

World Religions series

Edited by **Daniel Keown** and **Charles S. Prebish**

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Eliezer Segal

This book is dedicated to the beloved memory of my father-in-law Pal Rome (1923–2008)

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The term *midrash* can be applied to a number of different phenomena. There are entire works of midrash that are organized to follow the sequence of biblical work. It is also possible to find individual units of midrash, teachings that are derived from biblical verses, or at least attached to them in some manner, even though these units are embedded in larger literary settings that are not midrabic. "Midrash" can designate a particular interpretation that employs the rabbinic hermeneutical methods, or a literary genre.

Not all rabbinic readings were derived from the Bible. The oral tradition included many components that were not mentioned at all in the Torah, such as the extensive elements of customary practice that were incorporated into rabbinic civil law. There were also frequent instances where a basic principle was derived from the midrabic study of a biblical text, but these principles were expanded to a degree that the biblical source was no longer apparent. For example, the Torah states repeatedly that it is forbidden to perform acts of labor on the weekly Sabbath, though it provides very few specific examples of which particular activities are included in the prohibition. Rabbinic tradition formulated a detailed list of thirty-nine archetypes of forbidden types of labor, each of which has its own minimum measure of how much a person has to do in order to be punishable. The detailed specifications of each type of labor rarely have any explicit connection to any text in the Torah and an early rabbinic tradition observed "the laws of the Sabbath... are comparable to mountains hanging on a hair, in that they consist of a small element of scripture and very many laws."

Therefore, some collections of rabbinic traditions were organized independently of the Bible. The term that refers to this material is *midrash*, a Hebrew word whose basic meaning is that which is memorized by rote. As with *midrash*, the term can be employed to designate either a complete collection, individual passages that conform to this format, or to the genre as a whole. The most obvious types of midrash are organized legally by subject matter; however, the rabbis would also assemble units according to other criteria, for example, bringing together statements by a particular rabbi, or statements that follow a common literary format.

Halakhah and aggadah

The oral traditions of the rabbis were also subdivided into two categories according to their content: they can deal either with matters of Jewish law or with other issues. The legal component is known in Hebrew as *halakhah*, probably in the sense of "the way in which one walks." The component that deals with other matters is known as *aggadah* (or *haggadah*), meaning "that which one says or tells." The distinction reflects the idea that halakhah, by its nature, establishes obligatory rules that must be observed in practice, whereas the aggadah consists of theoretical opinions, which may be expressed with relative freedom, and which are not usually subject to official regulation.

The definition of halakhah is relatively clear and precise. It can refer either to individual law or to the general category of legal discourse. The discussion of halakhic questions in rabbinic literature are usually very technical and precise in their scope. The rabbis dealt with how the various laws were derived, whether from the Torah, from oral traditions, or by logical inference. They discussed how to apply the laws to situations that were not mentioned in earlier sources, and especially about how to rule in cases where two different halakhic principles come into conflict. Statements about the theological or moral rationale for the laws were not usually regarded as belonging to the domain of halakhah, but to the aggadah.

Aggadah encompasses an enormous variety of subjects and literary forms. It encompasses interpretations of non-legal passages of the Bible; diverse types of stories, including hagiographic tales and legends about pious rabbis; miscellaneous information about the world, folklore, medical advice; moralistic observations and proverbs; parables; texts of prayers; and much more.

It would appear that the main setting for the creation of aggadah was in the preaching by rabbis to their communities when they gathered to hear the ceremony reading of the Bible, especially on the Sabbaths and festivals. At those times, it was customary for the rabbis to deliver sermons, which were literary discourses in which the words of the scriptures were expounded to produce lessons that were directed to the audience. The most frequent literary structure that is found in classical aggadah is what is known as a *peribah* or *peribah*; literally, an opening or introduction. The standard *peribah* begins with the citation of a verse from a section of the Bible other than the one that is supposed to be read on the present occasion. The preacher interprets that verse, developing the discourse until it reaches its culmination with the opening words of the day's designated biblical reading. The most plausible explanation for this peculiar structure is that it was designed to serve as a prelude to the congregational reading from the scriptures. This kind of rhetorical preaching was most common in the land of Israel, which is where most works of aggadic literature were composed. The Babylonian rabbis were less interested in the aesthetic dimensions of biblical expositions, and treated their aggadic interpretations as a more academic, analytical activity.

The era of the Talmun produced quite a diverse legacy of works, all of the involving combinations of the four categories that were described previously. It is characteristic of rabbinic culture that it produced almost no literary works that can be ascribed to a single author, or even to a single generation. The normal pattern is that as we can reconstruct it from the structures and contents of the actual work is of an ongoing process of building on the traditions of previous generations, while adding new contributions to the existing tradition. The major works of rabbinic literature were produced by academies or by schools of teachers and disciples. We know very little about the institutional setting in which these works were composed, nor is it clear how they determined when these works had reached completion.

Halakhic mishnah

The classic instance of this combination was the collection known as the *Mishnah* that was redacted by Rabbi Judah the Patriarch. The *Mishnah* was composed in an attempt to direct the drifts of the sort that was spoken at the time of its composition. Much of Hebrew differs considerably from the Hebrew of the Bible. The process of collecting and editing, and of oral teachings meant on its several generations, at least from the time of Yehoshua ben Joseph. The redaction of the *Mishnah* are predominantly from the school of Rabbi Akiva. The *Mishnah* is redacted with by his chief students, especially Rabbi Meir. Rabbi Judah the Patriarch redacted with most of Rabbi Akiva's main disciples.

What distinguishes the *Mishnah* among rabbinic works is its logical arrangement of the diverse traditions. It divides the whole body of Jewish law into six general sections, each of which is known in Hebrew as a *order* (*traktat*).

1. *Zerim* "Seed"—laws relating to agriculture, especially to tithes and other portions that must be set aside from produce for religious use.
2. *Mo'ed* "Times"—laws related to the festival calendar, including the weekly Sabbath and annual holidays.
3. *Nashim* "Women"—family law, dealing with topics like marriage and divorce.
4. *Nedavim* "Damages"—civil and criminal law.
5. *Kodshim* "Holy things"—laws related to the Temple, sacrifices and the practices of Holy things.
6. *Avot* "Fathers"—the variegated situations in which people or things can achieve the exactions that are created by the inquiry.

The six orders of the *Mishnah* are further divided into individual treatises on specific topics, each of which is known as a *tractate* (*traktat*). In all, there are sixty tractates in the *Mishnah*, though in standard use some of the longer ones are divided into two or three volumes. Each tractate is divided into numbered chapters, and the chapters are made up of numbered units, each of which is known as a *mishnah* or *halakhah*.

To take one example of the *Mishnah's* structure: the second *order*, the one devoted to the sacred calendar, consists of the following tractates:

- a) *Shabbat*: the Sabbath, concerned mostly with defining activities that are forbidden as "work" on that day.
- b) *Eruvin*: this tractate deals with the prohibitions against carrying outside a private domain or traveling outside one's home on the Sabbath; and with various legal mechanisms that the rabbis devised for overcoming those prohibitions, such as by treating a neighborhood as if it were a single property.
- c) *Pesahim*: laws of the Passover festival.

- d) *Shekalim*: laws related to the collection of funds for communal offerings at upkeep of the Temple. The collection was conducted at a set time of the year.
- e) *Yoma* (or: *Kippurim*): Laws of the Day of Atonement.
- f) *Sukkah*: laws of the Feast of Tabernacles (*Sukkot*).
- g) *Yom* *Tov* (or: *Beahol*): regulations governing activities that are forbidden permitted on a festival (as distinct from the Sabbath).
- h) *Rosh Ha-Shanah*: laws related to the Jewish New Year and New Moon.
- i) *Taanit*: laws of fast days, especially those related to droughts and other calamities.

- j) *Megillah*: laws related to the holiday of Purim (Feast of Esther).
- k) *Mo'ed Katan*: laws governing the intermediate days of Passover and Tabernacle which have a quasi-sacred status that is not as severe as full-fledged fast days.
- l) *Hagigot*: laws relating to the pilgrimage festivals, with special reference to 1 sacrifices that should be offered in the Temple on those occasions.

Apart from some inconsistencies in the first order, the sequence of tractates each order is according to the decreasing number of chapters.

The structure of a typical mishnah unit is "casuistic"; that is to say, it briefly describes a situation, and then determines whether it is permissible or forbidden pure or impure, and so forth. Frequently, it will present conflicting views: "In such-and-such case, Rabbi X says: It is permitted; and Rabbi Y says: It is forbidden."

A peculiar feature of the *Mishnah* is that some opinions are attributed to named rabbis, whereas others are presented anonymously, or with the formula "and the sages say..." The prevailing rabbinic understanding was that the anonymous statements represent the majority position, and are therefore to be accepted as binding law.

The range of generations represented in the *Mishnah* extends from the day the Second Temple through to the late second century. For the most part, it does include readings of Rabbi Judah the Patriarch and his contemporaries. However, bulk of the durable material comes from the generation of Rabbi Akiva's direct the "Tanna" generation in the mid-second century.

Though the above description of the literary structure of the *Mishnah* represents its typical format, it should be noted that there are many exceptions. Thus, each tractate is devoted to a particular topic; it is not unusual to find digressions, for example, the tractate *Megillah* discusses the major ritual observances of the Purim holiday, particularly the communal reading of the Book of Esther. However, the chapter contains a series of mishnahs on a range of topics that include: festivals

the sabbath, the Day of Atonement, vows, impurity from genital secretions and skin diseases, the writing of scriptural passages in scrolls and ritual objects, sacrifices, the status of altars and sanctuaries during the era before the building of the Temple. What all these diverse laws have in common is a literary format that follows the pattern "The only difference between X and Y is Z." It is likely that these mishnahs constituted a literary unit in an earlier collection of oral laws that was arranged according to common literary formats, and that a subsequent editor chose to keep them together when he incorporated them into his new collection, though only one of the passages was really relevant to the subject of the tractate. Such inconsistencies may be encountered quite frequently in the Mishnah.

Another collection of Tannaitic halakhah that was composed in the mishnah format is known as the *Tosefta*. The word means "supplement" or "appendix," meaning supplements to the Mishnah. The *Tosefta* follows the sequence of the Mishnah's orders and tractates, and collects diverse kinds of supplementary materials, such as alternative versions of the Mishnah's sources, explanations of words in the Mishnah, or comparisons between different laws and concepts that were mentioned in the Mishnah. The *Tosefta* contains many traditions from contemporaries of Rabbi Judah the Patriarch, leading scholars to date its redaction a generation later than the Mishnah.

Halakhic midrash

The Tannaitic era produced an extensive literature of monks that were devoted to the interpretation of the Torah's commandments of the Torah, leading to the midrash of midrash. Traditionally, this genre has been known as "halakhic midrash" or "Tannaitic midrash." Most of the collections of Tannaitic midrash were dated at least in their final versions—after the publication of the Mishnah. This is clearly evident from the many places where an exposition concludes: "Based on this, the rabbis have said..." at which point they cite a passage from the Mishnah.

Aggadic mishnah

The mishnah format was not often applied to aggadah. There are, however, exceptions to that rule, including a very significant one. A unique tractate in the Mishnah collects sayings about wisdom, Torah, theology and moral values. The tractate is found in the fourth order of Mishnah, *Nezikin*, among treatises on civil and criminal law. It is known in Hebrew as *Avot*, "Fathers," because it begins with an enumeration of the "fathers" of the oral tradition, from Moses through to the generations of the Tannaim. The opening chapters describe the sequence of transmission of the Torah

and for each post-biblical authority, it adds several (usually, three) maxims were associated with that sage. Later chapters are arranged by topics or by 10 criteria.

Avot has enjoyed a continuing popularity among traditional Jews. There is widespread custom of studying it on Saturday afternoons, especially during the long days of summer. It is often published as a separate volume, or included in prayer books. It is also referred to as "*Yinuk Avot*," "the chapters of 11 fathers."

Aggadic midrash

As was mentioned previously, the main wellspring of rabbinic aggadah was in sermons that were preached in the synagogues. While a great deal of aggadic mid is included in the compendia of Tannaitic ("halakhic") midrash, the compendia of specialized works of aggadic midrash was a phenomenon associated with Amorite era. The "classical" age of aggadic midrash is usually dated to around fourth century in the land of Israel. It is common to classify the aggadic mid collection into two types:

1. Homiletical: consisting mostly of structured literary sermons on go themes.
2. Exegetical: containing line-by-line explanations of the biblical text.

Which type a work belongs to is usually determined by the nature of the book to which the midrash is attached. To cite an obvious example, the technical of sacrifices and ritual purity that fill the pages of *Leviticus* do not lend them easily to aggadic interpretation; hence, the redactors of *Leviticus Rabbah* limited themselves to homilies on more general topics.

The literature of aggadic midrash is very extensive. The body of "classic" mid works, produced in Amorite Israel includes collections on Genesis, Leviticus several books of the Ketuvim that are designated for public reading during liturgical year. A compendium known as the *Peripha deRav*, *Kabana* consists homiletical aggadic midrash for readings on festivals and special Sabbaths, while arranged scriptural readings in the synagogues do not follow the sequential order of the Torah.

A separate family of aggadic midrashic works goes by the general name "*Tanhuma*," after the name of a Rabbi Tanna whose name appears frequently them. What distinguishes these collections from the other midrash is their tendency to a the individual and discontinuous comments of the sages on the text, rather than a presentation, which sometimes adds up to a sequential narrative. The dates o