

## Talmud/Mishna/Gemara

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The Jewish community of Palestine suffered horrendous losses during the Great Revolt and the Bar-Kokhba rebellion. Well over a million Jews were killed in the two ill-fated uprisings, and the leading yeshivot, along with thousands of their rabbinical scholars and students, were devastated.

This decline in the number of knowledgeable Jews seems to have been a decisive factor in Rabbi Judah the Prince's decision around the year 200 C.E. to record in writing the Oral Law. For centuries, Judaism's leading rabbis had resisted writing down the Oral Law. Teaching the law orally, the rabbis knew, compelled students to maintain close relationships with teachers, and they considered teachers, not books, to be the best conveyors of the Jewish tradition. But with the deaths of so many teachers in the failed revolts, Rabbi Judah apparently feared that the Oral Law would be forgotten unless it were written down.

In the Mishna, the name for the sixty-three tractates in which Rabbi Judah set down the Oral Law, Jewish law is systematically codified, unlike in the Torah. For example, if a person wanted to find every law in the Torah about the Sabbath, he would have to locate scattered references in Exodus, Leviticus, and Numbers. Indeed, in order to know everything the Torah said on a given subject, one either had to read through all of it or know its contents by heart. Rabbi Judah avoided this problem by arranging the Mishna topically. All laws pertaining to the Sabbath were put into one tractate called *Shabbat* (Hebrew for "Sabbath"). The laws contained in *Shabbat's* twenty-four chapters are far more extensive than those contained in the Torah, for the Mishna summarizes the Oral Law's extensive Sabbath legislation. The tractate *Shabbat* is part of a larger "order" called *Mo'ed* (Hebrew for "holiday"), which is one of six orders that comprise the Mishna. Some of the other tractates in *Mo'ed* specify the Oral Laws of Passover (*Pesachim*); Purim (*Megillah*); Rosh haShana; Yom Kippur (*Yoma*); and Sukkot.

The first of the six orders is called *Zera'im* (Seeds), and deals with the agricultural rules of ancient Palestine, particularly with the details of the produce that were to be presented as offerings at the Temple in Jerusalem. The most famous tractate in *Zera'im*, however, *Brakhot* (*Blessings*) has little to do with agriculture. It records laws concerning different blessings and when they are to be recited.

Another order, called *Nezikin* (*Damages*), contains ten tractates summarizing Jewish civil and criminal law.

Another order, *Nashim* (*Women*), deals with issues between the sexes, including both laws of marriage, *Kiddushin*, and of divorce, *Gittin*.

A fifth order, *Kodashim*, outlines the laws of sacrifices and ritual slaughter. The sixth order, *Taharot*, contains the laws of purity and impurity.

Although parts of the Mishna read as dry legal recitations, Rabbi Judah frequently enlivened the

text by presenting minority views, which it was also hoped might serve to guide scholars in later generations (*Mishna Eduyot* 1:6). In one famous instance, the legal code turned almost poetic, as Rabbi Judah cited the lengthy warning the rabbinic judges delivered to witnesses testifying in capital cases:

"How are witnesses inspired with awe in capital cases?" the Mishna begins. "They are brought in and admonished as follows: In case you may want to offer testimony that is only conjecture or hearsay or secondhand evidence, even from a person you consider trustworthy; or in the event you do not know that we shall test you by cross-examination and inquiry, then know that capital cases are not like monetary cases. In monetary cases, a man can make monetary restitution and be forgiven, but in capital cases both the blood of the man put to death and the blood of his [potential] descendants are on the witness's head until the end of time. For thus we find in the case of Cain, who killed his brother, that it is written: 'The bloods of your brother cry unto Me' (Genesis 4:10) — that is, his blood and the blood of his potential descendants.... Therefore was the first man, Adam, created alone, to teach us that whoever destroys a single life, the Bible considers it as if he destroyed an entire world. And whoever saves a single life, the Bible considers it as if he saved an entire world. Furthermore, only one man, Adam, was created for the sake of peace among men, so that no one should say to his fellow, 'My father was greater than yours.... Also, man [was created singly] to show the greatness of the Holy One, Blessed be He, for if a man strikes many coins from one mold, they all resemble one another, but the King of Kings, the Holy One, Blessed be He, made each man in the image of Adam, and yet not one of them resembles his fellow. Therefore every single person is obligated to say, 'The world was created for my sake'" (*Mishna Sanhedrin* 4:5). (One commentary notes, "How grave the responsibility, therefore, of corrupting myself by giving false evidence, and thus bringing [upon myself the moral guilt of [murdering] a whole world.")

One of the Mishna's sixtythree tractates contains no laws at all. It is called *Pirkei Avot* (usually translated as *Ethics of the Fathers*), and it is the "*Bartlett's*" of the rabbis, in which their most famous sayings and proverbs are recorded.

During the centuries following Rabbi Judah's editing of the Mishna, it was studied exhaustively by generation after generation of rabbis. Eventually, some of these rabbis wrote down their discussions and commentaries on the Mishna's laws in a series of books known as the Talmud. The rabbis of Palestine edited their discussions of the Mishna about the year 400: Their work became known as the *Palestinian Talmud* (in Hebrew, *Talmud Yerushalmi*, which literally means "Jerusalem Talmud").

More than a century later, some of the leading Babylonian rabbis compiled another editing of the discussions on the Mishna. By then, these deliberations had been going on some three hundred years. The Babylon edition was far more extensive than its Palestinian counterpart, so that the Babylonian Talmud (*Talmud Bavli*) became the most authoritative compilation of the Oral Law. When people speak of studying "the Talmud," they almost invariably mean the *Bavli* rather than the *Yerushalmi*.

The Talmud's discussions are recorded in a consistent format. A law from the Mishna is cited, which is followed by rabbinic deliberations on its meaning. The Mishna and the rabbinic

discussions (known as the *Gemara*) comprise the Talmud, although in Jewish life the terms *Gemara* and Talmud usually are used interchangeably.

The rabbis whose views are cited in the Mishna are known as *Tanna'im* (Aramaic for "teachers"), while the rabbis quoted in the *Gemara* are known as *Amora'im* ("explainers" or "interpreters"). Because the *Tanna'im* lived earlier than the *Amora'im*, and thus were in closer proximity to Moses and the revelation at Sinai, their teachings are considered more authoritative than those of the *Amora'im*. For the same reason, Jewish tradition generally regards the teachings of the *Amora'im*, insofar as they are expounding the Oral Law, as more authoritative than contemporary rabbinic teachings.

In addition to extensive legal discussions (in Hebrew, *halakha*), the rabbis incorporated into the Talmud guidance on ethical matters, medical advice, historical information, and folklore, which together are known as *aggadata*.

As a rule, the *Gemara's* text starts with a close reading of the Mishna. For example, Mishna *Bava Mezia* 7:1 teaches the following: "If a man hired laborers and ordered them to work early in the morning and late at night, he cannot compel them to work early and late if it is not the custom to do so in that place." On this, the *Gemara* (*Bava Mezia* 83a) comments: "Is it not obvious [that an employer cannot demand that they change from the local custom]? The case in question is where the employer gave them a higher wage than was normal. In that case, it might be argued that he could then say to them, 'The reason I gave you a higher wage than is normal is so that you will work early in the morning and late at night.' So the law tells us that the laborers can reply: 'The reason that you gave us a higher wage than is normal is for better work [not longer hours].'"

Among religious Jews, talmudic scholars are regarded with the same awe and respect with which secular society regards Nobel laureates. Yet throughout Jewish history, study of the Mishna and Talmud was hardly restricted to an intellectual elite. An old book saved from the millions burned by the Nazis, and now housed at the YIVO library in New York, bears the stamp THE SOCIETY OF WOODCHOPPERS FOR THE STUDY OF MISHNA IN BERDITCHEV. That the men who chopped wood in Berditchev, an arduous job that required no literacy, met regularly to study Jewish law demonstrates the ongoing pervasiveness of study of the Oral Law in the Jewish community.

Read the [Talmud in English](#)

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Source: Joseph Telushkin. *Jewish Literacy: The Most Important Things to Know About the Jewish Religion, Its People and Its History*. NY: William Morrow and Co., 1991. Reprinted by permission of the author.