

# Na'aleh: The Canon

Ittai Hershman

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Dedicated in memory of Don Menzi z"l

# Na'aleh: The Canon

can·on

[Middle English, from Late Latin, from Latin, standard]

*a* : an authoritative list of books accepted as Holy Scripture

- "We are not the people of the book, but the people of the interpretation of the book"  
-Armand Abecassis
- "In the Jewish tradition the centrality of the text takes the place of theological consistency"  
-Moshe Halbertal

# The Jewish Canon

- The Written Law (TaNaKh)
  - The Sealed Canon
- The Oral Law (Talmud)
  - Overview
  - Case Study
- The Codified Law (Halacha)
  - Overview
  - Case Study

# The Written Law

- The Hebrew Bible = TaNaKh = תנ"ך
  - Torah
  - Nevi'im (Prophets)
  - K'tuvim (Writings)
- Agreement on which books to canonize
- Agreement on textual version control
- Both completed during 2<sup>nd</sup> Temple Period

# Halbertal's Summary (Handout p. 2)

The chronology of the sealing the Bible is complex. The first aspect of this process is agreement on the list of canonical books, and the second involves the time when those books reached a relatively fixed version. As late as the generation after the destruction of the 2<sup>nd</sup> Temple, around 90 CE, the Sages of Yavneh argue about the place of some books of the canon, although these disputes, for the most part, concern the writings rather than the prophets. There is also testimony of dispute over the book of Ezekiel and its place in the canon at the end of the 2<sup>nd</sup> Temple period. Nonetheless the canon seems to have been established during the Second Temple era, apparently during the late Persian or early Hellenistic period, perhaps as early as 150 BC Remnants of all the biblical books (aside from the book of Esther) were found among the Dead Sea Scrolls, and Josephus mentions the existence of twenty-two books of the Bible prior to the rabbinic debates over the canon. [Ruth w/ Judges, Jeremiah w/ Lamentations: so 24 really]

# Talmudic Story #1

אָמַר רַב יְהוּדָה אָמַר רַב: בְּרַם זְכוּר  
אוֹתוֹ הָאִישׁ לְטוֹב, וְחַנְנִיָּה בֶן חִזְקִיָּה  
שְׁמוֹ, שְׂאֵלְמַלְאָה הוּא נִגְנַן סֵפֶר יְחֻזְקָאֵל,  
שֶׁהָיוּ דְבָרָיו סוֹתְרִין דְּבָרֵי תוֹרָה. מָה  
עָשָׂה? הֲעָלוּ לוֹ שְׁלֹשׁ מֵאוֹת גֵּרְבֵי שֶׁמֶן,  
וַיֵּשֶׁב בְּעֵלְיָהּ וַדְרִישׁוּן.

Rav Yehuda said that Rav said: Truly, that man is remembered for the good, and his name is Hananya ben Hizkiya, as if not for him, the book of Ezekiel<sup>N</sup> would have been suppressed because its contents, in many details, contradict matters of Torah. The Sages sought to suppress the book and exclude it from the canon. What did he, Hananya ben Hizkiya, do? They brought him three hundred jugs of oil, for light and food, up to his upper story, and he sat isolated in the upper story and did not move from there until he homiletically interpreted all of those verses in the book of Ezekiel that seemed contradictory, and resolved the contradictions.

Hanaya b. Hezekiah was a contemporary of the students of Hillel and Shammai in the 1<sup>st</sup> Century BCE

# Talmudic Story #2

וְאִם סֵפֶר מִשְׁלֵי בִקְשׁוּ לְגַנוֹז, שֶׁהֵיוּ דְבָרָיו  
סוֹתְרִין זֶה אֶת זֶה. וּמִפְּנֵי מָה לֹא גָּנְזוּהוּ –  
אָמְרִי: סֵפֶר קֹהֶלֶת לֹא עִינֵינוּ וְאִשְׁכַּחֵינוּ  
טַעֲמָא? הֲבֵא נָמִי לִיעֵינָן. וּמֵאִי דְבָרָיו  
סוֹתְרִים זֶה אֶת זֶה – כְּתִיב: “אֵל תֵּעַן כְּסִיל  
כְּאוֹלֶתוֹ” וּכְתִיב: “עֲנֵה כְּסִיל כְּאוֹלֶתוֹ”  
לֹא קִשְׂיָא, הָא – בְּדַבְרֵי תוֹרָה, הָא בְּמִילֵי  
דְּעֻלְמָא.

And, the Gemara continues, the Sages sought to suppress the book of Proverbs as well because its statements contradict each other. And why did they not suppress it? They said: In the case of the book of Ecclesiastes, didn't we analyze it and find an explanation that its statements were not contradictory? Here too, let us analyze it. And what is the meaning of: Its statements contradict each other? On the one hand, it is written: "Answer not a fool according to his folly, lest you also be like him" (Proverbs 26:4), and on the other hand, it is written: "Answer a fool according to his folly, lest he be wise in his own eyes" (Proverbs 26:5). The Gemara resolves this apparent contradiction: This is **not difficult**, as **this**, where one should answer a fool, is referring to a case where the fool is making claims **about Torah matters**; whereas **that**, where one should not answer him, is referring to a case where the fool is making claims **about mundane matters**.

# Bridge to the Oral Law (Handout p. 4)

The moment the text was sealed, authority was removed from the writers of the text and transferred to its interpreters; denied to the prophets and awarded to the Sages. [...]

Unlike the authority of the priest, that of the scholar does not rest on the monopoly over ritual. [...] The [Sage] expert's authority is derived not from his exclusive role in the ritual but from his skills as interpreter of the sealed text. [Halbertal]

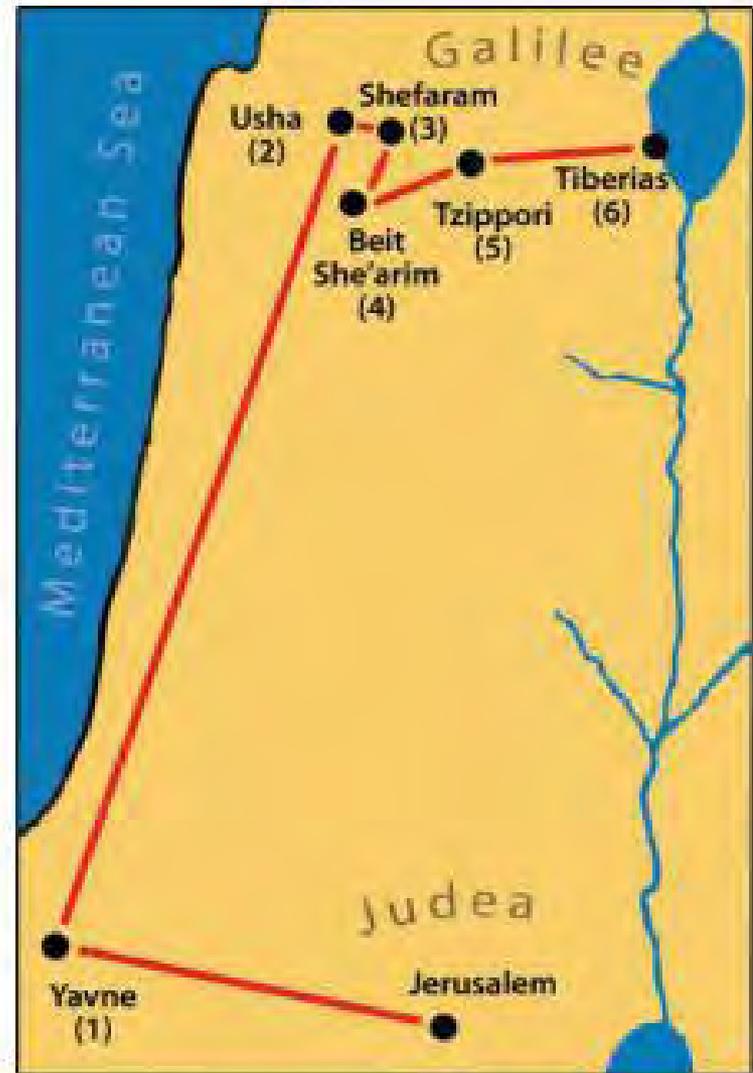
# A Midrash (Handout p. 6)

"What's the difference between the Written Torah and the Oral Torah? To what can it be compared? To a king of flesh and blood who had two servants and loved them both with a perfect love. He gave each of them a measure of wheat and each a bundle of flax. What did the wise servant do? He took the flax and he spun a cloth. He took the wheat and made flour: he cleansed the flour and ground, kneaded and baked it and set it on top of the table. Then he spread the cloth over it and left it until the king would come. The foolish servant, however, did nothing at all. After some time the king returned from his journey and came into his house. He said to his servants: my sons, bring me what I gave you. One servant showed the wheat still in the box with the bundle of flax upon it. Alas, for his shame. Alas, for his disgrace.

When the Holy One Blessed be He gave the Written Torah to Israel, he gave it in the form of wheat for us to make flour from it and flax for us to make a garment from it – using the rules of exegesis."

# The Mishna

- Redacted by R. Judah ha'Nasi (Rebbe) c. 220 CE in Palestine.
- Reflects debates between 1st century BCE and 2nd century CE by the group of rabbinic sages known as the *Tannaim*.
- Six Volumes:
  - Zeraim (seeds)
  - Moed (festival)
  - Nashim (women)
  - Nezekin (damages)
  - Kodashim (holy things)
  - Tehorot (purities)



Exile of the Sanhedrin

# A Self-Referential Mishnah (Handout p. 6)

And why do they record the opinion of the individual against that of the majority, since the law follows the opinion of the majority?

So that if a court approves the opinion of the individual it may rely upon him, since a court cannot annul the opinion of another court unless it exceeds it both in wisdom and in number. (Mishna Nezikin) Eduyot 1:5

# The Gemara (Handout p. 7)

- Talmud Yerushalmi or The Palestinian Talmud
  - A compilation of teachings of the schools of Tiberias, Sepphoris and Caesarea.
  - Redacted end of the 4<sup>th</sup> century
  - Tradition that in the Messianic Age it will have priority over the Babylonian; but, not now.
- Talmud Bavli or The Babylonian Talmud
  - Teachings compiled 3<sup>rd</sup> to 5<sup>th</sup> centuries from the academies in Mesopotamia (Iraq) e.g. Sura and Pumbeditha
  - Redaction is disputed: “Academic Talmud” studies the layers of anonymous editors called “*Stamim*”
  - Consists of 2,711 double-sided folios that include both law (halacha) intermixed with lore (aggada)
    - We’ve done some aggada earlier, we’ll do some halacha later



# Devora Steinmetz on Daf Yomi

Our sages compared learning Torah to the love between two people. If learning Torah is a love affair, then learning *daf yomi* is a marriage.

Much of the time it is a joy. But sometimes it's not, and that is exactly the point. Learning *daf yomi* is akin to sustaining a loving relationship: It demands that you give your time to the other and open yourself generously to hearing what the other has to say. If sometimes what it says makes you mad, you know that you will still be there the next day to continue the conversation. And if some days you really don't want to bother, you know that you have committed to be present nevertheless.

*Daf yomi*, like prayer, is a service. Yet it is different from the daily ritual of prayer—it is focused on hearing the word of the other rather than pouring out one's own words. Learning *daf yomi* provides the opportunity to set aside a time each day to re-establish your commitment to the mundane, sometimes exciting, at times frustrating, and always deeply loving relationship between yourself and the sacred word. (Jewish Ideas Daily)

# A Step Back to The Written Law

- The Oral Law directs us how to understand the written law.
  - E.g. not “an eye for an eye”, but torts
- The Rabbinic process started with Targum Onkelos c. 110 CE; but, the game changer was Rashi in the 11<sup>th</sup> century.
  - Rashi glossed the Bible text with the Rabbinic interpretation of Talmud and Midrash (see Handout p.8)
  - He also glossed the Talmud text to make it more readily understandable and his progeny did even more (see Handout p.7)
- Rashi and other Biblical commentators are generally studied from an integrated volume called Mikra’ot G’dolot (“Great Scriptures”) – an innovation of the 16<sup>th</sup> century



# Case Study 1

- Handout pp. 9 - 11
  - Deuteronomy 6:4-9: Masoretic Text
  - Mishna B'rachot: 1 – 3
  - Bavli G'mara B'rachot: first 10 lines
- Take aways:
  - Methodology of exegesis
  - Development of praxis through exegesis
  - Establishment of legal principles from case law

# The Codified Law (Handout p. 12)

- The Mishneh Torah
  - Maimonides' attempt to replace The Talmud with an ordered, definitive and practical code of law
- The Arba'ah Turim
  - Introduced the 4 part structure of the later Shulchan Aruch and its style
- The Shulchan Aruch
  - The definitive codification of Halacha that remains binding today unless otherwise amended / accepted, both to stricture and to leniency

# Case Study 2

- A Mishna excerpt about nakedness and Sh'ma
- Three G'mara excerpts of exegesis from it
- A specific codification of law from the Shulchan Aruch originating from the Talmudic debate
  - A debate on this topic continues today between Modern Orthodox and the Ultra-Orthodox.

[Global Day of Jewish Learning - YouTube](#)

# So, what now?

שוב מעשה בגוי אחד שבא לפני שמאי,  
אמר לו: גיירני על מנת שתלמדני כל התורה  
כולה בשאני עומד על רגל אחת. דחפו  
באמת הבנין שבידו. בא לפני הלל, גייריה.  
אמר לו: דעלך סני לחברך לא תעביד - זו  
היא כל התורה כולה, ואידך - פירושה  
הוא, זיל גמור.

There was another incident involving one gentile who came before Shammai and said to Shammai: Convert me on condition that you teach me the entire Torah while I am standing on one foot.<sup>N</sup> Shammai pushed him away with the builder's cubit in his hand. This was a common measuring stick and Shammai was a builder by trade. The same gentile came before Hillel. He converted him and said to him: That which is hateful to you do not do to another;<sup>N</sup> that is the entire Torah, and the rest is its interpretation. Go study.