments when their differences converge.

When viewed as an independent literary unit, this lengthy narrative appears to depict two separate conflicts. Scenes 1 and 4 introduce and resolve a conflict between an unnamed man from Neharde'a and Rav Yehudah. Scenes 2 and 3 introduce and resolve a conflict between Rav Yehudah and Rav Naḥman. The source of the conflict in Scene 1 stems from the Nehardean man insulting the leading rabbinic figure in Pumpedita (Rav Yehudah) by derogatorily mispronouncing his name. The story thus begins with a play on words. The similarities and differences of words, as well as the symbols that they evoke, will become a dominant theme in this passage.

Power, caste systems, social hierarchy, and jurisdiction are obvious themes of this passage.⁵¹⁸ When read as an isolated literary unit, Kiddushin 70 appears to be a story about a conflict between two sets of parties and the struggles for the dominion of two rabbinic locales. The first set of clashing parties is Rav Yehudah, the leading rabbinic figure of Pumpedita, and the man from Neharde'a. The second set of quarreling parties is Rav Yehudah and Rav Naḥman, the leading rabbinic figure of Neharde'a. A number of different types of ancillary characters, common stock figures in rabbinic tales, also make their appearance throughout the narrative—the servant (שמעיה, *šam 'eh*); the slave (עבדא, *'abdā*); the wife (דביתהו, *dēbēthū*); the emissary (שליחא, *šēlīḥā*); and the minor (קטנה, *qēṭanā*), in the form of Rav Naḥman's daughter (דונג, *dōnag*).

The literary feature that unifies this passage— and, as I will later argue, the entire Bavli—is to be found in the ways in which particular words are used throughout the course of the story's narration. Throughout this passage, words are used as bookends that force the local reader to engage at particular moments with the linguistic nuances through

⁵¹⁷ Since the goal of this preliminary reading is to establish a framework through which to contrast subsequent readings, I must establish the parameters for the reader of this first reading. The parameters I establish are modeled after Jonah Fraenkel's notion of סגירות (closure). [For Fraenkel, see footnotes 14, 15, and 17] Just as it would be impossible for a reader of this story to cull any meaning from it if that reader did not know what the words meant so too, for the purposes of this demonstration, one must assume that the reader of this story possesses a general knowledge of rabbinic literature and the rabbinic world as represented in that literature. However this first reading seeks to suppress any dialectical engagement with another rabbinic text. So for the purposes of this exercise, the reader of this text knows who the famous characters are and when they lived, references to Biblical texts, as well as knowledge of basic rabbinic sayings. For example, this reader would have knowledge of the rabbinic statement that one who calls his fellow by a nickname goes down to hell and never returns but would not necessarily engage with the *stam's* interpretation of that statement (Baba Metzia 58b). I admit that this is a slippery slope but the purpose of this exercise is heuristic. It only intends to set up a contrast to the reading strategy that I advocate later in the chapter.

⁵¹⁸ Wimpfheimer, *Narrating the Law*, 147-163.; and Elman, "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of rabbinic Legal Tradition," 173-174.

which meaning is constructed. The doubling of רמות רוחא (*rāmût rūhā*) in lines 20 and 63,⁵¹⁹ the significance of which I will later detail, is an example of the type of language game with which this narrative seeks to engage its reader. This facet of the Bavli's expressionary system, the use of linguistic echoes within a *sugya*, is also apparent in the distinction between the first moment that the word גברא (man, *gabrā*) is introduced, when Rav Huna describes Rav Yehudah as a גברא רבה (great man, *gabrā' rabā*),⁵²⁰ and the repetition of that word at a moment when its original meaning is called into question and ultimately effaced.⁵²¹ Rav Huna had used the term גברא רבה (great man, *gabrā' rabā*)

⁵¹⁹ Line 20

RAV YEHUDAH: This is what Shmuel said: Whoever says אחרונגא (citron, *'atrūngā*) is one third filled with **arrogance** (רמות רוחא, *rāmût rūhā*). Either [use the term] אחרוג (citron, *'etrôg*) as it is called by the rabbis or אחרונגא (citron, *'atrūgā*), [the term] used by [ordinary] people (אינשי, *'īynšī*).

Line 63

RAV YEHUDAH announces in *Pumpedita* [that] Ada and Yonatan are slaves; Yehudah the son of Papa is a bastard; Bati the son of Tuvyah, **with arrogance** (רמות רוחא, *rāmût rūhā*), did not take his manumission document [upon being freed from slavery.]

⁵²⁰ Line 12

[RAV HUNA:] There really is no need for you to go because you are a great man, however out of respect for the house of the presidency (בי גשיאה, *bē nēšīā*) [you should indeed] arise and go.

⁵²¹ Lines 38 and 39

[RAV YEHUDAH] pulls out the subpoena document (דיסקא, *dēyasqā*) from his chest [pocket] and shows it to [RAV NAḤMAN.]

RAV YEHUDAH: Behold the man (הא גברא, *hā gabrā*) and behold the document (דסקא, *dasqā*).

Yosef Ḥaim ben Eliyahu of Baghdad (known as the Ben Ish Ḥai, 1832-1909), in his work *Ben Yehoyad'a*, wonders whom this word (גברא, *gavrā*) refers to. He assumes that it is not meant as a reference to Rav Yehudah himself and therefore entertains the possibility that it is meant to refer to the anonymous Nehardean litigant. He disqualifies this possibility based on the fact that Rav Yehudah's adversary does not appear on the scene until later in the story. (However, see footnote 503 for a reading that works well with this hypothesis.) He therefore concludes that the reference is to an emissary of Rav Naḥman who delivered the summons to Rav Yehudah. [Joseph Ḥayyim ben Elijah al-Ḥakam, *Ben Yehoyada*; *Be'urim U-Ferushim 'al Divre Agadah She-Diberu Ḥazal Be-Bavli Bavli* (Yerushalayim: Yeshivat ha-Rabanim u-Vet ha-Keneset 'a.sh.'Ezra ha-Sofer, 724). Vol. 3. Kiddushin p. 54a.] The simple reading, without recourse to any other characters, would assume that it is Rav Yehudah who uses the word to refer to himself. In other words, Rav Yehudah says "behold the man," meaning "here I am." In such a case Rav Yehudah is forced

in line 12 as a reason for why Rav Yehudah would not have to submit to the rabbinic authority of Rav Naḥman; and Rav Yehudah uses the word גברא (man, *gabrā*) when he does finally submit to Rav Naḥman's authority in line 39.

The multiple appearances of the term אינשי ([ordinary] people, *ʾynšī*) throughout this narrative highlight the central thematic consideration of this narrative: social hierarchy and the role language plays in its organization. The Nehardean man was in the habit of calling "ordinary people" (אינשי *ʾinšē*) slaves. As a result, he himself is proclaimed a slave by Rav Yehudah.⁵²² Rav Yehudah then highlights the class struggle at play in this drama when he attacks Rav Naḥman's seemingly pretentious use of language by appealing to the way that "ordinary people" label objects (כדאמרי אינשי, *kēdēʾāmri ʾinšē*).⁵²³ It is of note that the earliest printed edition of this Talmudic story, (Spain 1485?),⁵²⁴ as well as all of the extant manuscripts, contains an additional occurrence of the word אינשי ([ordinary] people, *ʾinšē*), one that does not appear in the Venice edition or any subsequent printings.⁵²⁵ The Spanish print further highlights the class struggle at play in this narrative by substituting אינשי ([ordinary] people, *ʾinšē*) for עם הארץ (ignoramus, *ʾam hāʾāreṣ*) in line 34.⁵²⁶ According to this textual variant, when Yalta convinces Rav Yehudah to stop debating Rav Naḥman and settle the court case, her rationale is, "so he does not make you equate you with the rest of the population [i.e. ordinary people] (כשאר אינשי, *kēšʾār ʾinšē*)."

Yet the use of language in Scene 2 of the drama demands extra attention. This oddest section in the exchange between Rav Yehudah and Rav Naḥman, where the use of

to describe himself to Rav Naḥman in opposite terms of the description given to him by Rav Huna. Rav Huna: You are a great man. Rav Yehudah to Rav Naḥman: I am merely a man.

⁵²² Lines 7 and 8

PUMPEDITANS⁵²²:] This Nehardean man is in the habit of labeling people (אינשי, *ʾynšī*) [as] slaves.

RAV YEHUDAH publicly proclaims the MAN FROM NEHARDĒ a slave.

⁵²³ On the class difference elicited by the pronunciations of these words by Rav Yehudah and Rav Naḥman, see Elman, "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of rabbinic Legal Tradition," 173-174.

⁵²⁴ The precise dating and locale of the printing of this incunabulum tractate is unknown. [See Heller, *Printing the Talmud: A History of the Earliest Printed Editions of the Talmud*, 20-21; Haim Z Dimitrovsky, *S'Ridei Bavli: An Historical and Bibliographical Introduction* (Jewish Theological Seminary, 1979), 15-20.

⁵²⁵ See footnote 480 to line 34.

⁵²⁶ Line 34 can therefore either be read as Yalta's messenger saying, "Settle his business so that he does not make you into an עם הארץ (ignoramus, *ʾam hāʾāreṣ*)," or "...so he does not make you equate you with שאר אינשי (the rest of the population [i.e. ordinary people], *šʾār ʾinšē*)." Either way, the terms עם הארץ (ignoramus, *ʾam hāʾāreṣ*) and ordinary people שאר אינשי (ordinary people, *šʾār ʾinšē*) both represent opposites of Rav Yehudah's initial portrayal as a גברא רבה (great man, *gabrā rabā*) in line 12.

language is explicitly thematized, happens when Rav Yehudah first arrives at Rav Naḥman's house (lines 15-22). Why is it necessary, for the narrator, to have Rav Yehudah take issue with the appellations Rav Naḥman uses to designate four separate objects? Why are the fence, the chair, the citron, and the alcoholic beverage all necessary? Additionally, why are two alternative words (whether they be biblical, rabbinic, or common) provided with each objection?⁵²⁷ The reader would seemingly have nothing to gain by this repetition.⁵²⁸

The narration of the verbal jousting between Rav Yehudah and Rav Naḥman regarding the fence, the first prop used in the Kiddushin 70 drama, is presented in a slightly different manner than that of the other three props whose appellations are contested by the two rabbis. For the fence, Rav Yehudah objects to Rav Naḥman's use of a Persian term, גונדריתא (*gūndērīytā* ' , fence), in favor of rabbinic (מחיצה, *mēḥīṣā*) or Biblical (מעקה, *ma'āqeh*) words. Contrastingly, for the other three props—the chair, the citron, and the alcoholic beverage—Rav Yehudah takes issue with Rav Naḥman's use of language by wondering why Rav Naḥman did not use either a rabbinic (דאמור רבנן, *dē'āmôr rabānān*) or popular term (כדאמרי אינשי, *kēdē'āmri 'īnšē*) to designate each object.

The term Rav Naḥman uses to designate a fence, גונדריתא (*gūndērīytā* '), is a *hapax legomenon* in the Bavli. The word seems to be constructed of three components. The core component is ג ד ר (*G D R*). This root, whether used as part of a noun or verb, in both rabbinic and Biblical texts, means: fence; wall; hedge; to guard; to fence in; to surround with; limit; and control. When the root is used as a verb, the reflexive conjugation includes connotations of: raising oneself above others; arrogating power; and acting presumptuously.⁵²⁹ The second component of the word is the addition of the nasal נ (*n*), which is inserted between the ג (*g*) and ד (*d*). In this way, this word resembles Rav Naḥman's term for citron, אתרונגא (*atrūngā* '), and its inserted nasal נ (*n*).⁵³⁰ In this case, when a נ (*n*) is inserted into the root ג ד ר (*G D R*), the root then carries the additional meaning of "lording over" someone.⁵³¹ The third component of the word is the suffix יתא

⁵²⁷ See Elman *ibid*.

⁵²⁸ Unless, of course, repetition is the point. The function of each of these name-challenged objects and how they work, for the global Bavli reader, to bring this local drama into dialogue with a number of other Bavli passages, will become clear once the "trigger word/ simultext" reading strategy is introduced later in the chapter.

⁵²⁹ Marcus Jastrow, *A Dictionary of the Targumim, the Bavli Babli, and Yerushalmi, and the Midrashic Literature*, vol. II (Luzac, 1903), 215.

⁵³⁰ See Elman, "Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of rabbinic Legal Tradition," 174.

⁵³¹ Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Baltimore and London: Johns Hopkins University Press, 2002), 294; Jastrow, *A Dictionary of the*

(-îṭā'), which signals a diminutive form of the word's root. Although all of these connotations work to highlight the themes of social hierarchy and rabbinic authority in this passage, the word גונדריתא (*gûndērîytā*, fence) also serves a purely aesthetic, or poetic, function. The consonants in the word גונדריתא (*gûndērîytā*, fence) act as a chiasmic mirror to דונג (*dônag*), the name given to Rav Naḥman's daughter.⁵³²

The fence, as a prop, also elicits a notion that fits quite neatly into this story. In the Bavli, the Rabbinic term מְחִיצָה (fence, *mēḥîṣâ*) is usually used in the context of marking domains and, therefore, dominion.⁵³³ The reference to the Biblical term for fence, מַעֲקֵה (*ma'ăqeh*), foreshadows events in Scene 4, when the young girl falls from the roof. The term מַעֲקֵה (*ma'ăqeh*) only appears once in the Bible, in a verse requiring a homebuilder to make a fence, the Bible states: "So that you should not put blood in your house when someone falls (ל פ ג, *n p l*) [from the roof]."⁵³⁴ (Deuteronomy 22:8) It is interesting to note that though one would expect from context that the girl in Scene 4 "jumps" from the roof⁵³⁵—her suicide symbolizing the end to all legitimate genealogical claims to the Hasmonean dynasty⁵³⁶—the Bavli actually says that she "fell" (נפלה, *nāplā*) from the roof, echoing the Biblical מַעֲקֵה (*ma'ăqeh*) used in Scene 2.

Scene 3 also contains a series of textual nuances relating to the pronunciation of words, which highlight both the jurisdictional issues at stake and the power dynamic at play in the confrontation between Rav Yehudah and Rav Naḥman. These textual nuances, which are more aural than visual, play on the inability of these Rabbis to understand each other's speech. I present a reading of this scene in appendix C. for the purpose of highlighting what is to be gained when one imagines this dialogue as an oral performance rather than a written text.

Targumim, the Bavli Babli, and Yerushalmi, and the Midrashic Literature, I:257.

⁵³² i.e. ד נ ג and ג נ ד. Kiddushin 70 marks the only appearance of דונג (*dônag*) in the Bavli.

⁵³³ Later in this Kiddushin passage (line 54), there is an image of Shmuel standing with one foot on the bank and one on the bridge which as a metaphor works to demonstrate the nature of Shmuel's authority over jurisdiction beyond Neharde'a. The word used for bank, גודא (*gûdā*) is also the word for wall. In Baba Batra 2a the word מְחִיצָה (*mēḥîṣâ*) is defined as גודא (*gûdā*).

⁵³⁴ כִּי יִפֹּל הַבַּיִת מִמֶּנּוּ (*kī yīpōl hanōpēl mīmmenū*)

⁵³⁵ This is especially the case if one reads this text together with its Baba Batra 3b parallel. (See footnote 577 below for the Baba Batra context.)

⁵³⁶ The Hasmoneans were one of four dynasties to rule Israel during the Second Temple period. When counting the days of the second temple, the Bavli divides the ruling parties into four groups: The Persians ruled for 34 years; the Greeks ruled for 180 years; the Hasmoneans ruled for 103 years; and the royal house of Herod ruled for 103 years. ('Avoda Zarah 9a) The Bavli's dating system, when compared to those given by Josephus and others, does not account for nearly two hundred years of Persian rule.

Reading Kiddushin 70 in its Extended Context:

In order to capture certain central features of this passage it is necessary to further contextualize its place in the Bavli.⁵³⁷ Two short discussions immediately precede this long drama in the Bavli. First the Bavli cites a statement that Rabbah bar Rav Ada said that Rav said: “Whoever marries a woman for the sake of money will have children who are not genetically fit (מְהֻגָּנִים, *meḥuganim*).”⁵³⁸ The answer to these questions regarding three of the objects will become apparent once a trigger word driven global reading is introduced later in the chapter. However, the appearance of one of the objects, the “fence,” serves a local literary function: within the Kiddushin 70 narrative and therefore should be addressed here.

And Rabbah the son of Rav Ada stated [and some say that it was Rabbi Sela who stated that Rav Hamnuna stated]: אליהו (Elijah the prophet) binds and God⁵³⁹ whips him who marries a woman who is inappropriate for him (שאינה הוגנת) לו, *še’ênâ hôgenet lô*.⁵⁴⁰

And [a Baraita] taught: Regarding all of them: אליהו (Elijah the prophet) writes and God signs: “Woe is to him who contaminates his seed and impairs his family and marries a woman who is inappropriate for him.” אליהו (Elijah the prophet) binds him and God⁵⁴¹ whips him. And anyone who [genealogically] disqualifies is himself [genealogically] disqualified. And he never speaks positively [of anyone.]

And Shmuel says: With his own blemish he [genealogically] disqualifies.

The Baraita has the team of God and אליהו (Elijah the prophet) mete out two separate punishments for the man who marries a woman who is not appropriate for him. The first punishment is that of an official proclamation. אליהו (Elijah the prophet) produces a document proclaiming this man to be deserving of “woe” for he has defiled his progeny. God reinforces this proclamation with His signature. אליהו (Elijah the prophet) then binds the man and God proceeds to whip him. If this Baraita had appeared

⁵³⁷ Wimpfheimer, *Narrating the Law*, 147-163. Wimpfheimer contextualizes this Kiddushin 70 narrative using the following passage about Elijah and God to different ends.

⁵³⁸ Perhaps related to the Greek *ευγενης*, in which case it would mean “of best genealogy.”

⁵³⁹ Literally: The Holy One Blessed Be He

⁵⁴⁰ See footnote 538.

⁵⁴¹ Literally: The Holy One Blessed Be He

in the Bavli prior to, or instead of, the statement of Rabbah the son of Rav Ada then it would not seem to have had any surprising features. The act of whipping accompanied by a document substantiating or recording this physical act would merely be seen by the reader as two parts of one punishment. However, once Rabbah the son of Rav Ada statement is introduced, the two types of punishment (physical and verbal) contained in the Baraita are brought into contrast. What is the relationship between the physically violent elements of binding and whipping and the verbal element that accompanies it. What precisely is added to the punishment by the proclamation of “Woe?” In addition to the binary of the rhetorical and the physical, the presence of אליהו (Elijah the prophet) in this passage is a bit striking and therefore alerts the reader to two separate aspects of the physical violence: restriction and whipping.⁵⁴² אליהו (Elijah the prophet) restricts the offender’s space and only then does God smite him.⁵⁴³

Scene 1[of the elaborate Kiddushin 70 drama presented earlier] begins a long story that engages the statements, ideas, and dichotomies found in both the Baraita and Shmuel’s addendum to that Baraita. Shmuel has introduced what is known in the field of psychology as “projection.” According to Shmuel, the derogatory names that people call other people merely reveal deep truths about themselves. The story begins in the slaughterhouse in Pumpedita, with the use of word play and irony to reinforce Shmuel’s dictum. The Nehardean man, without any regard to the other customers ahead of him in line, blurts out: “Give me meat!” He then proceeds to call Rav Yehudah a glutton while his own acts and language demonstrate that it is he who is in fact the glutton. This foreigner, as we later find out, holds himself to be genealogically deserving of high social regard: when he is told to give precedence to a servant ahead of him on line, he proceeds to call into question the authority of Rav Yehudah, the man the servant represents. The fact that our story begins with a play on words (יְהֵזְקֵל/שׁוֹיִסְקָאֵל) (*yēhezqēl/šəwīsq’ēl*) alerts the reader not only to the importance of naming as a mode of enacting or unseating power but also to how the very words that one chooses to use also feature in the domination and dominion game. The relationship between naming and domination is an old one in the rabbinic imagination, as naming was the first act performed by the primordial Adam, one that established his dominion over animals.⁵⁴⁴

⁵⁴² According to the Oxford English Dictionary, the word “violence,” when physical, has both connotations: the exercise of physical force so as to inflict injury; and forcibly interfering with personal freedom. [J. Simpson and E. Weiner, *Oxford English Dictionary*, 20 vols., Har/Cdr. (Oxford University Press, USA, 2009).]

⁵⁴³ Moulie Vidas further expands the context of this passage from the beginning of the chapter (69a) all the way through 72b. Vidas see all of these pages as a single discussion and included all of this material in his analysis. In doing so, Vidas highlights some interesting points about our passage that would be lost if one were to merely read it in isolation. Literarily, the close of the passage extended by Vidas has אליהו (Elijah the prophet) once again using restrictive violence when he is imagined as enforcing genealogical purity by leading people away in chain gangs. [Vidas, “The Bavli’s Discussion of Genealogy in Qiddushin IV.”] This statement on 72b provided a nice bookend to unify these six pages and highlight that they are indeed on long literary unit. Later, I will argue that the Bavli’s use of words works to unify the entire two-million-word book.

⁵⁴⁴ Genesis 2:20.

When the events of the slaughterhouse are related to Rav Yehudah, he immediately puts the Nehardean man under a ban. It seems a bit clumsy, from a narrative standpoint, when the Pumpeditans, while reporting those events to Rav Yehudah, make a second independent charge against the Nehardean. They claim that he commonly calls people slaves. Rav Yehudah promptly responds by proclaiming the Nehardean man a slave. As the story progresses it becomes apparent that it is the charge of slavery rather than the ban that is the central issue leading to the court case between the Nehardean and Rav Yehudah. In fact, one wonders whether the narrator's use of the יְהִיזְקָאֵל/שׁוֹיִסְקָאֵל (*yěhezqēl/šěwīsq'ēl*) word play introduces comedy at the expense of the smooth logical narrative flow of events.

This same struggle with smooth logical narration manifests itself later in the story when Rav Yehudah is asked by Rav Naḥman to justify both his placement of the man under a ban and his proclaiming the man a slave. A telling textual variant in that part of the story, Scene 3, helps explain why the narrator introduces both of these elements, the ban and slavery, into the story. Lines 43 and 44, when Rav Naḥman asks Rav Yehudah why he did not whip the Nehardean man and Rav Yehudah responds that he in fact did better, do not exist in the first printed edition of the Bavli. In fact, this discrepancy is the only significant difference between the text of the story in the Vilna edition and that of the first printed edition of the Bavli. If we are to read Scene 3 according to first printed edition, then the text flows smoothly. Rav Yehudah is asked why he placed the man under a ban and he responds that the man pained a rabbinic emissary. He is then asked why he called the man a slave and he explains the Baraita and Shmuel's accompanying theory of projection.

At first glance, not only do lines 43 and 44⁵⁴⁵ break up the narrative flow of the story but they also leave the source-critical reader suspicious that the narrator has clumsily blended together two independent stories, one involving Rav Yehudah's attendant in a slaughterhouse and the other involving a man from Neharde'a whom Rav Yehudah proclaims a slave. Perhaps the version of the text that is manifested in the Vilna edition of the story did indeed evolve from two independent literary traditions. However, what is important for my analysis of this story is what happens from a literary point of view both elements, the ban and slavery, are part of the narrative. The inclusion of lines 43 and 44 in the Vilna edition redirects the reader to what is at stake in this story. In line 43, Rav Naḥman argues that if this Nehardean man had indeed pained his servant, then he was deserving of the most severe rabbinic penalty, lashes. In line 44, Rav Yehudah explains that being placed under a ban is actually a more severe penalty than lashes. In order to understand his point it is necessary to examine the nature of a rabbinic ban, שַׁמְתָּ (*šamatā*). "Ban" is perhaps the wrong to use to describe the verb שָׁמַת (*š m t*), which is a

545

(RAV NAḤMAN:) [In that case] you should have whipped him—as Rav whipped a person who aggravated a rabbinic appointee.

(RAV YEHUDAH:) I did better than that to him.

rabbinic punishment more about forbidding physical proximity with the one who has been placed under the ban than forbidding verbal communication.⁵⁴⁶ Whereas the punishment of lashes involves the physical domination of the rabbi inflicting violence on the recipient, being placed under a ban, in contrast, involves the rhetorical domination of the rabbi. However, at the same time, a ban is also an exercise of physical domination. Although a ban does not restrict the movement of the offender, it does restrict the proximity to which others may be in relation to him. It is as if the offender has an imaginary boundary (of four cubits) between him and all others. For Rav Yehudah, the rhetorical measure of ban placement, a measure whose end result is physical restriction, is greater than the physical restriction of binding, whose end result is the physical violence of lashes.

How would Rav Yehudah fit his proclamation of slavery into the hierarchy of penalties? According to the two lines appearing in the Vilna edition (43 and 44), Rav Yehudah considers ban placement to be a greater punishment than lashes. Placing the Nehardean in a virtual prison for an extended period of time through the mechanism of a verbal device is a harsher punishment than momentarily whipping him. Proclaiming the Nehardean a slave is also a verbal mechanism. However, in contradistinction to ban placement, it has very little effect in the physical world. Rav Yehudah is not making the Nehardean an actual slave but is merely announcing that his caste status has changed for the purposes of whom he may or may not marry. While it is difficult to ascertain how Rav Yehudah weighs ban placement against the proclamation of slave status as a means of punishment, it is clear how the Nehardean man felt on the matter. Although it appears from lines 41 and 45 that both issues were brought up in the subpoena document, it is only the matter of slavery that is brought up when the Nehardean man himself enters in Scene 4. While Rav Yehudah's ban placement does not carry any weight beyond the physical boundaries of Pumpedita, the title of slave, in contrast, has ramifications even in Neharde'a. By the same token, Rav Nahman's summons does not carry any rabbinic weight in Pumpedita. It is only Rav Nahman's relationship, through the exilarchate, to the power of the ruling Persians that motivates Rav Yehudah to travel to Neharde'a to settle the matter. The reason why the Nehardean takes greater exception to being called a slave has to do with a theme that runs throughout this entire passage: the relationship between both speech and physical domination to authority.

⁵⁴⁶ When Rabbi Eliezer is placed under a ban in the story of the Oven of 'Akhnai (Baba Metsia 59b) Rabbi 'Akiva is seen talking freely with him albeit from a distance of four cubits. It should, however, be noted that there are a number of different terms used for a ban in the Bavli and that various legal and narrative descriptions of people placed in a ban present differing accounts of exactly how a ban is supposed to play out in reality. Shevuot 41a presents an interesting situation where the administering of lashes is the mechanism for ending a ban. Rashi there points to a passage containing the fuller context for Rav's ban. Kiddushin 12b lists seven infractions for which Rav administered lashes. The first five relate to either marriage or divorce, the sixth is the one quoted at Kiddushin 70b, regarding a man who pains a rabbinic emissary, and the seventh is regarding a man that allows himself to remain under a ban for thirty days. It is unclear whether Rav's lashes also act to automatically lift the ban in the Kiddushin 12b context.

Another interesting feature of the way rhetoric is used in this passage can be found in how Rav Naḥman and Rav Yehudah negotiate their own struggle for rabbinic authority. In Kiddushin 70, Rav Yehudah tries using rhetorical means to resist Rav Naḥman's power, which lies in his relationship with the government and the threat of physical domination. When Rav Yehudah quotes rabbinic authority in his quarrel with Rav Naḥman, he only quotes one Rabbi, Shmuel. In this way he attempts to control Rav Naḥman using the only means at his disposal, the shared acceptance of a greater rabbinical authority than their own (Rav Yehudah and Rav Naḥman are both students of both Rav and Shmuel). While Rav Yehudah quotes the Suran Rav and the Nehardean Shmuel in equal proportion throughout the Bavli, Rav Naḥman quotes Shmuel three times as often as he quotes Rav. The Pumpeditan outsider, Rav Yehudah, quotes Shmuel to Rav Naḥman because the "words" of Shmuel can control Rav Naḥman, a rabbi who only maintains physical dominance over Rav Yehudah through his relationship to the government. Interestingly enough, when Rav Naḥman tries to use rabbinic authority over Rav Yehudah, he quotes Rav and not Shmuel.⁵⁴⁷

The Trigger Word/Simultext Reading Effect

It is quite appropriate to employ a Bavli story that explicitly thematizes the importance of word selection, a story that contains an abundance of rare words and *hapax legomena*, to detail the effect of the Bavli's own word selection on its implied reader. As previously mentioned, the Bavli's implied reader—the GB reader—is familiar with the entire book to the extent that all obscure references sprinkled throughout the Bavli are already known to this reader. Additionally, the GB reader operates with a heightened awareness when encountering the presence of rare terminology. In turn, the GB reader understands this rare terminology through its contextual usage in the other Bavli locations in which the rare terminology recurs. I call these rare words or phrases "trigger words"; and I call those Bavli passages where they recur "simultexts." Kiddushin 70 contains many rarely used that are also found, in various combinations, in other Bavli passages. These rare words, when encountered by the GB reader, act as triggers to activate the other Bavli passages in which they appear, the "simultexts."⁵⁴⁸

⁵⁴⁷ Once Rav Naḥman introduces the notion of שוֹרָה (speech, *šūtā*) as jurisdiction, he encourages Rav Yehudah to exercise physical dominance and lash the Nehardean, and this, by quoting the Suran Rav. It was the Suran Rav Huna who initially alerted Rav Yehudah to the notion of physical domination. Later in the story when Rav Naḥman seeks to rebut Rav Yehudah, he uses Rav's ruling that a rabbinic quote is only effective when revealed prior to a court case.

⁵⁴⁸ Trigger words may also be found in close proximity to the simultext rather than within it. The significance of this fact will be addressed later.

local reader to some theme or emphasis, otherwise unpronounced. The trigger words and simulexts consequently serve the function of highlighting, complementing, complicating, and effacing ideas and subject matter found in the local passage. In the instance of Kiddushin 70, the activated simulexts all serve to alter the story's focus. Without the simulexts, Kiddushin 70 appears to be a story about the confrontation between Rav Yehudah and the Nehardean man. The simulexts all serve to shift the reader's focus to an unspoken, yet deeper, conflict between Rav Naḥman and the Nehardean man. The nature of this conflict unfolds as the simulexts are activated.

Before elaborating on the exact nature of the trigger word/simulext reading effect as it shapes Kiddushin 70 I will first provide a short example demonstrating its mechanics—how the global Bavli reader is effected when a Shavuot 30 simulext is activated by the presence of trigger words at Kiddushin 70. I will first describe what criteria could be used to identify the presence of textual characteristics that would activate this process for an imagined GB reader. I will then address what repercussions the ubiquity and recurrence of these textual characteristics throughout the Bavli—and consequently, the pervasiveness of the effect's presence in the GB reader's experience of the Bavli—have for our understanding of how the Bavli, as we know it, was constructed. The scale of the trigger word/simulext reading effect, as it relates to Kiddushin 70, will become evident once I later provide four additional examples of how trigger words shape the experience of Kiddushin 70's GB reader. In doing so, I will demonstrate how seven different Bavli passages collaborate to form a textual network that not only alters the meaning of the Kiddushin 70, as understood when read in isolation, but works to foreground the many muted cultural forces at play in the passage.

Shavuot 30: A Preliminary Demonstration of the Trigger Word/Simulext Reading Effect

These simulexts, when activated by trigger words in the local passage being read, have the effect of alerting the

Simultexts:	Kiddushin 70		Shavuot 30	
Trigger Words:	שרי ליה תיגריה	<i>šērê lēh tīgrêh</i> settle his dispute	למישרא בתיגריה	<i>lēmīšrā' bētīgrêh</i> to settle his dispute
	מחנפי	<i>mēḥanpî</i> to favor	לחנופי	<i>lēḥanôpê</i> to favor
	עם הארץ	<i>'am hā'āreṣ</i> ignoramus	עם הארץ	<i>'am hā'āreṣ</i> ignoramus
	שמעיה	<i>šam 'êh</i> his servant	שמעיה	<i>šam 'êh</i> his servant
	דביתהו	<i>dēbêthû</i> wife	דביתהו	<i>dēbêthû</i> wife

An example of how the trigger word/simultext mechanism takes effect can be found in the way that the trigger words listed in the chart above work to activate the Shavuot 30 simultext for the Kiddushin 70 reader. The Kiddushin 70 triggers that work in combination to activate the Shavuot 30 passage are the expression שרי ליה תיגריה (*šērê lēh tīgrêh*, settle his dispute) coupled with the expression מחנפי רבנן אהדדי (*mēḥanpî rabānān 'ahadādê*, Rabbis show favor to one another). The combination of the verb שרי (*š r y*) and the noun תיגרא (*tīgrā*), meaning to resolve a dispute, is found in only five other locations in the Bavli. Additionally, the verb חנפ (*ḥ n f*) is only used a handful of times in the Bavli to denote favoritism. Shavuot 30 has the verb חנפ (*ḥ n f*) in close proximity to the combination of the verb שרי (*š r y*) and the noun תיגרא (*tīgrā*), making it a simultext. When the reader of Kiddushin 70 encounters these trigger words, the Shavuot 30 simultext—which has Rav Naḥman being encouraged by one rabbi to show favor to a third rabbi in a court case—becomes activated. Here, in Shavuot 30, we have the same Rav Naḥman being encouraged to settle a dispute and worried about issues of nepotism. Additionally, this Shavuot 30 court case, involving Rav Naḥman, appears immediately following a discussion as to whether or not the testimony of a woman is valid. In that

discussion, the idea that a woman should not have a public role is introduced.⁵⁴⁹ The Shavuot passage also has several characters familiar to readers of the Kiddushin passage: the עַם הָאֶרֶץ (*‘am hā’āreṣ*, ignoramous); שַׁמְעָא (*šammā ‘ā’*, servant); and דְּבִיתָהּוּ (*dēbêthû*, wife). All of these characters appear, in Shavuot 30, in situations involving hierarchy and primacy in the dealings of a court.⁵⁵⁰

With the Shavuot 30 simultext activated, the global Bavli reader encounters Kiddushin 70 with an added attention placed on these marginalized characters and their roles in court cases. This is especially the case as it concerns the validity of the testimony of women, which is the overt theme of Shavuot 30. Because of the Shavuot 30 simultext, the reader of Kiddushin 70 has a heightened awareness of the irony of Rav Yehudah’s initial objection to the use of women (and even a minor) in lines 24 through 26.⁵⁵¹ Rav Yehudah’s court case is only resolved through the use of the testimony of a woman, and at that, a minor. Rav Yehudah only successfully establishes the slave status of the Nehardean man by citing the testimony of the young Hasmonean girl who jumped from the roof and shouted: “Whoever says ‘I come from the Hasmonean royal dynasty’ is a slave.” It is in this manner that trigger word and simultexts operate on the GB reader to alter the focus, and therefore meaning, of whatever Bavli passage is being read. This shift in focus from the characters of Rav Naḥman, Rav Yehudah, and the Nehardean man to the other ancillary, yet marginalized, characters will intensify, and take on greater significance, once the other simultexts are introduced

⁵⁴⁹An interpretation of Psalms 45:14.

⁵⁵⁰The idea, put forth in the Shavuot 30 simultext, that the wife of a scholar is equivalent to a scholar—an idea which is introduced when Rav Huna’s wife is called before the court of Rav Naḥman—contrasts nicely with an idea put forth in yet another simultext discussed later in this chapter. Berakhot 51b has ‘Ulla telling Rav Naḥman that a woman is only blessed through her husband. In addition, the only other time the phrase “the wife of חָבֵר (*hāvēr*, scholar) is just like a חָבֵר (*hāvēr*, scholar)” is mentioned in the Bavli is at Avodah Zarah 39a. In that instance, the phrase introduced by הכי אמר שמואל (*hākī ‘amar šēmū ‘ēl*, thus stated Shmuel). The phrase הכי אמר שמואל (*hākī ‘amar šēmū ‘ēl*, thus stated Shmuel) appears less than 30 times sprinkled throughout the Bavli, yet it appears 7 times in Kiddushin 70 alone.

551

RAV NAḤMAN: Let דוּגָה (*dōnag*, [presumably,] Rav Naḥman’s daughter) come give us [something] to drink.

RAV YEHUDAH: This is what Shmuel said: It is forbidden to make use of a woman.

(RAV NAḤMAN:) [But] she is [just] a minor!

(RAV YEHUDAH:) Shmuel explicitly said: One may make no use of a woman whatsoever, neither adult nor minor.

The Superstam as Global Bavli Reader

As argued throughout this dissertation, if the Stam represents the people or literary activity that works to control the *sugya*, then the Superstam represents the people or literary activity that works to undermine that control. The Superstam, acting at a moment in time when the basic structure of the *sugya* has already been fixed, achieves this end by introducing individual words or phrases that direct the reader to other *sugyot* within the Bavli. The new relationship between the two *sugyot* work to subvert the meaning fostered by either or both of the *sugyot* when read in isolation. The GB reader is affected by the introduction of these new words or phrases because this reader is attuned to the new relationship fostered between the two *sugyot*. I introduce the GB reader as a heuristic device designed to understand how the Bavli conveys meaning to the very reader it constructs. I also utilize the concept of a GB reader to try to understand how the Bavli text reached its final form. Of course, "final form" is a misnomer when talking about the Bavli because, even today, the Bavli text remains somewhat in flux.⁵⁵² However, by "final form," I refer to a point in the past history of the text where the Bavli's mode of meaning conveyance transfers from the control of the Stam to the counter-control of the Superstam⁵⁵³—that period in history, (though I conceive of it as a slow and gradual process taking place over hundreds of years), where the Bavli's

⁵⁵² The recent publication of the *Oz we-Hadar* version of the Talmud (Mahadurat Friedman, Jerusalem 2006) highlights this fact. Although the *Oz we-Hadar* version is based the Vilna Shas, the most culturally dominant version of the Talmud for the last 120 years, it nonetheless edits the Vilna edition, making numerous changes to the text without marking those changes nor providing justification for them. One might not even notice that they were not, in fact, reading the Vilna text were in not for a brief note in the preface to the first volume stating that changes were made to the text of the Vilna Shas when mistakes in the Vilna edition were noticed by the *Oz we-Hadar's* editors. [A number of factors led to the domination of the Vilna Shas (Brothers and Widow Romm, 1880s, Lithuania) over all other versions of the Bavli. The fact that it post-dated earlier editions certainly contributed to its acceptance. Its late date allowed for the correction of obvious typographical errors found in earlier editions; and the progress of printing technology made for a more legible typeset. However, a number of other factors contributed to its dominance over the next 120 years. First, it was printed in Vilna, a place and culture that, until recently, has widely been considered the historical epicenter of Talmud study, where Talmud study is imagined to have reached heights and cultural dominance to an extent not seen since that culture that itself produced the Talmud. This city was the home of the Vilna Gaon (Eliyahu the son of Shlomo Zalman, d. 1790), whose text critical work had gained near unanimous acceptance. Second, was the inclusion of many commentaries and super-commentaries, previously unpublished, or only published as separate works, within the bindings of each tractate of the Vilna Shas. Third, was the influence of the groundbreaking work of Raphael Natan Neta Rabinovicz's groundbreaking work, *Dikdukei Sopherim*, on those involved in the production and editing of the Vilna Shas. Rabinovicz had travelled the world and collected a wide number of variant print and manuscript versions of the Talmud, some previously unavailable. Over a twenty year period, he published 16 volumes (Munich, 1867-1897) detailing all of the textual variants found in these versions of the Talmud. Fourth, and most importantly, was the use of photo offset in the reproduction of the Vilna Shas. For the first time a single Talmud edition was able to be reproduced and published simultaneously in multiple locales.]

⁵⁵³ For the definition of these two terms, see my extended discussion in the introduction to this dissertation.

interconnectedness, self-referentiality, and mode of linguistic expression combine to make it a text whose meaning is conveyed at the level of the book rather than at the level of the *sugya*. Of course, my two heuristic purposes for imagining the GB reader are inextricably related, and act as feedback mechanisms for one another. This is so because it is only the gradual process of GB readers performing Super-stammitic activity that leads to the Stam's loss of control over the meaning conveyed by a *sugya* to future GB readers.

The Bavli's self-referentiality, itself a product of the Superstam, is central to the experience of the GB reader. Sometimes this self-referentiality is explicit. (An example of such an occurrence was the subject of the third chapter of this dissertation.) However, at other times the Bavli's self-referentiality is the result of the Bavli's use of rare terminology, words or phrases that encourage the GB reader to understand their symbolic capital in terms of their general usage throughout the Bavli. I call these words (or the phrase) trigger words. Assessing the imagined impact of trigger words on my heuristically constructed GB reader is certainly not a science. I therefore provide parameters, or guidelines, through which a non-GB reader can imagine the impact of trigger words on the GB reader.

The model works as follows. (It is important to keep in mind that the Bavli is made up of close to two million words.) If a word appears a mere two or three times in the Bavli, then it is certainly a trigger word. However, if a word appears five or ten times in the Bavli, then it must operate in concert with other similarly rare words in order to activate a simultext. For a combination to be meaningful, there must be an inverse relationship between the frequency of the rare words and the number of those rare words required to form a combination. Therefore, if a Talmud passage contains two words, each appearing a mere five times in the Bavli, they would activate a simultext also containing those two words. However, if a passage only contains words appearing eight times in the Bavli, then a simultext would only be activated when a combination of three of those words are found. This model allows for many permutations and each case should be judged on its ability to convince. In order to convincingly demonstrate my theory, I have selected a network of Bavli passages linked by an overwhelming number of rare words or phrases. My analysis of the interconnection between those passages is visually demonstrated through the chart below. The purpose of the chart is provide a visualization of the effect of trigger words on simultexts on the GB reader. My reader is encouraged to refer back to the chart as each new simultextual reading is introduced. I will additionally provide a table, detailing the relevant trigger words and simultexts, before the start of each new reading.

Another factor that is central to my model is how proximity, contiguity, and context relate to the trigger word/simultext system. It is my contention that the construction of the Bavli is the result of a feedback mechanism. The Bavli is fashioned by the very readers fashioned by the Bavli. In other words, it is only the Superstam *as* GB reader who is the force that constructs the Bavli by creating linguistic associations between contrasting *sugyot* formerly controlled by the Stam. The Superstam creates these associations by strategically inserting, or replacing, key words or phrases. In doing so, the Superstam exerts its influence over the meaning conveyed to future GB readers. The future GB readers, in turn, continue this Super-stammaitic literary activity by doing the same.

I arrive at this conception of the Bavli's construction by building upon the work of Shamma Friedman. Friedman would probably account for the recurrence of rare terminology in the Kiddushin 70 passage by arguing that the story is merely a late construction that borrows this terminology from other previously constructed Bavli

passages.⁵⁵⁴ As such, Kiddushin 70 is formed by an individual moment of concrete design by an author who borrowed all of its content from those other Bavli passages that I have labeled the similtxts. The essential difference between a source critical conception of this process, like Friedman's, and my own is that while the source critic conceives of the process to be unidirectional and momentary—the product of a single act of concrete design—I believe the process to be bidirectional and recurring. No one *sugya* is the source for another *sugya* in the Bavli. The common language shared by both *sugyot* is the product of a feedback mechanism, with each *sugya* being the source for the other.

I reach this conclusion by appealing to the fact that trigger words often appear in close proximity to similtxts rather than within them. The fact that many of the Kiddushin 70 trigger words appear contiguous to, rather than within, the passages I label similtxts makes little difference to the GB reader—once a similtxt is activated the reader absorbs all of its contents, context, and meaning. For the source critic, however, it highlights the risk involved in assuming that the *sugya* containing the most rare terminology is the later one. Such a supposition implies a finite and unidirectional movement from the main earlier literary source to a later product. This perspective on the literary construction of the Bavli is grounded in *sugya*-centric analysis. It does not account for the literary composition of the Bavli as a whole. Once the notion of trigger words found in close proximity to, rather than within, similtxts is introduced, a source-critical approach should see the compositional work of the Bavli as bidirectional. If one passage receives language from another passage and its surroundings it is then just as likely to send its own language back to the initial passage and its surroundings, creating a more unified whole. Although Friedman's method also allows for bidirectional influence, the type of bidirectional movement that Friedman conceives of is the sum of two unidirectional moments of influence. The type of bidirectionality that I propose assumes a more dynamic synchronic relationship between a number of texts that influence each other, over and over, to the point that discerning which text is the original and which one is product of that original is no longer possible nor pertinent.

Kiddushin 70's War of Words

From a narratological perspective, the reader of Scene 2 (summarized in the footnote below)⁵⁵⁵ is struck with two oddities in the construction of this part of the

⁵⁵⁴ Friedman makes such an argument regarding a Bavli passage located at Baba Kamma 117. (see footnote 65.)

⁵⁵⁵ SCENE II:

Rav Yehudah arrives at the home of Rav Nahman to find the latter working in his garden. Rav Yehudah pounces.

“A communal leader must never do manual labor in public...thus said Shmuel!”

Rav Nahman, unaware of the identity of his antagonist points out that it is only a small fence that he busies himself with.

drama. The first question is why are all four of these name-challenged objects necessary? Would the narrator have lost anything if it did not mention any particular one of the four props? What do the fence, chair, fruit, and drink add? The second question is what does the introduction of Rav Naḥman's wife and daughter add to the story? By working our way backward through the name-challenged objects following the trigger words to the simultexts and back again, the answers to these questions are revealed and a new logic to the story emerges.

The Drink:

RAV NAḤMAN: [Please] drink some אַנבגא (alcoholic beverage, 'anbĕgā').

RAV YEHUDAH: Do you despise איספּרגוט (alcoholic beverage, 'ispargōs) as it is called by the rabbis, or אַנפּק (alcoholic beverage, 'anpak) [the term] used by [ordinary] people (אינשי, 'īnšī)?

Rav Yehudah jumps at the opportunity to correct Rav Naḥman's choice of words and demands to know why Rav Naḥman did not call the fence by its Biblical or rabbinic designations.

Ever the host, Rav Naḥman offers Rav Yehudah a seat, a fruit, and an alcoholic beverage.

In each instance Rav Yehudah attacks Rav Naḥman on the basis of an elitist non-rabbinic word choice to describe each of these objects.

In one case Rav Naḥman's word choice is deemed arrogant by a statement quoted in the name of Shmuel.

When Rav Naḥman introduces his daughter and wife – Donag and Yalta – his ignorance of Shmuel's opinions about the usage of women is once again blasted by Rav Yehudah. Yalta intercedes between the rabbis and demands that Rav Naḥman resolve the case before he is deemed an ignoramus.

[This summary is a slightly altered version of the summary which appears in Zvi Septimus, "Trigger Words and Simultexts: The Experience of Reading the Bavli," in *Wisdom of Bat Sheva: in memory of Beth Samuels*, ed. Barry S. Wimpfheimer (KTAV Pub. House, Inc., 2009), 168.]

Simultexts:	Kiddushin 70		Berakhot 51	
Trigger Words:	איספרגוס	<i>ʾisppargôś</i>	אספרגוס (x2)	<i>ʾisppargôś</i> (x2)
		alcoholic beverage		alcoholic beverage
	ש ד ר + מר (x3)	Š D R + <i>mār</i> (x3)	ש ד ר + מר (x2)	Š D R + <i>mār</i> (x2)
		send/sent + sir		send/sent + sir
	ילתא	Yalta	ילתא	Yalta
	אנבגא	<i>anbbagāʾ</i> wine	נבגא	<i>něbbagāʾ</i> wine
הכי אמר (x7)	<i>hākî ʾāmar</i> (x7) [so-and-so] stated thus	הכי אמר	<i>hākî ʾāmar</i> , [so-and-so] stated thus	

The fourth name-challenged object that appears in Kiddushin 70, the alcoholic beverage, acts together with several trigger words to activate the Berakhot 51 simultext. These trigger words are detailed in the chart above. The word איספרגוס (*ʾisppargôś*), as alcoholic beverage, appears a mere five times in the Bavli, once in the Kiddushin passage and three times at Berakhot 51a.⁵⁵⁶ It is not the three paragraphs at Berakhot 51a containing the word אספרגוס (*ʾisppargôś*) that are important for our purposes but rather the passage immediately following those two paragraphs. (This point is quite significant, as addressed above.) The passage immediately following the three which mention אספרגוס (*ʾisppargôś*) contains several trigger words in combination that attract the attention of the reader of Kiddushin 70. These trigger words are: the rare combination of the verb ש ד ר (*š d r*) together with the honorific מר (*mar*);⁵⁵⁷ *mar*; the character Yalta;⁵⁵⁸

⁵⁵⁶ Additionally, the Mishnah at Nedarim 6:10 has the word twice within the space of three words. In that instance, the word actually means "asparagus" and not a form of alcoholic beverage.

⁵⁵⁷ This combination only occurs 8 times in the Bavli. Half of those occurrences are in these two texts.

⁵⁵⁸ Yalta only makes 6 or 7 appearances throughout the Bavli. I treat four of those as simultexts throughout this chapter.

the rare נבגא (*nēbbagā*)⁵⁵⁹; and the formulaic interjection of הכי אמר (*hākī 'āmar*)⁵⁶⁰ to rebut a practice in a manner similar to the way the term is used in the Kiddushin 70 passage.

The Berakhot 51 Simultext:

[This following passage is preceded by three paragraphs, all containing the word אספרגוס (*'isppargōs*, alcoholic beverage).]

‘Ulla happened to come (עולא אקלע, *'ūlā 'aqlā*) to the house of Rav Naḥman. He broke bread; said grace; and gave the cup of benediction to Rav Naḥman. Rav Naḥman said to him: “Please send (לישדר מר, *lišdār mar*) the cup of benediction to Yalta (ילתא, *yaltā*).” ‘Ulla replied: “Thus stated Rabbi Yoḥanan (הכי אמר, *hākī 'āmar*): The fruit of a woman's body is blessed only from the fruit of a man's body, as it says, “He will also bless the fruit of your body.” It does not say the fruit of her body, but the fruit of your body”...Meanwhile, Yalta (ילתא, *yaltā*) hears and gets up in a passion and goes to the wine house and breaks four hundred containers of wine. Rav Naḥman said to Ulla: “Do send her another cup (נשדר לה מר, *nēšader lā mar*).”⁵⁶¹ ‘Ulla sends⁵⁶² a message to Yalta (ילתא, *yaltā*): “All this [spilled wine] is the wine (נבגא, *nēbbagā*) of benediction.”

⁵⁵⁹ אנבגא (*anbbagā*) and נבגא (*nēbbagā*) are the same word. The former represents the Babylonian pronunciation of the word, while the latter represents the Palestinian pronunciation. Kiddushin 70 has the word being spoken by a Babylonian and therefore uses the Babylonian spelling of the word. Berakhot 51 has a Palestinian saying the word and therefore uses the Palestinian spelling. It is not uncommon for the Bavli to play with dialect in presenting dialogue and narrative. An example of this can be found in Kiddushin 70's use of the words טסקא (*tasqā*), דסקא (*daska*), and דיסקא (*dēyasqā*) detailed above.

⁵⁶⁰ הכי אמר שמואל (*hākī 'āmar šēmū 'ēl*, thus stated Shmuel) is a phrase that dominates Kiddushin 70. It appears 7 times in the drama, which is around 25% of the phrase's total appearances in the Bavli. ‘Ulla, the Palestinian student of Rabbi Yohanan, employs the term הכי אמר (*hākī 'āmar*) for his own rabbi in precisely the same way that Rav Yehudah does in Kiddushin 70.

⁵⁶¹ Here the *Pa'ēl* conjugation of the verb שדר (*š d r*) is used, making Rav Naḥman's suggestion more forceful. [Sokoloff does not account for a קל conjugation for this verb; Jastrow does.]

⁵⁶² Here the verb used is שלח (*š l ḥ*).

Yalta sends⁵⁶³ a message back to ‘Ulla: “From wanderers, words; From rags, lice (כלמי, *kalmê*).”

In addition to trigger words, this passage has many features that are similar to Kiddushin 70. Both stories contain the following elements: (a) Yalta overhears a conversation about a guest sending her something (either a greeting or some wine); (b) A controversy is set off by Rav Naḥman’s insistence on an interaction between a guest and a female family member; (c) The guest justifies his sexist position by quoting legal dicta preceded by the phrase הכי אמר (*hākī ’āmar*); (d) Yalta sends her message through a messenger yet appears to hear the recipient’s response. In fact, a source-critical approach to Kiddushin 70 would argue that the Yalta section of the Kiddushin text is actually an adaptation of Berakhot 51. In doing so, it would fail to explain how the two texts operate simultaneously on the reader to create meaning in the context of the Bavli, the book that this reader is actually reading. While the source critic might argue for a hierarchical, relationship between these two passages the GB reader experiences them synchronically. For the GB reader, the aesthetic of the Bavli is more than the sum of its diachronically related parts.

Berakhot 51 highlights, for the reader of Kiddushin 70, that Yalta is the one to deliver the final word. The Berakhot 51 dialogue ends with Yalta’s enigmatic and derogatory statement with no response from ‘Ulla. As we will later see, this theme of the wife delivering the final word is at play in a number of Kiddushin 70’s similtxts. What is obvious in the Berakhot similtxt but not so in the Kiddushin passage is that Yalta also represents a threat of physical violence. By destroying the wine barrels, Yalta demonstrates that she has control over her own wealth and that it is actually her husband, Rav Naḥman, who is blessed through her. Thus she, through her actions, negates ‘Ulla’s dictum (quoted in the name of Rabbi Yoḥanan) that a woman is only blessed through a man. The final exchange in this story is a bit ambiguous and requires further explanation. What could Yalta possibly have meant when she said: “From wanderers, words; from rags, lice?” What is the significance of rags (סמרטוטי, *sēmarṭûṭê*) and lice (כלמי, *kalmê*)?⁵⁶⁴

Second Generation Similtxts: Niddah 20 and Shavuot 30 as Similtxts of Berakhot 51

⁵⁶³ Here too the verb used is פלש (š l ḥ).

⁵⁶⁴ For a different explanation of what this statement possibly means see Ilan, *Mine and yours are hers*, p 125. Ilan offers that this line is a reference to a proverb from Ben Sira.

Simultexts:	Ketubot 60b-61a		Kiddushin 70		Avodah Zarah 76	
Trigger Words:			רמות רוחא	rāmût rūḥā'		
				arrogance		
	אתרוגא	'atrûgā'	אתרוגא	'atrûgā'	אתרוגא	'atrûgā'
		citron		citron		citron
	ילתא	Yalta	ילתא	Yalta		
	שבור מלכא	King Shapur			שבור מלכא	King Shapur
		בטי בר טוביה	Bati the son of Tuvi[ah]	באטי בר טובי	Bati the son of Tuvi	
				rāmût rūḥā'		
				arrogance		

Both of these words, סמרטוטי (*sēmarṭûṭê*, rags) and כלמי (*kalmê*, lice) are trigger words. סמרטוטי (*sēmarṭûṭê*, rags) points back to the Shevuot 30 simultext addressed earlier.⁵⁶⁵ As was the case with the trigger word אספרגוס (*'isppargôs*, alcoholic beverage) at Berakhot 51a, סמרטוטי (*sēmarṭûṭê*, rags) does not appear within the actual simultext but rather adjacent to it. As explained earlier, the appearance of trigger words contiguous to, but not within, simultexts highlights the literary nature of the Bavli, rather than the *sugya*, as a corpus constructed through myriads of moments of word placement rather than individual moments of concrete design. Additionally, such contiguous occurrences of trigger words encourage the global Bavli reader to not only read multiple individual passages in the Bavli together, but also to read those passages in their full and extended contexts. Additionally, by making an appearance in the Berakhot 51 simultext, the word סמרטוטי (*sēmarṭûṭê*, rags) further solidifies the connection between Kiddushin 70 and Shavuot 30.

What drives Niddah 20b as a simultext of Berakhot 51, and through Berakhot 51, a simultext of Kiddushin 70, is the trigger word כלמי (*kalmê*, lice). כלמי (*kalmê*, lice) makes a seemingly arbitrary appearance in the Niddah simultext in a section immediately following a story about Yalta.⁵⁶⁶ The כלמי (*kalmê*, lice) story deals with the mother of King Shapur who himself is a prominent figure in a number of simultexts that will

⁵⁶⁵ Aside from the Berakhot 51 and Shavuot 30 simultexts, the word סמרטוטי (*sēmarṭûṭê*, rags) only appears four other times in the Bavlis.

⁵⁶⁶ Once again, it is a trigger word found in close proximity to the simultext, rather than within it, that highlights the complex nature of the shaping of the Bavli into its final form, a form that elicits the reader to read simultextually, in the full and extended context of the simultexts.

examined later. The only two appearances of the word כלמי (*kalmê*, lice) in the entire Bavli are at Berakhot 51b and Niddah 20b . The appearance of Yalta at Niddah 20b not only further associates Berakhot 51 and Niddah 20b but also strengthens the network of connection to Kiddushin 70 and Shavuot 30 as well. ‘Ulla also happens to make an appearance in the Niddah 20 passage immediately preceding the introduction of Yalta.⁵⁶⁷

The Niddah 20 simultext thematizes the rabbinic dominance over women and Yalta’s exemption from this dominance. A number of women are reported to have brought their underwear to Rabbis who smell them to decide whether or not they are clean from menstrual blood. This is the prototypical image of rabbinic dominance over women. Yalta, however, brings her blood to one Rabbi who, incidentally, does not smell it and deems it impure. Yalta then completely disregards this Rabbi’s ruling and brings it to another Rabbi who declares it pure. Yalta, in a way, mocks the notion of her subservience to rabbinic authority.⁵⁶⁸ Accordingly, this Niddah 20 simultext works to highlight the position of Yalta in the rabbinic hierarchy, how she perceives herself in relation to those Rabbis, and consequently how they, as producers of this story, perceive her dominance over them. Her short appearance in the Kiddushin passage has her in a similar role. Additionally, the power Rav Naḥman receives through his marriage to her underlies the entire Kiddushin 70 drama.

The Fruit:

RAV NAḤMAN: [Please] eat a אתרוגא (citron, ‘*atrûngā*’).
 RAV YEHUDAH: This is what Shmuel said: Whoever says אתרוגא (citron, ‘*atrûngā*’) is one third filled with arrogance (רמות רוחא, *rāmût rūḥā*). Either [use the term] אתרוג (citron, ‘*etrôg*’) as it is called by the rabbis or אתרוגא (citron, ‘*atrûngā*’), [the term] used by [ordinary] people (אינשי, ‘*îynšî*’).

⁵⁶⁷ Although the phrase "‘Ulla happened to come" appears in the Bavli around 15 times, there are only three occurrences of the phrase being spelled עולה אקלע (‘*ûlā*’ ‘*aqlā*’), twice at Niddah 20 and once at Berakhot 51b.

⁵⁶⁸ Charlotte Fonrobert counters this type of reading of Niddah 20b with one that has the Bavli employ Yalta as a mechanism for expressing its own difficulties regarding male rabbis' control of women’s menstrual blood. [Charlotte Elisheva Fonrobert, *Menstrual Purity: rabbinic and Christian Reconstructions of Biblical Gender* (Stanford University Press, 2002), pp. 118-127.

Simultexts:	Ketubot 60b-61a		Kiddushin 70		Avodah Zarah 76	
Trigger Words:			רמות רוחא	<i>rāmût rūḥā</i> arrogance		
	אתרוגא	' <i>atrûgā</i> ' citron	אתרוגא	' <i>atrûgā</i> ' citron	אתרוגא	' <i>atrûgā</i> ' citron
	ילתא	Yalta	ילתא	Yalta		
	שבור מלכא	King Shapur			שבור מלכא	King Shapur
			בטי בר טוביה	Bati the son of Tuvi[ah]	באטי בר טובי	Bati the son of Tuvi
			רמות רוחא	<i>rāmût rūḥā</i> arrogance		

The third name-challenged object in our Kiddushin 70 drama, the citron, (אתרוגא, '*atrûgā*') works together with various other trigger words throughout the passage to point the reader to two separate simultexts: Avodah Zarah 76b and Ketubot 60b-61a. Contrary to Rav the presentation of the argument between Rav Naḥman and Rav Yehudah's argument as to how to name the fence, the chair, and the alcoholic beverage, the Kiddushin 70 passage uses three similar sounding names for the fruit. אתרוגא ('*atrûngā*', citron) is a *hapax legomenon* in the Bavli.⁵⁶⁹ The Aramaic אתרוגא ('*atrûgā*', citron) without the inserted ן (*n*), rather than the Hebrew אתרוג ('*etrôg*, citron), is itself quite rare in the Bavli; and the majority of the Bavli contexts in which the Aramaic version of the word appears relate to kingship.

As mentioned earlier in the chapter, the term רמות רוחא (*rāmût rūḥā*), meaning arrogance, appears twice in the Kiddushin 70 drama, once in the middle of scene 2 and

⁵⁶⁹ The Ketubot simultext highlights a fascinating occurrence demonstrating how the Bavli's editorial process continues through the middle ages strengthening the relationship between simultexts through the use of new trigger words. On Ketubot 60a the word *eturnga* appears as a happax identical to the *etrunga* happax in Kiddushin save the inverted *v* and *r* and variant *t*. The word *eturnga* refers to the person who serves drinks to the Persian king. Kingship and serving drinks are both concepts that meaningfully refer back to our Kiddushin passage. Especially in relation to the use of a minor by King Shapur earlier on the page and the fact that it is the notion of Donag serving drinks that leads to a discussion of using women, even when a minor, in the first place. However, it is fairly clear that *eturnga* as it appears in the Vilna and Venice editions is merely a corruption of the word *akhvanger*, the *v* and *kh* being turned into a *t*. Is this merely a copyist error or part of a meaningful transitional phase in the aesthetics of the Bavli? If indeed merely a copyist error then is this evidence that the copyist was unconsciously influenced by the other trigger word relationships between these simultexts in creating a new trigger word relationship? Whether intentional or not, this is certainly an example of the complexity of the bidirectional editorial process of the Bavli into its final form.

once at the close of scene 5. The linear reader of this story might see the first occurrence of the term as foreshadowing. However, when the GB reader reaches the first appearance of the term in Scene 2, Scene 5 and its contents and context become activated. For this reader, the arrogance (רמות רוחא, *rāmût rūḥā*) of Rav Naḥman's use of the word אחרונגא ('*atrûngā*', citron) is informed by the subsequent arrogance (רמות רוחא, *rāmût rūḥā*) of Bati the son of Tuviah's refusal to accept his manumission document. Bati the son of Tuviah is a character who is only mentioned one other time in the entire Bavli, at Avodah Zarah 76b. In that instance, he appears together with the rare word אחרונגא ('*atrûgā*' citron.)

In a very short story at the close of tractate Avodah Zarah, Bati the son of Tuvi(ah) and Mar Yehudah are sitting with King Shapur. King Shapur cuts a piece citron (אחרונגא, '*atrûgā*') and hands it to Bati the son of Tuvi(ah). King Shapur then proceeds to stab his knife into the ground ten times before cutting off another piece off and handing it to Mar Yehudah.⁵⁷⁰ This physically violent image of King Shapur stabbing his knife ten times contrasts nicely with the meek Rav Naḥman of our story, whose power stems from his relationship to the physical dominance of King Shapur over the Jews of Babylonia—and that, only through his wine-container-smashing wife.

The relationship of King Shapur to the word אחרונגא ('*atrûgā*' citron), as well as the role of Rav Naḥman as husband of Yalta and son-in-law to the exilarch, is reinforced by trigger words pointing to the Bavli's discussion of a Mishnah located at Ketubot 59b. The Mishnah (Ketubot 5:5) discusses the work (מלכות, *mēlākot*) a woman is required to do for her husband and how those requirements are altered in a scenario where the woman is wealthy, when she brings maidservants with her into the marriage. One of the tasks (מלכות, *mēlākot*) a woman must do for her husband is nurse her child. This leads the Bavli to a discussion of whether or not a woman may remarry while still nursing a child by a previous husband.

⁵⁷⁰ King Shapur did this to make the knife kosher. [This Avodah Zarah story follows a Baraita that states that one may render a knife kosher by stabbing it into the ground ten times.] The story continues with Bati objecting to King Shapur's actions and saying "Is he a Jew and not me?" The tractate ends with two possible responses given by King Shapur. The first is, "I am certain of him, but I am not certain of you." This could be a reference to Bati's uncertain manumission status. Had Bati not accepted his manumission document then, according to one authority, he would not be considered a Jew. (See footnote 201.) The alternative answer given for King Shapur is, "Remember what you did last night?" The tractate ends with this cryptic remark. Rashi explains that it was a Persian custom to provide women [to serve as sexual partners] for one's guests. Rav Yehudah declined the offer, but Bati accepted. King Shapur therefore did not think that Bati was so pious in his Jewish observance as to necessitate his rendering the knife kosher before cutting him a piece of citron.

It is fascinating that the first of the alternate answers provided by the Bavli for King Shapur is: מר קים לי בגויה (מר קים לי בגויה ומר לא קים לי בגויה (*mar qîm lî bēgawēh ûmar lô mar qîm lî bēgawēh*). This sentence translates as, "sir, I am certain regarding him; and sir, I am not certain regarding him." The word for "regarding him", בגויה (*bēgawēh*) is a cross-linguistic homograph. In Hebrew, the word בגויה is pronounced *bēgôyâ* and means "regarding a non-Jewish woman." Therefore the first answer can be read (and it is often the case for a single sentence in the Bavli to contain both Aramaic and Hebrew words) as "for him I am certain about the non-Jewish woman, but for you I am not." According to this reading, the first answer would be saying the same thing as the alternate answer. It is perhaps due to this homograph that the second tradition evolved.

A number of questions would arise if she were to have a child with her new husband. Would nursing her first child interfere with her obligations to her new husband vis-à-vis the second child? Would the premature weaning of her first child put that child in danger? Or, perhaps her contractual obligation to nurse her first husband's children even extends beyond the date of divorce or the first husband's death. The Bavli cites a Baraita that allows a woman to remarry in a case where she turned the baby over to a wet nurse. The Bavli proceeds to recount how two Rabbis wanted to use this Baraita to decide an actual case brought before them. A certain old woman curtailed their efforts by claiming that Rav Nahman prohibited her to remarry in the same instance. (The use of a woman's testimony, especially when that testimony is brought in the form of a story from the past, plays an important role in the Kiddushin drama, as mentioned earlier.) The Bavli objects to the possibility that Rav Nahman prohibited this old woman from remarrying by asking: "But did not Rav Nahman permit them (women who turned their babies over to wet nurses) to the house of the exilarchate?" The Bavli then answers that women of the house of the exilarchate are an exceptional case, and would therefore be allowed remarry while nursing. This is so because wet nurses do not back out of arrangements made with the house of the exilarchate.⁵⁷¹ There is therefore both no fear that the woman would neglect her child nor her obligations to her new husband.

Aḥai of Sabha Gaon [8th century] is one of the earliest recorded readers of the Bavli. As such, he was also a writer of the Bavli. Rav Aḥai's Sheiltot often contain quotes from the Bavli that do not match any of the extant manuscript or printed editions. Much like the author of the Vatican 116-117 manuscript tradition, discussed in chapter 4, Rav Aḥai's Talmudic quotes should not be assessed for accuracy—i.e. whether or not he is correctly quoting *the original* historical Bavli— but rather conceived of as part of the activity of the Superstam. Textual differences found in Aḥai's text should be viewed as an act of writing, an act of contribution to the living Talmudic text, whether or not his version of the text is later corroborated by manuscript or print editions. The activity of the Superstam is fluid and is negotiated and renegotiated for hundreds of years, through the alteration of individual words or the replacement of words for synonyms that act as trigger words. This activity occurs after the supposed closing of the Babylonian Talmud, heretofore conceived of by most scholars as the end of the activity of the Stam of the *sugya*. Therefore, the fact that Aḥai Gaon introduces a trigger word into his text should be viewed as a moment of Super-stammaitic activity rather than textual corruption. In this instance, Rav Aḥai's version of the text is continued in the manuscript tradition through the Saint Petersburg manuscript. The fact that the Saint Petersburg manuscript did not become the basis for the version of this passage found in the printed editions does not in any way change the fact that Rav Aḥai's version further associates the Kiddushin 70, Avodah Zarah 76b, and Ketubot 60b-61a similtexs with the addition of yet another trigger word.

The Bavli's question in response to the old woman's claim, as found in the printed editions to Ketubot 60b as well as all but one of the extant manuscripts, reads:

⁵⁷¹ Rashi explains that they are in fear of the exilarchate.

“But did not Rav Naḥman permit them (women who turned their babies over to wet nurses) to the house of the exilarchate?” According to the Sheiltot, as well as the Saint Petersburg manuscript,⁵⁷² the text reads: “But did not Rav Naḥman permit Yalta?”⁵⁷³ Both according to the Sheiltot and the Saint Petersburg manuscript, the Bavli answers that the house of the exilarchate is different because their children, once given to a wet nurse, are not returned. These versions of the Ketubot 60b text are important for our purposes because they clearly equate Yalta, in her own right, with the house of the exilarch. However, they somewhat confuse the reader as to the relationship between Rav Naḥman and Yalta. Some have suggested that Yalta was married three times:⁵⁷⁴ She had a child with her first husband; then Rav Naḥman allowed her to marry again after turning her child over to a wet nurse, owing to her affiliation with the house of the exilarchate; she then subsequently married Rav Naḥman as her third husband. Although it is quite normal, in the world of the Bavli, for an important woman to marry an important Rabbi as a second or third marriage,⁵⁷⁵ it makes more sense to interpret this passage as referring to Rav Naḥman’s marriage to Yalta. The Bavli asks: “How can this old woman be correct? Did not Rav Naḥman marry Yalta even though she was still nursing a child from a previous marriage?” Reading the Bavli’s question in this way fits neatly into the Bavli’s ambivalent representation of those Rabbis who were close to the government, quintessential among them Rav Naḥman and, as we will see in another simultext, Rabban Gamliel.⁵⁷⁶

As mentioned earlier, simultexts are significant when they are activated by multiple trigger words. The Ketubot 60b-61simultext exemplifies the notion of proximity, or contiguity, also previously mentioned. When multiple words operate as triggers, they sometimes can be found in the immediate proximity of a simultext rather than within it. Both the words ילחא (*yaltā*, Yalta) and אתרוגא (*’atrûgā* citron) appear fewer than ten times each in the Bavli. Just as Yalta is not necessarily a historical figure, but rather a Bavli character of whom we can build a profile, so too אתרוגא (*’atrûgā* citron), as

⁵⁷² The Saint Petersburg manuscript offers both versions of the question: והא רב נחמן שרא לה לילחא ואמרי לה: לדבי ריש גלותא (But did not Rav Naḥman permit Yalta; and some say, [But did not Rav Naḥman permit] to the house of the exilarchate?)

⁵⁷³ *She’iltot De-Rav Ahai Gaon* (Berlin: Sefarim, 677), *Parshat Vayeira*, 13.

⁵⁷⁴ See Netziv’s (Naphtali Zevi Judah Berlin, 1816-1893, Russia, Poland) commentary *Ha’emek Sh’eilah*, n.d. to the Sheiltot, *Parshat Vayeira* 13, found in Aḥa, *Sefer She’iltot*, 6th ed. (Yerushalayim: Mosad ha-Rav Kūq, 1986), 80; also see Reuben Margaliot, *Le-Ḥeker Shemot Ve-Khinuyim Ba-Bavli* (Yerushalayim: Mosad ha-Rav Kūq, 720), 40-41.

⁵⁷⁵ As is attested by the cases of Ḥoma, the daughter of Rav Hisda, and others. Ḥoma married Abbai as her third husband. The daughter of Rav Hisda married Rava as her second husband. Interestingly enough, Rava showed interest in becoming Ḥoma’s fourth husband. However, Rava’s first wife put an end to that idea by literally chasing her out of town. (Ketubot 65a)

⁵⁷⁶ In this regard, see David M. Goodblatt, *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity* (Mohr Siebeck, 1994), 180 ff.

linguistic marker, represents a character about which we can build a profile. The profile of אתרוגא ('*atrûgā*' citron), as a character in the Bavli, is further developed when it appears twice on Ketubot 61a in the context of King Shapur. In this passage, King Shapur, who himself was the source of the exilarch's power, makes use of a woman who in all probability was a minor.⁵⁷⁷ The appearance of both of these words in a passage that

⁵⁷⁷ This text appears in the context of what effect the food eaten by a pregnant woman has on their children. The Bavli states:

דאכלה אתרוגא - הוּוּ לָהּ בְּנֵי רִיחָנִי. בְּרִתִּיהָ דְשִׁבּוּר מְלַכָּא אַכְלָה בַּהּ אִמָּה אֶתְרוּגָא, וְהוּוּ
מִסְקִי לָהּ לְקַמִּיָּה אַבּוּהָ בְּרִישׁ רִיחָנִי

One who eats citron will have fragrant children. The daughter of King Shapur, whose mother had eaten citron (אתרוגא, '*atrûgā*') [while pregnant with her. And they would bring her out before her father as a principal fragrance.

[BT Ketubot 61a]

It is interesting at this point to reflect on the Baba Batra parallel of the story of the young girl's suicide at the end of Scene 4. The expanded version of this story appears in Baba Batra 3b and has some interesting thematic connections to our Kiddushin passage. The Baba Batra passage explains how Herod came to rebuild the Second Temple on a grand scale. Herod was a slave in the Hasmonean royal household and he developed a sexual attraction to a young Hasmonean girl. One day a heavenly voice convinced him that he could successfully overtake the Hasmonean ruling family so he rose up and killed all of the Hasmonean royal family except this one girl. When the girl realized that Herod intended to marry her she, as the Kiddushin passage explains, went up to the roof, made her announcement, and jumped (the word נפלה (*nāplā*), fell, is used in the Baba Batra passage as well). Herod then embalms the dead girl with honey for seven years. At this point in the story, the Bavli interjects its analysis of Herod's motivation for embalming the girl. Some say that he practiced necrophilia on her while others say he did not. Those who say that Herod practiced necrophilia on the girl explain his motivation for embalming her as stemming from an attempt satisfy (literally, settle) his desires. Those who say he did not practice necrophilia on the girl explain that Herod embalmed the girl in order that people would think that he was married to the daughter of a king. The story continues with Herod killing all of the rabbis except for one, Baba the son of Buta, who eventually succeeds in advising Herod to rebuild the temple. (On Baba the son of Buta, see footnote 602 above.)

While the Baba Batra story is told anonymously (though Shmuel appears directly before the story begins) one cannot help but notice the relationship between Shmuel's role in declaring all descendants of Hasmoneans slaves in the Kiddushin passage and Herod's sexual "use" of a [dead] young girl in its Baba Batra parallel. After all, it is also Shmuel who, earlier in the Kiddushin passage, both prohibits the "use" of a young girl and equates the voice of a woman with illicit sex. In viewing Shmuel's exhortation against the use of women as related to Donag and Yalta, the reader is reminded of Herod's use of this young girl as an object either of sexual satisfaction or of royal lineage. This points two ironies of the Kiddushin 70 passage. First, it is Rav Naḥman's marriage to Yalta that is his connection to the royal Davidic line. In a sense, Yalta represents for Rav Naḥman what the young Hasmonean girl represented for Herod, a way to legitimate his claim to the throne through his association with a female heir to that throne. In Rav Naḥman's case, that throne is the exilarchate. Second, Rav Yehudah uses the Shmuel-based illicit raised voice of Hasmonean girl as the sole testimony to the very law he seeks to establish.

comments on the Mishnah about marrying a wealthy woman highlights various aspects of the Kiddushin text, which itself follows in close proximity to a text warning against marrying a woman for money.⁵⁷⁸

The Seat:

RAV NAḤMAN: [Please] sit אקרפיטא (on a chair, *aqrapîṭā*’).

RAV YEHUDAH: Do you despise [the term] ספסל (chair, *sapsāl*) used by the rabbis, or איצטבא (chair, *’iṣṭēbā*’) used by אינשי ([ordinary] people, *’īnšī*)?

Simultexts:	Kiddushin 70		Berakhot 27-28	
<p>This reading also complements the theme of the Mishnah in whose context it appears in the Bavli, namely, how marriage laws are altered when one marries a wealthy woman.</p> <p>Trigger Words:</p>	ספסל	<i>sapsāl</i>	ספסלי	<i>sapsalê</i>
		bench		benches
	בֵּית נְשִׂאָה (בְּנֵי נְשִׂאָה)	House of the President	(נְשִׂאוֹת)	[Office of President]
	ההוא יומא (x2)	<i>hahû ’ yômā</i> ’ (x2)	ההוא יומא (x3)	<i>hahû ’ yômā</i> ’ (x2)
		on that very day		on that very day

The second object in our Kiddushin 70 drama, the chair, directs the reader to a very specific story found on Berakhot 27b-28a.⁵⁷⁹ The trigger words ספסל, (*sapsāl*,

⁵⁷⁸ “Rabbah bar Rav Ada said that Rav said: Whoever marries a woman for the sake of money will have children who are not genetically fit.” (Kiddushin 70a)

⁵⁷⁹ For treatment of this story, see Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (University of Pennsylvania Press, 2006), 185-189; R. Goldenberg, “The Deposition of Rabban Gamliel II: an Examination of the Sources,” *Journal of Jewish Studies* 23 (1972): 167-190; Jeffrey L. Rubenstein, *rabbinic Stories* (Paulist Press, 2002), 95-103; and Devora Steinmetz, “Agada Unbound: Intere-Agadic Characterization of Sages in the Bavli and Implications for Reading Agada,” in *Creation and composition: the contribution of the Bavli redactors (Stammim) to the Aggada*, ed. Jeffrey L. Rubenstein (Mohr Siebeck, 2005), 293-338.

bench) *ההוא יומא* (*hahû' yômā'*, on that very day)⁵⁸⁰ and the choice of the words *בני נשיאה* (*bē nēsīā*, house of the Presidency) to describe the exilarchate, normally designated *ריש*

⁵⁸⁰ Although *ההוא יומא* (*hahû' yômā'*, on that very day) is a term that appears frequently in the Bavli (around eighty times), an analysis of those instances explain why term's appearance at Berakhot 28a is unique and why its appearance at Kiddushin 70 would act as a trigger to activate the Berakhot 27-28 simultext. Three factors relating to the term *ההוא יומא* (*hahû' yômā'*) lead the reader of Kiddushin 70 to the Berakhot 27-28 simultext. First off, most of the time that *ההוא יומא* (*hahû' yômā'*) appears in the Bavli it does so in legal contexts relating to contract law (e.g. what if someone wrote a certain date in a contract and on that day [*ההוא יומא*] [*hahû' yômā'*]?) etc.) The term is only used within the context of a narrative on a fraction of those occasions. Second, in the Berakhot 28 passage, not only does *ההוא יומא* (*hahû' yômā'*) appear three times, but it appears twice in the context of stating a rule about the Hebrew equivalent of the term itself: *בו ביום* (*bô bayôm*, on that very day). Whenever the phrase *בו ביום* (*bô bayôm*) is used in the Bavli it refers to that very day (*ההוא יומא*) [*ההוא יומא*] [*hahû' yômā'*] [i.e. it is the day that Rabban Gamliel was removed from the office of Presidency] that is meant [by the phrase.] A closer look at the various uses of the phrase "on that very day" in this Berakhot passage, as well as the ubiquity, multiple forms, and thematization of, the phrase will bear out this point. I quote a passage from Berakhot 28a, beginning with what occurred to Rabbi El'azar upon his appointment to the Presidency in Rabban Gamliel's stead.

ההוא יומא בר תמני סרי שני הוה, אתרחיש ליה ניסא ואהדרו ליה תמני סרי דרי חירותא
היינו דקאמר רבי אלעזר בן עזריה הרי אני כבן שבעים שנה ולא בן שבעים שנה תנא
אותו היום סלקוהו לשומר הפתח ונתנה להם רשות לתלמידים ליכנס שהיה רבן גמליאל
מכריז ואומר כל תלמיד שאין תוכו כברו לא יכנס לבית המדרש ההוא יומא אתוספו כמה
ספסלי אמר רבי יוחנן פליגי בה אבא יוסף בן דוסתאי ורבנן חד אמר אתוספו ארבע מאה
ספסלי וחד אמר שבע מאה ספסלי הוה קא חלשא דעתיה דרבן גמליאל אמר דלמא חס
ושלום מנעתי תורה מישראל אחזו ליה בחלמיה חצבי חיורי דמליין קטמא ולא היא היא
ליתובי דעתיה הוא דאחזו ליה תנא עדיות בו ביום נשנית וכל היכא דאמרינן בו ביום
ההוא יומא הוה

On that very day (*ההוא יומא*, *hahû' yômā'*) [Rabbi El'azar the son of 'Azariah] was 18 years old. A miracle occurred for him and 18 rows of [hair on his beard] turned white...A Baraita states: **On that very day** (*אותו היום*, *ôtô hayôm*) they removed the guard at the door [of the study hall] and gave permission for the students to enter. For Rabban Gamliel [had] proclaimed [that] any student whose interior [character] did not match his exterior [appearance] was forbidden entry to the study hall. **On that very day** (*ההוא יומא*, *hahû' yômā'*) they added many (400 or 700) benches [in the study hall.]...Rabban Gamliel was depressed. He said [to himself,] "Perhaps, God forbid, I withheld [the study of] Torah amongst Israel." He was shown a cask full of white ashes in his dream [i.e. he was assured in his dream that he acted properly by not allowing the disingenuous students to enter the study hall.] However, this was not the case [i.e. the dream was false.] He was only shown the dream so that his depression would be relieved. A Baraita states: [Tractate] Eduyot was formulated **on that very day** (*בו ביום*, *bô bayôm*). And any time that it says that very day (*בו ביום*, *bô bayôm*) [in the Bavli] it is **that very day** (*ההוא יומא*, *hahû' yômā'*) [of Rabban Gamliel's removal from the office of the President] that is meant.

Thirdly, the use of (*ההוא יומא* *hahû' yômā'*) to designate political upheaval at Kiddushin 70 (line 58) is quite significant. Although 'on that very day' (*ההוא יומא* *hahû' yômā'*) does not always refer to a political

גלוּתָא (*rêš gēlūtā*), work as a group to activate a simultext regarding Rabban Gamliel's removal from the office of the Presidency. In that Berakhot 27b-28a story, Rabban Gamliel insults Rabbi Yehoshua, which leads to Rabban Gamliel being voted out of office. He is replaced as president by Rabbi El'azar the son of 'Azariah. After Rabban Gamliel apologizes to Rabbi Yehoshua, he is reinstated as president, albeit only to three fourths of his previous appointment.⁵⁸¹ Reading Berakhot 27b-28a alongside our Kiddushin passage serves the purpose of highlighting several important aspects of the Kiddushin story.

Rabbi El'azar ben 'Azariah is, in Berakhot 27b-28a, a tenth generation descendant of Ezra and thus of the priestly caste. Rabban Gamliel, though a descendant of the Davidic dynasty, is replaced by a priest. After Rabbi Yehoshua accepts Rabban Gamliel's apology, the rabbis initially lock the door to the study hall to prevent Rabban Gamliel from returning to power. It is only after Rabbi Yehoshua is allowed to enter and present his argument that Rabban Gamliel is reinstated. Rabbi Yehoshua's argument reads as follows: "Let the sprinkler son of a sprinkler sprinkle; shall he who is neither a sprinkler nor the son of a sprinkler say to a sprinkler son of a sprinkler 'Your water is cave water and your ashes are oven ashes?'" Rabbi Yehoshua's argument is that Rabban Gamliel as a practicing political leader from a family of political leaders would be most fit for the office of presidency while Rabbi El'azar ben 'Azariah as an eighteen year old from a non-political family should not rule. What is of note is the fact that whereas Rabbi El'azar ben 'Azariah is the priest in this story, Rabbi Yehoshua uses the priestly terminology "sprinkle" to describe Rabban Gamliel, the Davidic descendant. The trigger words used to direct the reader to the Berakhot simultext highlight the power struggle between the priestly heir to the Hasmonean dynasty (the Neardean man) and the Davidic exilarch, Rav Naḥman, in Kiddushin 70.

When read alone, Kiddushin 70 pits Rav Yehudah against Rav Naḥman and Rav Yehudah against the Nehardean man. Berakhot 28b-29a reminds the reader of the unspoken conflict between Rav Naḥman and the Nehardean man. It is important to note that whereas the Hasmonean dynasty represents autonomous rule, the Davidic offices of the presidency and exilarchate respectively receive their authority only through the custodial power of the Roman and Persian empires.⁵⁸²

upheaval, it is not a common enough expression, when used in the context of a narrative, to ignore the following instances in which the term appears: when Rabban Gamliel is forced out of his Presidency (BT Berakhot 28a); Rabbi's death (BT Ketuboth 104a); Establishing laws for 'respect of the President' and Av Beit Din (BT Horayoth 13b); a story regarding the honor of the house of the Caesar (similar to honor of the house of the President) (BT Sotah 40a); and Rabbi Ḥanin, the son-in-law of the House of the President (Moed Katan 25b).

⁵⁸¹ After his reinstatement, Rabban Gamliel shares the Presidency with Rabbi Ela'azar. Rabban Gamliel serves for three weeks out of the month and Rabbi El'azar serves the remaining week.

⁵⁸² I do not refer here to a historical reality but rather to the Bavli's own conception of the differences between these two dynasties. It is important to note that the Bavli differentiated between the periods of true Hasmonean autonomy and the period when the Hasmoneans themselves became stewards of the Roman Empire. In this regard see BT 'Avoda Zarah 9a. When counting the days of the second temple the Bavli divides the ruling parties into four groups: The Persians ruled for 34 years; the Greeks ruled for 180 years;

Another aspect of Berakhot 28b-29a that enlightens Kiddushin 70 is the rhetorical role of the rabbis. In Berakhot 27b-28a, when it is decided that Rabbi El'azar ben 'Azariah will be made president after Rabban Gamliel is removed from office, Rabbi El'azar ben 'Azariah seeks his wife's counsel before accepting the position. His wife tries to dissuade him. Although it is apparent from the story that Rabbi El'azar ben 'Azariah does indeed accept the position of president, the dialogue between his wife and him ends with her having the final word, "you have no white hair." It is only the miracle of his hair turning white, and not Rabbi El'azar ben 'Azariah's rhetorical expertise, that rebuts his wife's argument. This reminds the reader of the role of Yalta not only in our Kiddushin 70 story but more so in the Berakhot 51 similtex discussed earlier.⁵⁸³

In Conclusion:

What the numerous Kiddushin similtexs, when activated, accomplish for the GB reader is to highlight a central moment of anxiety for the rabbis. What is the source of their power and authority? How far does their authority extend and who do they control? By what mechanism do they control the people they do? The drama becomes about the various factions within the rabbinic world struggling for power. The Bavli's ambivalence toward rabbinic authority is expressed through the mechanism of trigger words and similtexs, which act to shift the reader's attention away from the conflict between the two Rabbis and highlight the general fragility of rabbinic power and its sources. In the end, it appears as though it is Yalta, and her complex relationship to power, authority, and the rabbis, who is surprisingly the most prominent player in this drama.

What this chapter has demonstrated is that there are multiple ways to read the Bavli, but it is the Global Bavli reader who most comprehensively engages every layer of this complicated text. Moreover, it is a GB reader, who, as Superstam, authored this text. That is not to say that the Superstam constructed the form of the text, only that the Superstam controls the mode of the meaning conveyance mechanisms of the text when read by its implied reader. The first two chapters of part two described the trigger word similtex reading effect for both an *aggadic* and *halakhic sugya*. The point of that exercise was to demonstrate that the type of activity, which I label Super-stammaitic, recurs in every aspect of the Bavli text we now read. The comparison of local, immediate contextual, and global readings presented in chapter four and six served to highlight how the Superstam seizes control over the meaning conveyance mechanisms of the Stam of the *sugya*, when the Bavli is read by the GB reader. Finally, the interaction between

the Hasmoneans ruled for 103 years; and the royal house of Herod ruled for 103 years. Rather than counting the rule of the Hasmoneans as lasting for 206 years the Bavli divides the periods of autonomous Hasmonean rule and non-autonomous Herodian rule.

⁵⁸³ It is interesting to compare the rhetorical impact of these characters "having the last word" with the alternate reading of line 48 of the Vatican 111 manuscript of Kiddushin 70.

seven different Bavli passages, presented in chapter six serves to paint a microcosmic portrait of how the Bavli must have operated on those actual historical readers responsible for its transmission.

Conclusion

This dissertation proposes a semiotics of the Babylonian Talmud, how the Bavli operates on its reader to convey meaning. Such a project cannot begin without answering several questions. What is the Babylonian Talmud? Who is its reader? And to what type of meaning do I refer? I have worked to answer these questions throughout the dissertation. In conclusion, I address further questions raised by these answers.

What is the Babylonian Talmud?

Throughout this dissertation, I use the term "the Bavli," implying that the book is a physical object that we can examine. However, my discussion of the book intimates that the Bavli is amorphous, not yet formed and still forming. But the objects I examine in this dissertation do have a concrete form. The Bavli's I explore are the Vilna, Venice, and Soncino prints, and the numerous manuscripts used in each of the chapters of this dissertation. Yet I use the term "Bavli" rather than "Bavlis." Herein lies the paradox of a discussion of the literary characteristics of the Bavli. There really is no Bavli to speak of. Like the reader of the Bavli itself, I begin my project already in the middle, with no place to start and no place to end.

As a convention, I choose the Vilna edition as my starting point and work backward from there. I begin with a concept of the Vilna edition as "the Bavli" and compare and contrast all other versions. I do so not because I believe the Vilna edition to be the best version of the Bavli, nor because I believe it to be the most authentic version. Neither of these terms, "best" or "authentic" underlie the perspective on the Bavli I put forth in this dissertation. "Authentic" implies that there is a version of the Bavli that is the correct one— even if such a version does not, or never did, exist as an artifact—and that all other versions are corruptions of that authentic Bavli. "Best" implies that there is some criteria by which one can weigh which version of the Bavli is better than any other. Surely, for my purposes, I would conceive of "the best Bavli" as the one containing the most occurrences of ambivalence expressed through the literary mechanisms of ambiguity and trigger words. However, by virtue of the fact that I begin with the convention of using the Vilna edition as my starting point, I can never really know which one is best for my purposes. My results surely would be different if I were to choose the Saint Petersburg manuscript as my conventional starting point and work outward, backward and forward, from there. Choosing a manuscript, whose textual tradition represents a halfway point of literary activity between the other textual traditions I

explore, would certainly be more effective. An exploration of such a manuscript would more significantly buttress my claim for the recurring activity of the Superstam.

However, I choose the Vilna edition as my starting point for practical reasons. It is the Bavli that is most readily available, the one most commented upon, and the one I have most studied and therefore feel most comfortable exploring. Still, considering the problems inherent in choosing any particular version of the Bavli as a starting point for the type of analysis I do in this dissertation, the Vilna edition does have some advantages. First, in relation to the various manuscripts available, it represents a single version of a textual tradition, even if that textual tradition is the product of the blending of previous textual traditions. Aside from the Munich manuscript, there is no "complete" version of the Bavli that pre-dates the printing press. Therefore it would be impossible to examine the frequency and therefore impact of trigger words using an "incomplete" manuscript. Throughout the course of my research, I have encountered several manuscripts that appear to exhibit higher rates of the tendencies I look for. However, I have no way to properly assess the accuracy of my hunches, owing to a lack of data. In truth, the whole scale comparative analysis of the literary features of "a Bavli" can only be done on the Munich manuscript and the various printed editions, most of which are merely recapitulations of each other. Such work would certainly lend much insight, but probably would not accomplish much more for an understanding of the literary features of "the Bavli" than the approach I have taken.

The second advantage of beginning a discussion of the "the Bavli" with the Vilna edition has to do with the very conception of the Bavli as a partnership between reader and writer that I have argued for in this dissertation. As a late edition, the text of the Vilna Shas reflects a more expansive portrait of the historical partnership between the Bavli's reader and writer. The text itself, in a way, canonizes difference and textual alteration within the actual body of the work. While manuscripts are written in a single hand, they often contain the work of other hands. On any page of a given manuscript one can find words crossed out, changed, and altered. However, there is a sense that there is an original version that is being fixed. A hierarchy is evoked, even though the organization of that hierarchy is unclear. The Vilna Shas also contains similar markings. Words are placed in brackets and parenthesis; and marginal notes correct the text. But the presentation of textual difference in the Vilna Shas portrays that difference as a part of the Bavli itself. This allows for a conception of the Bavli as an unfinished text or a text still being finished—a text that invites its reader to continue its construction.

Who is the Bavli's Reader?

I have defined the reader I explore in this dissertation as the Bavli's implied reader, a heuristic reader whose characteristics can be delineated once close attention has been paid to what the Bavli assumes of its own reader. The title of this dissertation—"The Poetic Superstructure of the Babylonian Talmud and the Reader It Fashions—

proposes that this dissertation is about how the book's mode of representation impacts the construction, or formation, of a certain reader. Throughout the dissertation, I argued that this reader, in turn, equally fashions the text in a manner that fashions future readers. However, I do not address the culture of reading in which the book was designed nor the culture of reading that the transmission of such a book requires. I also do not address the religious component in this equation.

If religious reading is simply considered the reading of religious texts then there were three main objects of religious reading in ancient Judaism: some form of prayer book; the Bible; and the Talmud. However, we can also conceive of religious reading as a religious practice. Accordingly, prayer has the most obvious religious function because it directly relates to one's relationship with God. The reading of both the Bible and the Talmud were also considered religious acts in the ancient world. We know this because Jewish law requires that one recite a blessing before reading either of them, just as one must recite a blessing before any religious ritual. According to this conception of religious reading, the Bible and the prayer book, but not the Talmud, share a compulsory communal component in their reading. One must pray three times a day and one must read the Bible three times a week. Religious reading, as such, for the Talmud is purely optional.⁵⁸⁴

There are other ways of considering religious reading, such as the actual type of reading that is being practiced and the cultural purpose it serves. When conceived in this way, religious reading can be a mode of preserving the religious texts of a culture. This is especially true when thinking about an oral culture. For ancient Jewish culture, the reading of the Bible would seem to fall into this category of preservative reading. Although the Bible is a written text, it is the obligation to read it publicly coupled with a prohibition to read it by heart that preserves and perpetuates the written text in a fixed form.

The reading of the Talmud, however, is more so a generative act than a preservative one. Its purpose is to produce rather than maintain. In contrast to the Bible, Jewish law prohibits the writing down of the oral law. The purpose of this prohibition is to allow for alteration and production rather than stifling preservation. Additionally, as mentioned in the introduction, the type of reading to which I refer is what can be discerned from the Talmudic word for reading, גִּרְסָא (gîrsā'), which simultaneously means "read," "transmit," and "edit." This conception of reading as an act of editing as well as a mode of transmission highlights the unique relationship between reader and writer that this text fosters. In order for a religious culture to transmit a generative text of this sort—a two-million word oral text, whose actual words are always in a state of flux—the religious culture must not only cultivate a certain attitude toward the act of reading, but also provide institutions that allow for that kind of reading to take place.

The Bible is a comparatively easy text to transmit. It can be placed in a synagogue or library, perhaps with a translation, and whoever wants to come and read it

⁵⁸⁴ Though there is non-communal obligation for each individual to study Bible, Mishah, and Talmud daily. (See, for example, Kiddushin 30a.)

can.⁵⁸⁵ In order to transmit a text like the Talmud—a text that assumes that its reader has already read it—a whole culture must be devoted to its transmission. By virtue of its expectations, the Talmud itself postulates into existence a community of extraordinary readers and a religion focused on preserving the cultural institutions necessary to perpetuate this generative text. Institutions must exist to produce and train extraordinary readers. Even those people who never read the book must value it and contribute to the process in some way. The cultural dominance of the Talmud for the Jewish religion can be explained in the following way. The cultural requirements necessitated for the Talmud's transmission, in turn, fashion a culture devoted to its transmission. I propose that our conception of the Jewish academic institutions in the late antique and early medieval periods should be formed not from anecdotal evidence (dubious descriptions found in texts of uncertain origin and dating), but rather through an understanding of the reading processes—and therefore cultural institutions—that the transmission of such a text requires.

What is Meaning?

Throughout this dissertation, my readings of Talmudic passages take on more the form of a description than an argument. My purpose in presenting the Talmudic texts in this manner is twofold. First, I want to invite my reader to participate in the construction of meaning in the texts I present. My goal is to detail how the Bavli expresses moments of cultural undecidability for the heuristic reader I construct. Ultimately, undecidability is uncomfortable (caused by anxiety and causing anxiety) and I anticipate that my reader will form decisions where I try to "undecide." The second purpose of my mode of presentation stems from a desire to highlight the process that the Talmud, by virtue of its own rhetorical presentation, encourages.

The Talmud is a text that is always working toward meaning but never really gets there. The argument of this dissertation is how the Talmud's rhetorical end, an end that is always in the middle, is continued by those readers affected by the Talmud's own rhetoric. I hypothesize that this process is an old one, the origin of which can be found in the Bible's own modes of expression and their impact on Biblical readers, those readers who formed what might be called the proto-Talmud. The vacillation between meaning and subversion, found in the work of the Stam and Superstam, can be seen as the product of two competing cultural forces related to the transmission of the Talmud.

On the one hand, the generative nature of the Talmud is a response to the problems the rabbis faced when attempting to practically adjudicate biblical law. [As a practical law guide, the Bible has many shortcomings. Not only does the Bible lack the specificity required to govern the complex society in which the rabbis lived, but even in moments of specificity, the Biblical system presented problems of practical adjudication

⁵⁸⁵ See Kiddushin 66a.

posed by the different cultural and moral norms of the society in which they now lived. This is evident in my discussion of the intention of a killer, virginity claims, and slavery in chapters 2, 3, and 5.] On the other hand, the generative aspect of the Talmud leads to the formation of a text that encourages advanced theoretical thought. The institutions established for the transmission of the Talmud therefore, much like their yeshivah counterparts today, most probably simultaneously developed the competing goals of theoretical expansion and practical decidability. The tension of these competing goals is fought out in the literary form of the Talmud itself and those adjustments to the text introduced in its transmission. This dissertation argues that the undecidability of practical cultural issues continues to find its expression in the work of the Superstam. When viewed in this way, the Superstam and Stam do not necessarily have to be seen as chronological historical entities. Rather, they can be seen as two literary functions within the text. The Superstam can be seen as competing against the work of the Stam, though both literary functions are generative. Whereas the generative aspect of the work of the Stam is driven by a practical agenda, the Superstam subverts that agenda by promoting the generative theoretical aspect of the Talmud, one that expresses undecidability through the literary mechanisms of ambiguity and trigger words.

This dissertation has attempted to demonstrate the existence – both conceptual and real – of a Global Bavli reader. The implications of this for our understanding of late antique Jewish history are innumerable. At the very least, we need to revise our assumptions about the educational institutions and religious culture of this important period in Jewish history.

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Appendix A: Rashi's Commentary to Baba Metzia 84a (Chapter Four)

Rashi, whose commentary generally smoothes over the rough edges of a given Talmudic passage, offers two ways of reading this text, albeit in a muddled fashion.

Between them: between the two of them, under their stomachs, because their stomachs were large. ... **Are not yours:** because you are not able to be attached (להזקק) to your wives. **Theirs are greater than ours:** our wives' stomachs are bigger than ours. **As is the man so is his strength:** sex organ. Another version of **theirs is greater:**⁵⁸⁶ a woman's desire (תאוה) is greater than a man's. **All the more so:** That her desire is greater and you are not attached to them and they have sex with others.⁵⁸⁷ **Love squeezes the flesh:** and since their desire⁵⁸⁸ is greater than ours both of our flesh become compressed.

The mode through which Rashi presents his two readings of the story is somewhat laconic and jumbled. Generally, when Rashi presents two readings of a Talmudic text he presents each one fully, one after the other, and neatly inserted within the order of the actual Talmudic text. In this instance, Rashi introduces his second reading of the story while explaining the rabbis' response, "as is the man, so is his strength." He then returns to explain the noblewoman's comment "all the more so" only according to the second explanation of "as is the man, so is his strength." He then concludes his comments on this story by explaining the rabbis' alternate retort of "love compresses the flesh," but only according to his second explanation. This leaves the reader of Rashi to wonder whether Rashi is commenting on a textual version of the story that matches the order of events as they are presented in the printed edition. It is quite possible that Rashi had a different version of the dialogue in front of him and in his version the noblewoman's comment "all the more so" is actually included in the alternate readings (איכא דאמרי, 'ikâ')

⁵⁸⁶ This phrase is embedded within Rashi's commentary and does not appear as a separate lemma

⁵⁸⁷ The paratactic nature of this sentence leaves its exact meaning vague. I have therefore translated it as it appears in the Hebrew: "שתאוה מרובה ואינכם נזקקין להן ונבעלת לאחרים"

⁵⁸⁸ Oddly, the masculine שתאוה is used here. Rashi's text contains some obvious textual corruption and inaccurate grammatical forms. (שלהם is also used, here, instead of שלהן in some versions of this text [see version quoted in Ein Yaakov.])

dē'āmri) Additionally, the actual text of Rashi which has made its way down to us is certainly corrupt and that corruption was most probably caused by later copyists either misunderstanding or intentionally trying to veil Rashi's intended explanation of this passage.⁵⁸⁹

Accordingly, Rashi proposes two different ways of reading this exchange and, quite possibly, each of his readings is only meant to address one of the alternate answers given by the rabbis as איכא דאמרי (*ikā' dē'āmri*). His first explanation of the meaning of the dialogue is as follows. The rabbis' stomachs were so big that a herd of oxen could pass beneath them. The noblewoman comments that their sons are not theirs because they would not be able to have sexual intercourse (להזיק) with their wives. The root קק implies "connection" or "attachment" and, according to this first reading of Rashi, it would seem that the noblewoman questions the possibility that such fat people would physically be able to have sexual intercourse, to physically attach themselves to their wives. Presumably, the distance created by the fatness of their stomachs, a distance that allows a herd of oxen to pass beneath them without touching them, would also create a distance large enough, between each rabbi and his wife, to preclude the physical possibility of sexual intercourse. According to the first explanation of Rashi, the dialogue continues with the rabbis retorting that their wives' stomachs are larger than their own stomachs. Presumably, and here one must read into Rashi's interpretation, the rabbis respond that if fatness precludes sexual intercourse then how is it that their wives, who have larger stomachs than them, were able to have children altogether? The very fact that their wives were able to get pregnant demonstrates that fatness does not prevent the possibility of having sexual intercourse.

Since Rashi never explains what the noblewoman meant when she responded "All the more so" we have to read into his commentary. Presumably, the noblewoman meant that although their wives indeed had found some way to overcome the obstacle of their large stomachs and have sexual intercourse, they certainly could not have had that sexual intercourse with a partner the size of these rabbis. Here the image that began the story, of the distance created between the two rabbis when standing stomach to stomach, is recalled to demonstrate the impossibility of two people of that size having sexual intercourse—in this case, each rabbi and his wife. According to this reading, Rashi's first explanation of the rabbis' first response, "As is the man, so is his strength," meaning that the rabbis have extremely large sex organs, makes perfect sense. Although the combination of the largeness of each partner's stomach would seem to make sexual intercourse impossible, a very long penis could make up that gap. While Rashi offers no comment for the alternate response of "Love compresses the flesh" according to his first

⁵⁸⁹ This is evident in the mixing up of the genders in Rashi's comments to "All the more so" (see footnote 588.)

explanation, the rabbis' alternate response seems fairly obvious. Although it would seem physically impossible for two extremely fat people to have sexual intercourse with each other, one must not overlook the power of love to overcome such obstacles. In other words, when there is a will there is a way. It must be pointed, however, that it is quite possible that Rashi sees this alternate answer (איכא דאמרי, *îkâ' dĕ'āmri*) as only applying to his second explanation.

Rashi's second, and less compelling, explanation of the dialogue between the rabbis and the noblewoman would go as follows. The noblewoman's intent, when she tells the rabbis that their children must not be theirs, is that the rabbis are so grotesque that there is no way that they would be able to remain attached to their wives. According to this reading, "attached" does not mean the possibility of sexual intercourse at any point in time but rather the likelihood of someone so ugly being able to avoid being cuckolded. The phrases שאינכם יכולין להזקק לנשותיכם (because you are not able to become attached to your wives) and ואינכם נזקקין להן (you are not attached to them), which appear respectively under Rashi's headings "Are not yours" and "All the more so," do not refer to an individual act of sexual intercourse but rather "attached" connotes something different: the viability of a monogamous relationship. The connotation of these phrases resemble more closely the use of a similar phrase later in the tractate. At Baba Metzia 107b a Beraita recounts thirteen positive things said about eating bread in the morning. The twelfth is ונזקק לאשתו ואינו מתאוה לאשה אחרת (and he will be attached to his wife and not desire another woman.) Although Rashi explains the phrase there to refer to actual sexual intercourse — "if he is a man who [has sexual] thoughts, and because his heart is good in the morning, because he ate a bit, he will solicit his wife; and when he goes out to the market and sees women he will not desire them" — the connotation is a type of sexual intercourse that prevents seeking sex outside of a monogamous relationship.

When the rabbis respond that their wives' sexual desires are stronger than their own, their intention is to explain that their wives have such a strong desire for sex that they are blind to the grotesqueness of their husbands when having sex with them. The noblewoman then responds that if their wives have such strong sexual desires then they are certainly cheating on them with other men. At this point, Rashi's explanation becomes confusing. It is unclear if Rashi intends to explain the first איכא דאמרי according to this line of thought. If indeed he does, then the phrase "as is the man, so is his strength" would refer, counter-intuitively, to the sexual desires of their wives and reiterate that their wives' sexual desires are so strong that they blind them to the grotesqueness of their husbands' bodies. Rashi certainly intends to explain the second איכא דאמרי (*îkâ' dĕ'āmri*, alternate answer) according to this second explanation, as he explicitly uses the term "desire" in his explanation to the words "love squeezes the flesh." However, it is unclear what the rabbis' retort is in that case. What exactly is it about the fact that the wives' desire is greater than their husbands' desires that leads to the compressing of the flesh? Additionally, if the rabbis meant that their wives' desires were greater than their own, and not that their wives were fatter than them, then why would he talk about the flesh of both of them becoming compressed (בשר שנינו נדחק)?⁵⁹⁰ Rashi's

⁵⁹⁰ The Oz *Vehadar* Talmud corrects this to בשר שנינו נדחק from manuscript evidence.

second explanation also leads to the continuation of a commentatorial tradition that reads the second paragraph, which talks about the size of various rabbis' organs, as instead referring to the size of their desire.⁵⁹¹ Despite extensive reading into Rashi's explanation, it is still difficult to make it sit well according to the Talmudic text that we have before us. It is also difficult to see an internal cohesion to Rashi's commentary when viewed alone.

⁵⁹¹ See for example the commentaries of Levi ibn Habib (c. 1480- c. 1545) and Solomon Luria (1510-1573).

Appendix B: Background Information For Niddah 15a (Chapter Five)

In order to understand Rashi's comments in that manner one would have to posit a hypothetical reconstruction of the Rashi's text (How many of the parts of the text that Rashi's presented are in fact his own as if composed in the Bavli in the Bavli and extracted into his laws and principles from a source. Nothing about whether the truth is. For nearly every Tannaitic dispute found in this tractate there can be found other Tannaitic disputes as to how to interpret those disputes. Then there are Amoraic disputes as to how to interpret those Tannaitic disputes. And then there is the problem of the Bavli hypothesizing about this material over and over, from different angles and directions, assuming one position while asking a question, adapting another while giving its answer, and never really coming to any conclusion as to how it actually feels about its own theories. Finally there are countless ways to interpret each of the Bavli's musings; these interpretations are found in the hundreds, if not thousands, of commentaries, that have ventured to sort out all of these details over many hundreds of years. Although master codifiers have indeed attempted to establish harmonizing and concrete laws, the principles they use to accomplish this feat are ones aimed at adjudication and therefore, most of the time, run counter to principles of interpretation. To sort out their task, these codifiers leave behind all of the hypothetical theories, minority opinions, and most importantly the tone of the voice of the anonymous narrator of the Bavli. That said, the purpose of this summary is not to provide all of the information necessary to understand all of the interpretive possibilities at play in the נדה (Niddah) text that I quote but rather to provide the minimal framework for understanding what is important about it for Ketubot 16a.

The fifteenth chapter of Leviticus deals with the laws of genital discharges, both as they relate to a male and a female. Two types of discharges are discussed for each. The first part of the chapter (15:1-15) deals with the laws of a man who has a "flow" coming out from his genitals. (Although "genitals" is understood the actual Hebrew text merely states: ... אִישׁ כִּי יִהְיֶה זָב מִבְּשָׂרוֹ. [Should a man has a flow from his genitals...⁵⁹²]) This "flow" has generally been understood to refer to gonorrhea but can probably refer to any of a number of other ailments. In such a case the man is ritually impure and remains so for an additional seven days after the discharge has stopped. The second part of the chapter (15:16-18) discusses a seminal emission. In the case of a seminal emission a male must immerse himself in water and he remains ritually impure until evening. If the seminal emission happened during sexual intercourse then, in such a case, the female also must immerse herself and she too remains ritually impure until evening. The third part of the chapter (15:19-24) deals with normal menstruation. The opening sentence of this section reads: ... וְאִשָּׁה כִּי תִהְיֶה זָבָה דָּם יִהְיֶה זָבָה בְּבִשְׂרָהּ שְׁבַע יָמִים תִּהְיֶה בְּנִדְתָּהּ. (And a woman

⁵⁹² The word בשר literally means "flesh." However, here it is used a euphemism for "genitals."

who has a flow of blood, her flow being in her genitals,⁵⁹³

The Biblical verse (Leviticus 15:18), cited above, that discusses the ritual impurity of a menstruating woman implies that such impurity begins while the blood is still in her body (בְּקִשְׁרָהּ). The Rabbis interpreted this to mean that the woman is in a state of ritual impurity from the time that the blood left the interior of the womb (מקור) even if it has not yet exited her body (Mishnah Niddah 5:1). That is, if the blood resides in her vagina (בית החיצון) but has not yet exited from it. Therefore, the Rabbis debate as to how to assess the onset of a menstruating woman's ritual impurity. The practical application of these laws revolves around the ritual purity status of items that the woman might have touched after the onset of her menstrual period. The first Mishnah of tractate Niddah details three opinions: Shammai says that a woman is only impure from the moment she see the blood, but not retroactively. Shammai is not concerned about the possibility that there might have been a lag in the time between the blood leaving her uterus and the time that she saw it; Hillel says that the woman is impure retroactively for all of the time that passed since the last time she checked herself. The Sages say that she is impure retroactively for a period of twenty four hours (unless she had checked herself within those twenty four hours, in which case she would only be retroactively impure from the last time she checked.) The twenty four hour period is called מעת לעת. The Mishnah goes on to explain that this law only applies to women who do not have a fixed menstrual cycle. However if a woman's menstrual cycle follows a fixed time period (or if she is she a young girl who has never before menstruated, a pregnant woman, a nursing woman, or one who is post-menopause) then her ritual impurity only begins from the moment that she sees blood.

The second chapter of Mishnah Niddah begins with a discussion of the type of physical inspection that must be done after sexual intercourse to determine if the woman had been menstruating at the time of intercourse. The cloth used to perform the inspection, upon which the "evidence" is found, are called עדים, witnesses.⁵⁹⁴ Both the

⁵⁹³ See previous footnote.

⁵⁹⁴ Some commentators have translated the word עד as "rag." The 'Arukh cites a verse from Isaiah (64:5) as semi-proof-text: וכבגד עדים כל צדקותינו (translated by Anchor Bible as "All our righteous acts like a filthy rag.") Another possibility along these lines derives from a verse in Ezekiel (16:7) רַבְּבָהּ כְּצִמְחַת הַשָּׂדֶה וְנִתְתִּיךְ (I have made you myriad like the growth of the field; And you increased and grew big and arrived at עדים עדים ; your breasts have been formed and your hair has grown and you were completely naked.) Here Brown, Driver and Briggs translate עדים עדים as "unto menstruation" which they explain as "maturity." The derivation comes from עדי, meaning "ornaments" — the assumption being that the "ornaments" of the woman in this verse must be the signs of maturity I do not believe that the word עד actually means "rag" in that verse. Rather בגד עדים means "testing garment" and the word עד in that instance actually derives from the word for witness or evidence, עד, עד. בגד עדים therefore literally means "a garment used for evidence" and it is referring to a rag used as evidence of

man and the woman wipe their genitals with a cloth after sexual intercourse and inspect the cloth for blood. If it is discovered, through this inspection, that they had indeed had sex while the woman was menstruating then they would be required to bring an animal sacrifice as an atonement. Additionally, both the man and the woman become ritually impure for a period of seven days. Mishnah Niddah 2:2 discusses three scenarios: a) If blood is found on the man's [testing cloth] then they are both ritually impure for seven days and each must bring a sacrifice; b) If blood is found on the woman's [testing cloth] immediately (אותיום)⁵⁹⁵ after intercourse then they are both ritually impure for seven days and each must bring a sacrifice; c) If blood is found on the woman's [testing cloth] only after some time (לאחר זמן), in the event that the woman did not check herself immediately after sexual intercourse, then they are both doubtfully impure⁵⁹⁶ and are exempt from bringing a sacrifice.

Mishnah 2:3 inquires as to how much time is meant by "after [some] time" (לאחר זמן) and answers that it means enough time so that the woman can descend from the bed and wash her face. This Mishnah is defining the law of the previous Mishnah (2:2) to be a case where she does not check herself while in bed but does check herself immediately upon leaving the bed. The Mishnah (2:3) then continues to cite a dispute as to what would happen if she checks herself after the amount of time that it takes to leave the bed and wash her face. The first, anonymous, opinion, attributed to the majority Sages, says that in such a case she is ritually impure retroactively for a period of twenty four hours (מעט לעת);⁵⁹⁷ however she does not render the man who had intercourse with her during that twenty four hour period ritually impure. Rabbi Akiva dissents on this point and says that she even renders the man who had intercourse with her within the past twenty four hours ritually impure.

menstruation. Additionally, the vocalized Mishnah manuscripts (Kaufmann and Parma 2596) both vocalize עדים as עֲדִים in all occurrences in the tractate (1:1; 1:7; and 2:1). See, also, footnote 315. It is quite possible that בגד עדים as "testing garment" stems from the relationship that menstruation has with time (as in the word "period"). The root עוד means "repeat," "return," or "go again." It is this root which is the basis for עיד as "festival." Likewise, the roots יעד (verb) and עדה (noun) mean appoint, as in מועד as "appointed time" or "set time."

⁵⁹⁵ The 'Arukh points out that this is a Greek word meaning לאלתר ("immediately"). As is the case with most Greek words that make their way into the Talmud, the copyist tradition, unaware of the correct pronunciation or spelling of these foreign words, ends up corrupting the text often irretrievably. Here the 'Arukh provides an alternate spelling than the one that appears in our text and it is easy to see which Greek word he refers to: אוותיאום = Εὐθὺς = at once. The 'Arukh also has אוותיאום instead of וסת at Niddah 14b.

⁵⁹⁶ Doubtful impurity is its own category with its own rules. For example, if someone is doubtfully impure and they touch *terumah* then the *terumah* is secluded but not burnt. (See Mishnah Terumot 8:8)

⁵⁹⁷ This is in accordance with the opinion of the Sages discussed in the first Mishnah of the tractate. In that Mishnah three opinions are mentioned. Shammai says that a woman is only impure from the moment she discovers blood and not retroactively. Hillel says that the woman is impure retroactively for all of the time that passed since the last time she checked. The Sages say that she is impure retroactively for a period of twenty four hours (unless she had checked herself within those twenty four hours, in which case she would only be retroactively impure from the last time she checked.)

The Mishnah then goes on to present a scenario in which the Sages would agree with the ruling of Rabbi Akiva and even render the man who had sexual intercourse with her ritually impure. This is a case where she at some point discovered a bloodstain (כתם) on an article of clothing rather than finding blood on her testing cloth. If a bloodstain is found on an article of clothing in a place that it is deemed likely to be menstrual blood then the woman is deemed retroactively ritually impure from the time of that garment's last washing. (The laws of bloodstains are discussed at Mishnah Niddah 7:2 and 8:1.) Why would the Sages concede to Rabbi Akiva and render the man ritually impure in a case of bloodstains? The Bavli presents two Amoraim who interpret this concession of the Sages differently. In order to understand how each of these Amoraic readings of the Mishnah make sense it is necessary to understand how the laws of randomly finding bloodstains compare to the laws of finding blood immediately after intercourse. Whereas the Sages hold that if a woman finds blood on her testing cloth she is deemed retroactively impure for twenty four hours only if she does not have a fixed menstrual cycle (or is one of four other categories of women,) ⁵⁹⁸ there is a dispute among Tannaim as to what the Sages would say regarding a bloodstain. The majority opinion (expressed by Rabbi Hanina the son of Antigonus) is that the Sages hold the same opinion for bloodstains; they only render ritual impurity from the time that they are seen. Rabbi Meir believe that the Sages' ruling regarding blood does not apply to bloodstains. However, the Sages would be more strict in a case of bloodstains and retroactively render the woman ritually impure to the time that the garment was last washed.

With this in mind, the Bavli presents the opinions of Rav and Shmuel regarding how to interpret the concession of the Sages to Rabbi Akiva in the Mishnah. What exactly do the Sages mean when they say that a woman who randomly finds a bloodstain renders her sexual partner ritually impure for seven days? Rav says that the man is rendered impure retroactively; Shmuel says that the Sages only meant so moving forward. The Bavli explains that Rav believes that "the Sages" in the Mishnah represents the opinion of Rabbi Meir who is more strict when dealing with bloodstains than with blood. Therefore, though the Sages would not render the man impure in a case where his sexual partner found blood on her testing cloth after the amount of time it takes for her to wash her face, they would, however, render this man impure if he had had sex with a woman during the period between when an article of clothing last was washed and when a bloodstain was found on that item. The Bavli explains Shmuel to believe that the Sages in the Mishnah follow the majority opinion, in contrast to that of Rabbi Meir, that bloodstains are no different than blood. Both bloodstains and blood only render impurity from the time that they are seen. Therefore when the Sages concede to Rabbi Akiva that the man is rendered impure for seven days in the case of bloodstains they only mean to say the following: The man is not rendered impure by any past sexual act with this woman, but rather he only rendered impure if he has sex with her after the time that she found the stain.

⁵⁹⁸ See Mishnah Niddah 1:3-5. Mishnah 3 lists: a) A virgin; b) A pregnant woman; c) A nursing woman; d) An old woman. Mishnayot 4 and 5 further define each of these categories.

The Bavli objects to Shmuel's reading of the Mishnah in the grounds that a ritual impurity is not retroactive. The value of the Sages' intercession with him while the Sages would agree that in general he should be ritually impure for seven days. The Tosefta (part of the chapter 15:2f-3f) deals with a woman who has a discharge of blood that she might have been impure for seven days. In such a case, during which they slept together, the Sages' additional statement was that the discharge is considered to have been impure for twenty four hours retroactively but that the man she had slept with was not. The Bavli answers that Shmuel's reading is not so obvious and therefore the Sages had to explicitly concede to Rabbi Akiva. Had they not done so, we might have thought that even if a man slept with a woman who was knowingly impure, because she found a bloodstain, the man would still not be rendered ritually impure. The logic behind this idea is that the Sages' initial ruling—that a woman who finds blood on her testing cloth after a long period of time is retroactively rendered impure for twenty four hours—was only a Rabbinic, rather than Biblical, decree. And, in that case, the reason they did not render the man who slept with her impure was owing to the fact that it was only a Rabbinic decree. Bloodstains, too, are only a Rabbinic decree; and therefore a woman who is rendered Rabbinically ritually impure via bloodstain would also be a case where she would not render the man who slept with her ritually impure.

The Bavli is so satisfied with this explanation that it wonders why the Sages conceded in the first place. Why, according to Shmuel, would the Rabbis who do not generally differentiate between blood and bloodstains decide in this case to render the man ritually impure? At this point the legal principle of the 'slaughtered ox' is introduced.

Appendix C: An Aural Reading of Kiddushin 70, Highlighting Point of View (Chapter Six)

At the start of Scene 3 (line 35), Rav Naḥman asks Rav Yehudah to reveal the purpose of his visit.

RAV NAḤMAN: What [is the purpose of] your travel here?

Rav Yehudah, in Scene 2, made it unmistakably clear how annoyed he was to have been forced to travel to Neharde'a and appear as a defendant in Rav Naḥman's court. When Rav Naḥman asks Rav Yehudah to state his purpose, Rav Yehudah sharply retorts that it was actually Rav Naḥman himself who has demanded his appearance in court.

RAV YEHUDAH: You sent me a subpoena document טסקא דהזמנותא (*tasqā' dēhazmēnūtā*).

The word that Rav Yehudah uses to describe the summons is טסקא דהזמנותא (*tasqā' dēhazmēnūtā*). Although the Aramaic word הזמנותא (*hazmēnūtā*) means "summons," טסקא (*tasqā*) does not mean "document." In the Bavli, the word טסקא (*tasqā*) refers to the Persian land tax. However, if Rav Yehudah had meant to say that Rav Naḥman had sent him a Persian land tax summons then he would have reversed the order of the words and called it a הזמנותא דטסקא (*hazmēnūtā' dētasqā*). The words as they appear before us, טסקא דהזמנותא (*tasqā' dēhazmēnūtā*), are somewhat incoherent; they might awkwardly translate as "Persian land tax of the summons." In Scene 1, at the time that Rav Yehudah initially received the summons (line 10), the far more coherent words פיתקא דהזמנא (*pīṭqā' dēhazmānā*), meaning "document of summons," were used. What is one to make of the incoherence of the phrase טסקא דהזמנותא (*tasqā' dēhazmēnūtā*)? The incoherence itself marks, for the reader, a moment of difference. Whereas this document was labeled פיתקא (*pīṭqā*) in Scene 1, it is now, in Scene 3, labeled טסקא (*tasqā*). This moment of difference, coupled with the fact that the reader has just witnessed a diatribe regarding the particularities of naming objects, alerts the reader to the subtle linguistic nuances that are occurring in the text. It is through these subtle textual differences that the Bavli expresses alternating points of view; these slight textual shifts also highlight an important facet of the nature of the power struggle between Rav Yehudah and Rav Naḥman.

As a character in the Bavli, Rav Naḥman is a member of the house of the exilarch and the senior judge who presides over the exilarch's court.⁵⁹⁹ In addition, it was the exilarch's court that was responsible for collecting the Persian land tax from the Jews. In all probability, Rav Naḥman annually sent out hundreds, if not thousands, of Persian land tax summonses and well have been accustomed to the presence of many disgruntled Jewish constituents in his court— if not at home, while working in his garden, as appears to be the case with Rav Yehudah. In this narrative, Rav Naḥman is portrayed as truly ignorant of the purpose of Rav Yehudah's appearance at his home. The five stages of this encounter in Scene 3 are presented below.

- i. RAV NAḤMAN: What [is the purpose of] your travel here?
- ii. RAV YEHUDAH: You sent me a **tax** subpoena (טסקא דהזמנותא, *tasqā' dēhazmēnūtā*).
- iii. RAV NAḤMAN: Seeing that I am not knowledgeable in your manner of speech (שוּתָא, *šūtā*), would I have sent you a **tax** subpoena (טסקא דהזמנותא, *tasqā' dēhazmēnūtā*)?
- iv. [RAV YEHUDAH] *pulls out the subpoena document* (דיסקא דהזמנותא, *dēyasqā' dēhazmēnūtā*) *from his chest [pocket] and shows it to [RAV NAḤMAN.]*

⁵⁹⁹ Rav Naḥman's relationship to the exilarchate is of note in this passage; and that relationship is depicted through the use of the term *בי נשיאה* (*bē nēšīā*) rather than the more expected *ריש גלותא* (*rēš gēlūtā*). I emphasize the fact that *בי נשיאה* (*bē nēšīā*) is the precise term used to depict the close yet otherwise vague relationship between Rav Naḥman and the exilarchate. (This nuance will be addressed later in this chapter once the Berakhot 27b28a simultext, dealing with Rabban Gamliel's removal from the office of the Presidency, is introduced.) Is Rav Naḥman married to Yalta? Is Rabbah bar Avuha Yalta's father? Is Rabbah bar Avuha the exilarch? The answers to these questions are vague and tension-filled throughout the Bavli corpus. However, the one thing that is clear throughout the Bavli is that Rav Naḥman has some inside connection to the exilarchate and that when this relationship is at one point clarified Rav Naḥman is called *התניה דבי נשיאה* (*ḥatnēh dēbē nēšīā*, son-in-law to the house of the presidency). Rav Naḥman in this story is very much the husband of Yalta and the son-in-law of the exilarch. This fact is certainly proven by the explicit equation of Yalta with Rav Naḥman's wife in Oxford 248, Munich 95, and Spanish Print. A summary of the scholarly opinions as to the nature of the relationship between Rav Naḥman and Yalta can be found in Ilan, *Mine and yours are hers*, pp. 121-129. Catherine Hezser offers an alternative explanation of this statement that highlights Fraenkel's סגירות (*closure, sēgîrūt*) methodology. Hezser denies the relationship between Rav Naḥman and the exilarchate—even though it is attested to elsewhere in the Bavli—and therefore reads the attack against Rav Yehudah as an attack against the Rabbinat in general, with the Rabbinat seen as the local arm of the exilarchate. [Hezser, "The Slave of a Scholar is Like a Scholar.", p. 192.] According to my reading, in contrast to Hezser's, Rav Huna's advice only makes sense to the reader who is aware that Rav Naḥman's father-in-law is the exilarch, a detail alluded to elsewhere in the Bavli. It is precisely this type of "gapping" that proves that the Bavli assumes that its reader knows the entire Bavli and that each individual passage in the Bavli must be read alongside all other passages in the Bavli. The trigger word/simultext reading effect, which will be highlighted (as it applies to Kiddushin 70) in the latter part of this chapter, highlights certain passages that the reader is encouraged to read alongside other particula passages.

v. RAV YEHUDAH: Behold the man and behold the document (דסקא, *dasqā*’).

Since Rav Naḥman is both completely ignorant as to the nature of Rav Yehudah's visit and also accustomed to dealing with tax complaints, it therefore makes perfect sense that Rav Naḥman would use the word דסקא (*tasqā*’) when he replies, in line iii, "Seeing that I am not knowledgeable in your manner of speech (אשׁוּתָא, *šūtā*’), would I have sent you a tax דסקא (*tasqā*’) subpoena?" According to the text that we have before us, Rav Naḥman asks Rav Yehudah to explain the true purpose of his visit; Rav Yehudah tells Rav Naḥman that he wants to deal with a tax issue; and Rav Naḥman responds by telling Rav Yehudah that he has no jurisdiction over him regarding taxes. What is confusing about this account of what takes place in the passage is why would Rav Yehudah use the word דסקא (*tasqā*’) (line ii) when explaining the purpose of his visit? Unlike Rav Naḥman, Rav Yehudah knew that the purpose of his visit had nothing to do with taxes.

After the give and take regarding the Persian land tax summons we are told by the narrator that Rav Yehudah removed the דיסקא (*dēyasqā*’) summons from his chest pocket and then proceeds to deliver his next line, which reads: “Behold the man and behold the דסקא (*dasqā*’).” The proper Babylonian Aramaic word for a document is actually דיסקא (*dēyasqā*’).⁶⁰⁰ The reader has been presented with, in the course of a few lines, three different ways of referring to the same object: דסקא (*tasqā*’); דיסקא (*dēyasqā*’); and דסקא (*dasqā*’). Most importantly, none of these three are related to the original name given for the subpoena document when it first makes its appearance in Scene 1 as פיתקא (*pîṭqā*’). The differences between these four appellations for the same object echo the conflict of Scene 2. One can imagine Rav Yehudah, at this point, asking Rav Naḥman: "How come you say דסקא (*tasqā*’)? Why not say פיתקא (*pîṭqā*’)? Why not say דיסקא (*dēyasqā*’)!"

If we imagine hearing rather than reading this Scene 3 dialogue, it is easier to understand how similar these words [דסקא (*tasqā*’); דיסקא (*dēyasqā*’); and דסקא (*dasqā*’)] sound. The dental minimal pairs⁶⁰¹ ט (*t*) and ד (*d*) are easily mistaken for one another; and the palatal ף (*y*) is easily swallowed when two people of different dialects encounter one another in dialogue. It is not unheard of in the Bavli for one character to misinterpret

⁶⁰⁰ This explains why earlier in our text, in line 10, there appear textual witnesses do not have דיסקא (*dēyasqā*’), but have instead דסקא דזמינות (*tasqā’ dēzēmînut*) [MS Munich 95] and דסקא דזמינותא (*dasqā’ dēzēmînutā*) [MS Vatican 111]. These textual witnesses have דסקא (*tasqā*’) and דיסקא (*dēyasqā*’) earlier, in line 10, instead of what actually appears in our text, פיתקא דהזמנא (*pîṭqā’ dēhazmānā*’). However, our text manages a more effective poetic technique by avoiding mention of any of the other terms used later to describe this document, the דסקא (*tasqā*’), דסקא (*dasqā*’), דיסקא (*dēyasqā*’). Our text avoids involvement in the later word play and instead uses the word פיתקא (*pîṭqā*’) which shares the "qa" ending but is different enough as to not divert attention from the reader's later reception to the nuances and difference of the words דסקא (*tasqā*’), דסקא (*dasqā*’), and דיסקא (*dēyasqā*’).

⁶⁰¹ In the field of phonology, *D* and *T* are identified as voiced/unvoiced minimal pairs. They are identical in all ways except that one is voiced and one is not. The other consonantal switches in this passage (*B/P* and *G/Q*) are also voiced/unvoiced minimal pairs. I owe this insight to Chana Kronfeld.

another on the basis of dialect.⁶⁰² Once the reader imagines the characters speaking these words, it becomes clear that issues of dialect and pronunciation are just as important as issues of language in this passage. The words אַנפֿק (alcoholic beverage, 'anpak') (21) and אַנבֿגא (alcoholic beverage, 'anbēgā') (22), with their slightly shifted labial and guttural minimal pairs,⁶⁰³ look far more different than they sound.

Ultimately what these subtle syllable, vowel, and consonant switches accomplish is to bring the reader into a language game that highlights the theme of this passage. The character of Rav Naḥman is the supreme judge in the court of the exilarch and as such is responsible for collecting the Persian land tax. This is why Rav Naḥman hears the word טַסְקָא (ṭasqā) when responding to Rav Yehudah's antagonistic presence in his court. Line ii does not represent what Rav Yehudah said but rather what Rav Naḥman hears Rav Yehudah say, טַסְקָא (tax, ṭasqā). Line iii represents what Rav Naḥman actually says in response. Rav Naḥman uses the word טַסְקָא (tax, ṭasqā) because he understandably believes Rav Yehudah to be addressing an issue of taxes. When Rav Naḥman replies, "Seeing that I am not knowledgeable in your manner of speech (שׁוּתָא, šūtā), would I have sent you a **tax** (טַסְקָא, ṭasqā) subpoena?" Rav Naḥman is articulating a principle about jurisdiction. If he does not share the same speech as his fellow, then he is not the proper recipient or officiator of his fellow's Persian land tax. Rav Naḥman's jurisdiction only extends as far as his speech (or *parole*) allows. The טַסְקָא (tax, ṭasqā) only extends as far as the boundaries of the שׁוּתָא, (speech, šūtā).⁶⁰⁴

⁶⁰² See story about Baba the son of Buta, Nedarim 66b. This is an interesting simultext in the context of this paper as it has Baba the son of Buta, a rare character in the Bavli (who makes an appearance in the Baba Batra text that I treat in footnote 577) allowing himself to be hit on the head by a woman because she spoke a different dialect and was merely following her husband's instructions through a misunderstanding of her husband's dialect. The relevance of this point will be better understood once the trigger word/simultext reading strategy is explained later in the chapter. (This point is also relevant to footnote 577 below.)

⁶⁰³ [i.e. פ (p) to ב (b), and ק (q) to ג (g).]

⁶⁰⁴ The word שׁוּתָא (šūtā) is a noun that means "speech" or "talk." The term is quite rare in the Bavli and only appears a handful of times. In a couple of those instances, the term appears to mean speech as in "discourse." An example of this type of usage is the phrase אִיתְתָּא בְּהַדִּי שׁוּתָא פִּילְכָא (a woman spins while engaged in a conversation [šūtā]). However, in other instances the term appears to mean the particular type of language being spoken. An example of this type of usage appears at Sukkah 56b when a proverb (כְּדַאמְרֵי אִינְשֵׁי, kēdē'āmri 'inšē) is quoted: שׁוּתָא דִּינוּקָא בְּשׁוּקָא אוּ דַאבְרָה אוּ דַאימִיָּה (The speech [šūtā] used by a child in the marketplace originates from either his father or mother.) In the Kiddushin 70 passage, the word obviously carries the connotation of a particular dialect. However, if we were to conceive of the word referring to sociolect rather than dialect then Rav Naḥman can be seen as, at the same time, effacing his own power over the various parties involved in the dispute while holding himself above Rav Yehudah. [Sokoloff equates the noun שׁוּתָא (šūtā) with the verb שָׂא, שָׂעֵי (š ' y, š ' y), from the Syriac ܫܘܬܐ (š ' '), meaning to speak, tell. If such an association is indeed correct then one would be forced to understand the noun שׁוּתָא (šūtā) in this context to mean that Rav Naḥman is saying "Seeing that we cannot engage in speech with each other, would I have sent you a summons?" Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*, 1167.]

When Rav Yehudah, in line 36 (ii), is seen opening his dialogue with the term אַסְקָט (*tasqā*) the word he actually used was אַסְקָד (*dasqā*), which means nothing in Rav Naḥman's language. At this point in the drama the Bavli (or narrator) uses the word אַסְקָט (*tasqā*) because that is the word that Rav Naḥman hears. The phonemes ט (*t*) and ד (*d*) are naturally adjusted in Rav Naḥman's mind's ear in order to find meaning in the word that he has just heard. The Bavli's use of the word אַסְקָט (*tasqā*) in both lines (ii and iii) highlights this point. In the subsequent stage direction in line iv, when the prop is actually named by the Bavli, rather than a character, the Bavli switches to the word that represents official written language without accent or dialect, אַסְקָדִי (*dēyasqā*). However, in line v, when it is Rav Naḥman who names the object, the reader finally understands that Rav Naḥman, who speaks a different dialect than Rav Yehudah, pronounces אַסְקָדִי (*dēyasqā*) as אַסְקָד (*dasqā*), a word which was earlier heard by Rav Naḥman as אַסְקָט (*tasqā*), a word of special significance in the world of the Bavli's character Rav Naḥman.

Appendix D: Synopsis of Baba Batra 15a (Chapter One)

				ספרו		כת'	יהוש'	מר	א'	Munich 95	1	
	מן	פסוקין	ושמונה	ספרו		כתב	יהושע			Hamburg 165		
		פסוקים	ושמונה	ספרו		כתב	יהושע	מר	אמ'	Paris 1337		
		פסוקים	ושמונה	ספרו		כתב	יהושע	מר	אמר	Vatican 115		
			ושמונ'	ספרו		כתב	יהוש'	מר	אמ'	Florence II-I-9		
		פסוקים	שמונה	ספרו	את	כת'	יהושע	מר	אמ'	Escorial G-I-3		
		פסוקים	שמונה	ספרו	וכתב	כתב	יהושע	מר	אמ'	Oxford 249		
		פסוקין	ושמונה	ספרו		כתב	יהושע	מר	אמ'	Pesaro (1511)		
		פסוקים	ושמונה	ספרו		כתב	יהושע	מר	אמר	Venice (1521)		
		פסוקים	ושמונה	ספרו		כתב	יהושע	מר	אמר	Vilna		
		אלעז'	דאסקי'	עב'	נן	בן	יהוש'	רימ'	והכת'	Munich 95	2	
									התורה	Hamburg 165		
									שבתורה	Paris 1337		
									שבתורה	Vatican 115		
									שבתורה	Florence II-I-9		
									שבתורה	Escorial G-I-3		
									שבתורה	Oxford 249		
									שבתורה	Pesaro (1511)		
									שבתורה	Venice (1521)		
									שבתורה	Vilna		
		תני'	זקנים [נ]	פנח'	דאסקי'	מת	הכהן	בן	אהר'	אלעז'	והכת'	Munich 95
												Hamburg 165
		תני'										Paris 1337
		תני'										Vatican 115
		תניא										Florence II-I-9
		תניא										Escorial G-I-3
		תנא										Oxford 249
		תניא										Pesaro (1511)
		תניא										Venice (1521)
		תניא										Vilna
		וימת		דכתי'	כתבן	יהוש'	שבתור'	פסוקי'	שמנ'	דא'	כמא'	Munich 95
		וימת		דכתי'	כתבן	יהושע	שבתורה	פסוקין	שמונה	דאמ'	כמאן	Hamburg 165
		וימת		דתניא	כתבן	יהושע	שבתורה	פסוקי'	שמונה	דאמ'	כמאן	Paris 1337
		וימת		דתניא	כתבן	יהושע	שבתורה	פסוקי'	שמונה	דאמ'	כמאן	Vatican 115
		וימת	רבנן	דתנו	כתבן	יהוש'	שבתורה	פסוקי'	שמונ'	דאמ'	כמאן	Florence II-I-9
		וימת		דתניא	כתבן	יהושע	שבתורה	פסוקים	שמונה	דאמ'	כמאן	Escorial G-I-3
		וימת		דכתי'	כתבן	יהושע	שבתורה	פסוקים	שמונה	דאמ'	למאן	Oxford 249
		וימת		דתניא	כתבן	יהושע	שבתורה	פסוקין	שמונה	דאמ'	כמאן	Pesaro (1511)
		וימת		דתניא	כתבן	יהושע	שבתורה	פסוקי'	שמונה	דאמר	כמאן	Venice (1521)
		וימת		דתני'	כתבן	יהושע	שבתורה	פסוקים	שמונה	דאמר	כמאן	Vilna

				ספרו		כת'	יהוש'	מר	א'	Munich 95	1
	מן	פסוקין	ושמונה	ספרו		כתב	יהושע			Hamburg 165	
		פסוקים	ושמונה	ספרו		כתב	יהושע	מר	אמ'	Paris 1337	
		פסוקים	ושמונה	ספרו		כתב	יהושע	מר	אמר	Vatican 115	
			ושמונ'	ספרו		כתב	יהוש'	מר	אמ'	Florence II-I-9	
		פסוקים	שמנה	וכת'	את	כת'	יהושע	מר	אמ'	Escorial G-I-3	
		פסוקים	שמונה	וכתב		כתב	יהושע	מר	אמ'	Oxford 249	
		פסוקין	ושמונה	ספרו		כתב	יהושע	מר	אמ'	Pesaro (1511)	
		פסוקים	ושמונה	ספרו		כתב	יהושע	מר	אמר	Venice (1521)	
		פסוקים	ושמונה	ספרו		כתב	יהושע	מר	אמר	Vilna	
		אלעז'	דאסקי'	עב'	בן	בן	יהוש'	רימ'	והכת'	Munich 95	2
									התורה	Hamburg 165	
									שבתורה	Paris 1337	
									שבתורה	Vatican 115	
									שבתורה	Florence II-I-9	
									שבתורה	Escorial G-I-3	
									שבתורה	Oxford 249	
									שבתורה	Pesaro (1511)	
									שבתורה	Venice (1521)	
									שבתורה	Vilna	
		תני'	זקנים[ו]	פנח'	מת	הכהן	אהר'	בן	אלעז'	Munich 95	3
										Hamburg 165	
		תני'								Paris 1337	
		תני'								Vatican 115	
		תניא								Florence II-I-9	
		תניא								Escorial G-I-3	
		תנא								Oxford 249	
		תניא								Pesaro (1511)	
		תניא								Venice (1521)	
		תניא								Vilna	
		וימת	דכתי'	כתבן	יהוש'	שבתור'	פסוקי'	שמנ'	דא'	Munich 95	4
		וימת	דכת'	כתבן	יהושע	שבתורה	פסוקין	שמונה	דאמ'	Hamburg 165	
		וימת	דתניא	כתבן	יהושע	שבתורה	פסוקי'	שמונה	דאמ'	Paris 1337	
		וימת	דתניא	כתבן	יהושע	שבתורה	פסוקי'	שמונה	דאמ'	Vatican 115	
		וימת	רבנן	דתנו	יהוש'	שבתורה	פסוקי'	שמונ'	דאמ'	Florence II-I-9	
		וימת	דתניא	כתבן	יהושע	שבתורה	פסוקים	שמנה	דאמ'	Escorial G-I-3	
		וימת	דכתי'	כתבן	יהושע	שבתורה	פסוקים	שמנה	דאמ'	Oxford 249	
		וימת	דתניא	כתבן	יהושע	שבתורה	פסוקין	שמונה	דאמ'	Pesaro (1511)	
		וימת	דתניא	כתבן	יהושע	שבתורה	פסוקי'	שמונה	דאמר	Venice (1521)	
		וימת	דתני'	כתבן	יהושע	שבתורה	פסוקים	שמונה	דאמר	Vilna	

										Munich 95	5
										Hamburg 165	
										Paris 1337	
										Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	
										Munich 95	6
										Hamburg 165	
										Paris 1337	
										Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	
										Munich 95	7
										Hamburg 165	
										Paris 1337	
										Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	
										Munich 95	8
										Hamburg 165	
										Paris 1337	
										Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	

										Munich 95	9
										Hamburg 165	
										Paris 1337	
										Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	
										Munich 95	10
										Hamburg 165	
										Paris 1337	
										Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	
										Munich 95	11
										Hamburg 165	
										Paris 1337	
										Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	
										Munich 95	12
										Hamburg 165	
										Paris 1337	
										Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	

					וגו'	יקר'	מפיו	ברוך	לה'	Munich 95	13
כל	את				אלי	יקרא	מפיו	ברוך	להם	Hamburg 165	
					וגו'	יקרא	מפיו	ברוך	להם	Paris 1337	
					וגו'	יקרא	מפיו	ברוך	להם	Vatican 115	
כל	את	(ובדיו)	(הספר)	(ה)	אלי	יקרא	מפיו	ברוך		Florence II-I-9	
כל	את				אלי	יקרא	מפיו	ברוך	להם	Escorial G-I-3	
כל	את				אלי	יקרא	מפיו	ברוך	אליו	Oxford 249	
	את				אלי	יקרא	מפיו	ברוך	אליו	Pesaro (1511)	
	את				אלי	יקרא	מפיו	ברוך	אליו	Venice (1521)	
כל	את				אלי	יקרא	מפיו	ברוך	להם	Vilna	
										Munich 95	14
		בדיו	הספר	על	כותב	ואני	האלה		הדברים	Hamburg 165	
										Paris 1337	
										Vatican 115	
		ובדיו	הספר	על	כותב	ואני	האלה		הדברי'	Florence II-I-9	
מר	אמ'	ובדיו	הספר	על	כותב	ואני			הדברים	Escorial G-I-3	
		בדיו	הספר	על	כותב	ואני	האלה		הדברים	Oxford 249	
		בדיו	הספר	על	כותב	ואני	האלה	הדברים	הדברים	Pesaro (1511)	
		בדיו	הספר	על	כותב	ואני	האלה		הדברים	Venice (1521)	
		בדיו	הספר	על	כותב	ואני	האלה		הדברים	Vilna	
										Munich 95	15
										Hamburg 165	
										Paris 1337	
										Vatican 115	
	עבד	גון	בן	יהוש'	וימת	והכת'	ספרו	כת'	יהוש'	Florence II-I-9	
		גון	בן	יהושע	וימת	והכתו'	ספרו	כת'	יהושע	Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	
										Munich 95	16
										Hamburg 165	
										Paris 1337	
										Vatican 115	
וזקנים	פינחס	דאסקיה	מת	אהרן	בן	ואלעז'	והכת'	אלעז'	דאסקיה	Florence II-I-9	
וזקנים	פנחס	ואסקיה	מת	אהרן	בן	ואלעז'	והכתו'	אלעז'	אסקיה	Escorial G-I-3	
										Oxford 249	
										Pesaro (1511)	
										Venice (1521)	
										Vilna	

17	Munich 95	כמאן	אזל'	הא	דא"ר	יהוש'	בר	אב'	א'	רב	
	Hamburg 165	כמאן]	אזלא	הא	דאמ'	יהושע	בר	אבא	אמ'	רב	
	Paris 1337	כמאן	אזלא	הא	דאמ'	יהושע	בר	אבא	אמ'	רב	
	Vatican 115	כמאן	אזלא	הא	דאמ'	יהושע	בר	אבא	אמ'	רב	
	Florence II-I-9	כמאן	אזלא	הא	דאמ'	יהוש'	בר	אבא	אמ'	רב	
	Escorial G-I-3	כמאן	אזלא	הא	דאמ'	יהושע	בר	אבא	אמ'	רב	
	Oxford 249	כמאן	אזלא	הא	דא"ר	יהושע	בן	אבא	אמ'	רב	
	Pesaro (1511)	כמאן	אזלא	הא	דאמ'	יהושע	בר	אבא	אמ'	רב	
	Venice (1521)	כמאן	אזלא	הא	דאמר	יהושע	בר	אבא	אמר	רב	
	Vilna	כמאן	אזלא	הא	דא"ר	יהושע	בר	אבא	אמר	רב	
18	Munich 95	גידל	א'	רב	שמנ'	פסוקי'	שבתור'	יחיד	קור'	אות'	לימ'
	Hamburg 165	גדל	אמ'	רב	שמונה	פסוקין	שבתורה	יחיד	קורא	אותן	לימא
	Paris 1337	גידל	אמ'	רב	שמונה	פסוקי'	שבתורה	יחיד	קורא	אותן	נימא
	Vatican 115	גידל	אמ'	רב	שמונה	פסוקי'	שבתורה	יחיד	קורא	אותן	נימא
	Florence II-I-9	גידל	אמ'	רב	שמונ'	פסוקי'	שבתורה	יחיד	קורא	אותם	לימ'
	Escorial G-I-3				שמנה	פסוקים	שבתורה	יחיד	קורא	אותם	נימא
	Oxford 249	גידל	אמ'	רב	שמונה	פסוקי'	שבתורה	יחיד	קורא	אותן	
	Pesaro (1511)	גידל	אמ'	רב	שמונ'	פסוקי'	שבתור'	יחיד	קורא	אותן	לימ'
	Venice (1521)	גידל	אמר	רב	שמונה	פסוקי'	שבתורה	יחיד	קורא	אותן	לימא
	Vilna	גידל	אמר	רב	שמונה	פסוקים	שבתורה	יחיד	קורא	אותן	לימא
19	Munich 95				דלא	כר'	שמעו'	אפי'	תימ'	ר'	שמעו'
	Hamburg 165				דלא	כר'	שמע'	אפילו	תימא	ר'	שמע'
	Paris 1337				דלא	כר'	שמעון	אפי'	תימא	ר'	שמעון
	Vatican 115				דלא	כר'	שמעון	אפי'	תימא	ר'	שמעון
	Florence II-I-9				דלא	כר'	שמע'	אפיל'	תימ'	ר'	שמע'
	Escorial G-I-3				דלא	כר'	שמעון	אפי'	תימא	ר'	שמעון
	Oxford 249				דלא	כר'	שמעון	אפי'	תימ'	ר'	שמעו'
	Pesaro (1511)	רבי	יהודה	היא	ודלא	כר'	שמעון	אפילו	תימא	רבי	שמעון
	Venice (1521)	רבי	יהודה	היא	ודלא	כרבי	שמעון	אפי'	תימא	רבי	שמעון
	Vilna	ר"י)	(היא)		ודלא	כר"ש		אפילו	תימא	ר"ש	
20	Munich 95	הואי'	ואשתני	אשתני							
	Hamburg 165	כיון	דאשתני	אשתני]		יהושע	כתב	ספרו	והכ'	וימת	
	Paris 1337	כיון	דאשתני	אשתני		יהושע	כתב	ספרו	והכתי'	וימת	
	Vatican 115	כיון	דאשתני	אשתני		יהושע	כתב	ספרו	והכתי'	וימת	
	Florence II-I-9	הואיל	ואשתני	אשתני							
	Escorial G-I-3	הואיל	ואשתני	אשתני							
	Oxford 249	הואיל	ואשתני	אשתני	אמ'	מר	יהושע	כתב	ספרו	והכתי'	
	Pesaro (1511)	הואיל	ואשתני	אשתנה			יהושע	כתב	ספרו	והכתיב	וימת
	Venice (1521)	הואיל	ואשתני	אשתנ'			יהושע	כתב	ספרו	והכתיב	וימת
	Vilna	הואיל	ואשתנו	אשתנו			יהושע	כתב	ספרו	והכתיב	וימת

										Munich 95	21
	אלעזר	דאסקיה			י"י	עבד	נון	בן	יהושע	Hamburg 165	
	אלעזר	דאסקיה							יהושע	Paris 1337	
	אלעזר	דאסקיה							יהושע	Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
	אלעזר	דאסקיה	מת	יהושע						Oxford 249	וסיימיה
	אלעזר	דאסקיה			ה'	עבד	נון	בן	יהושע	Pesaro (1511)	
	אלעזר	דאסקיה			ה'	עבד	נון	בן	יהושע	Venice (1521)	
	אלעזר	דאסקיה			ה'	עבד	נון	בן	יהושע	Vilna	
										Munich 95	22
		וזקנים	פנחס	דאסקיה	מת	אהרן	בן	ואלעזר	והכת'	Hamburg 165	
			פינחס	דאסקיה	מת	אהרן	בן	אלעזר	והכתי'	Paris 1337	
			פינחס	דאסקיה	מת	אהרן	בן	אלעזר	והכתי'	Vatican 115	
										Florence II-I-9	
										Escorial G-I-3	
	וסיימוה	וזקנים	פינחס	דאסקיה	מת			אלעזר	והכת'	Oxford 249	
			פנחס	דאסקיה	מת	אהרן	בן	ואלעזר	והכתיב	Pesaro (1511)	
			פנחס	דאסקי'	מת	אהרון	בן	ואלעזר	והכתיב	Venice (1521)	
			פנחס	דאסקיה	מת	אהרן	בן	ואלעזר	והכתיב	Vilna	

Appendix E: Synopsis of Menahot 30a (Chapter One)

חסר	תורה	ספר	אפשר	שמע'	ר'		א"ל	נחמיה	ר'	Munich	6
חסר		ס"ת	אפשר	שמעון	רבי	לו	אמר	נחמיה	רבי	Venice Print	
חסר		ספר	איפשר	שמע'	ר'	לו	אמ'	נחמיה	ר'	Vatican 120	
חסר		ספר	איפשר	שמעו'	ר'	לו	א'	נחמיה	ר'	Vatican 118	
חסר	תורה	ספר	איפשר	שמע'	ר'	לו	א'	נחמיה	ר'	Paris AIU H147A	
חסר		ס"ת	אפשר		ר"ש	לו	אמר	נחמיה	רבי	Vilna	
	הזאת	התורה	ספר	את	לקוח	בו	וכתוב	אחת	אות	Munich	7
ושמתם	הזה	התורה	ספר	את	לקוח		וכתב	אחת	אות	Venice Print	
ושמתם	הזה	התורה	ספר	את	לקוח		וכת'		אות	Vatican 120	
	הזה	התורה	ספר	את	לקוח		והכת'	אחת	אות	Vatican 118	
ושמתם	הזה	התורה	ספר	את	לקוח		וכת'	אחת	אות	Paris AIU H147A	
ושמתם	הזה	התורה	ספר	את	לקוח		וכתיב	אחת	אות	Vilna	
כותב		ומשה	או'	הק"ב		ע"כ	אלא			Munich	8
כותב		ומשה	אומ'	הק"בה	כאן	עד	אלא	וג'	אותו	Venice Print	
כותב		ומשה	אומ'	הקב"ה	כאן	עד	אלי'		אתו	Vatican 120	
וכותב	או'	ומשה	או'	הקב"ה	כאן	עד	אלא			Vatican 118	
כותב		ומשה	או'	הק'	כאן	עד	אלא		אות?ו?	Paris AIU H147A	
כותב		ומשה	אומר	הקב"ה	כאן	עד	אלא	וגו'	אותו	Vilna	
'שנ'	כמה	בדמע	כותב	ומשה	או'	הק"ב	ואילך	מכאן		Munich	9
'שנ'	כמה	בדמע	כותב	משה	אומר	הקב"ה	ואילך	מיכאן	ואומר	Venice Print	
'שנ'	כמה	בדמע		ומשה	אומ'	הקב"ה	ואילך	מיכאן		Vatican 120	
'שנ'	כמה	בדמע	כותב	ומשה	אומר	הקב"ה	ואילך	מכאן		Vatican 118	
'שנ'	כמה	בדמע	כותב	ומשה	או'	הק'	ואילך	מיכ'		Paris AIU H147A	
שנאמר	כמה	בדמע	כותב	ומשה	אומר	הקב"ה	ואילך	מכאן	ואומר	Vilna	
			אלי	יקרא	מפיו	ברוך	להם	ויאמר		Munich	10
ברי'	הו?	את	אלי	יקר'	מפיו	ברוך	להם	ויאמר	להלן	Venice Print	
הדברים		את	אלי	יקרא	מפיו	ברוך	להן	ויאמר	להלן	Vatican 120	
הדברים	כל		אלי	יקרא	מפיו	ברוך	להן	ויאמר	להלן	Vatican 118	
		וג'	אלי	יקום	מפיו	ברוך	להן	ויאמר	להלן	Paris AIU H147A	
הדברים	כל	את	אלי	יקרא	מפיו	ברוך	להם	ויאמר	להלן	Vilna	

**Appendix F: Synopsis of Yalkut Shimoni to
Deuteronomy 34:5, Sifre 357:5, and Vilna Menahot 30a
(Chapter One)**

משה	שמת		איפשר			משה	שם	וימת		Yalkut Shimoni	1
משה	שמת		איפשר			משה	שם	וימת		Sifre	
	חי	משה	אפשר	יי'	עבד	משה	שם	וימת	דתניא	Vilna Menahot	
מכאן	משה	כתב	כאן	עד	אלא	משה	שם	וימת	וכתב	Yalkut Shimoni	2
מיכן	משה	כתב	כאן	עד	אלא	משה	שם	וימת	וכותב	Sifre	
מכאן	משה	כתב	כאן	עד	אלא	משה	שם	וימת	וכתב	Vilna Menahot	
	ואיתימא	יהודה	ר'	דברי			יהושע	כתב	ואילך	Yalkut Shimoni	3
							יהושע	כתב	ואילך	Sifre	
	ואמרי	יהודה	רבי	דברי	נון	בן	יהושע	כתב	ואילך	Vilna Menahot	
הוא	[הרי]	אומר	מאיר	רבי	שמעון	רבי	ואיתימא	נחמיה	רבי	Yalkut Shimoni	4
הוא	הרי	אומר	מאיר	רבי						Sifre	
								נחמיה	רבי	Vilna Menahot	
			ויתנה	הזאת	התורה	את	משה	ויכתוב	[אומר]	Yalkut Shimoni	5
				הזאת	התורה	את	משה	ויכתוב	אומר	Sifre	
	ר"ש	לו	אמר							Vilna Menahot	
אות	אפילו	חסרה	כשהיא	הזאת	התורה	את	משה	שנתן	אפשר	Yalkut Shimoni	6
אות	אפילו	חסרה	כשהיא		התורה	את	משה	שנתן	איפשר	Sifre	
אות		חסר			ס"ת				אפשר	Vilna Menahot	
									אחת	Yalkut Shimoni	7
									אחת	Sifre	
	וגו'	אותו	ושמתם	הזה	התורה	ספר	את	לקוח	אחת	Vilna Menahot	
	כותב	משה	שהיה					מלמד	אלא	Yalkut Shimoni	8
מה	כותב	משה	שהיה					מלמד	אלא	Sifre	
	כותב	ומשה		אומר	הקב"ה	כאן	עד		אלא	Vilna Menahot	

										Yalkut Shimoni	9
				כתוב	הוא	ברוך	הקדוש	לו	שאמר	Sifre	
	הקב"ה	ואילך	מכאן	ואומר						Vilna Menahot	
										Yalkut Shimoni	10
שנאמר	כענין	הקב"ה	לו	שאמר	מה	בדמע				Sifre	
שנאמר	כענין									Vilna Menahot	
שנאמר	כמה					בדמע	כותב	ומשה	אומר		
										Yalkut Shimoni	11
הדברים		את	אלי	יקרא	מפיו	ברוך	אליהם	ויאמר		Sifre	
			אלי	יקרא	מפיו	ברוך	אליהם	ויאמר		Vilna Menahot	
הדברים	כל	את	אלי	יקרא	מפיו	ברוך	להם	ויאמר	להלן		
							וגו'	כותב	ואני	Yalkut Shimoni	12
										Sifre	
				בדיו	הספר	על	כותב	ואני	האלה	Vilna Menahot	

Appendix G: Synopsis of Baba Kamma 32b (Chapter Two)

Escorial G-I-3	תנו	רבנן	הנכנס	לחנותו	שלנגר		שלא	ברשות	ונתזא	בקעת	1
Florence II-I-8	תנן	רבנן	הנכנס	לחנותו	של	נגר	שלא	ברשו'	ונטעה)ח	בקעת	
Hamburg 165	תנו	רבנן	הנכנס	לחנותו	של	נגר	שלא	ברשות	ונתזה	בקעת	
Munich 95	תנו	רבנן	הנכנס	לחנותו	של	נגר	שלא	ברשות]	ונתזה	בקעת	
Vatican 116	תנו	רבנן	הנכנס	לחנותו	של	נגר	שלא	ברשות	ונתזה	בקעת	
Soncino Print	תנו	רבנן	הנכנס	לחנותו	של	<...>					
Vilna	ת"ר		הנכנס	לחנותו	של	נגר	שלא	ברשות	ונתזה	בקעת	
Escorial G-I-3	וטיפחה		לו	על	פניו	ומת	פטור	ואם	נכנס	ברשות	2
Florence II-I-8	וטפחה	ונפלה	לו	על	פניו		פטור	ואם	נכנס	ברשו'	
Hamburg 165	וטפחה		לו	על	פניו	ומת	פטור	ואם	נכנס	ברשות	
Munich 95	וטפחה		לו	על	פניו	ומת	פטור	ואם	נכנס	ברשותו	
Vatican 116	וטפחה		לו	על	פניו	ומת	פטור	ואם	נכנס	ברשו'	
Soncino Print				על	פניו	ומת	פטו'	ואם	נכנס	בר'	
Vilna	וטפחה			על	פניו	ומת	פטור	ואם	נכנס	ברשות	
Escorial G-I-3	חייב	מאי	חייב	אמ'	ר'	יוסי	בר'	חנינא	חייב	בארבעה	3
Florence II-I-8	חייב	מאי	חייב	אמ'	ר'	יוסי	בר'	חנינא	חייב	בארב'	
Hamburg 165	חייב	[מאי]	[חייב]	א"ר		יוסי	בר'	חנינה	חייב	בארבעה	
Munich 95	חייב	מאי	חייב	א"ר		יוסי	ב"ר	חנינא	חייב	בארבעה	
Vatican 116	חייב	מאי	חייב	א"ר		יוסי	בר'	חנינא	חייב	בארבע	
Soncino Print	חייב	מאי	חייב	א"ר		יוסי	בר	חנינ'	חייב	בד'	
Vilna	חייב	מאי	חייב	א"ר		יוסי	בר	חנינא	חייב	בד'	
Escorial G-I-3	זברים	ופטור	מגלות			לפי	שאינו	דומה	ליער	יער	4
Florence II-I-8	זברי'	ופטור	מגלות			לפי	שאין	דומה	ליער	יער	
Hamburg 165	זברים	ופטור	מגלות	מאי	טע'	לפי	שאינו	דומה	ליער	יער	
Munich 95	זברים	ופטור	מגלות			לפי	שאין	דומה	ליער	יער	
Vatican 116	זברים	ופטור	מגלות			לפי	שאינו	דומה	ליער	יער	
Soncino Print	זברי'	<...>								ר...>	
Vilna	זברים	ופטור	מגלות			לפי	שאין	דומה	ליער	יער	
Escorial G-I-3	זה	לרשותו	נכנס	וזה	לרשותו	נכנס	[הכא]	זה	לרשות	חבירו	5
Florence II-I-8	זה	לרשותו	נכנס	וזה	לרשות'	נכנס					
Hamburg 165	זה	לרשותו	נכנס	וזה	לרשותו	נכנס	אבל	זה	לרשות	חברו	
Munich 95	זה	לרשותו	נכנס	וזה	לרשותו	נכנס		זה	לרשות	חבירו	
Vatican 116	זה	לרשותו	נכנס	וזה	לרשותו	נכנס		זה	לרשות	חבירו	
Soncino Print	זה	לרשותו	נכנס	וזה	לרשו'	נכנס		זה	לרש'	חבירו	
Vilna	זה	לרשותו	נכנס	וזה	לרשותו	נכנס		זה	לרשות	חבירו	

6	Escorial G-I-3	נכנס	אמ'	רבא	קל	וחומר	ומה	יער	שזה	לדעתו	נכנס
	Florence II-I-8		אמ'	רבה	קל	וחומר	ומה	יער	שזה	לדעתו	נכנס
	Hamburg 165	נכנס	אמ'	רבא	קל	וחומר	מה	יער	שזה	לדעתו	נכנס
	Munich 95	נכנס	אמ'	רבא	קל	וחומר	ומה	יער	זה	לדעתו	נכנס
	Vatican 116	נכנס	אמ'	רבא	קל	וחומר	ומה	יער	שזה	לדעתו	נכנס
	Soncino Print	נכנס	א'	רב'	ק"ו		ומה	יער	זה	לדעתו	נכנס
	Vilna	נכנס	אמר	רבא	ק"ו		ומה	יער	זה	לדעתו	נכנס
7	Escorial G-I-3	וזה	לדעתו	נכנס	נעשה	כמי	שנכנס	לדעת	חבירו	וגולה	זה
	Florence II-I-8	וזה	לדעתו	נכנס	נעשה	כמי	שנכנס	לדעת	חבירו	וגולה	זה
	Hamburg 165	וזה	לדעתו	נכנס	נעשה	כמי	שנכנס	לדעת	חברו	וגולה	זה
	Munich 95	וזה	לדעתו	נכנס	נעשה	כמי	שנכנס	לדעת	חבירו	וגולה	זה
	Vatican 116	וזה	לדעתו	נכנס	נעשה	כמי	שנכנס	לדעת	חבירו	וגולה	זה
	Soncino Print	וזה	לדעתו	נכנס	נעשה	כמי	שנכנ'	לדעת	חבירו	וגולה	זה
	Vilna	וזה	לדעתו	נכנס	נעשה	כמי	שנכנס	לדעת	חבירו	וגולה	זה
8	Escorial G-I-3		שלדעת	חביר[ו]	נכנס	לא	כל	שכן	אלא	אמ'	רבא
	Florence II-I-8		שלדעת	חבירו	נכנס	לא	כל	שכן	אלא	אמ'	רבה
	Hamburg 165		שלדעת	חברו	נכנס	לא	כל	שכן	אלא	אמ'	רבא
	Munich 95	שנכנס	לדעת	חבירו		לא	כל	שכן	אלא	אמ'	רבא
	Vatican 116	של	דעת		נכנס	לא	כל	שכן	אלא	אמ'	רבא
	Soncino Print		שלדע'	חבירו	נכנס	לא	כ"ש		אלא	א'	רבא
	Vilna		שלדעת	חבירו	נכנס	לא	כל	שכן	אלא	אמר	רבא
9	Escorial G-I-3		פטור	מגלות						דלא	סגי
	Florence II-I-8	מאי	פטור	מגלות	דקאמ'	ר'	יוסי	בר'	חנינ'	דלא	סגי
	Hamburg 165	מאי	פטור	מגלות						דלא	סגי
	Munich 95	מאי	פטור	מגלות						דלא	סגי
	Vatican 116	מאי	פטור	מגלות						ולא	סגי
	Soncino Print	מאי	פטו'	מגלות						דלא	סגי
	Vilna	מאי	פטור	מגלות						דלא	סגי
10	Escorial G-I-3		בגלות	והיינו	טעמ'	דר'	יוסי	בר'	חנינא		דהוה
	Florence II-I-8	ליה	בגלות	והיינו	טעמ'	דר'	יוסי	בר'	חנינא	משו'	דהוה
	Hamburg 165	ליה	בגלות							משום	דהוה
	Munich 95	ליה	בגלות	היינו	טעמ'	דר'	יוסי	ב"ר	חנינא	משום	דהוה
	Vatican 116	ליה	בגלות	היינו	טעמ'	דר'	יוסי	בר	חנינא	משום	דהוה
	Soncino Print	לי'	בגלו'	והיינו	טע'	דר'	יוסי	בר'	חנינ'	משו'	דהוה
	Vilna	ליה	בגלות	והיינו	טעמא	דרבי	יוסי	בר	חנינא	משום	דהוי

											11
אחת	רצועה	לו	הוסיף	רבא	מתיב	למזיד	קרוב	שוגג	ליה	Escorial G-I-3	
	רצועה	לו	הוסיף	רבה	מתיב	למזיד	קרוב	שוגג	ליה	Florence II-I-8	
אחת	רצועה	לו	הוסיף	רבא	מתיב	למזיד	קרוב	שוגג	ליה	Hamburg 165	
	רצועה	לו	הוסיף	רבה	מתיב	למזיד	הקרוב	שוגג	ליה	Munich 95	
אחת	רצועה	לו	הוסיף	רבא	מתיב	למזיד	קרוב	שוגג	ליה	Vatican 116	
אחת	רצועה	לו	הוסיף	רבא	מתיב	למזיד	קרוב	שוגג	ליה	Soncino Print	
אחת	רצועה	לו	הוסיף	רבא	מתיב	למזיד	קרוב	שוגג	ליה	Vilna	
קרוב	דשוגג	הכא	והא	ידו	על	גולה	זה	הרי	ומת	Escorial G-I-3	
קרוב	דשוגג	הכא	והא	ידו	על	גולה	זה	הרי	ומת	Florence II-I-8	
קרוב	שוגג	הכא	והא	ידו	על	גולה	זה	הרי	ומת	Hamburg 165	
קרוב	דשוגג	הכא	והא	ידו	על	גולה	זה	הרי	ומת	Munich 95	
קרוב	דשוגג	הכא	והא	ידו	על	גולה	זה	הרי	ומת	Vatican 116	
קרוב	דשוגג	הכ'	והא	ידו	על	גולה	זה	הרי	ומת	Soncino Print	
קרוב	דשוגג	הכא	והא	ידו	על	גולה	זה	הרי	ומת	Vilna	
רצועה	בחדא	אינשי	דמיטי	אדעתיה	אסוקיה	ליה	דאיבעי	הוא	למזיד	Escorial G-I-3	
רצועה	בחדא	איניש	דמייתי	אדעתיה	לאסוקי	ליה	דאיבעי	הוא	למזיד	Florence II-I-8	
רצועה	בחדא	אינשי	דמיטי	אדעתיה	אסוקי	ליה	דאיבעי	הוא	למזיד	Hamburg 165	
רצועה	בחדא	אינשי	דמיטי	דעתיה	אסוקי	ליה	דאיבעי	הוא	למזיד	Munich 95	
רצועה	בחדא	איניש	ד<.>ת	אדעתיה	לאסוקי	ליה	[ד]איבעי		למזיד	Vatican 116	
רצועה	בחדא	אינשי	דמייתי	אדעתיה	אסוקי		דאיבעי	הוא	למזיד	Soncino Print	
רצועה	בחדא	אינשי	דמייתי	אדעתיה	אסוקי		דאיבעי	הוא	למזיד	Vilna	
במנינא	דטעי	מנהרדעא	שימי	רב	אמ'	גולה	זה	הרי	וקתני	Escorial G-I-3	
במנינא	דטעא	מנהרדע'	שימי	רב	אמ'	גולה	זה	הרי	וקתני	Florence II-I-8	
במנינא	דטעי	מנהרדעא	שימי	רב	אמ'	גולה	זה	הרי	וקתני	Hamburg 165	
במנינא	[דטעי]	מנהרדעא	שימי	רב	אמ'	גולה	זה	הרי	וקתני	Munich 95	
במונינא	דטעה	מנהרדעא	שימי	רב	אמ'	גולה	זה	הרי	וקתני	Vatican 116	
במנינא	דטעי	מנהרדעא	שימי	רב	אמר	גולה	זה	הרי	וקתני	Soncino Print	
במנינא	דטעי	מנהרדעא	שימי	רב	אמר	גולה	זה	הרי	וקתני	Vilna	
מני	קא	איהו	אטו			בסנדליה	רבא	ליה	טפח	Escorial G-I-3	
מני		הוא	אטו			בסנדלי'	רבא	ליה	טפח	Florence II-I-8	
מני		הוא	אטו			בסנדליה	רבא	ליה	טפח	Hamburg 165	
מאני		הוא	אטו			בסנדליה	רבא	ליה	טפח	Munich 95	
מני		הוא	אטו			בסנדליה	[רבא]	ליה	טפח	Vatican 116	
מני		הוא		אטו	א"ל	בסנדליה	רבא	לי'	טפח	Soncino Print	
מני		הוא	אטו	ליה	אמר	בסנדליה	רבא	ליה	טפח	Vilna	

הכהו	אומ'	ושלישי	מונה	והשני	קורא	שבדיינין	גדול	תני	והא	Escorial G-I-3	16
הכהו	אומ'	והשלישי	מונה	והשני? יני	קורא	שבדיינין	גדול		והתניא	Florence II-I-8	
הכהו	אומ'	והשלישי	מונה	והשני	קורא	שבדיינין	גדול		והתניא	Hamburg 165	
הכהו	או'	והשלישי	מונה	והשני	קורא	שבדיינין	גדול		והתניא	Munich 95	
הכהו	אומ'	והשלישי	מונה	והשני	קורא	שבדיינין	גד[ו]ל		[והתניא]	Vatican 116	
הכהו	או'	והשלישי	מונה	והשני	קורא	שבדיינין	גדו'		והתני	Soncino Print	
הכהו	אומר	והשלישי	מונה	והשני	קורא	שבדיינין	גדול		והתניא	Vilna	
		גופיה	דיינא	דטעי					[אלא]	Escorial G-I-3	17
		גופ[י]ה	דיינא	[ד]טעה(ו)	מנהרדע'	שימי	רב	אמ'	אלא	Florence II-I-8	
		גופיה	דיינא	דטעה			רבא	אמ'		Hamburg 165	
		גופיה	דיינא	דטעא						Munich 95	
שוגג	דודאי	גופיה	דיינא	דטעה	מנהרדעא	שימי	רב	אמ'	אלא	Vatican 116	
		גופיה	דיינא	דטע'	מנהרדע'	שימ	רב	א'	אלא	Soncino Print	
		גופיה	דיינא	דטעה	מנהרדעא	שימי	רב	אמר	אלא	Vilna	
										Escorial G-I-3	18
										Florence II-I-8	
										Hamburg 165	
										Munich 95	
								הוא	גמור	Vatican 116	
										Soncino Print	
										Vilna	

Appendix H: Synopsis of Niddah 64b (Chapter Two)

										Munich 95	1
ר'	דם	ומצא	ובעל	וחזר	דם	מצ'	ולא	בעל	איתמ'		
ר'	דם	ומצא	ובעל	וחזר	דם	מצא	ולא	בעל	איתמר	Vatican 111	
ר'	דם	ומצא	ובעל	וחזר	דם	מצא	ולא	בעל	איתמ'	Soncino (1489)	
										Vilna	
								טמא	א'	חנינ'	Munich 95
								טמאה	או'	חנינ'	Vatican 111
אמ'	חנינא	ר'	טהורה	אומר	יוסי	ור'	טמאה	אמ'	חנינא	Soncino (1489)	
אמר	חנינא	ר'	טהורה	אמר	אסי	ורבי	טמאה	אמר	חנינא	Vilna	
אתי	הוה	מעיקר'	בתולי'	דם	לה	דהוי	אית	אם		Munich 95	
אתי	הוה	מעיקרא	בתול'	דם		דהוי	איתה	אם		Vatican 111	
אתי	הוה	מעיקרא	בתולים	דם		דהוה	איתה	דאם	טמאה	Soncino (1489)	
אתי	הוי	מעיקרא	בתולים	דם		דהוה	איתא	דאם	טמאה	Vilna	
שמו'	דא'	כדשמו'	ליה	אתרמו	דילמ'	טהור'	א'	אסי	ר'	Munich 95	
שמו'	דאמ'	כדשמו'	ליה	איתרמי	דיל'	טהורה	אמ'	אסי	ר'	Vatican 111	
שמואל	דא'	כדשמואל	ליה	אתרמי	דילמא	טהורה	אומ'	יוסי	ור'	Soncino (1489)	
שמואל	דאמר	כדשמואל	ליה	אתרמי	דילמא	טהורה	אמר	אסי	ורבי	Vilna	
ואידך	דם	בלא	בתולו'	כמ'	לבעול		יכולני			Munich 95	
ואידך	דם	בלא	בתולו'	כמה	לבעול	אני	יכול	שמו'	דאמ'	Vatican 111	
ואידך	דם	בלא	בעילות	כמה	לבעול		יכולני			Soncino (1489)	
ואידך	דם	בלא	בעילות	כמה	לבעול		יכולני			Vilna	
							גוברי'	דרב	שמו'	שני	Munich 95
							גובריה	דרב	שמו'	שני	Vatican 111
							גובריה	דרב	שמואל	שאני	Soncino (1489)
							גובריה	דרב	שמואל	שאני	Vilna

Appendix I: Synopsis of Ketubot 11a (Chapter Three)

1	Munich 95	אמ'	רב	הונא	גר	קטן	מטבילין	אותו	על	דעת
	Vatican 112	אמ'	רב	הונא	גר	קטן	מטבילי'	אותו	על	דעת (דא)
	Vatican 130	אמ'	רב	הונא	גר	קטן	מטבילין	אותו	על	דעת
	Vatican 487	א'	רב	הונא	גר	קטן	מטבילין	אותו	על	דעת
	Vilna	אמר	רב	הונא	גר	קטן	מטבילין	אותו	על	דעת
2	Munich 95	ב"ד		מאי	קמ"ל	דזכות	הוא	לו	וזכין	לו לאדם
	Vatican 112	[בית]	[דין]	מאי	קמ"ל	דזכות	הוא	לו	ד?זכין?	לאדם
	Vatican 130	בית	דין	מאי	קמ"ל	דזכות	הוא	לו	וזכין	לאדם
	Vatican 487	בית	דין	מאי	קמ"ל	דזכות	הוא	לו	וזכין	לאדם
	Vilna	בית	דין	מאי	קמ"ל	דזכות	הוא	לו	וזכין	לאדם
3	Munich 95	שלא	בפניו	תנינא	שזכין	לו	לאדם	שלא	בפניו	ואין חבין
	Vatican 112	שלא	בפניו	תנינא	[זכין]		לאדם	שלא	בפניו	ואי' חבין
	Vatican 130	שלא	בפניו	תנינא	זכין		לאד'	שלא	בפניו	ואין חבין
	Vatican 487	שלא	[בפניו]	תנינא	זכין		לאדם	שלא	בפניו	ואין חבין
	Vilna	שלא	בפניו	תנינא	זכין		לאדם	שלא	בפניו	ואין חבין
4	Munich 95	לו	לאדם	אלא	בפניו	מהו	דתימ'	גוי		בהפקירא ניחא
	Vatican 112		לאדם	שלא	[בפניו]	מהו	דתימא	גוי		בהיפקיר' ניח'
	Vatican 130		לאדם	שלא	בפניו	מהו	דתימא	גוי		בהיפקירא ניחא
	Vatican 487		לאדם	אלא	בפניו	מהו	דתימא	גוי		בהיפקירא ניחא
	Vilna		לאדם	שלא	בפניו	מהו	דתימא	עובד	כוכבים	בהפקירא ניחא
5	Munich 95	ליה		דהא	קיימ'	לן	עבד			בהפקירא ניח'
	Vatican 112	ליה	קמ"ל	והא	קיימא	לן	דעבד	ודאי		בהיפקיר' ניח'
	Vatican 130	ליה		[דהא]?	קיימ'	לן		דודאי	גוי	בהיפקירא ניחא
	Vatican 487	ליה		דהא	קיימא	לן		דודאי	עבד	בהיפקירא ניחא
	Vilna	ליה		דהא	קיימא	לן	דעבד	ודאי		בהפקירא ניחא
6	Munich 95	ליה	קמ"ל		הני	מילי	גדול	דטעים	טעמ'	דאיסורא אבל
	Vatican 112			וטע'	ה"מ]		גדול	[דטעים]	טעמא	דאיסור' אבל
	Vatican 130	[ליה]?	קמ"ל		הני	מילי	גדול	דטעים	טעמא	דאיסורא אבל
	Vatican 487	ליה			הני	מילי	גדול	דטעים	טעמא	דאיסור' אבל
	Vilna	ליה	קמ"ל		דהני	מילי	גדול	דטעם	טעם	דאיסורא אבל
7	Munich 95	קטן	זכות	הוא	לו					
	Vatican 112	קטן	זכות	הוא	לו					
	Vatican 130	קט'	זכות	הוא	לו					
	Vatican 487		זכות	היא	לו					
	Vilna	קטן	זכות	הוא	לו					

Appendix J: Synopsis of Gittin 12b-13a (Chapter Three)

זכו'	והלא	מאיר	לר'	לו	אמרנו	אלעזר		א"ר	תני'	Munich 95	1
זכו'	והלא	למא		לו	אמרנו	אלע'		א"ר	תני'	Oxford Opp. 38	
זכות	והלא	למאיר		לו	אמרנו	אלעזר		א"ר	תניא	St. Petersburg 187	
זכות	והלא	למאיר		לו	אמרנו	אלע'	ר'	אמ'	תניא	Vatican 127	
זכות	והלא	למאיר		לו	אמרנו	אלעזר		א"ר	תניא	Vatican 130	
זכות	והלא	למאי'		לו	אמרנו	אלעזר		א"ר	תניא	Vatican 140	
זכות	והלא	למאיר		לו	אמרנו	אלעזר	רבי	אמר	תניא	Venice Print	
זכות	והלא	למאיר		לו	אמרנו	אלעזר		א"ר	תניא	Vilna	
חוב	לנו	א'	לחירו'	רבו		מתחת	שיוצ'	לעבד	הוא	Munich 95	2
חוב	לנו	אמ'	לחירות	רבו		מתחת	שיצא	לעבד	הוא	Oxford Opp. 38	
חוב	להן	אמ'	לחירות	רבו		מתחת	<...>	לעבד	הוא	St. Petersburg 187	
חוב	לנו	אמ'	לחירות	רבו		מתחת	שיוצא	לעבד	הוא	Vatican 127	
חוב	לנו	אמ'	לחירות	רבו	יד	מתחת	שיוצא (ו)	לעבד	הוא	Vatican 130	
חוב		א"ל	לחירות	רבו	מתחת	מתחת	שיצא	לעבד	הוא	Vatican 140	
חוב	לנו	אמ'	לחירות	רבו	ידי	מתח'	שיוצ'	לעבד	הוא	Venice Print	
חוב	לנו	אמר	לחירות	רבו	ידי	מתחת	שיוצא	לעבד	הוא	Vilna	
אמרנו	התרומ'	מן	פוסלו	כהן	עבד	היה	שאם	לו	הו'	Munich 95	3
אמרנו	התרומה	מן	פוסלו	כהן	עבד	היה	שאם	לו	הוא	Oxford Opp. 38	
אמרנו	התרומה	מן	פוסלו	<...>	עבד <..>	היה	שאם	לו	הוא	St. Petersburg 187	
אמרנו	התרומה	מן	פוסלו	כהן	עבד	היה	שאם	לא	המו	Vatican 127	
אמרנו	התרומה	מן	פוסלו	[כהן]	עבד	היה	שאם	לו	הוא	Vatican 130	
אמרנו	התרומה	מן	פוסלו	כהן	עבד	היה	שאם	לו	הוא	Vatican 140	
אמרנו	התרומה	מן	פוסלו	כהן	עבד	היה	שאם	לו	הוא	Venice Print	
אמרנו	התרומה	מן	פוסלו	כהן	עבד	היה	שאם	לו	הוא	Vilna	
לזונו		שלא	רצ'	אם		והלא				Munich 95	4
זונו		שלא	ירצה	אם	מה	והלא			לו	Oxford Opp. 38	
לזונו		שלא	ירצה	שאם	ומה	והלא			לו	St. Petersburg 187	
[לזונו]	(לקו)	שלא	רצה	אם		והלא	ר'	לא		Vatican 127	
לזונו		שלא	רצה	אם		והלא			לו	Vatican 130	
לזונו		שלא	ירצה	אם					לו	Vatican 140	
לזונו		שלא	ירצה	אם	מה	והלא			לו	Venice Print	
לזונו		שלא	ירצה	אם	מה	והלא			לו	Vilna	

שברח	כהן	עבד	אלו	ומה	לנו	א'	רשאי	לפרנסו	ושלא	Munich 95	5
שברח	בהן	עבד	[אילו]	ומה	לנו	אמ'	רשאי	לפרנסו	ושלא	Oxford Opp. 38	
שברח	כהן	עבד	אילו	ומה	לו	אמ'	רשאי	לפרנסו	לא...<	St. Petersburg 187	
שברח	כהן	עבד		ומה	לנו	אמ'	רשאי	לפרנסו	שלא	Vatican 127	
שברח	כהן	עב'	אילו	ומה	לנו	אמר	רשאי	לפרנסו	ושלא	Vatican 130	
שברח	כהן	עבד	אילו	ומה	לנו	אמ'	רשאי	ולפרנסו		Vatican 140	
שברח	כהן	עבד	אילו	ומה	לנו	אמר	רשאי	ולפרנסו	ושלא	Venice Print	
שברח	כהן	עבד	אילו	ומה	לנו	אמר	רשאי	לפרנסו	ושלא	Vilna	
וזה		בתרומה	אוכלין	הלא	בעל'	על	שמרד'	כהן	ואש'	Munich 95	6
וזה		בתרומה	אוכלין	הלא	בעלה	על	שמרדה	כהן	ואשת	Oxford Opp. 38	
וזה		בתרומה	אוכלין	הלא	בעלה	על	שמרדה	כהן	ואשת	St. Petersburg 187	
וזה		בתרומה	אוכליו	הלא	בעלה	על	שמרדה	כהן	ואשת	Vatican 127	
וזה		בתרומה	אוכלין	הלא			שמרדה	כהן	ואשת	Vatican 130	
וזה	(אי)	בתרומה	אוכלין	הלא	בעלה	על	שמרדה	כהן	ואשת	Vatican 140	
וזה		בתרומה	אוכלי'	הלא	בעלה	על	שמרדה	כהן	ואשת	Venice Print	
וזה		בתרומה	אוכלין	הלא	בעלה	על	שמרדה	כהן	ואשת	Vilna	
פוסל'	שכן	לה	הו'		חוב	אש'		אוכל	אינו	Munich 95	7
פיסלה	שכן	לה	הוא		חוב	אשה	אבל	אוכל	אינו	Oxford Opp. 38	
פוסלה	שכן	לה	הוא		חוב	<...>	אבל	אוכל	אינו	St. Petersburg 187	
פסלה	שכן	לה	המו	(לה)	חוב	אשה	אבל	אוכל	אינו	Vatican 127	
פסלה	שכן	לה	הוא		חוב	אשה	אבל	אוכל	אינו	Vatican 130	
פוסלה	שכן	לה	הוא		חוב	אשה	אבל	וכל[א]	אינו	Vatican 140	
פסלה	שכן	לה	הוא		חוב	אשה	אבל	אוכל	אינו	Venice Print	
פסלה	שכן	לה	הוא		חוב	אשה	אבל	אוכל	אינו	Vilna	
ומאי	ליה	קאמרו	מאי	המזונו'	מן	ומפסיד'	התרומ'		מן	Munich 95	8
ומאי	ליה	קאמרן	מאי	המזונו	[מן]	ומפסידה	התרומה		מן	Oxford Opp. 38	
ומאי	ליה	קאמרו	<...>	המזונות	מן	ומפסידה	התרומה		מן	St. Petersburg 187	
מאי		קאמרי	מאי	המזונות	מן	ומפסידה	התרומה		מן	Vatican 127	
ומאי	ליה	קאמרו	מאי	המזונות	מן	ומפסי'	התרומה	(הכהונה)	מן	Vatican 130	
ומאי	להו	קאמ'	מאי	המזונות	מן	ומפסידה	התרומ'		מן	Vatican 140	
ומאי	לי'	קאמרו	מאי	המזונו'	מן	ומפסיד'	התרומה		מן	Venice Print	
ומאי	ליה	קאמרו	מאי	המזונות	מן	ומפסידה	התרומה		מן	Vilna	

על	השבתוני			להו	קא'	הכי	להו	קמהדר	Munich 95	9	
על	השבתני			להו	דאמ'	הכי	ליה	קמהדר	Oxford Opp. 38		
על	השבתוני			להו	קאמ'	הכי	להו	קמהדר	St. Petersburg 187		
על	השיבתוני			להו	קאמ'	הכי	להו	קמהדר	Vatican 127		
על	השבתוני			להו	קאמ'	הכי	להו	מהדר קא	Vatican 130		
על	השבתוני	מאיר	ר'	להו	קאמ'	הכי	ליה	קמהדרו	Vatican 140		
על	הישבתוני			להו	קאמר	הכי	להו	מהדר קא	Venice Print		
על	השבתוני			להו		ה"ק	להו	מהדר קא	Vilna		
זריק	בעי	אי	תימרו	וכי	התרומ'	על	תשיבו'	מה	המזונו'	Munich 95	10
זריק		איבעי	ת?מרו?	וכי	התרומה	על	תשיביני	מה	המזונו	Oxford Opp. 38	
זריק	בעי	אי	תימרו	וכי	התרומה	על	תשיבוני	מה	המזונות	St. Petersburg 187	
זרק		דאיבעי	תימ'	וכי	התרומה	על	תשיבוני	מה	המזונות	Vatican 127	
זריק		איבעי	תימ'	וכי	התרומה	על	תשיבוני	מה	המזונות	Vatican 130	
זריק		איבעי	תמ>..<	וכי	התרומה	על	תשיבוני	מה	המזונות	Vatican 140	
זריק		איבעי	תימרו	וכי	התרומה	על	תשיבוני	מה	המזונות	Venice Print	
זריק	בעי	אי	תימרו	וכי	התרומה	על	תשיבוני	מה	המזונות	Vilna	
	ועריק	ליה	שביק	ליה	ופסיל	גיט'			ליה	Munich 95	11
	ועריק	ליה	שביק		ופוסל	גיטא			ליה	Oxford Opp. 38	
	וערק	ליה	שביק	ליה	ופסיל	<...>			ליה	St. Petersburg 187	
	וערקא	ליה	שביק	לה	לפסילה	[גיטא]	(גינמו)	(קלקלה)	ל'	Vatican 127	
	ועריק	לי'	שביק	ל'	ופסיל	גיטא			ל'	Vatican 130	
ליה	ועריק	ליה	שביק	ליה	ופסיל	גיטא			ליה	Vatican 140	
	ועריק	ליה	שביק	ליה	ופסיל	גיטא			ליה	Venice Print	
	ועריק	ליה	שביק	ליה	ופסיל	גיטא			ליה	Vilna	
כהן	ו>..ש'	שברח	כהן	עבד	אלו	ומה	לעלמ'		ואזיל	Munich 95	12
כהן	ואשת	שברח	כהן	עבד		ומה	לעלמ'		ואזיל	Oxford Opp. 38	
כהן	ואשת	שברח	כהן	עבד	אילו	ומה	לעלמא		ואזל	St. Petersburg 187	
כהן	ואשת	שברח	כהן	עבד	אילו	ומה	לעלמא		ואזיל	Vatican 127	
כהן	ואשת	שברח	כהן	עבד	אילו	ומה	לעלמא		ואזיל	Vatican 130	
כהן	ואשת	שברח	כהן	עבד		ומה	לעלמ'	ליה	ואזיל	Vatican 140	
כהן	ואשת	שברח	כהן	עבד	אילו	ומה	לעלמא		ואזיל	Venice Print	
כהן	ואשת	שברח	כהן	עבד	אילו	ומה	לעלמא		ואזיל	Vilna	

	אינו	וזה		בתרומ'	אוכלין	הלא	בעל'	על	שמרד'	Munich 95	13
	אינו	וזה		בתרומה	אוכלין	הלא	בעלה	על	שמרדה	Oxford Opp. 38	
	אינו	והוא		בתרומה	אוכלין	והלא	בעלה	על	שמרדה	St. Petersburg 187	
	אינו	וזה		בתרומה	אוכליו	הלא	בעלה	על	שמרד'	Vatican 127	
	אינו	וזה		בתרומה	אוכל'	הלא			שמרדה	Vatican 130	
	אינו (אלא)	וזה		בתרומה	אוכלין	והלא	בעלה	על	שמרדה	Vatican 140	
	אינו	וזה	ו	בתלומה	אוכלין	הלא	בעלה	על	שמרדה	Venice Print	
	אינו	וזה		בתרומה	אוכלים	הלא	בעלה	על	שמרדה	Vilna	
	מן	פוסל'	שכן	לה	הו'	אש'		אבל	אוכל	Munich 95	14
									אוכל	Oxford Opp. 38	
									אוכל	St. Petersburg 187	
	מן	פסולה	שכן	לה	היא	אשה	תרומ'	אבל	אוכל	Vatican 127	
	מן	פסלה	שכן	לה	הוא	אשה		אבל	אוכל	Vatican 130	
									אוכל	Vatican 140	
									אוכל	Venice Print	
									אוכל	Vilna	
	להו	קא'	שפיר						התרומ'	Munich 95	15
	להו	דאמ'	שפיר							Oxford Opp. 38	
	להו	קאמ'	שפיר							St. Petersburg 187	
	להו	קאמ'	שפיר	(המזונות)				למפסידה	התרומה	Vatican 127	
	להו	קאמ'	שפיר	המזונות	מן	ה	מן	ומפסידה	התרומה	Vatican 130	
	ר'	להו	קאמ'	שפיר						Vatican 140	
		להו	קאמ'	שפיר						Venice Print	
		להו	קאמר	שפיר						Vilna	
	שהו'	מפני	במתני'	ליה	דקמהדרין	היינו	רבא		א'	Munich 95	16
	שהוא	מפני	במתניתי'	ליה	מהדרין	דקא	רב		אמ'	Oxford Opp. 38	
	שהוא	מפני	<...>	ליה	מהדרין	דקא	רבא		אמ'	St. Petersburg 187	
	שהוא	מפני	במתני'	לי'	מהדריו	דקא	רבינו		אמ'	Vatican 127	
	שהוא	מפני	במתניתין	ל'	מהדרי(ן)	דקא	רבינו(ו)		אמ'	Vatican 130	
	שהוא	מפני	במתני'	ליה	מהדרין	דקא	רבא		מאיר	Vatican 140	
	שהוא	מפני	במתניתין	ליה	מהדרי	דקא	רבא		אמ'	Venice Print	
	שהוא	מפני	במתני'	ליה	מהדרי	דקא	רבא		אמר	Vilna	

17	Munich 95	קניינו	דאי	בעי	שקיל	זוזי	מישר'	ופסיל	ליה	כל
	Oxford Opp. 38	קניינו	דא'	באי'	שקיל	זוזי	מישר'	ופסיל	ליה	כל
	St. Petersburg 187	קניינו	דאי	בעי	שקיל	זוזי	מישראל	ופסיל	ליה>..<	
	Vatican 127	קניינו	דאי	בעי	שקיל	זוזי	מישר'	ופסיל	ליה	כל
	Vatican 130	קניינו	דאי	בעי	שקיל	זוזי	מישר'	ופסיל	ל'	כל
	Vatican 140	קניינו	דאיבעי		שקיל	זוזי	מישר'	ופסיל	ליה	כל
	Venice Print	קניינו	דאי	בעי	שקיל	זוזי	מישראל	ופסיל	ליה	כל
	Vilna	קנינו	דאי	בעי	שקיל	זוזי	מישראל	ופסיל	ליה	כל
18	Munich 95	היכ'	דאיתי'	ור'	מאיר	תינח	כהן		עבד	ישר'
	Oxford Opp. 38	היכ'	דאיתי	ור'	מאיר	תינח	כהן		עבד	ישר'
	St. Petersburg 187	היכא	דאיתיה	ולר'	מאיר	תינח	כהן	שברח		ישראל
	Vatican 127	היכא	דאיתיה	ור'	מאיר	התינח	כהן		עבד	ישר'
	Vatican 130	היכא	דאיתיה			תינח	כהן		עבד	ישר'
	Vatican 140	היכא	דאיתי'	ור'	מאיר	תינח	כהן		ועבד	ישר'
	Venice Print	היכא	דאיתיה	ולרבי	מאיר	תינח	כהן		עבד	ישראל
	Vilna	היכא	דאיתיה	ולרבי	מאיר	תינח	כהן		עבד	ישראל
19	Munich 95	מאי		איכ'	למימ'	א"ר		שמו'	בר	רב
	Oxford Opp. 38	מאי		איכא	למימ'	אמ'	ר'	שמע'	בר	רב
	St. Petersburg 187	מא>..		>...]	למימר	א"ר		שמואל	בר	רב
	Vatican 127	(מיד)	[מאי]	איכא	למימ'	טמא	ר'	שמו'	בר'	
	Vatican 130	מאי		איכא	למימ'	א"ר		שמ(ע)ו'	בר	רב
	Vatican 140	מאי		איכא	למימ'	אמ'	ר'	שמואל	בר	רב
	Venice Print	מאי		איכא	למימר	אמ'	רבי	שמואל	בר	רב
	Vilna	מאי		איכא	למימר	אמר	רבי	שמואל	בר	רב
20	Munich 95	יצח'	מפני	שמפסידו	משפח'	כנעני'		אדרב'	הרי	
	Oxford Opp. 38	יצחק	מפני	שמפסידן	משפחת	כנענית		אדרבה	הרי	
	St. Petersburg 187	יצחק	מפני	שמפסידו	משפחה	ת>..<		אדרבה	הוא	
	Vatican 127	יצחק	מפני	שמפסידו	משיפחה	כנענית		אדרבה	הרי	
	Vatican 130	יצח'	מפני	שמפסידו	בשפחה	כנענית		אדרבה	הרי	
	Vatican 140	יצחק	מפני	שמפסידו	משפחת	כנענית	א'	רבה	הרי	הוא
	Venice Print	יצחק	מפני	שמפסידו	משפחה	כ		אדרב'	הרי	הו'
	Vilna	יצחק	מפני	שמפסידו	משפחה	כנענית		אדרבה	הרי	הוא

זילא	ליה	ניח'	בהפקיר'	עבד'		חורין	בבת	מתירו	Munich 95	21
זילא	ליה	ניחא	בהפקיר	עבדא		חורין	בבת	מתירו	Oxford Opp. 38	
	<...>	ניחא	בהפקרא	עבדא		חורין	בבת	מתירו	St. Petersburg 187	
זילא	ליה	ניחי	בהפקירה	עבדא		חורין	בבת	מתירו	Vatican 127	
זילא	ליה	ניחא	כהיפקירא	עבדא	(חורין)	(בבת)	חורין	מתירו	Vatican 130	
זילא	ליה	ניח'	בהפקירא	עבדא		תורין	בבת	מתירו	Vatican 140	
זילא	ליה	ניחא	בהפקיר'	עבדא		חור'	בבת	מתירו	Venice Print	
זילא	ליה	ניחא	בהפקירא	עבדא		חורין	בבת	מתירו	Vilna	
					ליה	ופריע'	ליה	שכיח'	Munich 95	22
					ליה	ופריצ'	ליה	שכיח	Oxford Opp. 38	
					ליה	פריצא	ליה	שכיחא	St. Petersburg 187	
					ליה	ופריצא	ליה	שכיח'	Vatican 127	
						פריצא(ו)	ל'	שכיח'	Vatican 130	
					ליה	ופריצא	ליה	ושכיח	Vatican 140	
					להי	פריצא	ליה	שכיח'	Venice Print	
					ליה	פריצה	ליה	שכיחא	Vilna	

Appendix K: Synopsis of Baba Metzia 84a (Chapter Four)

1	Escorial G-I-3	כי	הוּו	מקלעי	ר'	ישמעאל	בר'	ור'	אלעז'
	Florence II-I-8	כי	הוּו	מיקלעי	ר'	ישמע'	בר'	יוסי	אלעז'
	Hamburg 165	כי	הוּו	מיקלעי	ר'	ישמעאל	בר'	ור'	אלעזר
	Munich 95	כי	הוּו	מיקלעי	ר'	ישמע'	ב"ר	יוסי	אלעז'
	Soncino Print	כי	הוּו	מקלעי	ר'	ישמעאל	בר'	ור'	אלעזר
	Vatican 115	כי	הוּו	מקלעי	ר'	ישמע'	בר'	יוסי	ור'
	Vatican 116-117	כי	הוּו	מיקלעי	ר'	ישמעאל	בר'	יוסי	ור'
	Vilna	כי	הוּו	מקלעי	רבי	ישמעאל	ברבי	יוסי	ורבי
2	Escorial G-I-3	שמעון	ל(ה)הדדי				הוּו	עיילי	פדנא
	Florence II-I-8	שמע'	גבי	הדדי	חלפא	ביניהו			דתורא
	Hamburg 165	שמעון	לגבי	הדדי			הוּו	עילא	דתורא
	Munich 95	שמעו'	לגבי	הדדי			הוּו	עייל'	דקרא
	Soncino Print	שמעון	בהדי	הדדי			הוּו	עייל	דקרא
	Vatican 115	שמע'	גבי	הדדי			הוּו	עיילי	דקרא
	Vatican 116-117	שמעון	לגבי	הדדי			הוּו	עיילא	דקרא
	Vilna	שמעון	בהדי	הדדי			הוּו	עייל	דקרא
3	Escorial G-I-3	תותי	כרסייהו	בין	חד	וחד	הוּו	נגעי	בהו
	Florence II-I-8							נגע	בהו
	Hamburg 165			בין	חד	לחד	הוּו	פגעא	בהו
	Munich 95			ביני	תרויהו		הוּו	קנגע'	בהו
	Soncino Print			ביניהו			הוּו	נגעא	בהו
	Vatican 115				לתרווי		הוּו	נגעה	בהו
	Vatican 116-117			ביני	תרווייהו		הוּו	נגעה	בהו"
	Vilna			ביניהו			הוּו	נגעה	בהו
4	Escorial G-I-3	להו	ההוא	מטרוניתא	בניכס	אינן	שלכס	אמ'	לה
	Florence II-I-8	ליה	ההוא	מטרוניתא	בניכס	אינן	שלכס	אמרי	ליה
	Hamburg 165	להו	ההיא	מטרונית'	בניכס	אינן	שלכס	אמרי	לה
	Munich 95	להו'	ההי'	מטרונית'	בניכ'	אינן	שלכס	אמרו	לה
	Soncino Print	להו	ההיא	מטרוניתא	בניכס	אינן	שלכס	אמרו	לה
	Vatican 115	להו		מטרונית'	בניכס	אינן	שלכס	אמרו	לה
	Vatican 116-117	להו		מטרוניתא	בניכס	אינן	שלכס	אמרו	לה
	Vilna	להו	ההיא	מטרוניתא	בניכס	אינן	שלכס	אמרו	לה

		שכן	כל	הכי	אי		להו	אמרה	משלנו	Escorial G-I-3	5	
	קאמרי	מאי	שכן	כל	הכי	אי			משלנו	Florence II-I-8		
		שכן	כל	הכי	אי				משלנו	Hamburg 165		
			כ"ש	הכי	אי			א"ל	משלנו	Munich 95		
		שכן	כל						משלנו	Soncino Print		
		שכן	כל	הכי	אי	לה	קאמרי	מאי	משלנו	Vatican 115		
		שכן	כל	הכי	אי				משלכם	Vatican 116-117		
		שכן	כל						משלנו	Vilna		
	ואיכ'	גבורתו	כאיש	כי	לה	אמרו	הכיה) (ה	דאמרי	איכ'	Escorial G-I-3	6	
	איכ'	גבורתו	כאיש	כי				דאמ'	ליה	Florence II-I-8		
	ואיכא	גבורתו	כאיש	כי	לה	אמרו	הכי	דאמרי	איכא	Hamburg 165		
	ואיכ'	גבורתו	כאיש	כי	לה	אמ'	הכי	דא'	איכ'	Munich 95		
	איכא	גבורתו	כאיש	כי	לה	אמרי	הכי	דאמרי	איכ'	Soncino Print		
	איכא	גבורתו	כאיש	כי	לה	אמרו		דאמר'	איכא	Vatican 115		
	איכ'	גבורתו	כאיש	כי	לה	אמרו	הכי	דא'	איכ'	Vatican 116-117		
	איכא	גבורתו	כאיש	כי	לה	אמרו	הכי	דאמרי	איכא	Vilna		
	להו	ולמה	הבשר	את	דוחקת	אהבה	לה	אמרו	הכי	דאמ'	Escorial G-I-3	7
	להו	למה	הבשר	את	רוחק<..>	אהבה			דאמרי	Florence II-I-8		
	להו	ולמה	הבשר	את	דוחקת	אהבה	לה	אמרו	הכי	דאמרי	Hamburg 165	
	להן	ולמ'	הבשר	את	דוחק'	אהב'	לה	אמ'	הכי	דא'	Munich 95	
	להו	ולמה	הבשר	את	דוחק	אהב'	לה	אמרו	הכי	דאמרי	Soncino Print	
	להו	ולמה	הבשר	את	דוחקת	אהבת	לה	אמרו	הכי	דאמ'	Vatican 115	
	להו	ולמה	הבשר	את	דוחקת	אהבה	לה	אמרו	הכי	דאמר	Vatican 116-117	
	להו	ולמה	הבשר	את	דוחקת	אהבה	לה	אמרו	הכי	דאמרי	Vilna	
		כאולתו	כסיל	תען	אל		כתו'	והא	לאהדורי	Escorial G-I-3	8	
	תשוה	פן	כאולתו	תען	אל		והכת'	לה	לאהדורי	Florence II-I-8		
		וג'	כאולתו	תען	אל		והכת'	לה	לאהדורי	Hamburg 165		
		כאולתו	כסיל	תען	אל		והכת'	לה	לאהדורי	Munich 95		
		כאולתו	כסיל	תען	אל	כתיב	והא	לה	אהדורי	Soncino Print		
		כאולתו	כסיל	תען	אל		הכת'	להו	אהדורי	Vatican 115		
		כאולתו	כסיל	תען	אל		הכת'	לה	לאהדורי	Vatican 116-117		
		כאולתו	כסיל	תען	אל	כתיב	והא	לה	לאהדורי	Vilna		

										Escorial G-I-3	9
									לו	Florence II-I-8	
										Hamburg 165	
										Munich 95	
										Soncino Print	
										Vatican 115	
									ל	Vatican 116-117	
										Vilna	
										Escorial G-I-3	10
										Florence II-I-8	
										Hamburg 165	
										Munich 95	
										Soncino Print	
										Vatican 115	
										Vatican 116-117	
										Vilna	
										Escorial G-I-3	11
										Florence II-I-8	
										Hamburg 165	
										Munich 95	
										Soncino Print	
										Vatican 115	
										Vatican 116-117	
										Vilna	
										Escorial G-I-3	12
										Florence II-I-8	
										Hamburg 165	
										Munich 95	
										Soncino Print	
										Vatican 115	
										Vatican 116-117	
										Vilna	

		לה	ואמרי	קבין	חמשת	בת	כחמת	יוחנן	דר'	איבריה	Escorial G-I-3	13
											Florence II-I-8	
	כחמת	לה	ואמרי	קבין	שלוש	בת	כחמת	יוחנן	דר'	אבריה	Hamburg 165	
		לה	ואמ'	קבין	חמש'	בת	כחמ'	יוחנן	דר'	אברי'	Munich 95	
		לה	ואמ'	קבין	חמשת	בת	כחמת	יוחנן	דר'	איבריה	Soncino Print	
		לה	ואמרי	קבין	חמשת	בת	כחמת	יוחנ'	דר'	איבריה	Vatican 115	
				קבין	חמשת	בת	כחמת	יוחנן	דרב	איבריה	Vatican 116-117	
		לה	ואמרי	קבין	חמשת	בת	כחמת	יוחנן	דרבי	איבריה	Vilna	
דהרפנאי		כדקורי		גופיה	פפא	דרב	איבריה	קבין	שלשת	בת	Escorial G-I-3	14
דהרפנאי		רקודי	כי	גופיה	פפא	דרב					Florence II-I-8	
הרפנאי		כדקורי		גופיה	פפא	דרב	איבריה	קבין	חמש	בת	Hamburg 165	
דהרפנאי		כדקוראי		גופי'	פפ'	דרב	איברי'	קבין	שלוש'	בת	Munich 95	
דהרפנאי		דקורי	כי	גופיה	פפא	דרב		קבין	שלוש'	בת	Soncino Print	
דהרפנאי		דקורי	כי	גופיה	פפא	דרב	איבריה	קבין	שלשת	בת	Vatican 115	
		דנהר	כי	פפא	דרב	איבריה					Vatican 116-117	
דהרפנאי		דקורי	כי	גופיה	פפא	דרב		קבין	שלשת	בת	Vilna	
											Escorial G-I-3	15
											Florence II-I-8	
											Hamburg 165	
											Munich 95	
											Soncino Print	
											Vatican 115	
										פמא	Vatican 116-117	
											Vilna	

Appendix L: Synopsis of Yevamot 17a (Chapter Four)

1	Moscow 594	יתיב	רב	המ(מ)נ[נ]וא	קמיה	דעולא	וקא	הואי	בשמעת' אמ'
	Moscow 1017	יתיב	רב	המנונ'	קמיה	דעול'	וקא	תהי	בשמעתא אמ'
	Munich 95	יתיב	רב	המנונא	קמיה	דעולא	וקא	הווי	שמעתא אמ'
	Oxford 20	ית>...>	..>		קמיה	דעולא	וקא	הוי	בשמעתא אמ'
	Oxford 248	יתיב	רב	המנונא	קמיה	דעולא	וקא	הוי	בשמעתא אמ'
	Pesaro (1509)	יתיב	רב	המנונא	קמיה	דעולא	וקא	הוי	בשמעת' אמר
	Vatican 111	יתיב	רב	המנונ'	קמיה	דעולא	וקא	הוי	בשמעתא אמ'
	Vilna	יתיב	רב	המנונא	קמיה	דעולא	וקא	הוי	בשמעתא אמר
2	Moscow 594	מאן	גברא	ומאן	גבריה	אי	לאו	דהרפניא	מאתיה איכסיף
	Moscow 1017	מה	גברא	ומה	גברא	אי	לאו	דהרפניא	מאת' איכסיף
	Munich 95	מה	גבר'	ומה	גברא	אי	לאו	דהרפניא	מאתיה כסיף
	Oxford 20	מה	גבר	<..	>...>	אי	לאו	דהרפניא	מאתיה איכסיף
	Oxford 248	מה	גברא	ומה	גברא	אי	לאו	דהרפניא	מאתיה איכסיף
	Pesaro (1509)	מה	גבר'	ומה	גברא	אי'	לאו	דהרפני'	מאתיה איכסיף
	Vatican 111	מה	גברא	ומה	גברא	אי	לאו	דהרפניא	מאתיה איכסיף
	Vilna	מה	גברא	ומה	גברא	אי	לאו	דהרפניא	מאתיה איכסיף
3	Moscow 594	א"ל	כסף		גולגולתא	להיכא	יהבת	א"ל	לפום נהרא
	Moscow 1017	א"ל	כסף		גולגולתא	להיכא	יהבת	אל	לפום נהרא
	Munich 95	א"ל	כסף		גולגולתא	להיכא	יהבת	א"ל	לפום נהרא
	Oxford 20	אמ'	ליה	כסף	גולגולתך	להיכא	יהבת	אמ'	ליה לפום נהרא
	Oxford 248	אמ'	ליה	כסף	גולגולתא	להיכא	יהבת	אמ'	ליה לפום נהרא
	Pesaro (1509)	א"ל	כסף		גולגולת'	להיכ'	יהבת	א"ל	לפום נהר'
	Vatican 111	א"ל	כסף		גולגולתא	להיכא	יהבת		לפום נהרא
	Vilna	א"ל	כסף		גולגולתא	להיכא	יהבת	א"ל	לפום נהרא
4	Moscow 594	א"ל	א"כ		מפום	נהרא	את	מאי	הרפניא א"ר
	Moscow 1017		אם	כן	מפום	נהרא	את	מאי	הרפניא א"ר
	Munich 95		א"כ		מפום	נהרא	את	מאי	הרפניא א"ר
	Oxford 20	אם		כן	מפום	נהרא	את	מאי	הרפניא אמ' ר'
	Oxford 248	אם		כן	מפום	נהרא	את	מאי	הרפניא אמ' ר'
	Pesaro (1509)	א"כ			מפום	נהר'	את	מאי	הרפניא אמ' ר'
	Vatican 111	אם		כן	מפום	נהרא	את		הרפניא א"ר
	Vilna	א"ל	א"כ		מפום	נהרא	את	מאי	הרפניא אמר ר'

					בו	פוני'	שהכל	הר	זירא	Moscow 594	5
					בו	פונין	שהכל	הר	זירא	Moscow 1017	
					לו	פונה	שכל	הר	זירא	Munich 95	
					לו	נפנים	שהכל	הר	זורא	Oxford 20	
		משאול	עמוקה	והיא	בו	פונים	שהכל	הר	זירא	Oxford 248	
					בו	פונין	שהכל	הר	זירא	Pesaro (1509)	
					בו	פונים	שהכל	הר	זירא	Vatican 111	
					בו	פונין	שהכל	הר	זירא	Vilna	
					שבטו	מכיר	שאינו		כל	Moscow 594	6
					שבטו	מכיר	שאינ'		כל	Moscow 1017	
					שבטו	מכיר	שאינו		כל	Munich 95	
					שבטו	מכיר	שאינו		כל	Oxford 20	
					שבטו	מכיר	שאינו		כל	Oxford 248	
					משפחתו	מכיר	שאינ	מ	כל	Pesaro (1509)	
					שבטו	מכיר	שאינו		כל	Vatican 111	
					משפחתו	מכיר	שאינ		כל	Vilna	
		אגאלם	וממות	אפדם	שאול	שנ'	משאול	עמוקה	והיא	Moscow 594	7
		אגאלם	וממות	אפדם	שאול	שנ'	משאול	עמוק'	והיא	Moscow 1017	
				אפדם	שאול	שנ'	משאול	עמוקה	והיא	Munich 95	
			וג'	אפדם	שאול	שנ'	משאול	עמוקה	והיא	Oxford 20	
										Oxford 248	
		אגאל'	וממות	אפדם	שאו'	שנ'	משאו'	עמוק'	והיא	Pesaro (1509)	
		להם	[...]	אפדם	שאו'	שנ'	משאול	עמוקה	והיא	Vatican 111	
		אגאלם	ממות	אפדם	שאול	שנאמר	משאול	עמוקה	והיא	Vilna	
					להו	לית	דידהו		ואל	Moscow 594	8
					להו	לית	דידהו	(ני)	ואילו	Moscow 1017	
					להו	לית	דידהו		ואילו	Munich 95	
					להו	לית	דידהו		ואילו	Oxford 20	
										Oxford 248	
					להו	לית	דידהו		ואילו	Pesaro (1509)	
					להו	לית	דידהו		ואילו	Vatican 111	
					להו	לית	דידהו		ואילו	Vilna	

דתרמוד		דתרמוד	פסולי	משו'	דמישון		דמישון	פסולי	משו'	Moscow 594	9
ותרמוד		דתרמוד	פסולי	משום	דמישון	פסולי	דמישון	פסולי	משום	Moscow 1017	
דתרמוד		דתרמוד	פסולי	משום	דמישון		דמישון	פסולי	משום	Munich 95	
		דתדמור	פסולי	משום	ומישון		דמישון	פסולי	משום	Oxford 20	
										Oxford 248	
דתרמו'	פסולי	דתרמו'	פסולי	משו'	דמיש'	ופסולי	דמיש'	פסולי	משום	Pesaro (1509)	
דתמור		דתדמור	פסולי	משום	דמישן	פסולי	דמישן	פסולי	משום	Vatican 111	
דתרמוד	פסולי	דתרמוד	פסולי	משום	דמישון	ופסולי	דמישון	פסולי	משום	Vilna	
קבא	אינשי	דאמרי	והיינו	)	(	שלמה	עבדי	(פסולי)	משו'	Moscow 594	10
קבה	אינשי	דאמרי	והיינו			שלמה	עבדי		משום	Moscow 1017	
קבא	אינשי	דאמרי	והיינו			שלמה	עבדי		משום	Munich 95	
קבה	אינשי	דאמרי	והיינו			שלמה	עבדי		משו'	Oxford 20	
קבא	אינשי	דאמרי	היינו							Oxford 248	
קבא	אינשי	דאמרי	והיינו			שלמה	עבדי		משו'	Pesaro (1509)	
קבא	אינשי	דאמרי	והיינו			שלמה	עבדי		משום	Vatican 111	
קבא	אינשי	דאמרי	והיינו			שלמה	עבדי		משום	Vilna	
ומתרמוד	לתרמוד		ומשאול	לשאול	ואזיל	מיגנדר	זוטא	וקבא	רבא	Moscow 594	11
מתרמוד	לתרמוד		משאול	לשאול	ואזיל	מגנדר	זוטרא	וקבה	רבה	Moscow 1017	
	(לתרמות)		משאול	לשאול	ואזיל	מיגנדר	זוטרא	וקבא	רבה	Munich 95	
ומתדמור	לתדמור		ומשאול	לשאול	ואזיל	מיגנדרי	זוטא	וקבה	רבה	Oxford 20	
ומתרמוד	לתרמוד		ומשאול	לשאול	ואזיל	מגנדר	זוטא	וקבא	רבה	Oxford 248	
מתרמו'	לתרמוד		ומשאול'	לשאול	ואזיל	מיגנדר	זוטא	וקב'	רבא	Pesaro (1509)	
מתדמור	לתדמור		ואזיל	לשאול	ואזיל	מיגנדר	זוטא	מקבא	רבא	Vatican 111	
ומתרמוד	לתרמוד		ומשאול	לשאול	ואזיל	מיגנדר	זוטא	וקבא	רבא	Vilna	
						להרפניא		וממישון	למישון	Moscow 594	12
						להרפניא		ממישון	למישון	Moscow 1017	
						להרפניא	ממישן	למישן	מתרמוד	Munich 95	
						להרפניא		וממישון	למישון	Oxford 20	
דמישן	דמישן	פסולי	משום	דהרפניא	פסולי	להרפניא		וממישן	למישן	Oxford 248	
					פניא	לנהר		וממישן	למישן	Pesaro (1509)	
						להרפניא		ממישן	למישן	Vatican 111	
						להרפניא		וממישן	למישן	Vilna	

										Moscow 594	13
										Moscow 1017	
										Munich 95	
										Oxford 20	
	היא	רבא	ואמ'	שלמה	עבדי	משום	דתרמוד	דתרמוד	פסולי	משום	Oxford 248
											Pesaro (1509)
											Vatican 111
											Vilna
										Moscow 594	14
										Moscow 1017	
										Munich 95	
										Oxford 20	
	בשאול	ואלו	תקנתא	בהו	לית	דהתם	פסולי	דאלו	משאול	עמוקה	Oxford 248
											Pesaro (1509)
											Vatican 111
											Vilna
										Moscow 594	15
										Moscow 1017	
										Munich 95	
										Oxford 20	
			אגאלם	מות	מיד	אפדם	שאול	מיד	בתרמוד		Oxford 248
											Pesaro (1509)
											Vatican 111
											Vilna

Appendix M: Synopsis of Ketubot 15b-16a (Chapter Five)

1	Vatican 487	האשה	שנתארמלה	או	שנתגרשה	היא	אומרת	בתולה	נשאתי	והוא	אומ'
	Vatican 130	האשה	שנתארמלה	או	שנתגרשה	היא	אומר'	בתול'	נישאתי	והוא	אומ'
	Vatican 112	האשה	שנתארמלה	או	שנתגרשה	היא	אומ'	בתולה	נשאתי	והוא	אומ'
	Munich 95										
	Soncino Print										
	Vilna	האשה	שנתארמלה	או	שנתגרשה	היא	אומרת	בתולה	נשאתני	והוא	אומר
2	Vatican 487	לא	כי	אלא	אלמנה	נשאתיך	אם	יש	עדים	שיצאה	בהינומה
	Vatican 130	לא	כי		אלמנה	נשאתיך	אם	יש	עדים	שיצתה	בהינומה
	Vatican 112	לא	כי	אלא	אלמנה	נשאתיך	אם	יש	עדי'	שיצת'	בהי'
	Munich 95										
	Soncino Print										
	Vilna	לא	כי	אלא	אלמנה	נשאתיך	אם	יש	עדים	שיצאת	בהינומא
3	Vatican 487	וראשה	פרוע	כתובתה	מאתים	ר'	יוחנן	בן	ברוקה	אומ'	
	Vatican 130	וראשה	פרוע	כתובתה	מאתים	ר'	יוח'	בן	ברוקה	או'	
	Vatican 112	נומה	פרועה	כתובתה	מאתי'	ר'	יוחנ'	בן	ברוקה	אומ' [ק]	
	Munich 95										
	Soncino Print										
	Vilna	וראשה	פרוע	כתובתה	מאתים	רבי	יוחנן	בן	ברוקה	אומר	
4	Vatican 487	אף	חילוק	קליות	ראייה	ומודה	ר'	יהושע	באומ'	להביריו	
	Vatican 130	אף	חילוק	קליות	ראיה	ומודה	ר'	יהושע	באו'	להבירו	
	Vatican 112	אף	חילוק	קליות	ראיה	ומוד'	ר'	יהושע	באומ' (?/ב/כ)	[ל] להבירו	
	Munich 95										
	Soncino Print										
	Vilna	אף	חילוק	קליות	ראיה	ומודה	רבי	יהושע	באומר	להבירו	
5	Vatican 487	שדה	זו	של	אביך	היה	ולקחתיה	ממנו	שהוא	נאמן	שהפה
	Vatican 130	שדה	זו	של	אביך	היה	ולקחתיה	ממנו	שהוא	נאמן	שהפה
	Vatican 112	שדה	זו	של	אביך	היתה	[ו] ולקחתיה	ממנ'	שהוא	נאמן	שהפה
	Munich 95										
	Soncino Print										
	Vilna	שדה	זו	של	אביך	היתה	ולקחתיה	הימנו	שהוא	נאמן	שהפה
6	Vatican 487	שאסר	הוא	הפה	שהתיר			אם	יש	עדי'	שהוא
	Vatican 130	שאסר	הוא	הפה	שהתיר			ואם	יש	עדים	שהוא
	Vatican 112	שאסר	הוא	א'	הפה	שהתיר'	אב'	אם	יש	עדים	שהיא
	Munich 95										
	Soncino Print										
	Vilna	שאסר	הוא	הפה	שהתיר			ואם	יש	עדים	שהיא

			נאמן	אינו	ממנו	לקחתיו	אומ'	והוא	אביו	של	Vatican 487	7	
			נאמן	אינו	ממנו	לקחתיה	אומר	והוא	אביו	של	Vatican 130		
			נאמ'ן	אינ'	ממנ'	לקחתי'	אומ'	והוא	אביו	של	Vatican 112		
											Munich 95		
											Soncino Print		
			נאמן	אינו	הימנו	לקחתיה	אומר	והוא	אביו	של	Vilna		
			מהימן	בעל	עדים	ליכא	הא	עדים	דאיכא	טעמא		Vatican 487	8
			מהימן	בעל	עדים	ליכא	הא	עדים	דאיכא	טעמ'		Vatican 130	
			מהימן	הבעל	עדי'	ליכא	הא	עדי'	דאיכ'	טעמ'	ברי	Vatican 112	
			מהימן	בעל	עדים	ליכא	הא	עדים	דאיכא	טעמ'		Munich 95	
												Soncino Print	
			מהימן	בעל	עדים	ליכא	הא	עדים	דאיכא	טעמא		Vilna	גמ'
			כרבן	דאי	גמליאל	כרבן	דלא		סתמא	תנן	לימא	Vatican 487	9
			רבן	דאי	גמל'	כרבן	ודלא	יהושע	כר'	סתמא	תנן	Vatican 130	
			רבן	דאי	גמליאל	כרבן	והלא	יהושע	כר'	סתמא	תנן	Vatican 112	
			כר"ג	דאי		כר"ג	דלא		סתמ'	תנן	לימ'	Munich 95	
												Soncino Print	
			כר"ג	דאי	גמליאל	כרבן	דלא		סתמא	תנן	לימא	Vilna	
			עד	גמליאל	רבן	תימא	אפילו	מהימנא	איהי	אמ'	הא	Vatican 487	10
			עד	גמל'	רב'	תימא	אפילו	מהימנא	איהי		הא'	Vatican 130	
			עד	גמלי'	רבן	תימ'	אפי'	מהימנ'	איהי		דאמ'	Vatican 112	
			עד		ר"ג	תימ'	אפי'	מהימנא	איהי	אמ'	הא	Munich 95	
												Soncino Print	
			עד	גמליאל	רבן	תימא	אפילו	מהימנא	איהי	אמר	הא	Vilna	
			ברי	אלא			גמל'	רבן	א'	קא	לא	Vatican 487	11
			בברי'	אלא	דנאמנת	התם	שב"ג	רב'		קא'	לא	Vatican 130	
			ברי	אלא	דנאמנ'		גמליאל	רבן		קאמ'	לא	Vatican 112	
			בבריא	אלא				ר"ג		קאמ'	לא	Munich 95	
												Soncino Print	
			בברי	אלא		התם		ר"ג		קאמר	לא	Vilna	
			לה	ארי	ודקא	א'	לא	וברי	ברי		אבל	Vatican 487	12
			לה		ודקארי		לא	וברי'	דברי'	הכא	אבל	Vatican 130	
			לה		ודקארי		לא	וברי	ברי		אבל	Vatican 112	
			לה		ודקארי	אמ'	לא	ובריא	בבריא		אבל	Munich 95	
												Soncino Print	
			לה		ודקארי	אמר	לא	וברי	בברי	הכא	אבל	Vilna	

13	Vatican 487	מאי	קא	ארי	לא	פשיטא				דברי	וברי
	Vatican 130	מאי	ק[א]רי		לה	פשיט'				דבריא	ובריא
	Vatican 112	מאי	קארי		לה	הא	ודאי			ברי	וברי
	Munich 95	מאי	קארי		לה	פשיטא				דברי	וברי
	Soncino Print										
	Vilna	מאי	קארי		לה	הא				ברי	וברי
14	Vatican 487	הוא	מהו	דתימא	כיון					דרוב	נשים
	Vatican 130	הוא			כיון	דאמרה	בתולה	נישאתי		ורוב	נשים
	Vatican 112	הוא	מהו	(דב)	כיון					דרוב	נשים
	Munich 95	הוא	מהו	דתימ'	כיון					דרוב	נשים
	Soncino Print										
	Vilna	הוא			כיון					דרוב	נשים
15	Vatican 487	בתולות	נשאות			כברי		ושמא		דמי	
	Vatican 130	נישאות	בתולות	הוה	ליה	ברי	דידיה	כי	שמא		
	Vatican 112	בתול'	נישאות			בברי			ושמא	דמי	
	Munich 95	בתולות	נשאות			כברי			ושמא	דמי	
	Soncino Print										
	Vilna	בתולות	נישאות			כי	ברי		ושמא	דמי	
16	Vatican 487	ותהוי	ברי	דידיה	לגבי	דידה	כשמא	קא	משמע	לן	הכי
	Vatican 130							קמ"ל			והכי
	Vatican 112	(ק?בל?)									הכי
	Munich 95	ותהוי	ברי	דידיה	לגבי	דידה	כשמא	קמ"ל			הכי
	Soncino Print										
	Vilna										והכי
17	Vatican 487	נמי	מסתברא	דהתני'	רבן	גמליאל	היא	מדקתני	סופא	מדקתני	(סופא)
	Vatican 130	נמי	מסתברא					מדקתני			
	Vatican 112	נמי	מסתברא					מדקתני			
	Munich 95	נמי	מסתברא					מדקתני			
	Soncino Print										
	Vilna	נמי	מסתברא					מדקתני			
18	Vatican 487	מודה	ר'	יהושע	אי	אמרת	בשלמא	איירי			רבן
	Vatican 130	מודה	ר'	יהושע	אי	אמרת	בשל'	איירי			רב'
	Vatican 112	מודה	ר'	יהושע	אי	אמר'	בשלמה	איירי			ר'
	Munich 95	מודה	ר'	יהוש'	אי	אמרת	בשלמא	איירי	בה	במודה	ר"ג
	Soncino Print										
	Vilna	מודה	רבי	יהושע	אי	אמרת	בשלמא	איירי			ר"ג

					דקא	היינו			גמליאל	Vatican 487	19
					דקא'	היינו		[במודי]	שב"ג	Vatican 130	
					דקתני	היינ'		במוד'	גמלי'	Vatican 112	
					דקתני	היינו				Munich 95	
										Soncino Print	
								שפיר	במודה	Vilna	
					אי	אלא				Vatican 487	20
					אי	אל'				Vatican 130	
					אי	אלא		(סבר)	...ס	Vatican 112	
					אי	אלא				Munich 95	
										Soncino Print	
					אי	אלא				Vilna	
					מאי					Vatican 487	21
					למאן	יהושע		ר'	במודה	Vatican 130	
					מאי	באדם			גמליאל	Vatican 112	
					מאי				(במודה)	Munich 95	
										Soncino Print	
					למאן	יהושע		רבי	במודה	Vilna	
					קאי	פירקא			יהושע	Vatican 487	22
					קאי	הכא			יהוש'	Vatican 130	
					קאי	הכא		[סברת]	יהוש'	Vatican 112	
					קאי	פירקא			יהושע	Munich 95	
										Soncino Print	
					קאי	פירקין			יהושע	Vilna	
					אהא	אהי		קאי	קמא	Vatican 487	23
					אהא	אהי			קמא	Vatican 130	
					אהא	אהי		קאי	דלעיל	Vatican 112	
					אהא	אהי		קאי	קמא	Munich 95	
										Soncino Print	
					אהא	אהי		קאי	קמא	Vilna	
					זה	עובר		של	מה	Vatican 487	24
					של	עובר		של	מה	Vatican 130	
					זה	עובר		של	מה	Vatican 112	
					זה	עובר		של	מה	Munich 95	
										Soncino Print	
					זה	עובר		של	מה	Vilna	

25	Vatican 487	רבן	גמליאל	ור'	אליעזר	אומרין	נאמנת	ר'	יהושע	אומ'
	Vatican 130	רבן	גמ'	ור'	ור'	או'	נאמנת	ר'	יהושע	או'
	Vatican 112	רבן	גמליא'	ור'	אליעזר	אומ'	נאמ'	ור'	יהושע	אומ'
	Munich 95	ר"ג		ור'	אליעזר	או'	נאמנת	ור'	יהושע	או'
	Soncino Print									
	Vilna	ר"ג		ור"א		אומרים	נאמנת	רבי	יהושע	אומר
26	Vatican 487	לא	מפיה	אנו	חיין	התם	מאי	מגו	איכא	הרי
	Vatican 130	לא	מפיה	אנו	חיין	התם	מאי	מגו	איכא	הרי
	Vatican 112	לא	[מ]פיה	אני	חיין	הת'	מאי	מיגו	איכ'	הרי
	Munich 95	לא	מפיה	אנו	חיין	התם	(מן)	מאי	מגו	איכא
	Soncino Print									
	Vilna	לא	מפיה	אנו	חיין	התם	מאי	מגו	איכא	הרי
27	Vatican 487	כריסה	בין	שיניה	אלא	אהא	ראוה	מדבר'	עם	אחד
	Vatican 130	כריסה	בין	שיניה	אלא	אהא	ראוה	מדברת	עם	אחד
	Vatican 112	כריסה	בין	שיניה	ואלא	אהא	ראוה	מדבר'	עם	אחד
	Munich 95	כריסה	בין	שיניה	אלא	אהא	ראוה	מדברת	עם	אחד
	Soncino Print									
	Vilna	כריסה	בין	שיניה	אלא	אהא	ראוה	מדברת	עם	אחד ואמרו
28	Vatican 487	מה	טיבו	של	של	זה	זה	איש	פלוני	וכהן
	Vatican 130	מה	טיבו	של	של	(עובר)	זה	(של)	איש	פלוני וכהן
	Vatican 112	מה	טיב[ו]	של	של	זה	זה	איש	פלני	וכהן
	Munich 95	מה	טיבו	של	של	זה	זה	איש	פלוני	וכהן
	Soncino Print									
	Vilna	לה	מה	טיבו	של	איש	זה	איש	פלוני	וכהן
29	Vatican 487	הוא	רבן	גמליאל	ור'	אליעז'	אומ'	נאמנת	ר'	יהושע
	Vatican 130	הוא	רבן	[גמלי? א?]	ור'	אלע'	או'	נאמנת	ור'	יהושע
	Vatican 112	הו'	רבן	גמליא'	ור'	אלעזר	אומר	נאמנת	ור'	יהוש'
	Munich 95	הוא	ר"ג		ור'	אליעזר	או'	נאמנת	ור'	יהושע
	Soncino Print									
	Vilna	הוא	ר"ג		ור"א		אומרים	נאמנת	רבי	יהושע
30	Vatican 487	לא	מפיה	אנו	חיין	התם	מאי	מיגו	איכא	לזעירי
	Vatican 130	לא	מפיה	אנו	חיין	התם	מאי	מגו	איכא	לזעירי
	Vatican 112	לא	מפיה	אנו	חיין	הת'	[מאי]	מיגו	איכ'	לזעירי
	Munich 95	לא	מפיה	אנו	חיין	התם	מאי	מגו	איכא	לזעירי
	Soncino Print									
	Vilna	לא	מפיה	אנו	חיין	התם	מאי	מגו	איכא	לזעירי

31	Vatican 487	דא'		מדברת	נסתרה	מיגו	דאי	בעיא	אמרה	לא	נבעלתי
	Vatican 130	דאמ'	מאי	מדברת	נסתרה	דמיגו	דאיבע'		אמרה	לא	[נבעלתי]
	Vatican 112	דאמ'			נסתר'	מיגו	דאי	בעי'	אמר'	לא	נבעלתי
	Munich 95	דאמ'			נסתרה	מגי			דאמרה	לא	נבעלתי
	Soncino Print										
	Vilna	דאמר	מאי	מדברת	נסתרה	מגו	דאי	בעיא	אמרה	לא	נבעלתי
32	Vatican 487	וקא	אמרה		נבעלתי	מהימנא	אלא	לרב	אסי	דאמ'	
	Vatican 130	ואמרה			נבעלתי	מ(וה)[ה]י	אלא	לרב	אסי	דאמ'	
	Vatican 112	וקאמ'			נבעלתי	מהימנ'	אלא	לרב	אשי	דאמר	
	Munich 95	וקאמרה	[לכשר]		נבעלתי	מנא<...>	אלא	לרב	אסי	דאמ'	
	Soncino Print										
	Vilna	וקאמרה			נבעלתי	מהימנא	אלא	לרב	אסי	דאמר	מאי
33	Vatican 487	נבעלה	מאי	מאי	מיגו	איכא	אלא	אהא	היא	אומרת	מוכת
	Vatican 130	נבעלה	מאי	מאי	מיגו	איכא	אלא	אהא	היא	אומרת	מוכת
	Vatican 112	נבעל'	מאי	מאי	מיגו	איכ'	אלא	אהא	היא	אומ'	מוכת
	Munich 95	נבעלה	מאי	מאי	מגו	איכא	אלא	[אהא]	היא	אומרת	מוכת
	Soncino Print										
	Vilna	מדברת	נבעלת	מאי	מגו	איכא	ואלא	אהא	היא	אומרת	מוכת
34	Vatican 487	עץ	אני	והוא	אומר	לא	כי	אלא	דרוסת	איש	את
	Vatican 130	עץ	אני	והוא	או'	לא	כי	אלא	דרוסת	איש	
	Vatican 112	עץ	אני	והוא	אומר	לא	כי	אלא	דרוס'	איש	[את]
	Munich 95	עץ	אני	והוא	אומ'	לא	כי	אלא	דרוסת	איש	את
	Soncino Print										
	Vilna	עץ	אני	והוא	אומר	לא	כי	אלא	דרוסת	איש	את
35	Vatican 487	רבן	גמליאל	ור'	אליעזר	אומרין	נאמנת	ר'	יהושע	אומ'	לא
	Vatican 130	רבן	גמל'	ור'	אלע'	או'	נאמנת	ור'	יהושע	או'	לא
	Vatican 112	רבן	גמליא'	ור'	אלי'	אומ'	נאמנת	ור'	יהוש'	אומ'	לא
	Munich 95	ר"ג		ור'	אליעזר	או'	נאמנת	ור'	יהושע	או'	לא
	Soncino Print										
	Vilna	ר"ג		ור"א		אומרים	נאמנת	ורבי	יהושע	אומר	לא
36	Vatican 487	מפיה	אנו	חיין	התם		מאי	מיגו	איכא	בשלמא	לר'
	Vatican 130	מפיה	אנו	חיין	התם		מאי	מ[י]גו	איכא	בשלמא	לר'
	Vatican 112	מפיה	אנו	חיין	הת'	נמי	מאי	מיגו	איכא	בשלמ'	לר'
	Munich 95	מפיה	אנו	חיין	התם		מאי	מגו	איכא	בשלמ'	לר'
	Soncino Print										
	Vilna	מפיה	אנו	חיין	התם		מאי	מגו	איכא	בשלמא	לרבי

מוכת	אמ'	בעי	דאי	מינו	כלום	ולא	במנה	דא'	אלעזר	Vatican 487	37
מוכת	אמרה		דאיבעיא	דמיגו	כלום	ולא	במנה	דא'	אלע'	Vatican 130	
מוכת	אמר'		דאיבעי'	מיגו	כלום	ולא	במנ'	דאמ'	אלעזר	Vatican 112	
מוכת	אמרה	<..>	דא	מגו	כלום	ולא	במנה	דאמ'	אלעזר	Munich 95	
										Soncino Print	
מוכת	אמרה	בעיא	דאי	מגו	כלום	ולא	במנה	דאמר	אלעזר	Vilna	
דלית	מעיקרא	אמ'	וקא	מאתן	לי	ואית	תחתיך	אני	עץ	Vatican 487	38
דלית	מעיקרא		וקאמ'	מאתן	ליה	ואית	תחתיך	אני	עץ	Vatican 130	
דלית	מעיקר'		וקאמ'	מא<..>	לי	דאית	תחתי'	אני	עץ	Vatican 112	
דלית	מעיקרא		וקאמרה	מאתן	לה	ואית	תחתיך	אני	עץ	Munich 95	
										Soncino Print	
דלית	מעיקרא		וקאמרה	מאתים	לה	ואית	תחתיך	אני	עץ	Vilna	
ומנה	במאתים	דא'	יוחנן	לר'	אלא	מהימנא	מנה	אלא	לה	Vatican 487	39
ומנה	במאתים	דא'	יוח'	לר'	אלא	מהימנא	מנה	אלא	ליה	Vatican 130	
ומנה	במאתי'	דאמ'	יוחנ'	לר'	אלא	מהימנא	מנה	אלא	לה	Vatican 112	
ומנה	במאתים	דאמ'	יוחנן	לר'	אלא	מהמנא	מנה	אלא	לה	Munich 95	
ומנה	במאתים		יוחנן	לר'	אלא					Soncino Print	
ומנה	במאתים	דאמר	יוחנן	לר'	אלא	מהימנא	מנה	אלא	לה	Vilna	
האשה		את	הנושא		אהא	אלא	איכא	מיגו	מאי	Vatican 487	40
האשה		את	הנושא	דתנן	הא	אלא	איכ'	מיגו	מאי	Vatican 130	
האשה	(הא)	את	הנושא		אהא	אלא	איכ'	מיגו	מאי	Vatican 112	
האשה		את	הנושא		אהא	אלא	איכא	מגו	מאי	Munich 95	
האשה		את	הנושא		אהא	אלא	איכא	מיגו	מאי	Soncino Print	
האשה		את	הנושא		אהא	אלא	איכא	מגו	מאי	Vilna	
ונסתחפה	נאנסתי	נאנסתנ (נאסנ)	משארסתנ	אומרת	היא	בתולים	לה	מצא	ולא	Vatican 487	41
ונסתחפה	נאנסת'		משאירסתני	אומרת	היא	בתולים	בה	מצא	ולא	Vatican 130	
ונסתחפה	נאנסתי		משאירסתני	אומרת	הי'	בתולי'	לה	מצא	ולא	Vatican 112	
ונסתחפה	נאנסתי		משא<..>תני	אומרת	היא	בתולים	לה	מצא	ולא	Munich 95	
ונסתחפה	נאנסתי		משארסתני	אומרת	היא	בתולים	לה	מצא	ולא	Soncino Print	
ונסתחפה	נאנסתי		משארסתני	אומרת	היא	בתולים	לה	מצא	ולא	Vilna	
נאנסת	אירסתין	שלא	עד	אלא	כי	לא	אומ'	והוא	שדהו	Vatican 487	42
	אירסתין	שלא	עד	אלא	כי	לא	או'	והוא	שדהו	Vatican 130	
	אירסתין	שלא	עד	אלא	כי	[לא]	אומ'	והוא	שדהו	Vatican 112	
נאנסת	אירסתין	שלא	עד	אלא	כי	לא	או'	והוא	שדהו	Munich 95	
	אירסתין	שלא	עד	אלא	כי	לא	אומ'	והו'	שדהו	Soncino Print	
	אירסתין	שלא	עד	אלא	כי	לא	אומר	והוא	שדהו	Vilna	

נאמנ'ן	אומרין	אליעז'	ור'	גמליאל	רבן	טעות	מקח	מקחו	והיה	Vatican 487	43
נאמנת	או'	אליע'	ור'	גמל'	רבן	[טעות]	מקח	מקח(?)	והיה	Vatican 130	
[נאמנת	אומ'	אלעז'	ור'	גמליאל	רב'	טעות	מקח	מקחי	והיה	Vatican 112	
נאמנת	או'	אלעזר	ור'		ר"ג	טעות	מקח	מקחי	והיה	Munich 95	
נאמנת	אומ'	אליעזר	ור'	גמליאל	רבן					Soncino Print	
נאמנת	אומרים		ור"א		ר"ג					Vilna	
מאי		התם	חיין	אנו	מפיה	לא	אומ'	יהושע	ר'	Vatican 487	44
מאי	נמי	התם	חיין	אנו	מפיה	לא	או'	יהושע	ור'	Vatican 130	
		התם	חיין	אנו	מפיה	לא	[אומ']	יהושע	ור'	Vatican 112	
			חיין	אנו	מפיה	לא	אומ'	יהושע	ור'	Munich 95	
			חיין	אנו	מפיה	לא	או'	יהוש'	ור'	Soncino Print	
			חיין	אנו	מפיה	לא	אומר	יהושע	ור'	Vilna	
עץ	מוכת	אמ'	בעו	דאי		מיגו	איכא	(מאי)	מיגו	Vatican 487	45
[עץ?	מוכת	[אמרה		דאיבעיא		מיגו	איכא		מגו	Vatican 130	
עץ	מוכת	אמר'		דאיבעי'		מיגו	איכ'		מיגו	Vatican 112	
עץ	מוכת	אמרה	בעיא	דאי		מגו	איכא		מגו	Munich 95	
עץ	מוכת	אמרה		דאיבעיה	דמיגו					Soncino Print	
עץ	מוכת	אמרה	בעיא	דאי	דמגו					Vilna	
אמרה	וקא		מכהונה	נפשה	פסלה	קא	דלא		אני	Vatican 487	46
	וקא'	הכהונה	מן	נפשה	פסלה	קא	דלא		אני	Vatican 130	
	וקאמר'		מכהונ'	נפשה	פס(ו)ל	קא	דלא	תחתיך	אני	Vatican 112	
	דקאמרה		לכהונה	נפשה	פסלה	קא	דלא		אני	Munich 95	
	וקאמ'		מכהונ'	נפש'	פסלה	קא	דלא		אני	Soncino Print	
	וקאמרה		מכהונה	נפשה	פסלה	קא	דלא	תחתיך	אני	Vilna	
			מכהונה	נפשה	פסלה	דקא	נאנסתי	(נאנסתי)	נאנסתי	Vatican 487	47
אמ'	הכי	משום	הכהו'	נפשה	פסלה	דקא	נאנסתי		נאנסתי	Vatican 130	
			מכהונ'	נפשה	פסלה	וקא	נאנסתי		נאנסתי	Vatican 112	
אמ'	הכי	[משו'	לכהונה	נפשה	פסלה	דקא	נאנסתי		נאנסתי	Munich 95	
קאמ'	הכי	משום	מכהונה	נפשה	פסלה	דקא	נאנסתי		נאנסתי	Soncino Print	
קאמר	הכי	משום	מכהונה	נפשה	פסלה	דקא	נאנסתי		נאנסתי	Vilna	
גמליאל	לרבן	יהושע	ר'	ליה	א'	וקא	מהימנא			Vatican 487	48
גמ'	לרבן	יהושע	ר'			וקא"ל	נאמנת	גמל'	רבן	Vatican 130	
גמלי	לרב'	יהושע	ר'	לי'		וקאמ'	מהימנ'			Vatican 112	
	לר"ג	יהושע	ר'			וקא"ל	מהימנא		[ר"ג]	Munich 95	
גמליאל	לרבן	יהושע	ר'			וקא'	דמהימנ'	גמליאל	רבן	Soncino Print	
	לר"ג	יהושע	רבי			וקאמר	דמהימנא		ר"ג	Vilna	

49	Vatican 487	בהאי	מיגו	דהכא	מודינא	לך	בההוא	מיגו	דהתם	פליגנא	עלך
	Vatican 130	בהאי	מיגו	דהכא	מודינא	לך	בהאי	מיגו	דה(כא)ת	פליגנא	
	Vatican 112	בהאי	מיגו(..)	דהכא	מודינ'	לך	בההיא	מיגו	דהת'	פליגנ'	[עלך]
	Munich 95	בהאי	מגו	דהכא	נא<..>	לך	בההוא	מגו	דהתם	פליגנא	עלך
	Soncino Print	בהאי	מגו	דהכא	מודינא	לך	בההוא	מגו	דהתם	פליגנא	עילווך
	Vilna	בהאי	מגו	דהכא	מודינא	לך	בההוא	מגו	דהתם	פליגנא	עילווך
50	Vatican 487	[מכדי	האי	מגו	והאי	מגו	מאי	שנא	האי		
	Vatican 130						ומאי	שנא	ההוא		
	Vatican 112	מכדי	האי	מיגו	(דהת)	והאי	מיגו	שנא	האי		
	Munich 95						ומאי	שנא			
	Soncino Print	מאי	שנא	האי	מיגו	מהאי	מיגו				
	Vilna	מכדי	האי	מגו	והאי	מגו	מאי	שנא	האי		
51	Vatican 487	[מהאי]	ומאי	שנא	התם	אין	שור	שחוט	לפניך	הכא	
	Vatican 130	מיגו	מה(הו)א[י]	מיגו	התם		שו'	טבוה	לפניך	הכא	אין
	Vatican 112	מיגו	מהאי	מיגו	מהכ'	אין	שור	שחוט	לפניך]	הת'	
	Munich 95				הכא	אין	שור	שחוט	לפניך	התם	
	Soncino Print				הכא	אין	שור	שחוט	לפניך	הת'	
	Vilna	מגו	מהאי	מגו	הכא	אין	שור	שחוט	לפניך	התם	
52	Vatican 487	הרי	שור	שחוט	לפניך	וכיון	דרוב	נשים		בתולות	נישאות
	Vatican 130		שור	טבוה	לפניך	וכיון	דרוב	נשים	תחילה	בתולות	נישאות
	Vatican 112		שור	שחוט	לפניך	כיון	דרוב	נשי'		בתולות	נישאות
	Munich 95	הרי	שור	שחוט	לפניך	וכיון	דרוב	נשים		בתולות	נישאות
	Soncino Print	הרי	שור	שחוט	לפניך	וכיון	דרוב	נשים		בתולות	נישאות
	Vilna	הרי	שור	שחוט	לפניך	וכיון	דרוב	נשים		בתולות	נישאות
53	Vatican 487	כי	לא	אתו	עדים	מאי	הוי				
	Vatican 130	כי	ליכא		עדים	מאי	הוי				
	Vatican 112	כי	לא	אתי	עדי'	מאי	הו?א?	נימא	הלך	אחר	רוב
	Munich 95	כי	לא	אתו	עדים	נמי		נימא	הלך	אחר	רוב
	Soncino Print	כי	לא	אתו	עדי'	מאי	הוי				
	Vilna	כי	לא	אתו	עדים	מאי	הוי				
54	Vatican 487									אמ'	רבינא
	Vatican 130									אמ'	רבינא
	Vatican 112	נשי'	ורוב	נשי'	בתולו'	נישאות				אמ'	רבינא
	Munich 95	נשים	ורוב	נשים	בתולות	נישאות (רוב)	נשים	בתולות)	[אמ'	רבינא	
	Soncino Print								אמ'	רבינ'	
	Vilna								אמר	רבינא	

55	Vatican 487	משום	דאיכא	למימר	רוב	נשים	בתולות	נשאות	ומיעוט	אלמג[ו]ת	וכל
	Vatican 130	משום	דאיכא	למימ'	רוב	נשים	בתולות	[נישא?ו?ת]			וכל
	Vatican 112	משו'	דאיכ'	למימ'	רוב	נשי'	בתולות	נישאות	ומיעוט	אלמנות	וכל
	Munich 95	משו'	דאיכא	למימר]	רוב	נשים	בתולות	נישאות	ומיעוט	אלמנות	וכל
	Soncino Print	משום	דאיכא	למימר	רוב	נשים	בתולות	נישאות	ומיעוט	אלמנות	וכל
	Vilna	משום	דאיכא	למימר	רוב	נשים	בתולות	נישאות	ומיעוט	אלמנות	וכל
56	Vatican 487	הנשאת	בתולה	יש	לה	קול					
	Vatican 130	הנשאת	בתולה	יש	לה	קול					
	Vatican 112	[ה]נישא	בתול'	יש	לה	קול					
	Munich 95	הנשאת	בתולה	יש	לה	קול					
	Soncino Print	הנישאת	בתולה	יש	לה	קול					
	Vilna	הנשאת	בתולה	יש	לה	קול					

Appendix N: Synopsis of Kiddushin 70a-b (Chapter Six)

הוגנת	שאינה	אשה	הנושא	כל	הונא	רב	בר	רבה	אמ'	Vatican 11	1
הוגנת	שאינה	אשה	הנושא	כל	הונא	רב	בר	רבה	אמ'	Oxford 248	
הוגנת	שאינה	אש'	הנוש'	כל	הונ'	רב	בר	רבה	א'	Munich 95	
הוגנת	שאינה	אשה	הנושא	כל	חנא	בר	בר	רבה	אמר	Spanish Print	
הוגנת	שאינה	אשה	הנושא	כל	חנה	בר	בר	רבה	אמר	Venice Print	
הוגנת	שאינה	אשה	הנושא	כל	חנה	בר	בר	רבה	אמר	Vilna	
	אלה	שנ'	מלח	זורעו	כולו	לכ'	חרשו	כאילו	לו	Vatican 11	2
									לו	Oxford 248	
									לו	Munich 95	
									לו	Spanish Print	
									לו	Venice Print	
									לו	Vilna	
					חרשה	תל	מלח	מתל	העולים	Vatican 11	3
חרשו	כאלו	הכתוב	עליו	מעלה						Oxford 248	
חרשו	כאילו	הכתו'	עליו	מעל'						Munich 95	
חרשו	כאלו	הכתוב	עליו	מעלה						Spanish Print	
חרשו	כאילו	הכתוב	עליו	מעלה						Venice Print	
חרשו	כאילו	הכתוב	עליו	מעלה						Vilna	
										Vatican 11	4
מלח	מתל	העולים	וכל	שנ'	מלח	זורעו	כלו	העולם	כל	Oxford 248	
מלח	מתל	הערלי'	אלה	שנ'	מלח	זורעו	כולו	העול'	כל	Munich 95	
מלח	מתל	העולים	ואלה	שנאמר	כלה	זורעו	כלו	העולם	לכל	Spanish Print	
מלח	מתל	העולים	אלה	שנאמר	מלח	זורעו	כולו	העולם	לכל	Venice Print	
מלח	מתל	העולים	ואלה	שנאמר	מלח	זורעו	כולו	העולם	לכל	Vilna	
										Vatican 11	5
כל			הונא	רב	בר	רבה	אמ'			Oxford 248	
כל	רב	א'				רבה	אמ'	חרש	תל	Munich 95	
כל	רב	א'	אד'			רב	א'	חרש'	תל	Spanish Print	
כל	רב	אמ'	אדא	רב	בר	רבא	אמ'	חרשה	תל	Venice Print	
כל	רב	אמר	אדא	רב	בר	רבה	אמ'	חרשא	תל	Vilna	
כל	רב	אמר	אדא	רב	בר	רבה	אמר	חרשא	תל		
	שנ'	מהוגנים	שאינן	בנים	ליה	הויין	ממון	לשו'	אשה	Vatican 11	6
	שנ'	מהוגנין	שאינם	בנין	ליה	הויין	ממון	לשום	אשה	Oxford 248	
	שנ'	מהוגנין	שאינן	בני'	ליה	הויין	ממון	לשום	אש'	Munich 95	
	שנאמר	הגונים	שאינם	בנים	לו	הויין	ממון	לשום	אשה	Spanish Print	
	שנאמר	מהוגנים	שאינן	בנים	לו	הויין	ממון	לשום	אשה	Venice Print	
	שנאמר	מהוגנים	שאינן	בנים	לו	הויין	ממון	לשום	אשה	Vilna	

										Vatican 11	7
פלט	ממון	תאמר	ושמא	ילדו	זרים	בנים	כי	בגדו	ביי	Oxford 248	
פלט	ממונם	תאמר	ושמ'	ילדו	זרים	בנים	כי	בגדו	ביי	Munich 95	
פלט	ממון	תאמ'	ושמ'	ילדו	זרי'	בני'	כי	בגדו	ביי	Spanish Print	
				ילדו	זרים	בנים	בי	בגדו	ביי'	Venice Print	
פליט	ממון	תא'	ושמא				וגו'	בגדו	בה'	Vilna	
פלט	ממון	תאמר	ושמא	ילדו	זרים	בנים	כי	בגדו	בה'		
			חלקיהם	את	חלק	יאכלם	עתה		ת'ל	Vatican 11	8
						יאכל'	עתה		ת"ל	Oxford 248	
					חודש	יאכלם	עתה		ת"ל()	Munich 95	
					חדש	יאכלם	עתה			Spanish Print	
תאמר		ושמא	חלקיהם	את	חדש	יאכלם	עתה			Venice Print	
			תחלקיהם	את	חודש	יאכלם	עתה	לומ'	תלמוד	Vilna	
			חלקיהם	את	חדש	יאכלם	עתה	לומר	תלמוד		
חלקו	תאמר	שמא								Vatican 11	9
חלקו	תאמר	ושמא								Oxford 248	
חלקו	תאמ'	ושמ'								Munich 95	
חלקו	תאמר	ושמא	חדש	יאכלם	עתה	לומר	תלמוד	פלט	ממונם	Spanish Print	
חלקו	תאמר	ושמא								Venice Print	
חלקו	תאמר	ושמא								Vilna	
מרובה	לזמן	תאמר	ושמא		חלקיהם		ת'ל	חלקה	ולא	Vatican 11	10
מרובה	לזמן	תאמר	ושמא		חלקיהם		ת"ל	חלקה	ולא	Oxford 248	
מרוב'	לזמן	תאמר	ושמ'		חלקיהם		ת"ל	חלק'	ולא	Munich 95	
מרובה	לזמן	תאמר	ושמא		חלקיהם	לומר	תלמוד	חלקה	ולא	Spanish Print	
מרובה	לזמן	תאמר	ושמא	הם	חלק	לומ'	תלמוד	חלקה	ולא	Venice Print	
מרובה	לזמן	תאמר	ושמא		חלקיהם	לומר	תלמוד	חלקה	ולא	Vilna	
יצחק	בר	נחמן	רב	אמ'	משמע	מאי	חדש		ת'ל	Vatican 11	11
יצחק	בר	נחמן	רב	א'	משמ'	מאי	חודש		ת"ל	Oxford 248	
יצח'	בר	נחמ'	רב	א'	משמ'	מאי	חדש		ת"ל	Munich 95	
יצחק	בר	נחמן	רב	אמר	משמעא	מאי	חדש	לומר	תלמוד	Spanish Print	
יצחק	בר	נחמן	רב	אמ'	משמע	מאי	חודש	לומר	תלמוד	Venice Print	
יצחק	בר	נחמן	רב	אמר	משמע	מאי	חדש		ת"ל	Vilna	
רב	בר	רבה	אמ'	כלה	וממונ	יצא	חדש	נכנ'	חדש	Vatican 11	12
רב	א'	רבה	וא'	אבד	וממונם	יצא	וחדש	נכנס	חדש	Oxford 248	
בר	אד'	רב	וא'	אבד	וממונה	יוצ'	וחדש	נכנס	חדש	Munich 95	
רב	בר	רבא	אמר	כלה	וממון	יצא	וחדש	נכנס	חדש	Spanish Print	
רב	בר	רבה	ואמר	אבד	וממונם	יצא	וחדש'	נכנס	חדש	Venice Print	
רב	בר	רבה	ואמר	אבד	וממונם	יצא	וחדש	נכנס	חדש	Vilna	

13	Vatican 11	אדא	אמ'	רב	א?ד?א	אמ'	רב	ואמרי	לה	אמ'	רב
	Oxford 248	הונא									
	Munich 95	אהב'						ואמ'	לה	א'	רב
	Spanish Print	אדא						ואמרי	לה	אמ'	רב
	Venice Print	אדא						ואמרי	לה	אמ'	רבי
	Vilna	אדא						ואמרי	לה	אמר	רבי
14	Vatican 11	סלא	אמ'	רב	המנו'	אמ'	רב	כל	הנוש'	אשה	שאינה
	Oxford 248							כל	הנושא	אשה	שאינה
	Munich 95	סלא	א'	רב	המנונ'			כל	הנוש'	אש'	שאינ'
	Spanish Print	סלא	אמ'	רב	המנונא			כל	הנושא	אשה	שאינה
	Venice Print	סלא	אמר	רב	המונא			כל	הנושא	אשה	שאינה
	Vilna	סלא	אמר	רב	המנונא			כל	הנושא	אשה	שאינה
15	Vatican 11	הוגנת	לו	אליהו	כופתו	והקב'ה		רוצעו	ותנא	על	
	Oxford 248	הוגנת	לו	אליהו	כופתו	והקב"ה		רוצען	ותנא	על	
	Munich 95	הוגנ'	לו	אליהו	כופתו	והק"ב		רוצעו	ותנא	על	
	Spanish Print	הגונת	לו	אליהו	כופתו	הקב"ה		רוצעו	ותנא	על	
	Venice Print	הוגנת	לו	אליהו	כופתו	והקדוש	ברוך	הוא	רוצעו	ותנא	על
	Vilna	הוגנת	לו	אליהו	כופתו	והקב"ה		רוצעו	ותנא	על	
16	Vatican 11	כולן	אליהו	כותב	והקב'ה			חותם	אוי	לו	למי
	Oxford 248	כלם	אליהו	כותב	והק'			חותם	אוי	לו	למי
	Munich 95	כולם	אליהו	כותב	והק"ב			חותם	אוי	לו	
	Spanish Print	כלם	אליהו	כותב	והקב"ה			חותם	אוי	לו	למי
	Venice Print	כולם	אליהו	כותב	והקדוש	ברוך	הוא	חותם	אוי	לו	
	Vilna	כולם	אליהו	כותב	והקב"ה			חותם	אוי	לו	
17	Vatican 11	שפוסל	את	זרעו	ופוגם	את	משפחתו	ולנושא	אשה	שאינה	הוגנת
	Oxford 248	שפוסל	את	זרעו	ופוגם	את	משפחתו	ונושא	אשה	שאינה	הוגנת
	Munich 95	לפוסל	את	זרעו	ופוגם	את	משפחתו	ולנוש'	אש'	שאינ'	הוגנ'
	Spanish Print	שפוסל	את	זרעו	ולפוגם	את	משפחתו	ולנושא	אשה	שאינה	הוגנת
	Venice Print	לפוסל	את	זרעו	ולפוגם	את	משפחתו	ולנושא	אשה	שאינה	הוגנת
	Vilna	לפוסל	את	זרעו	ולפוגם	את	משפחתו	ולנושא	אשה	שאינה	הוגנת
18	Vatican 11		שכל	הנושא	אשה	שאינה	הוגנת	לו	אליהו	כופתו	והקב'ה
	Oxford 248	לו									
	Munich 95	לו	שכל	הנוש'	אש'	שאינ'	הוגנ'	לו	אליהו	כופתו	והק"ב
	Spanish Print	לו	וכל	הנושא	אשה	שאינה	הוגנת		אליהו		והקב"ה
	Venice Print	לו							אליהו	כופתו	והק"בה
	Vilna	לו							אליהו	כופתו	והקב"ה

ואמ'		לעולם	בשבח'	מדבר	ואינו	פסול	הפוסל	וכל	רוצעו	Vatican 11	19	
וא'	עולם	של	בשבחה	מדבר	ואינו	פסול	הפוסל	וכל		Oxford 248		
וא'		לעולם	בשבח'	מדבר	ואינו	פסול	הפוסל	וכל	רוצעו	Munich 95		
ואמ'		לעולם	בשבח	מדבר	ואינו	פסול	הפוסל	וכל	רוצעו	Spanish Print		
ואמר		לעולם	בשבחה	מדבר	ואינו	פסול	הפוסל	וכל	רוצעו	Venice Print		
ואמר		לעולם	בשבחה	מדבר	ואינו	פסול	הפוסל	וכל	רוצעו	Vilna		
			ד	בנהרדע'	דהוה	גברא	ההוא	פוסל	במומו	שמו'	Vatican 11	20
טבחא	לבי	דשאל			גברא	ההוא	פוסל	ובמומו	שמואל	Oxford 248		
טבח'	לבי	דעל			גבר'	ההוא	פוסל	במומו	שמו'	Munich 95		
טבחא	לבי	דעאל			גברא	ההוא	פוסל	במומו	שמואל	Spanish Print		
מטבחיא	לבי	דעל			גברא	ההוא	פוסל	במומו	שמואל	Venice Print		
מטבחיא	לבי	דמנהרדעא	דעל		גברא	ההוא	פוסל	במומו	שמואל	Vilna		
לי	הב		א'ל	טבח'	לגבי	קרב	לפומבדית		איקלע	Vatican 11	21	
לי	הבו	להו	א'				בפומבדית'			Oxford 248		
לי	הבו	להו	א'				לפומבדית'	(לפבמי)		Munich 95		
לי	הבו	להו	אמר				בדיתא	בפום		Spanish Print		
לי	הב	להו	אמר				בפומבדיתא			Venice Print		
לי	הבו	להו	אמר				בפומבדיתא			Vilna		
בר	יהוד'	זרב	שמע'	דשקיל	עד	עכיב	ל'	אמ'	בישרא	Vatican 11	22	
בר	יהוד'	זרב	שמעיה	דשקיל	עד	עכב	לי'	אמרו	בישר'	Oxford 248		
בר	יהוד'	זרב	שמעי'	דשקיל	עד	נטר	לי'	אמרו	בשר'	Munich 95		
בר	יהודה	זרב	שמעיה	דשקיל	עד	נטר	ליה	אמרו	בשרא	Spanish Print		
בר	יהודה	זרב	לשמעיה	דשקיל	עד	נטר	ליה	אמר	בישרא	Venice Print		
בר	יהודה	זרב	לשמעיה	דשקיל	עד	נטר	ליה	אמרו	בישרא	Vilna		
בר			מאן	להו	אמ'	לך	וניתיב	ברישא	יחזקאל	Vatican 11	23	
בר	יהודה		מאן		א"ל	לך(א)	וניתן	בישר'	יחזקאל	Oxford 248		
	יהוד'		מאן		להו	א'	וניתיב	בריש'	יחזקאל	Munich 95		
	יהודה	רב	מאן	אמר	לך	וניתיב			יחזקאל	Spanish Print		
בר	יהודה		מאן	אמר	לך	וניתיב			יחזקאל	Venice Print		
בר	יהודה		מאן	אמר	לך	וניתיב			יחזקאל	Vilna		
ל'	אמרו	אזלו		מקמאי				דנקיט	שויסקאל	Vatican 11	24	
ליה	אמרו	אזול		מקמאי			בישרא	דשקיל	שויסקיל	Oxford 248		
ליה	אמרו	אזלו		מקמאי				דשקיל	שויסקאל	Munich 95		
ליה	אמרו	אזלו		מקמאי				דשקיל	שביסקאל	Spanish Print		
ליה	אמרו	אזלו	קמאי	מן	דשקל	לי		דקדים	שויסקאל	Venice Print		
ליה	אמרו	אזלו	קמאי	מן	דשקל	לי		דקדים	שויסקאל	Vilna		

25	Vatican 11	לרב	יהוד'	אפיק	שיפוריה	ושמתיה	אתו	ואמרו	ל'	רגיל	דקרי
	Oxford 248	לרב	יהודה			שמתיה		אמ'	ליה	רגיל	דקרו
	Munich 95	לרב	יהוד'	אפיק	שיפורי	ושמתיה		אמרו	ליה	רגיל	דקרי
	Spanish Print	לרב	יהודה	אפיק	שפורי	ושמתיה		אמרו	ליה	רגיל	דקרי
	Venice Print	לרב	יהודה			שמתיה		אמרו	רגיל	דקרי	
	Vilna	לרב	יהודה			שמתיה		אמרו	רגיל	דקרי	
26	Vatican 11	ליה	לאינשי	עבדי	אכריז	עילויה	דעבדא	הוא	אזל		
	Oxford 248		לאינשי	עבדיה	אכריז	עליה	דעבדא	הוא	אזל	ההוא	
	Munich 95		לאינשי	עבדי	אכריז	עלי'	דעבד'	הוא	אזל	איהו	
	Spanish Print		לאנשי	עבדי	אכריז	עליה	דעבדא	הוא	אזל	ההוא	גברא
	Venice Print		אינשי	עבדי	אכריז	עליה	דעבדא	הוא	אזל	ההוא	
	Vilna		אינשי	עבדי	אכריז	עליה	דעבדא	הוא	אזל	ההוא	
27	Vatican 11	אייתי	אסיק	דיסקא	דזמינותא	מבי		רב	נחמן		
	Oxford 248				אזמניה	לדינא	לקמיה	זרב	נחמן		
	Munich 95	ואייתי		רירק'	דזמינות'	מבי		רב	נחמ'		
	Spanish Print			[...]	אזמניה	לדינא	לקמיה	זרב	נחמן		
	Venice Print				אזמניה	לדינ'	לקמיה	זרב	נחמן	אייתי	פיתקא
	Vilna				אזמניה	לדינא	לקמיה	זרב	נחמן	אייתי	פיתקא
28	Vatican 11	אזל	רב	יהוד'	לקמיה	זרב	הונא	א'ל		איזי'	
	Oxford 248	אזל	רב	יהודה	לקמיה	זרב	הונא	א'ל		איזיל	
	Munich 95	אזל	רב	יהוד'	לקמי'	זרב	הונ'	א'ל		איזל	
	Spanish Print	אזל	רב	יהודה	לקמיה	זרב	הונא	אמ'	ליה	איזיל	
	Venice Print	דהזמנא	אזל	רב	יהודה	לקמיה	זרב	הונא	אמר	ליה	איזיל
	Vilna	דהזמנא	אזל	רב	יהודה	לקמיה	זרב	הונא	אמר	ליה	איזיל
29	Vatican 11	או	לא	איזיל	א'ל	זיל	לא	מיבעי		לך	
	Oxford 248	או	לא	איזיל	א"ל	למיזל	לא	איבעי		לך	
	Munich 95	או	לא	איזל	א"ל	זיל	לא	מיבעי		לך	
	Spanish Print	או	לא		אמר	ליה	[...מיזל]	עי..		לך	
	Venice Print	או	לא	איזיל	אמר	ליה	מיזל	מיבעי		לך	
	Vilna	או	לא	איזיל	אמר	ליה	מיזל	מיבעי		לך	
30	Vatican 11	למיזל				אלא		משום		יקרא	
	Oxford 248	למיזל					זיל	משום		יקרא	
	Munich 95	למיזל				אל'		משו'		יקר'	
	Spanish Print	ל..						..(משום)..	משום	יקרא	
	Venice Print	למיזל	משום	דגברא	רבא	את	אלא	משום		יקרא	
	Vilna	למיזל	משום	דגברא	רבה	את	אלא	משום		יקרא	

מעקה	עביד	קא	דהוה	אשכחיה	אזל	קום	נשיאה	דבי	Vatican 11	31
מעקה		דקעביד		אשכחיה			נשיאה	דבי	Oxford 248	
מעקה		דקעביד		אשכח'י	אזל		נשיא'	דבי	Munich 95	
מעקה	עביד	דקא		אשכחיה	אזל	זיל	נשיאה	דבי	Spanish Print	
מעקה		דקעביד		אשכחיה	אתא	זיל	נשיאה	דבי	Venice Print	
מעקה		דקעביד		אשכחיה	אתא	זיל	נשיאה	דבי	Vilna	
זרב		להא	מר	לה	סבר	לא	א'ל	לגגיה	Vatican 11	32
רב	דא'	להא	מר	לה	סבר	לא	א"ל		Oxford 248	
רב	דא'	להא	מר	לה	סבר	לא	א"ל		Munich 95	
רב	דאמ'	להא	מר	לה	סבר	לא	ליה	אמ'	Spanish Print	
רב	דאמר	להא	מר	לה	סבר	לא	ליה	אמר	Venice Print	
רב	דאמר	להא	מר	לה	סבר	לא	ליה	אמר	Vilna	
פרנס	אדם	שנתמנה	כיון		שמו'	אמ'	אידי	בר	Vatican 11	33
פרנס	אדם	שנתמנה	כיון	רב		אמ'		נהילאי	Oxford 248	
פרנס	אד'	שנתמנ'	כיון		שמו'	א'	אידי	בר	Munich 95	
פרנס	אדם	שנתמנה	כיון		שמואל	אמר	אידי	בר	Spanish Print	
פרנס	אדם	שנתמנה	כיון		שמואל	אמר	אידי	בר	Venice Print	
פרנס	אדם	שנתמנה	כיון		שמואל	אמר	אידי	בר	Vilna	
אנא	א'ל		שלשה	בפני	מלאכה	לעשות	אסור	הציבור	Vatican 11	34
	א'ל		שלשה	בפני	מלאכה	בעשיה	אסור	הצבור	Oxford 248	
אנא	א'ל		שלש'	בפני	מלאכ'	בעשיי'	אסור	הצבור	Munich 95	
	ליה	אמ'	שלשה	בפני	מלאכה	בעשיית	אסור	הציבור	Spanish Print	
	ליה	אמר	שלשה	במפני	מלאכה	בעשיית	אסור	הצבור	Venice Print	
	א'ל		שלשה	בפני	מלאכה	בעשיית	אסור	הצבור	Vilna	
מעקה	סאני	מי		א'ל	עבידנא	קא	דגונדרנא	פורתא	Vatican 11	35
מעקה	סני	מי		א"ל	עבידנא	קא	דגונדרזא	פורתא	Oxford 248	
מעק'	סני	מי		א"ל		קעבידנ'	דגונדר'	צורת'	Munich 95	
מעקה	שני	מי	ליה	אמ'	עבידנא	דקא	דגונדריא	פורתא	Spanish Print	
מעקה	סניא	מי	ליה	אמר	עבידנא	דקא	דגונדריא	פורתא	Venice Print	
מעקה	סניא	מי		א"ל	עבידנא	דקא	דגונדריא	פורתא	Vilna	
ליתיב	לך	א'ל	רבנן	דאמור	מחיצה	אינמי	באורייתא	דכת'	Vatican 11	36
ליתיב		א"ל	רבנ'	כדקריוה	מחיצה	נמי	באורייתא	דכת'	Oxford 248	
ליתיב		א"ל	דרבנן	מחייב'		אינמי	באוריית'	דכת'	Munich 95	
ליתיב	ליה	אמר	...	מח..		[או]	באורייתא	[כדכת']	Spanish Print	
יתיב	ליה	אמר	רבנן	דאמור	מחיצה	או	באוריית'	דכתיב	Venice Print	
יתיב		א"ל	רבנן	דאמור	מחיצה	או	באורייתא	דכתיב	Vilna	

									מ'ר	Vatican 11	37
									מ'ר	Oxford 248	
									מ'ר	Munich 95	
									מ'ר	Spanish Print	
									מ'ר	Venice Print	
									מ'ר	Vilna	
									א'ו	Vatican 11	38
									א'ו	Oxford 248	
									א'ו	Munich 95	
									א'ו	Spanish Print	
									א'ו	Venice Print	
									א'ו	Vilna	
									מ'ר	Vatican 11	39
									מ'ר	Oxford 248	
									מ'ר	Munich 95	
									מ'ר	Spanish Print	
									מ'ר	Venice Print	
									מ'ר	Vilna	
									מ'ר	Vatican 11	40
									מ'ר	Oxford 248	
									מ'ר	Munich 95	
									מ'ר	Spanish Print	
									מ'ר	Venice Print	
									מ'ר	Vilna	
									מ'ר	Vatican 11	41
									מ'ר	Oxford 248	
									מ'ר	Munich 95	
									מ'ר	Spanish Print	
									מ'ר	Venice Print	
									מ'ר	Vilna	
									מ'ר	Vatican 11	42
									מ'ר	Oxford 248	
									מ'ר	Munich 95	
									מ'ר	Spanish Print	
									מ'ר	Venice Print	
									מ'ר	Vilna	

דונג	תייתי					א'ל	אינשי	דאמרי	אנ(קפ)פ	Vatican 11	43
דונג	תייתי					א"ל	אינשי	דאמרי	אנפקא	Oxford 248	
דונג	תייתי					א"ל	אינשי	דאמ'	אנפק	Munich 95	
דונג	תייתי	מר	לה	סבר	ליה	אמ'	אינשי	כדקרויה	אנפק	Spanish Print	
דונג	תייתי				ליה	אמר	אינשי	דאמרי	אנפק'	Venice Print	
דונג	תייתי				ליה	אמר	אינשי	דאמרי	אנפק	Vilna	
	באשה	משתמשינ	אין	שמואל	אמ'	הכי		א'ל	ותשקי'	Vatican 11	44
	א"ל	משתמשינ	אין	שמואל	א'	הכי		א"ל	תשקיין	Oxford 248	
		משתמשינ	אין	שמואל	א'	הכי		א"ל	ותשקינן	Munich 95	
	אמ'	משתמשינ	אין	שמואל	אמ'	הכי	ליה	אמ'	ותשקינן	Spanish Print	
		משתמשינ	אין	שמו	אמר	הכי	ליה	אמר	תשקינן	Venice Print	
		משתמשינ	אין	שמואל	אמר	הכי	ליה	אמר	תשקינן	Vilna	
	א'ל	קטנה	היא	הא	גדולה	מילי	הני	(קטנה)		Vatican 11	45
	א"ל	קטנה	היא							Oxford 248	
	א"ל	קטנ'	היא							Munich 95	
	ליה	אמ'	היא	קטנה					ליה	Spanish Print	
			היא	קטנה						Venice Print	
			היא	קטנה						Vilna	
	בין	גדולה	בין				שמו'	אמ'	בפירוש	Vatican 11	46
	בין	גדולה	בין	כלל	באשה	משתמשינ	שמואל	א'	בפירוש	Oxford 248	
	בין	גדול'	בין				שמו'	א'	בפירו'	Munich 95	
	ובין	גדולה	בין				שמואל	אמ'	בפירוש	Spanish Print	
	בין	גדולה	בין	כלל	באשה	משתמשינ	שמואל	אמר	בפירוש	Venice Print	
	בין	גדולה	בין	כלל	באשה	משתמשינ	שמואל	אמר	בפירוש	Vilna	
	[לילתא]	(לילתא)	שלמא	מר	משדר			א'ל	קטנה	Vatican 11	47
		לילתא	שלמא	מר	נשדר	לה			קטנה	Oxford 248	
		לילתא	שלמ'	מר	לישדר	ליה	לא	א"ל	קטנ'	Munich 95	
		לילתא	שלמא	מר	נשדר	לה		אמ'	קטנה	Spanish Print	
		לילתא	שלמא	מר	נשדר	ליה			קטנה	Venice Print	
		לילתא	שלמא	מר	נשדר	ליה			קטנה	Vilna	
	א'ל	ערוה	באשה	קול	שמואל	אמר	הכא		א'ל	Vatican 11	48
		ערוה	באשה	קול	שמואל	אמ'	הכי		א"ל	Oxford 248	
									א"ל	Munich 95	
	ליה	אמ'	ערוה	קול	שמואל	אמ'	הכי	ליה	אמ'	Spanish Print	
			ערוה	קול	שמואל	אמר	הכי	ליה	אמר	Venice Print	
			ערוה	קול	שמואל	אמר	הכי		א"ל	Vilna	

					שליח	ידי	על			Vatican 11	49
				א"ל	שליח		ע"י	לה	נשדר	Oxford 248	
										Munich 95	
					שליח	ידי	על			Spanish Print	
				אמר	שליח	ידי	על		איפשר	Venice Print	
				אמר	שליח		ע"י		אפשר	Vilna	
					אש(')ה					Vatican 11	50
										Oxford 248	
				א"ל	אש'	בשלו'	שואלין	אין	שמו'	Munich 95	
					אשה	בשלום	שואלין	אין	שמואל	Spanish Print	
					אשה	בשלום	שואלין	אין	שמואל	Venice Print	
					אשה	בשלום	שואלין	אין	שמואל	Vilna	
										Vatican 11	51
										Oxford 248	
									שליח	Munich 95	
				אמר	מאי	בעלה	ידי	על	שמואל	Spanish Print	
				אמר	אמר	בעלה	ידי	על	שמואל	Venice Print	
				אמר	אמר	בעלה	ידי	על	שמואל	Vilna	
										Vatican 11	52
					ואפילו	כלל	שואלין	אין	שמואל	Oxford 248	
						כלל	שואלין	אין	שמואל	Munich 95	
						כלל	שואלין	אין	שמואל	Spanish Print	
						כלל	שואלין	אין	שמואל	Venice Print	
						כלל	שואלין	אין	שמואל	Vilna	
										Vatican 11	53
					תגריה		שרי	ילתא	כשאר	Oxford 248	
					תגריה	(ב)	שרי	ילתא	כשאר	Munich 95	
					תגריה'		שרי	ילתא	כשאר	Spanish Print	
					תגריה		שדי	דביתהו	כשאר	Venice Print	
					תגריה'		שרי	דביתהו	כשאר	Vilna	
					תגריה		שרי	דביתהו	כשאר		
										Vatican 11	54
					שייטי'	מאי	א"ל	אינשי	א"ל	Oxford 248	
					שייטיה	מאי	א"ל	אינשי	א"ל	Munich 95	
					שייטי'	מאי	א"ל	אינשי	א"ל	Spanish Print	
					שייטי	מאי	[א"ל]	אינשי	א"ל	Venice Print	
					שייטיה	מאי	לי	עם	אמר	Vilna	
					שייטיה	מאי	א"ל	עם	אמר		

									Vatican 11	55
דמר	קמיה	לדינא	מזמיננא						Oxford 248	
דמר	קמי'	לדינא							Munich 95	
				אבתראי	מר	שדי	דזמינות'	דיסק'		
דמר	לקמיה	לדינא						ליה	Spanish Print	
				אבתראי	מר	שדר	דהזמנות'	טסקא	ליה	Venice Print
				אבתראי	מר	שדר	דהזמנותא	טסקא	ליה	Vilna
		ידענא	לא	דמר	שו(י)תיה	א'ל			Vatican 11	56
							לדינא	מזמינין	Oxford 248	
									Munich 95	
	גמירנ'	לא	דמר	שוית'	השת'	א"ל			Spanish Print	
	גמירינן	לא	דמר	שויתיה	השתא	ליה	אמ'		Venice Print	
	גמירנא	לא	דמר	שותא	השתא	ליה	אמר		Vilna	
	גמירנא	לא	דמר	שותא	השתא	ליה	אמר			
									Vatican 11	57
									Oxford 248	
									Munich 95	
									Spanish Print	
									Venice Print	
									Vilna	
									Vatican 11	58
									Oxford 248	
									Munich 95	
									Spanish Print	
									Venice Print	
									Vilna	
									Vatican 11	59
									Oxford 248	
									Munich 95	
									Spanish Print	
									Venice Print	
									Vilna	
									Vatican 11	60
									Oxford 248	
									Munich 95	
									Spanish Print	
									Venice Print	
									Vilna	

61	Vatican 11	מאי	טע'	שמת'י'	מר	להווא	גברא		ציער	שליחא
	Oxford 248	מ"ט		שמית	מר	להאי	גברא	א"ל	ציער	שליחא
	Munich 95	טע'		שמית	מר	להאי	גבר'	א"ל	ציער	שליח'
	Spanish Print			שמתיה	מר	[...]			דציער	לשלוחא
	Venice Print	מאי	טעמא	שמתיה	מר	להווא	גברא		ציער	שליחא
	Vilna	מאי	טעמא	שמתיה	מר	להווא	גברא		ציער	שליחא
62	Vatican 11	דרבנן								
	Oxford 248	דרבנן								
	Munich 95	דרבנן	וחייב	מלקו'						
	Spanish Print	דרבנן	ונגדיה	מר	דרב	מנגיד	על	מאן	דמצער	שליחא
	Venice Print	דרבנ'								
	Vilna	דרבנן	ונגדיה	מר	דרב	מנגיד	על	מאן	דמצער	שלוחא
63	Vatican 11					ומאי	טע'	אכר'[]?זת		עילויה
	Oxford 248				א"ל	מאי		קרית		להאי
	Munich 95	ועדיפ'	מיני'	עבדי	ליה	מאי	טע'	אכריז		עליה
	Spanish Print	דעדיף	מיניה	עבדי	ליה	מאי	טעמ'	קרי	ליה	מרהא
	Venice Print					מאי	טעמ'	אכריז		עליה
	Vilna	דעדיף	מיניה	עבדי	ליה	מאי	טעמא	אכריז		עליה
64	Vatican 11		דעבדא	הוא	אמ'	ל'	דרגיל	דקרי	לאינשי	עבדי
	Oxford 248	גברא	עבדא		א"ל		דרגיל	דקרי	לאנשי	עבדי
	Munich 95		דעבדי'	הוא			דרגיל	דקרי	לאינשי	עבדי
	Spanish Print	גברא	עבדא		אמ'	ליה	דרגיל	דקרי	אינשי	עבדי
	Venice Print		דעבדא	הוא	אמר	ליה	דרגיל	דקרי	אינשי	עבדי
	Vilna		דעבדא	הוא	אמר	ליה	דרגיל	דקרי	אינשי	עבדי
65	Vatican 11	כל	הפוסל	פסול	ואי'	מדבר	בשבה	?לעולם[ש]?	ואמ'	שמו'
	Oxford 248	כל	הפוסל	פסול	ואינו	מדבר	בשבה	של	עולם	שמואל
	Munich 95	כל	הפוסל	פסול	ואינו	מדבר	בשבה'	לעול'	וא'	שמו'
	Spanish Print	כל	הפוסל	פסול	ואינו	מדבר	בשבה	לעולם	ואמר	שמואל
	Venice Print	כל	הפוסל	פסול	ואינו	מדבר	בשבה'	לעולם	ואמ'	שמואל
	Vilna	כל	הפוסל	פסול	ואינו	מדבר	בשבהא	לעולם	ואמר	שמואל
66	Vatican 11	במומו	פוסל		אימר	דאמ'	שמואל	לאחזוקי		לאכרוזי
	Oxford 248	ובמומו	פוסל		אימר	דא'	שמואל	למיחש	לי'	לאכרוזי
	Munich 95	במומו	פוסל	א"ל	אימר	דא'	שמו'	למיחש	ליה	לאכרוזי
	Spanish Print	במומו	פוסל	אמר	ליה	אימור	דאמר	שמואל	למיחש	ליה
	Venice Print	במומו	פוסל		אימר	דאמר	שמואל	למיחש	ליה	לאכרוזי
	Vilna	במומו	פוסל		אימר	דאמר	שמואל	למיחש	ליה	לאכרוזי

			אדהכי	עבידנא	דעדיפא	א'ל	אמ'	מי		Vatican 11	67
						א"ל	א'	מי	עליה	Oxford 248	
	קם		אדהכי				א'	מי	עלי	Munich 95	
	קאי	כי					אמר	מי	ליה	Spanish Print	
ההוא	אתא	והכי	אדהכי				אמר	מי	עליה	Venice Print	
ההוא	(אתא)	והכי	אדהכי				אמר	מי	עליה	Vilna	
						א'ל		דיני'	בעל	Vatican 11	68
										Oxford 248	
						א'		דיני'	בעל	Munich 95	
					ליה	אמר				Spanish Print	
יהודה	לרב	נהרדעא	בר	ההוא	ליה	אמ'	מנהרדעי	דיני'	בר	Venice Print	
יהודה	לרב	דיניה	בר	ההוא		א"ל	מנהרדעי)	דיניה	בר	Vilna	
	דאתי	גברא								Vatican 11	69
		מלכא	חשמונאי	מבית	דאתינא	עבדא	לי	קרית	לדידי	Oxford 248	
	דקאתי	גבר'								Munich 95	
		מלכא	חשמונאי	מבית	דאתינ'	עבדא	ליה	קרית	לדידי	Spanish Print	
		מלכא	חשמונאי	מבית	דאתינא	עבדא	לי	קרית	לדידי	Venice Print	
		מלכא	חשמונאי	מבית	דאתינא	עבדא	לי	קרית	לדידי	Vilna	
	אמ'	הכי	א'ל	ל'	קרית	עבדא	[מלכא]	חשמונאי	מבי	Vatican 11	70
	א'	הכי								Oxford 248	
	א'	הכי	א"ל	ליה	קרי'	עבד'	מלכ'	חשמונאי	מדבית	Munich 95	
	אמ'	הכי	ליה	אמ'						Spanish Print	
	אמר	הכי	ליה	אמר						Venice Print	
	אמר	הכי	ליה	אמר						Vilna	
	עבדא		קאתינא	חשמו'	מבי	דא'		כל	שמו'	Vatican 11	71
	עבדא		אנא	חשמונאי	מבית	דאמ'	א'	כל	שמואל	Oxford 248	
	עבד'		קאתינ'	חשמונאי	מדבי'	דא'	מאן	כל	שמו'	Munich 95	
	עבדא	אתינא	קא	מלכא	חשמונאי	דאמר	מאן		שמואל	Spanish Print	
	עבדא		קאתינא	חשמונאי	מדבית	דאמר		כל	שמואל	Venice Print	
	עבדא		קאתינא	חשמונאי	מדבית	דאמר		כל	שמואל	Vilna	
		דר'	להא	מר	לה	סבר	לא	א'ל	הוא	Vatican 11	72
		דא"ר	להא	מר	לה	סבר	לא	א"ל	הוא	Oxford 248	
		דא'	להא	מר	לה	סבר	ולא	א"ל	הוא	Munich 95	
		דאמר	להא	מר	לה	סבר	ליה	אמר	הוא	Spanish Print	
		דאמר	להא	מר	לה	סבר	ליה	אמר	הוא	Venice Print	
		דא"ר	להא	מר	לה	סבר	לא	א"ל	הוא	Vilna	

שמורה	חכם	תלמיד	כל			הונא	רב	אמ'	אבא	Vatican 11	73	
שמורה	חכם	תלמיד	כל				רב	א'	אבא	Oxford 248		
	שמור'	חכ'	תלמיד	כל		הונ'	רב	בר	רבסי	Munich 95		
שמורה	חכם	תלמיד	כל	רב	אמר	הונא	רב	אמר	רבא	Spanish Print		
שמורה	חכם	תלמי'	כל	רב	אמר	הונא	רב	אמר	אבא	Venice Print		
שמורה		ת"ח	כל	רב	אמר	הונא	רב	אמר	אבא	Vilna		
	לאו	ואם	לו	שומעין	אמרה	מעשה	קוד'	אם	ובא	הלכה	Vatican 11	74
	לאו	ואם	לו	שומעין	אמרה	מעשה	קודם	אם		הלכה	Oxford 248	
	לאו	ואם	לו	שומעין	אמר'	מעש'	קוד'	אם	ובא	הלכ'	Munich 95	
	לאו	ואם	לו	שומעין	אמרה	מעשה	קודם	אם	ובא	הלכה	Spanish Print	
	לאו	ואם	לו	שומעי'	אמר'	מעשה	קודם	אם	ובא	הלכה	Venice Print	
	לאו	ואם	לו	שומעין	אמרה	מעשה	קודם	אם	ובא	הלכה	Vilna	
	דקאי	מתנה	רב		האיכא	ל'	אמ'	לו	שומ'	אין	Vatican 11	75
	דקאי	מתנא	רב	איכא	הא	א"ל	לו	שומעין	אין	אין	Oxford 248	
	דקאי	מתנ'	רב		האיכ'	א"ל	לו	שומעין	אין	אין	Munich 95	
	דקאי	מתנה	רב		איכא	ליה	אמ'	לו	שומעין	אין	Spanish Print	
	דקאי	מתנה	רב	איכא	הא	ליה	אמר	לו	שומעין	אין	Venice Print	
	דקאי	מתנה	רב	איכא	הא	ליה	אמר	לו	שומעין	אין	Vilna	
		חזיא	דלא	שני	תליסרי	ליה	הוה	מתנה	רב	כוותי	Vatican 11	76
		חזיא	לא					מתנא	רב	כוותי	Oxford 248	
		חזיא	לא					מתנ'	רב	כותי	Munich 95	
		חזיא	לא					מתנה	רב	כותיה	Spanish Print	
		חזייה	לא					מתנה	רב	כוותי	Venice Print	
		חזייה	לא					מתנה	רב	כוותי	Vilna	
	א"ל		להתם	איקלע	יומא	ההוא				נהרדעא	Vatican 11	77
	א"ל	אתא			יומא	ההוא	שני		תליסר	נהרדעא	Oxford 248	
	א"ל	את'	להת'	איקלע	יומ'	ההו'	שנין		תליסר	נהרדע'	Munich 95	
	אמר	אחא			יומא	ההוא	שני		תליסר	נהרדעא	Spanish Print	
	אמר	אתא			יומא	ההוא	שני	סר'	תלי	לנהרדעא	Venice Print	
	אמר	אתא			יומא	ההוא	שני		תליסר	לנהרדעא	Vilna	
	הוה	בי	שמו'	דאמ'	מילתא	לההיא		מר	דכיר		Vatican 11	78
		כי	שמואל	א'			מאי	מר	דכיר		Oxford 248	
		כי	שמו'	א'			מאי	מר	דכיר		Munich 95	
		כי	שמואל	אמר			מאי	מר	דכיר	ליה	Spanish Print	
		כי	שמואל	אמר			מאי	מר	דכיר	ליה	Venice Print	
		כי	שמואל	אמר			מאי	מר	דכיר	ליה	Vilna	

		חדא	וכרעיה	אגודא		חדא	כרעיה		[קאי]	Vatican 11	79	
	על	כרעא	וחד	גודא	על	חדא	כרעי'		קאי	Oxford 248		
		כרעי'	וחד'	אגיד'			כרעי'	חד'	קאי	Munich 95		
	א"ל	כרעיה	וחדא	גודא	על		כרעיה	חדא	קאי	Spanish Print		
		כרעא	וחדא	אגודא			כרעא	חדא	קאי	Venice Print		
		כרעא	וחדא	אגודא			כרעא	חדא	קאי	Vilna		
	מבית	דא'	מאן	כל	שמו'	אמ'	הכי	א'ל	אמברא	Vatican 11	80	
	מבית	דא'		כל	שמו'	א'	הכי	א"ל	מברא	Oxford 248		
	מבי'		מ'ד	כל	שמו'	א'	הכי	א"ל	אמבר'	Munich 95		
	מדבית	דאמ'	מאן	כל	שמואל	אמ'	הכי		אמברא	Spanish Print		
	מדבי'		דאמ'	כל	שמואל	א'	הכי	ליה	במברא	Venice Print		
	מדבית		דאמר	כל	שמואל	אמר	הכי	א"ל	במברא	Vilna		
				הוא	עבדא		אנא	מלכא	חשמו'	Vatican 11	81	
	דל'	מינייהו	אשתייר	דלא	הוא	עבדא	קאתינא	מלכ'	חשמונאי	Oxford 248		
					הוא	עבד'	קאתינ'	מלכ'	חשמונאי	Munich 95		
					הוא	עבדא	קא	מלכ'	חשמונאי	Spanish Print		
	דלא				הוא	עבדא	קאתינא	מלכא	חשמונאי	Venice Print		
	דלא				הוא	עבדא	קאתינא	מלכא	חשמונאי	Vilna		
										Vatican 11	82	
		קלא	ורמי'	לאיגרא	דסליק	רבית'	ההיא	אלא	מינייהו	אשתייר	Oxford 248	
											Munich 95	
											Spanish Print	
	ואמריה	קלא	ורמיא	לאיגרא	דסלקא	רביתא	ההוא	אלא	מינייהו	אשתייר	Venice Print	
	ואמרה	קלא	ורמיא	לאיגרא	דסלקא	רביתא	ההיא	אלא	מינייהו	אשתייר	Vilna	
										Vatican 11	83	
	לארע'	מאיגרא	דנפלה	הוא	עבדא	אנא	חשמונאי	מבית	דא'	כל	Oxford 248	
											Munich 95	
											Spanish Print	
		מאיגרא	נפלה	הוא	עבדא	אנ'	חשמונאי	מבית	דאמ'	כל	Venice Print	
		מאיגרא	נפלה	הוא	עבדא	אנא	חשמונאי	מבית	דאמר	כל	Vilna	
	כתובת	כמה	איקרעו	יומא	ההוא	הוא	דעבד'	עליה	אכריז		Vatican 11	84
	כתובת'	כמ'	איקרען			הוא	דעבד'	עלי'	אמרו	ומתה	Oxford 248	
	כתוב'	כמ'	איקרען	יומ'	ההו'	הוא	דעבד'	עלי'	אכריז		Munich 95	
	כתובתא	רמה	איקרען			הוא	דעבדא	עליה	אכריז		Spanish Print	
	כתובת'	כמה	איקרען	יומא	ההוא	הוא	דעבדא	עליה	אכרוז	ומית	Venice Print	
	כתובתא	כמה	איקרען	יומא	ההוא	הוא	דעבדא	עליה	אכרוז	ומיתה	Vilna	

א'ל	למירגמיה	בתריה			נפוק	נפיק	קא	כי	בנהרדעא	Vatican 11	85
א'	למרגמיה	אבתרי'	עלמ'	כולי	נפקו	נפיק	קא	כי	בנהרדע'	Oxford 248	
א'	למרגמי'	אבתריה			נפקי	קנפיק		כי	בנהרדע'	Munich 95	
אמר	למרגמיה	בתריה			נפקו	נפיק	קא	כי	בנהרדעא	Spanish Print	
אמר	למירגמיה	אבתריה			נפקי	נפיק	קא	כי	בנהרדעא	Venice Print	
אמר	למירגמיה	אבתריה			נפקי	נפיק	קא	כי	בנהרדעא	Vilna	
דאמ'		לכו	מגלינא	לא	ואי	שתיקיתו	שתיקיתו			Vatican 11	86
דא'			מגלינא	לא	ואי	שתיקיתו	שתיקיתו	אי	להן	Oxford 248	
דא'			מגלינ'	לא	ואי	שתיקיתו	שתיקיתו	אי	להו	Munich 95	
דאמ'			מגלינא	לא	ואי	שתיקיתו	שתיקיתו	אי	להו	Spanish Print	
דאמ'	הא	עלייכו	מגלינא	לא	ואי	שתיקו	שתיקו	אי	להו	Venice Print	
דאמר	הא	עלייכו	מגלינא	לא	ואי	שתיקו	שתיקו	אי	להו	Vilna	
וחדא	יונה	דבי	מקריא	חדא	בנהרדעא	הוה	זרעייתא	תרתי	שמו'	Vatican 11	87
וחדא	יונה	דבני	מיקריא	חדא	בנהרדעא	איכ'	זרעיית'	תרתי	שמואל	Oxford 248	
וחד'	יונה	דבי	מיקרי	חד'	בנהרדע'	איכ'	זרעיית'	תרתי	שמו'	Munich 95	
וחדא	יונה	דבי	מקריא	חדא	בנהרדע'	איכא	זרעייתא	תרתי	שמואל	Spanish Print	
וחד'	יונא	דבי	מיקריא	חדא	בנהרדעא	איכא	זרעייתא	תרתי	שמואל	Venice Print	
וחדא	יונה	דבי	מיקריא	חדא	בנהרדעא	איכא	זרעייתא	תרתי	שמואל	Vilna	
טמא	טמא	וסימ'					עורבתי	דבי	מיקריא	Vatican 11	88
טמא	טמ'	וסימניך					עורבתי	דבני	מקריא	Oxford 248	
טמ'	טמ'	וסימניך					עורב	דבי	מיקרי	Munich 95	
טהור	טמא	וסימניך	פסולה	וחדא	כשרה	חדא	עורבתי	דבי	מקריא	Spanish Print	
טמא	טמא	וסימניך					עורבתי	דבי	מיקריא	Venice Print	
טמא	טמא	וסימניך					עורבתי	דבי	מיקריא	Vilna	
בנהר	אבקא	דסלי'	עד	מידיהו	ריגמיהו		שדו	טהור	טהור	Vatican 11	89
				בידיהו	ריגמיהו	להווא	שדויה	טהור	וטהור	Oxford 248	
בנהר					ריגמיהו		שדו	טהו'	טהור	Munich 95	
				מידיהו	ריגמא	להווא	שדויה	טהור	וטהור	Spanish Print	
				מידיהו	ריגמ'	להווא	שדויה	טהו'	טהור	Venice Print	
				מידיהו	ריגמא	להווא	שדויה	טהור	טהור	Vilna	
בדיתא	בפום	יהוד'	רב	אכריז	מלכא	בנהר	איטמא	וקם	מלכא	Vatican 11	90
	בפובדיתא	יהודה	רב	מכריז	מלכא	בנהר	אטמא	וקם		Oxford 248	
	בשכנציב	נחמן	רב	מכריז	מלכא	בנהר	איטמ'	וקם	מלכ'	Munich 95	
בדיתא	בפום	יהודה	רב	מכריז	מלכא	בנהר	איטמא	קא		Spanish Print	
	בפומבדיתא	יהודה	רב	מכריז	מלכא	בנהר'	אטמא	וקם		Venice Print	
	בפומבדיתא	יהודה	רב	מכריז	מלכא	בנהר	אטמא	וקם		Vilna	

									אדא	Vatican 11	91
									אדא	Oxford 248	
								עיה	עזא	Munich 95	
									עדא	Spanish Print	
									אדא	Venice Print	
									אדא	Vilna	
										Vatican 11	92
										Oxford 248	
										Munich 95	
										Spanish Print	
										Venice Print	
										Vilna	
										Vatican 11	93
										Oxford 248	
										Munich 95	
										Spanish Print	
										Venice Print	
										Vilna	
										Vatican 11	94
										Oxford 248	
										Munich 95	
										Spanish Print	
										Venice Print	
										Vilna	
										Vatican 11	95
										Oxford 248	
										Munich 95	
										Spanish Print	
										Venice Print	
										Vilna	

Appendix O: Synopsis of Ketubot 46a (Chapter Five)

תניא	כיצד	הוצאת	שם	רע	בא	לב"ד	ואמ'	Munich 95	1
ד?תנ?יא	כי[י]צד	הוצאת	שם	ר(ע)[ע]	בא	לבית	דין ואמ'	St. Petersburg	
דתניא	כיצד	הוצאת	שם	רע	בא	לבית	דין ואמ'	Vatican 113	
דתניא	כיצד	הוצאת	שם	רע	בא	לבית	דין ואמ'	Vatican 130	
דתניא	כאיזה	[צד]	הוצאת	שם	רע	בא	דין ואמ'	Vatican 487	
דתניא	כיצד	הוצאת	שם	רע	בא	לבית	דין ואמ'	Soncino (1488)	
דתניא	כיצד	הוצאת	שם	רע	בא	לבית	דין ואמר	Vilna	
	לא	מצאתי	לבתך	את	יש	עדים	שזינתה	Munich 95	2
פל'	לא	מצאתי	לבתו	את	יש	עדים	שזינתה	St. Petersburg	
פל'	לא	מצאתי	לבתך	את	יש	עדים	שזינתה	Vatican 113	
	לא	מצאתי	לבתך	את	יש	עדים	שזינתה	Vatican 130	
פלוני	לא	מצאתי	לבתך	את	יש	עדים	שזינתה	Vatican 487	
פלוני	לא	מצאתי	לבתו	את	יש	עדים	שזינתה	Soncino (1488)	
פלוני	לא	מצאתי	לבתך	את	יש	עדים	שזינתה	Vilna	
(בסקילה)	זינתה	(מעיקרא)	יש	לה	כתובה	מנה	יש	Munich 95	3
			יש	לה	כתובה	מנה	יש	St. Petersburg	
			יש	לה	כתובה	מנה		Vatican 113	
			יש	לה	כתובה	מנה		Vatican 130	
			יש	לה	כתובה	מנה	יש	Vatican 487	
			יש	לה	כתובה	מנה		Soncino (1488)	
			יש	לה	כתובה	מנה		Vilna	

בת									Munich 95	4
בת								מנה	St. Petersburg	
בת									Vatican	
בת					תחתיו	זינתה			113	
בת									Vatican	
בת								מנה	130	
בת	מנ'	כתוב'	לה	יש	תחתיו	שזנת'	עדי'	יש	487	
בת	מנה	כתובה	לה	יש	תחתיו	שזינת ה	עדים	יש	Soncino (1488)	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	Vilna	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	Munich 95	5
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	St. Petersburg	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	Vatican	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	113	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	Vatican	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	130	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	Vatican	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	487	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	Soncino (1488)	
תחתיו	שזינתה	עדים	יש	אם		קאמ'	הכי	היא	Vilna	
		נמצא	מנה	כתובה	לה	יש	מעיקרא	זינתה	Munich 95	6
רע	שם	נמצא	מנה	כתובה	לה	יש	מעיקרא	זינתה	St. Petersburg	
	(שם)	נמצא	מנה	כתובה	לה	יש	מעיקרה	זינתה	Vatican	
רע	שם	נמצא	מנה	כתובה	לה	יש	מעיקרא	זינתה	113	
רע	שם	נמצא	מנה	כתובה	לה	יש	מעיקרא	זינתה	Vatican	
רע	שם	נמצא	מנה	כתובה	לה	יש	מעיקרא	זינתה	130	
רע	שם	נמצא	מנה	כתובה	לה	יש	מעיקרא	זינתה	Vatican	
רע	ששם	נמצ'	מנה	כתוב'	לה	יש	מעיקרא	זינתה	487	
רע	ששם	נמצא	מנה	כתובה	לה	יש	מעיקרא	זינתה	Soncino (1488)	
רע	ששם	נמצא	מנה	כתובה	לה	יש	מעיקרא	זינתה	Vilna	

שאינו	שם	רע		לוקה	ונותן	מאה	סלע	בין	בעל	Munich 95	7
שאינו	שם	רע	הוא	לוקה	ונותן	מאה	סלע	בין	בעל	St.	
שאינו	שם	רע	הוא	לוקה	ונותן	מאה	סלע	בין	בעל	Petersberg	
שאינו	שם	רע		לוקה	ונותן	מאה	סלע	בין	בעל	Vatican	113
שאינו	שם	רע		לוקה	ונותן	מאה	סלע	בין	בעל	Vatican	130
שאינו	שם	רע		לוקה	ונותן	מאה	סלע	בין	בעל	Vatican	487
אינו	שם	רע	הוא	לוקה	ונותן	מאה	סלע	בין	בעל	Soncino	(1488)
אינו	שם	רע	הוא	לוקה	ונותן	מאה	סלע	בין	בעל	Vilna	
בין	לא	בעל	ר'	אליעזר	בן	יעקב	או'	לא	נאמרו	Munich 95	8
ובין	שלא	בעל	ר'	אליעזר	בן	יעקב	אומ'	לא	נאמרו	St.	
בין	לא	בעל	ר'	אלעז'	בן	יעקב	או'	לא	נאמרו	Petersberg	
ובין	לא	בעל	ר'	אליעזר	בן	יעקב	או'	לא	נאמרו	Vatican	113
ובין	לא	בעל	ר'	אליעזר	בן	יעקב	או'	לא	נאמרו	Vatican	130
ובין	לא	בעל	ר'	אליעז'	בן	יעקב	אומ'	לא	נאמרו	Vatican	487
ובין	לא	בעל	ר'	אליעז'	בן	יעקב	אומ'	לא	נאמרו	Soncino	(1488)
ובין	לא	בעל	רבי	אליעזר	בן	יעקב	אומר	לא	נאמרו	Vilna	
דברי'	הללו	אלא	ל	בשבע						Munich 95	9
דברים	הללו	אלא	ל	בשבע	ר'	אליעזר	בן	יעקב	ו?<..>	St.	
דברים	אילו	אלא	ל	בשבע	לר'	אליעז'	בן	יעקב	היינו	Petersberg	
דברים	הללו	אלא	ל	כשבעל	לר'	אליעזר	בן	יעקב	היינו	Vatican	113
דברים	הללו	אלא	ל	בשבע	לר'	אליעזר	בן	יעקב	היינו	Vatican	130
דברים	הללו	אלא	ל	בשלמא	לר'	אליעז'	בן	יעקב	היינו	Vatican	487
דברי'	הללו	אלא	ל	כשבעל	לר'	אליעזר	בן	יעקב	היינו	Soncino	(1488)
דברים	הללו	אלא	ל	כשבעל	לרבי	אליעזר	בן	יעקב	היינו	Vilna	

										Munich 95	10
										St. Petersberg	
דכת'	ואבוא'	אליה	ואקרב	אליה	אלא	לרבנן	מאי	ואבוא[ה]	אליה	Vatican 113	
דכת'	ובא	אליה	ואקרב	אליה	אלא	לרבנן	מאי	ובא	אליה	Vatican 130	
דכת'	ובא	אליה	ואקרב	אליה	אלא	לרבנן	מאי	ואקרב	אליה	Vatican 487	
דכת'	ואבא	אליה	ואקרב	אליה	אלא	לרבנן	מאי	ואבא	אליה	Soncino (1488)	
דכתיב	ובא	אליה	ואקרב	אליה	אלא	לרבנן	מאי	ובא	אליה	Vilna	
										Munich 95	11
										St. Petersberg	
ואקרב	אליה	ואבוא[ה]	?אל'יה	בעלילות	ואקרב	אליה	בדברים	בשלמ'	ר'	Vatican 113	
ואקרב	אליה	ובא	אליה	בעלילות	ואקרב	אליה	בדברים	בשלמ'	לר'	Vatican 130	
ובא	אלי'	ובא	אליה	בעלילות	ואקרב	אליה	בדברים	בשל'	לר'	Vatican 487	
ואקרב	אליה	ובא	אליה	בעלילות	ואקרב	אליה	בדברים	בשלמא	לר'	Soncino (1488)	
ואקרב	אליה	ואבא	אליה	בעלילו'	ואקרב	אלי'	בדברי'	בשלמ'	לר'	Vilna	
ואקרב	אליה	ובא	אליה	בעלילות	ואקרב	אליה	בדברים	בשלמא	לרבי	Munich 95	12
										St. Petersberg	
אליעזר	בן	יעקב	היינו	דכתי'	לא	מצאתי	לבתיך	בתולים	אלא	Vatican 113	
אליעזר	בן	יעקב	היינו	דכתי'	ולא	מצאתי	לבתיך	בתולים	אלא	Vatican 130	
אליע'	בן	יעקב	היינו	דכתי'	לא	מצ'	לבתי'	בתולי'	אלא	Vatican 487	
אליעזר	בן	יעקב	היינו	דכתי'	לא	מצאתי	לבתיך	בתולים	אלא	Soncino (1488)	
אליעזר	בן	יעקב	היינו	דכתיב	לא	מצאתי	לבתיך	בתולים	אלא	Vilna	

	מצאתי	לא	בתולים	לבתך	מצאתי	לא		מאי	לרבנן	Munich 95	13
לבתך	מצאתי	ולא	בתולים	לבתך	מצאתי	ולא		מאי	לרבנן	St. Petersberg	
לבתך	מצא'	לא	בתולי'	לבתך	מצאתי	לא		מאי (?א?)	לרבנן	Vatican 113	
	מצאתי	לא	בתולים	לבתך	מצאתי	לא		מאי	לרבנן	Vatican 130	
			בתולים	לבתך	מצאתי	לא		מאי	לרבנן	Vatican 487	
לבתך	מצאתי	לא	בתולי'	לבתך	מצאתי	לא		מאי	לרבנ'	Soncino (1488)	
לבתך	מצאתי	לא	בתולים	לבתך	מצאתי	לא		מאי	לרבנן	Vilna Munich	
ואלה	דכת'	היינו	יעקב	בן	אליעזר	לר'	בשלמ'	בתולים	כשירי	95	14
ואלה	דכת'	היינו	יעקב	בן	אליעזר	ר'	בשלמ'	בתולים	כשרי	St. Petersberg	
ואלה	דכת'	הינו	יעקב	בן	אליע'	לר'	בשלמ'	בתולים	כשרי	Vatican 113	
ואלה	דכת'	היינו	יעקב	בן	אליעזר	לר'	בשל'	בתולים	כשרי	Vatican 130	
ואלה	דכת'	היינו	יעקב	בן	אליע'	לר'	בשלמא	בתולים	כשרי	Vatican 487	
ואלה	דכת'	היינו	יעקב	בן	אליעזר	לר'	בשלמ'	בתולים	כשרי	Soncino (1488)	
ואלה	דכתיב	היינו	יעקב	בן	אליעזר	לרבי	בשלמא	בתולים	כשרי	Vilna Munich	
בתולי	ואלה	מאי	לרבנן	אלא	(בתולי)	כשירי	(ואלה)	בתי	בתולי	95	15
בתולי	ואלה	מאי	לרבנן	אלא				בתי	בתולי	St. Petersberg	
בתולי	ואלה	מאי	לרבנן	אלא				בתי	בתולי	Vatican 113	
בתולי	ואלה	מאי	לרבנן	אלא				בתי	בתולי	Vatican 130	
בתולי	ואלה	מאי	לרבנן	אלא				בתי	בתולי	Vatican 487	
בתולי	ואלה	מאי	לרבנן	אלא				בתי	בתולי	Soncino (1488)	
בתולי	ואלה	מאי	לרבנן	אלא				בתי	בתולי	Vilna	

בתי	ואלו	כשירי	בתולי	בתי	בשלמ'	לר'	אליעזר	בן	יעקב	Munich 95	16
בתי	אלה	כשירי	בתולי	בתי	בשלמ'	[ל]ר'	אליעזר	בן	יעקב	St. Petersber g	
בתי	אלא	כשירי	בתולי	בתי	בשלמ'	לר'	אליעז'	בן	יעקב	Vatican 113	
בתי	אל(א)ה [	כשירי	בתולי	בתי	בשל'	לר'	אליעז'	בן	יעקב	Vatican 130	
בתי	ואלה	כשירי	בתולי	בתי	בשלמא	לר'	אליעזר	בן	יעקב	Vatican 487	
בתי	ואלה	בשרי	בתולי	בתי	בשלמ'	לר'	אליעזר	בן	יעקב	Soncino (1488)	
בתי	ואלה	כשירי	בתולי	בתי	בשלמא	לר"א		בן	יעקב	Vilna	
היינו	דכתי'	ופרשו	את	השמלה	אלא	לרבנן	מאי	ופרשו	את	Munich 95	17
היינו	דכת'	ופרשו		השמלה	אלא	[ל]רבנן	מאי	ופרשו		St. Petersber g	
הינו	דכת'	ופרשו		השמלה	אלא	לרבנן	מאי	ופרשו		Vatican 113	
היינו	דכת'	ופרשו		השמלה	אלא	לרבנן	מאי	ופרשו		Vatican 130	
היינו	דכת'	ופרשו		השמלה	אלא	לרבנן	מאי	ופרשו		Vatican 487	
היינו	דכתיב	ופרשו		השמלה	אלא	לרבנן	מאי	ופרשו		Soncino (1488)	
היינו	דכתיב	ופרשו		השמלה	אלא	לרבנן	מאי	ופרשו		Vilna	
השמלה	א"ר		אבהו	יפרשו	מה	ששם	לה	כדתניא	ופרשו	Munich 95	18
	אמ'	ר'	אבהו	ופרשו	הדברים	ששם	לה	כדתניא	ופרשו	St. Petersber g	
השמלה	אמ'	ר'	אבהו	ופרשו	דברים	ששם	לה	כדתניא	ופרשו	Vatican 113	
השמל'	אמ'	ר'	אבהו	ופרשו	מ(א)ה [	ששם	לה	כדתניא	ופרשו	Vatican 130	
השמל'	אמ'	ר'	אבהו	ופרשו	מה	ששם	לה	כדתניא	ופרשו	Vatican 487	
השמלה	אמ'	ר'	אבהו	פרשו	מה	ששם	לה	כדתניא	ופרשו	Soncino (1488)	
השמלה	אמר	רבי	אבהו	פרשו	מה	ששם	לה	כדתניא	ופרשו	Vilna	

זה	של	ועדים	זה	של	עדים	שבאין	מלמד	השמלה	את	Munich 95	19
										St.	
זה	של	ועדיו	זה	של	עדיו	שבאין	מלמד	השמלה		Petersber g	
זה	של	ועדיו	זה	של	עדיו	שבאין	מלמד	השמלה		Vatican 113	
זה	של	ועדיו	זה	של	עדיו	שבאין	מלמד	השמלה		Vatican 130	
זה	של	ועדים	זה	של	עדים	שבאין	מלמד	השמלה		Vatican 487	
זה	של	ועדים	זה	של	עדים	שבאין	מלמד	השמלה		Soncino (1488)	
זה	של	ועדים	זה	של	עדים	שבאין	מלמד	השמלה		Vilna	
או'	יעקב	בן	אליעזר	ר'	חדשה	כשמלה	הדבר	את	ובוררין	Munich 95	20
										St.	
אומ'	יעקב	בן	אליעזר	ר'	חדשה	כשלמה	הדבר	את	ובוררין	Petersber g	
או'	יעקב	בן	אליעז'	ר'	חדשה	כשמלה	הדבר	את	ובוררין	Vatican 113	
או'	יעקב	בן	אליעז'	ר'	חדשה	כשמלה	הדבר	את	ובוררין	Vatican 130	
אומ'	יעקב	בן	אליעזר	ר'	חדשה	בשמלה	הדבר	את	ובררין	Vatican 487	
אומ'	יעקב	בן	אליעזר	ר'	חדשה	כשמלה	הדבר	את	ובוררין	Soncino (1488)	
אומר	יעקב	בן	אליעזר	רבי	חדשה	כשמלה	הדבר	את	ובוררין	Vilna	
	בר	יצחק	רב	שלה	ממש	שמלה		ככתבן	דברים	Munich 95	21
										St.	
	בן	יצחק	ר'	שלה	ממש	שמלה		ככתבן	דברים	Petersber g	
	בר	יצחק	רב	שלה	ממש	שמלה	שמלה	ככתבן	דברים	Vatican 113	
	בר	יצחק	רב	שלה	ממש	שמלה		ככתבן	דברים	Vatican 130	
	בר	יצחק	רב	שלה	ממש	שמלה		ככתבן	דברים	Vatican 487	
	בר	יצחק	רב	שלה	ממש	שמלה		ככתבן	דברים	Soncino (1488)	
רב	בר	יצחק	רבי	שלה	ממש	שמלה		ככתבן	דברים	Vilna	

בכל	מצינו	שלא	אע"פ	יוחנן	דר'	משמיה	גיורי	בר	יעקב	Munich 95	22
בכל	מצינו	שלא	אע"פ	יוחנן	ר'	משום	גיורי(ם)	בר	[יע..(ע) קב	St. Petersburg	
בכל	מצינו	שלא	אעפי	יוחנן	דר'	משמיה			גיורי	Vatican 113	
בכל	מצינו	שלא	אע"פ	יוחנן	דר'	משמיה	גיורי	בר	יעקב	Vatican 130	
בכל	מצינו	שלא	אע"פ	יוחנן	דר'	משמיה	גיורי	בר	יעקב	Vatican 487	
בכל	מצינו	שלא	אע"פ	יוחנן	דר'	משמיה	גיורי	בר	יעקב	Soncino (1488)	
בכל	מצינו	שלא	אע"ג	יוחנן	דרבי	משמיה	גיורי	בר	יעקב	Vilna	
שלא	לביאה		כדרכה	ביאה	בין	הכתו'	שחילק		התורה	Munich 95	23
שלא	ביאה	ובין	כדרכה	ביאה	בין	הכת'	שחלק	כולה	התורה	St. Petersburg	
שאינה	לביאה		כדרכה	ביאה	בין	הכת'	שחלק	כולה	התורה	Vatican 113	
של'	לביאה		כדרכה	ביאה	בין	[הכת']	[שחלק]	כולה	התורה	Vatican 130	
שלא	לביאה		כדרכה	ביאה	בין	הכת'	שחילק	כולה	התורה	Vatican 487	
של'	לביא'		כדרכה	ביאה	בין	הכת'	שחלק		התורה	Soncino (1488)	
שלא	לביאה		כדרכה	ביאה	בין	הכתוב	שחלק	כולה	התורה	Vilna	
חייב	אינו		רע	שם	מוציא	אבל	ולעונשין	למכות	כדרכה	Munich 95	24
חייב	אינו		רע	שם	מוציא	אבל	[ו]לעונשי ן	למכות	כדרכה	St. Petersburg	
חייב	אינו		רע	שם	מוציא		ולעונשין	למכות	<...>	Vatican 113	
חייב	אינו		רע	שם	מוציא	אבל	ולעונשין	למכות	כדרכה	Vatican 130	
חייב	אינו		רע	שם	מוציא	אבל	ולעונשין	למכות	כדרכה	Vatican 487	
חייב	אינו		רע	שם	מוציא	אבל	ולעונשין	למכות	כדרכה	Soncino (1488)	
חייב	אינו	חלק	רע	שם	מוציא	אבל	ולעונשין	למכות	כדרכה	Vilna	

אי	כמאן	בכדרכה	רע	שם	ומוציא	כדירכה	שלא	שיבעול	עד	Munich 95	25
אי	כמאן	בכדרכה	רע	שם	ויוציא	כדרכה	שלא	שיבעול	עד	St. Petersberg	
אי	כמאן	בכדירכ ה	רע	שם	ויוציא	כדרכה	שלא	שיבעול	עד	Vatican 113	
אי	כמאן	בכדירכ ה	רע	שם	ויוציא	כדירכה	שלא	שיבעול	עד	Vatican 130	
אי	כמאן	בכדרכה	רע	שם	ויוציא	כדרכה	שלא	שיבעול	עד	Vatican 487	
אי	כמאן	בדרכה	רע	שם	ויוציא	כדרכה	שלא	שיבעול	עד	Soncino (1488)	
אי	כמאן	כדרכה	רע	שם	ויוציא	כדרכה	שלא	שיבעול	עד	Vilna	
אליעזר	כר'	אי		בעל	דלא			אע"ג	כרבנן	Munich 95	26
אליעזר	כדר'	אי		בעל	דלא			אע"ג	כרבנן	St. Petersberg	
אליעזר	כר'	אי	נמי	בעל	דלא		אעגב	אפילו	כרבנ'	Vatican 113	
אליעזר	כר'	אי		בעיל	דלא			אע"ג	כרבנן	Vatican 130	
אליעז'	כר'	אי		בעל	דלא	גב	על	אף	כרבנן	Vatican 487	
אליעזר	כר'	אי		בעל	דלא			אע"ג	כרבנן	Soncino (1488)	
אליעזר	כר'	אי		בעל	דלא	גב	על	אף	כרבנן	Vilna	
אלא	בענין	בכדרכה	ואידי	אידי		לא	בשבעל	יעקב	בן	Munich 95	27
אלא	בענין	בכדרכה	ואידי	אידי				יעקב	בן	St. Petersberg	
אלא	בענין	בכדירכ ה	ואידי	אידי				יעקב	בן	Vatican 113	
אלא		בכדירכ ה	ואידי	אידי	הא			יעקב	בן	Vatican 130	
אלא	בענין	בכדרכה	ואידי	אידי				יעקב	בן	Vatican 487	
אלא	בענין	כדרכה	ואידי	אידי				יעקב	בן	Soncino (1488)	
אלא	בענין	כדרכה	ואידי	אידי				יעקב	בן	Vilna	

			יוחנן	דר'	משמיה	כהנא	רב	שלה	Munich 95	28
חייב	אינו		יוחנן	דר'	משמיה	כהנא	רב	שלה	St. Petersberg	
		לעולם	יוחנן	דר'	משום	כהנא	רב	כדשלה	Vatican 113	
חייב	אינו		יוחנ'	דר'	משמיה	כהנא	רב	שלה	Vatican 130	
			יוח'	דר'	משמיה	כהנא	רב	שלה (של)	Vatican 487	
חייב	אינו		יוחנן	דר'	משמיה	כהנ'	רב	[אמ']	Soncino (1488)	
			יוחנן	דר'	משמיה	כהנא	רב	שלה	Vilna Munich 95	29
			בכדרכה	רע		ויוציא	בכדרכה	שיבעול	St. Petersberg	
		<...>	כדרכה	רע	שם	ויוציא	כדרכה	שיבעול	Vatican 113	
			כדירכה	רע	שם	ויוציא	כדרכה	שיבעול	Vatican 130	
			כדירכה	[רע]	שם	ומוציא	כדירכה	שיבעול	Vatican 487	
			בכדרכה	רע	שם	ויוציא	בכדרכה	שיבעול	Soncino (1488)	
			בכדרכה	רע	שם	ויוציא	כדרכה	שיבעול	Vilna	
			בכדרכה	רע	שם	ויוציא	כדרכה	שיבעול		