

# Objectives of *Sugyot* – A Study of the Redaction of the Babylonian Talmud as Reflected in Three *Sugyot* of Tractate *‘Eruvin*

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Various methods exist for analyzing the redaction of the passages (*sugyot*) of the Babylonian Talmud.<sup>1</sup> However, neither the purposeful and definitive criticism of *sugyot* redaction, nor the objectives of *sugyot* (as they appear in print –without any intent to justify the printed version), has been sufficiently researched.<sup>2</sup> Existing studies on *sugyot* are usually random and inconsistent.<sup>3</sup> The contribution of this article is the method proposed: The central and interpretive question to be studied in researching *sugyot* is the purpose and the objective—the why and wherefore of the editors.

This study examines the reasoning behind the *sugya*'s manifestation

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<sup>1</sup> See, for instance, J. KAPLAN, *The Redaction of the Babylonian Talmud* (New York 1933); H. KLEIN, "Gemara and Sebara," *JQR* 38 (1947), pp. 67-91; ID., "Gemara Quotation in Sebara," *JQR* 43 (1953), pp. 341-363; ID., "Some Methods of Sebara," *JQR* 50 (1959), pp. 124-146; J. N. EPSTEIN, *Introduction to Tannaitic Literature* (Hebrew) (Jerusalem 1957); ID., *Introduction to Amoraitic Literature* (Hebrew) (Jerusalem 1962); N. AMINOAH, *The Redaction of the Tractate Qiddushin in the Babylonian Talmud* (Hebrew) (Tel Aviv 1977); D. HALIVNI, *Sources and Traditions. A Source Critical Commentary on the Talmud, Tractates 'Erubin and Pesahim* (Hebrew) (Jerusalem 1982); N. AMINOAH, *The Redaction of the Tractate Betza, Rosh ha-Shana and Ta'anith in the Babylonian Talmud* (Hebrew) (Tel Aviv 1986); ID., *The Redaction of the Tractate Sukkah and Mo'ed Katan in the Babylonian Talmud* (Hebrew) (Tel Aviv 1989).

<sup>2</sup> See S. FRIEDMAN, *A Critical Study of Yevamot X with a Methodological Introduction* (Hebrew) (Jerusalem-New York 1978); ID., *Talmud Aruch BT Bava Mezi'a VI. Commentary* (Hebrew) (Jerusalem 1990); ID., *Talmud Aruch BT Bava Mezi'a VI. Text* (Hebrew) (Jerusalem 1996).

<sup>3</sup> See HALIVNI, *Sources and Traditions*.

in the present printed version and contrasts it to different versions and additional sources. This article emphasizes the central theme or themes of the *sugya* above and beyond the legal, theoretical message. The central objective of this study is to clarify that, in addition to the Halakhic message, the editors when editing the *sugya*, were guided by further considerations, regardless of the editor's identity or period.

We shall examine the following *sugyot* with the above questions in mind, and present significant implications of our method as a critical tool for the further analysis of how the redaction of the *sugyot* of the Babylonian Talmud transpired.

#### 1. FIRST *SUGYA*—MEANING OF THE WORD דְּיוֹמְדִין (*B'ERUVIN* 18A-19A)

This *sugya* opens with the words of R. Yirmiyah ben Elazar<sup>4</sup> (hereafter RYbE) and contains ten of his statements:

1. א"ר ירמיה בן אלעזר : דיו עמודין.
2. א"ר ירמיה בן אלעזר : דיו פרצוף פנים.
3. ואמר ר' ירמיה בן אלעזר : כל אותן השנים.
4. אמר רבי ירמיה בן אלעזר : מקצת שבחו .
5. וא"ר ירמיה בן אלעזר : מאי דכתיב.
6. וא"ר ירמיה בן אלעזר : כל בית.
7. ואמר רבי ירמיה בן אלעזר : מיום שחרב.
8. ואמר רבי ירמיה בן אלעזר : נתקללה בבל.
9. וא"ר ירמיה בן אלעזר : בא וראה.
10. ואמר רבי ירמיה (בר) אלעזר : שלשה פתחים.

The following is based upon the Soncino translation [ed. Epstein]:

1. "R. Jeremiah b. Eleazar replied: *Deyo 'amudin.*"
2. "R. Jeremiah b. Eleazar said: The first man had two full faces."
3. "R. Jeremiah b. Eleazar further stated: In all those years."
4. "R. Jeremiah b. Eleazar further stated: Only a part of a man's praise."

<sup>4</sup> See Ch. ALBECK, *Introduction to the Talmud Babli and Yerushalmi* (Hebrew) (Jerusalem 1969).

5. "R. Jeremiah b. Eleazar further stated: What [was signified] when it was written."
6. "R. Jeremiah b. Eleazar further stated: Any house."
7. "R. Jeremiah b. Eleazar further stated: Since the Sanctuary was destroyed."
8. "R. Jeremiah b. Eleazar further stated: When Babylon was cursed."
9. "R. Jeremiah b. Eleazar further stated: Come and see."
10. "R. Jeremiah b. Eleazar further stated: Gehenna has three gates."

First, we shall present the principal difficulties of the *sugya*:

1. At the beginning of the *sugya* the mnemonic *די למנודה סימן* appears, supposedly expressing all statements by RYbE in the *sugya*.<sup>5</sup> However, in reality, indications of two of his pronouncements are omitted: The sixth one "א"ר ירמיה בן אלעזר: כל בית ואמר רבי ירמיה בן אלעזר: מיום שחרב בן אלעזר: כל בית, and the seventh one "א"ר ירמיה בן אלעזר: מיום שחרב בן אלעזר: כל בית. The question arises as to why these statement's indications<sup>6</sup> were absent, or why were there ten statements in his name with only eight indications.

2. There is a further statement in the name of RYbE in *bSanhedrin*.<sup>7</sup> Why was this one not cited in the *bEruvin* passage?

3. With regards to the second statement "א"ר ירמיה בן אלעזר: דיו פרצוף פניו, why was there a different version in the parallel passage found in *bBerakhot*?<sup>8</sup> In *bBerakhot*, two independent declarations appear in his name, whereas in this *sugya* only one statement appears, combining both statements found in *bBerakhot*.

4. The fourth statement "אמר רבי ירמיה בן אלעזר: מקצת שבו" is found in some collections of midrash.<sup>9</sup> In these collections this pronouncement is always presented in the name of R. Elazar ben Azaria and not in the name of RYbE. Why is the *bEruvin* passage different?

To clarify the development of this *sugya* and to employ the method

<sup>5</sup> See *Hagahot ha-Gra*, *b'Eruvin* 18a, no. a.

<sup>6</sup> The indication *diu* (דין) relates to the first and the second statements; cfr. A. HYMAN, *Toledot Tannaim ve-Amoraim* (Jerusalem 1964), vol. 1, p. 18; M. MILLZEINER, *Hakdamah le-Torat ha-Parshanut ba-Talmud* (Jerusalem 1986), p. 325.

<sup>7</sup> See *bSanhedrin* 109a; B. W. SCHIFF, *Minhat Zikaron*, 'Eruvin 18a, s. v. *ve-hineh*, in *Assifat Zekenim* (Tel Aviv 1928), vol. I.

<sup>8</sup> See *bBerakhot* 61a.

<sup>9</sup> See *Sifre*, "Beha'alotekha" (ed. Horovitz), paragraph 102, pp. 100-101; *Bereshit Rabbah*, *Noah* (ed. Theodor-Albeck), sect. 32, c, pp. 290-291.

outlined in the introduction, the first step should be to examine and consider the ending of the previous *sugya* and compare it with the beginning of the present one. The previous *sugya* concludes with a very concise definition<sup>10</sup> of the word ביראות דעלמא. Thus, in a similar style, the present *sugya* opens with the definition of the word ביראות: מאי ביראות? ביראות דעלמא. <sup>11</sup> which is, in effect, the first saying in the name of RYbE.

The word די, interpreted in and for itself, associatively suggested<sup>12</sup> Ulla's similar explanation<sup>13</sup> of the word דינפרא in *mDmai*<sup>14</sup> and in accordance with the same word די.<sup>15</sup> Along these lines, the second statement of RYbE די פרצוף פנים was added from its parallel in *bBerakhot* 61a, similarly utilizing the same word די.

Since two statements of RYbE were included here, the editors of the *sugya* saw it as a place to assemble most<sup>16</sup> of his remaining statements into what eventually became a tenfold<sup>17</sup> structure consisting of ten state-

<sup>10</sup> See above, *b'Eruvin* 14b: מאי לחיין, לחיין דעלמא. For more examples, see J. ANGEL, *Gilyone ha-Shas, b'Eruvin* 18a, s. v. *sham mai*.

<sup>11</sup> See *Halakhot Gedolot, 'Eruvin* 18a (ed. Trieb) (Tel Aviv 1962), p. 56; S. KRAUSS, *Kadmoniyot ha-Talmud* (Tel Aviv 1929), vol. II, part I, p. 104, pointed out that the origin of the word is Greek.

<sup>12</sup> See N. AMINOA, "Ha-netiya le-achidut ha-signon ba-Talmud ha-Bavli ve-hashpa'oteha 'al Girsatav," in *Ninth World Congress of Jewish Studies*, Section C (Jerusalem 1986), pp. 15-21.

<sup>13</sup> A. WEISS, *Hithavut ha-Talmud bi-Shlemuto* (New York 1943), p. 140.

<sup>14</sup> *Demai* 1:1; see A. WEISS, *'Al ha-Yetzira ha-Sifrutit shel ha-Amoraim* (New York 1962), p. 63, n. 12.

<sup>15</sup> See M. HA-MEIRI, *Hidushe ha-Meiri, 'Eruvin* 18a (ed. Broida) (Jerusalem 1971), p. 133, s. v. *kol ha-shitin*.

<sup>16</sup> See MS München 95, MS Oxford 366, MS Vatican 127; they are in the same order as the *sugya*; See Y. HA-LEVI, *Halikhot 'Olam* (Jerusalem 1970), gate II, chapter I, p. 31; WEISS, *Hithavut ha-Talmud bi-Shlemuto*, pp. 139-140; Id., *'Al ha-Yetzira ha-Sifrutit shel ha-Amoraim*, pp. 3, 63, n. 12; Id., *Le-Heker ha-Talmud* (New York 1955), p. 79, n. 138, pp. 97, 149; Id., *Hearot le-Sugyot ha-Shas ha-Bavli ve-ha-Yerushalmi* (Ramat-Gan 1970), pp. 5, 75, 148, 240; Id., *Mehkarim ba-Talmud* (Jerusalem 1975), p. 121; Id., *Le-Korot Hithavut ha-Bavli* (Jerusalem 1970), pp. 55-56; S. LIEBERMAN, *Yevanit ve-Yavnut be-Eretz Israel* (Jerusalem 1963), p. 301.

<sup>17</sup> See E. Z. MELAMED, *Pirke Mavo le-Sifrut ha-Talmud* (Jerusalem 1973), p. 454, sect. 8; Y. AVISSUR, "Darkhe ha-Hazarah be-Mispare ha-Shlemut (3, 7, 10) ba-Mikrah u-va-Sifrut ha-Shemit ha-Kedumah," *Beer-Sheva* 1 (1973), pp. 1-55; S. FRIEDMAN, "Ehui Parashiyot Semukhot be-Sugyot ha-Bavli," *Seventh World Congress of Jewish Studies* (Jerusalem 1977),

ments in his name<sup>18</sup> on various issues.<sup>19</sup> Apparently, the redaction of this passage was an ongoing process of assembling the statements by RYbE. As the number of statements grew, the idea of the tenfold structure came to mind. Next to each statement the subsequent debate was included where appropriate,<sup>20</sup> and, thus, the present *sugya* was formulated in the printed version—a tenfold structure of ten statements including the mnemonic opening of the *sugya*. However, these indicative markings are missing<sup>21</sup> in most<sup>22</sup> manuscripts, although they have been added to the printed edition to indicate the statements in the name of RYbE.<sup>23</sup>

In light of all the above, at one point in the development of the *sugya*, the editor or editors, examining the list of indications, had only eight statements, the last two being added to complete the tenfold structure of ten statements in the name of RYbE. Support for this view may be seen in the version of the MS Vatican 109, in which the eighth statement *בל ויאמר רבי ירמיה בן אלעזר: נתקללה בבב* is missing, although it is included in the printed version. It appears to have been added to the *sugya* to complete the structure. Moreover, with regards to the fourth statement,

pp. 251-255; cfr. ID., “Mivne Sifrut be-Sugyot ha-Bavli,” *Sixth World Congress of Jewish Studies*, Section C (1973), p. 400; ID., *A Critical Study of Yevamot X with a Methodological Introduction*, p. 40, n. 120; ID., “Hosafot ve-Kit’e Sevara be-Ferek ha-Hovel (BK ch. 8),” *Tarbiz* 40 (1971), p. 423, n. 19.

<sup>18</sup> See MELAMED, *Pirke Mavo le-Sifrut ha-Talmud*, p. 454, n. 643, 645, relates to the statement of RYbE from *bSanhedrin* 109a; cfr. R. N. N. RABBINOVICZ, *Dikduke Sofrim. Berakhot* (Jerusalem 1960), p. 176, n. 3; WEISS, *Hithavut ha-Talmud bi-Shelemuto* p. 139, n. 45; ID., *‘Al ha-Yetzira ha-Sifrutit shel ha-Amoraim*, p. 215, n. 43.

<sup>19</sup> Cfr. WEISS, *Al ha-Yetzira ha-Sifrutit shel ha-Amoraim*, p. 63, n. 12.

<sup>20</sup> WEISS, *Al ha-Yetzira ha-Sifrutit shel ha-Amoraim*, p. 218, n. 67.

<sup>21</sup> See MS München 95, MS Oxford 366, MS Vatican 127; R. N. N. RABBINOVICZ, *Dikduke Sofrim. ‘Eruvin* (Jerusalem 1960), p. 56.

<sup>22</sup> Cfr. MS Vatican 109, where the indication is different.

<sup>23</sup> See RABBINOVICZ, *Dikduke Sofrim. ‘Eruvin*, p. 56, n. 50; J. N. EPSTEIN, *Mavo le-Nusakh ha-Mishna* (Jerusalem, Tel-Aviv 1964), pp. 1005-1006, regarding the role of the indicators, see *bQiddushin* 6a. One should note that the indication in MS Vatican 109 contains errors. Moreover, all of the indicators only relate to seven or eight statements in the name of RYbE, with two or three indicators missing; see D. PARDO, *Ma’amar Simanin de-Rabbanan, ‘Eruvin* 18a, *Lamenatze’ah le-David* (Jerusalem 1976); SCHIFF, *Minhat Zikaron, ‘Eruvin* 18a, s. v. *ba-gemara*; J. A. EPSTEIN, *Ginze Yosef, ‘Eruvin* 18a, s. v. *gemara zonit*, in *Assifat Zekenim* (Tel-Aviv 1968), vol. II.

the different name found in the Midrashim further supports the idea that the *sugya* was edited in the present structure—the editors changed the name to correspond with the structure. Accordingly, there is a possibility that the additional statement by RYbE in b*Sanhedrin* 109a was omitted but not forgotten. Also, the two statements in his name from b*Berakhot* 61a, which transformed into the single second statement in the b'*Eruvin sugya*, strengthens the possibility that this was the result of editorial considerations in the redaction of the *sugya* in its present tenfold structure of ten statements in the name of RYbE.

## 2. SECOND *SUGYA*—CLARIFICATION OF THE NECESSITY OF THE WORD ועוד (B'*ERUVIN* 23A)

This *sugya* deals with the clarification of the question: Why does the *Mishna* state: ועוד אמר ר' יהודה בן בבא ("R. Yehuda ben Bava," hereafter RYbB).

The *mishna* with *sugya* is as follows:

(כב ע"ב) משנה... רבי יהודה בן בבא אומר: אין עושין פסין אלא לבאר הרבים בלבד, ולשאר עושין חגורה גבוה עשרה טפחים.

(כג ע"א) משנה. ועוד אמר רבי יהודה בן בבא: הגינה והקרפף שהן שבעים אמה ושיריים על שבעים אמה ושיריים, המוקפות גדר גבוה עשרה טפחים - מטלטלין בתוכה, ובלבד שיהא בה שומירה או בית דירה, או שתהא סמוכה לעיר... רבי עקיבא אומר: אפילו אין בה אחת מכל אלו מטלטלין בתוכה, ובלבד שיהא בה שבעים אמה ושיריים על שבעים אמה ושיריים.

גמרא. מאי תנא דקתני ועוד? אילימא משום דתנא ליה חדא לחומרא וקתני אחריתי משום הכי קתני ועוד - והא רבי יהודה דתנא ליה חדא לחומרא וקתני אחריתי, ולא קתני ועוד! - התם אפסקוה רבנן, הכא לא אפסקוה רבנן. וכל היכא דאפסקוה רבנן לא קתני ועוד? והא רבי אליעזר דסוכה, דאפסקוה רבנן וקתני ועוד! - התם במילתיה הוא דאפסקוה, הכא במילתא אחריתי אפסקוה. רבי עקיבא אומר אפילו אין בה אחד מכל אלו מטלטלין בתוכה...

In translation [Epstein ed.]:

(22b) Mishnah... R. Judah b. Baba ruled: strips [of wood] may be set up round a public well only while for the others a [rope] belt ten hand-breadths in height must be provided.

(23a) Mishnah. R. Judah b. Baba further ruled: it is permitted to move objects in a garden or a *karpaf* whose [area does not exceed] sev-

enty cubits and a fraction by seventy cubits and a fraction and which are surrounded by a wall ten handbreadths high, provided there is in it a watchman's hut or a dwelling place or it is near to a town... R. Akiba ruled: even if it contained none of these it is permitted to move objects within it...

What did he already teach that, in consequence, he used the expression of "further"? If it be suggested: Because he taught one restrictive ruling and then he taught the other he therefore used the expression of "further," surely [it could be retorted] did not R. Judah teach one restrictive ruling and then he taught another one and yet he did not use the expression "further"? –There the Rabbis interrupted him but here the Rabbis did not interrupt him. [Is it then suggested] that where-ever the Rabbis interrupted one's statements the expression of "further" is not used, surely [it may be objected], was not R. Eliezer, in the case of a law about *sukkah*, interrupted by the Rabbis and the expression 'further' was nevertheless used? There they interrupted him with [a ruling on] his own subject but here they made the interruption with another subject. R. Akiba ruled: Even if it contained none of these it is permitted to move objects within it...

The following are some of the difficulties in this passage:

1. The question מאי תנא דקתני ועוד? Is strange? The previous *mishna*<sup>24</sup> concludes with a statement of RYbB,<sup>25</sup> and the present *mishna*<sup>26</sup> begins with his words. Accordingly, the *mishna* opened with יהודה בן בבא ועוד אמר ר', and thus, the word ועוד appears to be quite appropriate. Why, then, is that word considered out of place?

2. On the other hand, if there is no connection between the two *mishnayot* nor is the order of the names of the Sages the same,<sup>27</sup> why is ועוד stated in the *Mishna*? Moreover, it would have been more appropriate for the opinion of RYbB to precede R. Akiva's, since RYbB was the elder scholar.<sup>28</sup>

<sup>24</sup> See *b'Eruvin* 22b.

<sup>25</sup> Cfr. *Tosefta*, 'Eruvin 2:5 (ed. Zuckermann); *Tosefta*, 'Eruvin 1: 16 (ed. S. Lieberman); the order of the names of the sages is not the same. See A. GOLDBERG, *Perush la-Mishna. Masekhet 'Eruvin* (Jerusalem 1986), p. 45, s. v. R. Yehuda ben Bava.

<sup>26</sup> See *b'Eruvin* 23a.

<sup>27</sup> See A. KROCHMAL, *Perushim ve-He'arot la-Talmud ha-Bavli* (Jerusalem 1978), p. 113.

<sup>28</sup> See *b'Sanhedrin* 14a: סמכיה ר' עקיבא ולא קיבלו, סמכיה רבי יהודה בן בבא וקיבלו.

Upon reviewing the passage and the variant readings, it becomes clear that the reading ועוד here is not at all certain.<sup>29</sup> Was the word ועוד part of the original Mishnaic text or was it added at a much later date? Furthermore, in all other *mishnayot* in which ועוד is found, the Talmud has an accompanying Halakhic debate and not a stylistic one.<sup>30</sup> Only this *sugya* deliberates the methods of using the word ועוד. Apparently, in this *sugya* the editors did not have any Halakhic debates and, hence, related to the stylistic issue in the word ועוד in order not to leave the Talmud discussion of the beginning of the *mishna* without a deliberation.

Therefore, one may suggest that the editing of the *sugya* was undertaken for one of two stylistic objectives. If the term was part of the original text of the *mishna*, the goal was to edit this *sugya* in accordance with the redaction of other *sugyot* that had utilized the term ועוד, justifying its addition before the words of RYbB<sup>31</sup> in the *mishna*. However, if the word ועוד was added to the *mishna* at a later date, it would have been for the purpose of editing a *sugya*—and specifically at the beginning of the *mishna*. The objective was to begin the *sugya* at the earliest possible point—from the first word of the *mishna* (ועוד). The redactors of the *sugya* wanted to avoid opening the passage in a way that it would only relate to the words of R. Akiva, in the middle of the *mishna*.

### 3. THIRD SUGYA—‘ERUV FOR PRIEST IN A CEMETERY (B<sup>‘ERUVIN</sup> 30B - 31A)

The *Mishna*<sup>32</sup> mentions that an ‘*eruv* made with wine is permissible for a Nazarite לעזיר בין (ערובי תחומין): מערבין לעזיר בין (ערובי תחומין), despite the fact that wine is forbidden to a Nazarite. Since it is suitable for others as “food,” the Sages permitted Nazarites to employ wine in an ‘*eruv*, similar to another of their rulings כהן בבית הפרס—a priest in a doubtful cemetery. R. Yehuda (hereafter: RY) adds, מפני שיכול לחוץ ולילך ולאכול. According to RY, even though a Priest is forbidden to enter a cemetery, it is possible to set up an ‘*eruv* for him there, since he may enter the cemetery without being contaminated by means of being transported in a chest, box or porta-

<sup>29</sup> See *Halakhot Gedolot*, *ibid.*, p. 56, without the word ועוד.

<sup>30</sup> See *bShabbat* 130a; *b’Eruvin* 39a-b, 95a; *bPesahim* 13b; *bYoma*, 65a, 84a; *bSukkah* 27a; *bBetza*, 34a-b; *bMegilah* 28a; *bM.Q.* 8a; *bNedarim* 64b, 65b.

<sup>31</sup> See KROCHMAL, *Perushim ve-He’arot la-Talmud ha-Bavli*, p. 114.

<sup>32</sup> See *b’Eruvin* 26b-27a.



ble turret (שידה תיבה ומגדל).<sup>33</sup> Hence, an *eruv* could be set up for a Cohen even among the graves, and the present *sugya* relates to this issue:

רבי יהודה אומר: אף בית הקברות תנא מפני שיכול לחוץ ולילך בשידה תיבה ומגדל.  
 קא סבר: אהל זרוק שמיה אהל ובפלוגתא דהני תנאי, דתניא: הנכנס לארץ העמים  
 בשידה תיבה ומגדל  
 רבי מטמא רבי יוסי ברבי יהודה מטהר.  
 במאי קמיפלגי, מ"ס: אהל זרוק לאו שמיה אהל ומ"ס: אהל זרוק שמיה אהל  
 והא דתניא רבי יהודה אומר: מערבין לכהן טהור בתרומה טהורה בקבר.  
 היכי אזיל? בשידה תיבה ומגדל.

In translation [Epstein ed.]:

“R. Judah ruled: Even in a graveyard. A Tanna taught: Because a man can put up a screen and pass [through it] in a chest, box or portable turret. He is of the opinion that a movable tent has the status of a [fixed] tent.

And [they differ on a principle which is the subject of] dispute among the following Tannaim. For it was taught: If a man enters a heathen country [riding] in a chest, box or portable turret he is, Rabbi ruled, levitically unclean, but R. Jose son of R. Judah declares him to be clean. On what principle do they differ? One Master is of the opinion that a movable tent has not the status of a valid tent and the other Master maintains that even a movable tent has the status of a valid tent.

It was taught: R. Judah ruled, [31a] An *erub* for levitically clean priest may be prepared from levitically clean *terumah* [and deposited] on a grave. How does he get there? In a chest, box or portable turret.”

Again, we will first present the principal difficulties of the *sugya*:

1. Why does the printed version differ in the words והא דתניא in contrast to the various manuscripts in which only the word תניא appears,<sup>34</sup> without the additional והא?

2. Does the *baraita* רבי יהודה אומר proposed in this *sugya* relate to certain previous statements? If so, what is the connection between them?

<sup>33</sup> See Rashi, *Eruvin* 27a, s. v. *la-hutz*.

<sup>34</sup> See MS München 95, MS Oxford 366, MS Vatican 109; RABBENU HANANEL, *Eruv.* 31a; A. EIGER, *Gilayon ha-Shas*, *Eruv.* 30b, in the name of Rashal; EPSTEIN, *Introduction to Tannaic Literature*, p. 309; cfr. RABBINOVICZ, *Dikduke Sofrim*. *Eruvin*, p. 59, letter c.

3. With regards to the *baraita*, why was the question היכי אזיל, and answer תנא: מפני שיכול לחוץ ולילך בשידה תיבה ומגדל ומגדל? presented, since the beginning of the *sugya* had already taught this very principle ומגדל?

To resolve to all these difficulties, we suggest that this *sugya* is composed, in effect, of two *sugyot*.<sup>35</sup> The first passage, including the *mishna*, deals with an *eruv* in a cemetery, and the second passage is comprised of the *baraita* in the name of RY discussing an *eruv* on a grave and a discussion concerning it. Between these two *sugyot*, the connecting phrase והא דתניא appears in the printed version, and yet, the first *sugya*—according to its style—does not relate to the following one. However, some manuscripts have only the term תניא, differentiating between the *sugyot*, whereas the reading והא דתניא links the two *sugyot*.<sup>36</sup>

The *sugya* could have actually begun<sup>37</sup> with the *baraita* in the name of RY, תניא, רבי יהודה אומר: מערבין לכהן טהור בתרומה טהורה בקבר, followed by the controversy of the Sages and RY, and perhaps it was originally so. And all this was congruent with RY's words from the *Mishna*. But at a certain stage, the subject of אהל זרוק was added and edited<sup>38</sup> at the beginning of the *sugya*<sup>39</sup> as a basis of the Halakha in the *sugya*, since the editors of the *sugya* preferred the approach of the Sages and not to the approach of RY.<sup>40</sup>

How can we understand the passage on the basis of the Halakha in the *sugya*? First, we will consider the first paragraph at the beginning of the *sugya* on the subject of אהל זרוק which includes the Tannaitic controversy between Rabbi Judah the Patriarch and R. Yosse berabbi Yehuda (here-

<sup>35</sup> See L. GINZBERG, *Geonica* (New York 1968), vol. II, p. 142.

<sup>36</sup> See FRIEDMAN, *A Critical Study of Yevamot X with a Methodological Introduction*, p. 26 sect. 3, p. 30, sect. 11.

<sup>37</sup> See H. G. ZEMBLIST, *Avodat 'Avoda*, vol. II, gate V, 15, pp. 248-249, n. 35, s. v. *ve-hineh*, in S. BEN ADERET, *Avodat ha-Kodesh le-ha-Rashba* (Jerusalem 1986).

<sup>38</sup> See GINZBERG, *Geonica*, p. 138.

<sup>39</sup> See S. ASSAF, *Tekufat ha-Geonim ve-Sifrut* (Jerusalem 1955), p. 135; WEISS, *Mehkarim ba-Talmud*, p. 227; FRIEDMAN, *A Critical Study of Yevamot X with a Methodological Introduction*, p. 48; M. S. FELDBLUM, *Perushim ve-Mehkarim ba-Talmud. Tractate Gittin* (New York 1969), p. 74, n. 37.

<sup>40</sup> Generally, the law follows the opinion of the majority, see *b'Eruvin* 16b שבקת רבנן יוסי ברבי יהודה ועבדת כר'.

after: RYbY). In this type of controversy, the Halakha is כרבי מחבירו.<sup>41</sup> Therefore, the law in this controversy is in accordance with Rabbi Judah the Patriarch and not with RYbY.

If the paragraph on the subject of אהל זרוק had not been edited, the Halakhic data on the controversy between the Sages and RY in relation to the *baraita* והא דתניא would have been pointed decisively to accepting the view of RY and not the view of the Sages. This is because the law is in accordance with RY anywhere that he taught in ‘*Eruvin*’<sup>42</sup> and הלכה כדברי המיקל (“the law follows the lenient opinion in matters of ‘*eruv*’”),<sup>43</sup> even where his solitary opinion is opposed to that of the majority.<sup>44</sup>

Since the editors tended to follow the majority opinion of the Sages, prohibiting an ‘*eruv*’ in a cemetery, even for someone who is not a Priest –it was necessary to neutralize the possible Halakhic data that favored the view of the individual, RY. Therefore the paragraph on the subject אהל זרוק was added and edited at the beginning of the *sugya*, from which it was inferred that in the controversy between Rabbi Judah the Patriarch and RYbY, the law follows Rabbi Judah the Patriarch and not his opponent. This rule served two purposes for the editors: First, it was intended to offset<sup>45</sup> the opinion of RYbY from being accepted as law. Moreover, since RY, father of RYbY, shared his son’s opinion,<sup>46</sup> אהל זרוק שמיה אהל, RY’s opinion was also not accepted in the first controversy on אהל זרוק.

Secondly, it demonstrated that the Sages agreed with Rabbi Judah the Patriarch, according to the Halakhic rule וכרבי מחבירו הלכה.<sup>47</sup> Thus, by adding והא ד to the term תניא, the editors created a connection between

<sup>41</sup> See *b’Eruvin* 46b.

<sup>42</sup> See *b’Eruvin* 95a.

<sup>43</sup> See *b’Eruvin* 46a.

<sup>44</sup> See RASHI, ‘*Eruvin* 31a, s. v. *assur*, describes the law according to the power in ruling of R. Yehuda.

<sup>45</sup> See MEIR (MAHARAM) BAR BARUCH, *Teshuvot Pesakim u-Minhagim* (Jerusalem 1957), vol. I (ed. Kahana), p. 261, sect. 22; MAHARAM, vol. IV (ed. Klein), p. 21, sect. 58; Yitzhak BEN MOSHE, *Leshon Ri’az*, ‘*Eruv*. 30b-31a, s. v. *me’arvin*; M. ASHKENAZI, *Mordechai*, ‘*Eruv*. 30b-31a; A. HA-COHEN, *Aguda* (Jerusalem 1968), p. 80, s. v. *mipnei*.

<sup>46</sup> See ‘*Eruv*. 17a, משום דקאי אבוהי בשיטתיה.

<sup>47</sup> See n. 41.

the unaccepted view of RYbY, which is, in fact, also the view of RY on the subject of אהל זרוק, and the controversy between the Sages and RY in the *baraita*. As a result, these two separate controversies became one. This assumes that the reader understands that the rejection of the opinion of RYbY and RY, his father, in אהל זרוק at the beginning of the *sugya*, necessarily means rejecting the view of RY himself, and accepting the view of the Sages—that there is no *‘eruv* in a cemetery even for someone who is not a Priest.

In this way, the editors neutralized the Halakhic data that had given preferentiality to the view of RY, which opposed their Halakhic predilection towards the Sages’ opinion. Thus, the majority of *Posekim* (deciders)<sup>48</sup> accepted the Sages’ opinion and ruled in accordance with the Halakhic views of the editors of the *sugya*.

In conclusion, the different versions of the terms ותניא and והא דתניא linking or not linking the two controversies have significance, since they serve as evidence of editorial activity regarding the Halakhic basis of the *sugya* and the editor’s inclinations in the Halakha.

#### SUMMARY AND CONCLUSIONS

According to the proposed method, the first *sugya* appears to have the accepted tenfold structure of ten statements in the name of RYbE. Accordingly, additional *sugyot* may be found in the Babylonian Talmud as having been edited in different formats, or having various structures for sundry purposes. Some of these are intended for the student, to provide emphasis, clarification or simplification, while others are edited for aesthetic purposes, including additions or omissions, or for stylistic variation.

In many cases, the structure of the *sugya* provides a satisfactory solution to problems that it raises, as shown above. It should be emphasized that the structure of the *sugya* does not reduce its principal Halakhic message.

The second *sugya* deals with a stylistic debate focused around the word ועוד found in the *Mishna* and employed differently there from the normal way it is used in the Halakhic discussion of the same word in other *sugyot*. In edit-

<sup>48</sup> See Moshe BEN MAIMON, *Ha-Yad ha-Hazaka, Hilkhhot ‘Ervin* 6: 17; Y. CARO, *Shulhan Arukh, Hilkhhot Tehumin*, 409: 1.

ing the *sugya* and for specific structural reasons, they did not wish to abstain from addressing the first part of the *mishna*. Consequently, the debate had to focus on ועוד in a position as close as possible to the beginning of the *Mishna*, refraining from editing a word or a topic which was stated in the middle of the *Mishna*.

Following this method, there certainly may be other *sugyot* that do not have a definite structure or clear Halakhic basis, like the first and third *sugyot* analyzed above. Instead they are characterized by one or several topics mentioned in that particular *sugya*. The editors preferred to focus upon these secondary issues, transforming them into principle issues in the *sugya*.

From the third *sugya* it appears that two unrelated controversies were connected and became one *sugya* by the addition ד אהו. From a Halakhic perspective this suggests the following: Since the opinion of RYbY was rejected in the first controversy between Rabbi Judah the Patriarch and RYbY, so the opinion of his father, RY, must be rejected in the second controversy, between his father and the Sages.

Accordingly, it is possible that there are additional *sugyot* with a certain Halakhic proclivity, built in, as it were by the editors in the course of their work. It may certainly be possible that the content or the subjects of debates in the *sugya* were determined according to their Halakhic preconceptions in the matter being discussed. Thus it may be that phrases that did not support their conception were omitted from the *sugya*.

According to this method, one must analyze the Halakhic basis of the *sugya* in relationship to the editing guidelines employed in the redaction of the *sugya*. Sometimes, the editors added terms or phrases or debates, and sometimes they omitted them, all in accordance to their Halakhic proclivity. It is very reasonable to assume that these changes in the *sugya* influenced the *Poskim*, thereby radically changing the course of the Halakhic. Consequently, one should compare this type of analysis with the actual decisions by Halakhic authorities in succeeding generations to determine the actual influence of the editorial activity upon the Halakha.

## RESUMEN

El artículo presenta una metodología novedosa para el análisis de pasajes (*sugyot*) del Talmud Babilónico (TB) basada en la identificación de los objetivos de los editores de cada pasaje o *sugyá*. Para ello, se analizan tres pasajes talmúdicos, tratando de indicar los

objetivos de la redacción. En primer lugar, un pasaje que toma la forma de diez sentencias, aunque había otras más, en nombre de R. Yirmeyá ben El'azar. En segundo lugar, una *sugyá* que trata del uso estilístico de la expresión «y además» (*ve'od*), con objeto de no dejar la primera parte de la mishná sin comentario talmúdico alguno. En tercer lugar, una sección que intenta rechazar la posición adoptada por R. Yosé berabbi Yehudá para que no fuera aceptada como norma halájica imperante. Si no hubiera sido por la intervención editorial de los redactores, ésta hubiera sido determinada por la posición de R. Yosé. Hay que entender el porqué una *sugyá* aparece como tal en el texto talmúdico, a diferencia de otras fuentes, por ejemplo, pasajes paralelos en el TB, lecturas manuscritas, Talmud Palestinense, Tosefta, literatura gaónica, lecturas encontradas en comentarios medievales y tardíos, etc. En otras palabras, se trata de examinar los motivos de los editores en relación a un pasaje. De esta manera sería posible resolver asuntos diversos que surgen en pasajes diferentes, como por ejemplo, cuestiones de forma y estilo, lecturas complejas de Halajá y diferencias textuales. Más aún, se trata de determinar si, y cómo, los Poskim estaban influidos por la redacción de la *sugyá*.

PALABRAS CLAVE: Metodología, *sugyá*, Talmud Babilónico, Halajá, objetivos.

#### SUMMARY

This article presents a novel methodology for the analysis of passages (*Sugyot*) found in the Babylonian Talmud based upon identifying the objectives of the redaction that guided the editors of that passage. Three different Talmud passages are presented, and the various objectives of the redaction were indicated: First, a passage whose objective was to take the form of ten statements in the name of R. Yirmiyah ben Elazar, though there exist more of his statements. Second, a *Sugya* dealing with the stylistic use of the expression “and further” (*ve'od*), in order not to leave the first part of the Mishna without any Talmudic commentary. Third, a section whose objective was to reject the position taken by R. Yossi berabbi Yehuda from being accepted as standard Jewish Law. Were it not for the editorial intervention by the redactors, the law would have been determined by R. Yossi's position. The question is to understand why a *Sugya* is found as is in the text in contrast to other sources, e.g., parallel passages in the Babylonian Talmud, manuscript readings, the Jerusalem Talmud, the Tosefta, Geonic literature, readings found in medieval and later commentaries, etc. In other words, one must undertake to examine the motives of the editors of a passage when they approached the task of redaction. Thus, it will be possible to solve sundry issues or difficulties that crop up in different passages, as, for instance, in matters of form and style, difficult readings of Halakha and differences in texts. Furthermore, one may determine if and how the deciders of Jewish Law (*Poskim*) were influenced by the redaction of *Sugya*.

KEYWORDS: Methodology, *Sugya*, Babylonian Talmud, Halakhah, Objectives.