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## The Rami bar Hama Narrative of *Zevahim* 96b: A Contextual Analysis

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Much scholarly attention has been dedicated to the question of the preferred learning style of the Talmudic Sages. Did they give preference to tradition – learning based on the knowledge and recitation of traditions handed down through the generations – or did they view *sevara* and dialectic, i.e., the intellectual prowess used to analyze these traditions, as superior?

Before relating to the various sources and scholarly approaches to this question, a definition of the terms is in order.<sup>1</sup> The term ‘*sevara*’ is defined as a reason based on intellect. The term entered the Hebrew language from the Aramaic and comes from the root s.v.r. (to think).<sup>2</sup> Sokoloff defines the term ‘*sevara*’ as ‘logical deduction, conclusion’, and notes that it is often presented as the opposite of ‘*gemara*,’ meaning

- 1 The definitions of ‘*gemara*’ and ‘*sevara*’ used in this paper are based on the usage of these terms in the Talmud as descriptions of different modes of learning. Hyman Klein, in his discussion of the literary forms of the Talmud, borrowed these terms to describe the different literary layers within the Talmud. He described the central core of the discussion as ‘*gemara*’ while the surrounding interpretative discussion of this core he coined ‘*sevara*’. However, as this usage does not relate to the learning styles of the scholars themselves, his definitions are not relevant to our discussion. For a detailed description of his definition of these terms, see Hyman Klein, ‘*Gemara and Sebara*’, *The Jewish Quarterly Review*, 38 (1947), pp. 67-91; Hyman Klein, ‘*Gemara* quotations in *Sebara*’, *The Jewish Quarterly Review*, 43 (1953), pp. 341-363.
- 2 Eliezer Ben Yehuda, *A Dictionary of the Hebrew Language, the Old and the New* (Jerusalem: Ben Yehuda Press, 1948-1959), p. 3941; *Arukh*, entry s.v.r. (ed. Kohot, vol. 6, p. 13).

tradition.<sup>3</sup> The term ‘*sevara*’ is used in the Babylonian Talmud to denote logical explanations for halakhic rulings or positions, and often stands in opposition to an explanation based on a Scriptural verse or a Masoretic tradition.<sup>4</sup> The *sevara* position given often refers to conclusions that one would arrive at on one’s own, without relying on an outside source or knowledge.<sup>5</sup> In other instances, the *sevara* refers to specific logical reasoning such as legal analogy, deduction, or a fortiori argumentation.<sup>6</sup> The common denominator to all these cases of *sevara* is that the conclusion is reached without reliance on explicit sources or traditions.<sup>7</sup>

When relating to the question of preferred learning style, scholars posited a geographical divide wherein tradition was of paramount importance in the Land of Israel, while in Babylonia *sevara* triumphed.<sup>8</sup> To support this divide, Rosenthal pointed to many Palestinian sources that stress the importance of tradition over logical reasoning. For example, *yHor* 3:4, 48c states: ‘The collector of traditions (*sadran*) takes precedence over the dialectician (*pilpulan*)’. Similarly, he notes Tannaitic

- 3 Michael Sokoloff, *A Dictionary of Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat Gan: Bar Ilan University Press, 2002), pp. 785-786.
- 4 Examples of *sevara* standing in opposition to a Scriptural verse include *bBer.* 4b, *bPesah.* 49a, *bYebam.* 35b. Examples of *sevara* standing in opposition to a Masoretic tradition include *bErub.* 13a, *bB. Bat.* 77a, *bHul.* 44b.
- 5 For example, the statement ‘One is forbidden to derive pleasure from this world without a blessing’ (*bBer.* 35a) or ‘Who said your blood is redder? Perhaps the blood of that man is redder?’ (*bSanh.* 74a).
- 6 For examples of *sevara* involving legal analogy, see *bŠeb.* 36a, *bNaz.* 24b, *bMenah.* 13b. For examples of deduction, see *bYebam.* 54b, *bSanh.* 24a, *bB. Bat.* 83a. For an example of *sevara* referring to an a fortiori argument, see *bBek.* 37b.
- 7 Another usage of the term *sevara* in the Babylonian Talmud is as a generic reference to a position adopted by one of the Sages. For example, the term is used in the phrase “And who, did you hear, adopts that *sevara*? (i.e. that halakhic position)” (*bBer.* 52a). In these cases, the usage is generic as the halakhic position involved is not limited to one specific type of ruling.
- 8 David Rosenthal, ‘*Masorot Erets-Yisraeliyot be-Darkan le-Bavel*’, *Katedra* 92 (1999), pp. 30–36; see also Eliezer Aryeh Finkelstein, ‘*Tikkunei Girsat be-Sifre*’, *Tarbiz* 3 (1932), pp. 198–204.

sources that stress the value of tradition. For example, *t'Ed.* 1:3 states: 'A person should not stand by his words in place of a tradition'.<sup>9</sup>

In contrast to these sources, Rosenthal points to statements in the Babylonian Talmud that champion the use of *sevara*. For example, *bSan.* 17a cites a statement by Rav Yehuda in the name of Rav asserting that only one who knows how to render the carcass of a creeping animal pure by Torah law has a place on the Sanhedrin. This indicates that the judges on the Sanhedrin must be so skilled at logical reasoning that they could even produce a convincing argument that creeping animals, which the Torah states explicitly are ritually impure, are actually pure. Additionally, Babylonian Sages praise their colleagues for their exceptional intellectual acumen, referring to them as 'sharp knives'.<sup>10</sup>

Alongside these local statements, Rosenthal points to *sugyot* that explicitly contrast the approaches of the two geographical centers. For example, in *bMeg.* 28b it states:

Reish Lakish once eulogized a certain young Torah scholar who was frequently present in the Land of Israel and who used to recite laws before twenty-four rows of students. When he died, Reish Lakish said: Alas, the Land of Israel has lost a great man.

In contrast, in a parallel situation in Babylonia it is told:

There was a certain man who used to study halakhah, the Sifra, and the Sifre, and the Tosefta, and he died. People came and said to Rav Naḥman: Let the Master eulogize him. He said to them: How can I eulogize him? Behold this bag of books who has been lost?!

This contrast clearly points to the value placed on study and knowledge of traditions in the Land of Israel as opposed to the disparaging attitude

9 See as well the statement cited in *ySan.* 1:3, 19c (and parallels in *tHag.* 2:9 *tSan.* 7:1, *bSan.* 88b, *Sifre Devarim* 152) which stresses that if a judge doesn't have a tradition as to the ruling in a specific case, he should consult a higher authority that perhaps did hear a tradition in that regard.

10 *bHul.* 77a; *bYev.* 121b; *b'Arak.* 26a, etc.

of the Babylonians towards those who hold vast amounts of knowledge but lack the acumen to analyze them.

In a similar vein, it is recounted that when the Babylonian Sages were looking to appoint a new head of the academy in Pumbedita, they sent a query to the Sages of Palestine asking: Who is preferable, a “Sinai” or an “Uprooter of Mountains”?<sup>11</sup> This question seeks to determine whether when choosing a new head they should prefer a sage who has amassed knowledge of the traditions passed down from Mt. Sinai or one who excels in his intellectual acumen and dialectic ability.<sup>12</sup> The response sent back from Palestine stated that ‘A Sinai takes precedence, as we have a tradition: All depend on the owner of wheat’.<sup>13</sup> At the end of the day, however, the ‘Uprooter of Mountains’ is appointed to the position, and Rosenthal sees this story and others as representing a clear geographical divide with regard to the preferences of tradition and *sevara*.<sup>14</sup>

11 *bHor.* 14a; *bBer.* 64a.

12 For a definition of the terms ‘Sinai’ and ‘Uprooter of Mountains’, see Rashi *bHor.* 14a, s.v. *sinai* and s.v. *ve-had*.

13 This phrase also appears in *bB. Bat.* 145b. Tropper (Amram Tropper, *Like Clay in the Hands of the Potter: Sage Stories in Rabbinic Literature* [Jerusalem: Zalman Shazar, 2011], p. 180) notes that the use of the imagery of wheat to represent knowledge of traditions is found in *bSan.* 42a where R. Aha bar Hanina states in the name of R. Yohanan: ‘In whom does one find the war of Torah? In one who has in his possession bundles of Mishnah. Rav Yosef would read the following verse as a description of himself: “And much produce comes by the strength of an Ox”’. In this passage, R. Yohanan compares one who has acquired knowledge of Mishnah to one who has amassed “bundles” of knowledge. In a similar vein, Rav Yosef refers to his mastery of traditions as one who has amassed much produce. Tropper suggests that these agricultural images serve as the basis for the imagery evoked in this story.

14 He also points to the conflicting versions of the story of the appointment of Hillel. In the version in the Yerushalmi (*yPesah.* 6:1, 33a) Hillel is appointed due to his knowledge of traditions that were passed down from Shemaya and Avtalyon. In contrast, in the version in the Bavli (*bPesah.* 66a), Hillel was appointed due to his ability to use logical deduction and suggest arguments such as a fortiori arguments and legal analogy.

Rubenstein, in his analysis of the distinctive elements of Babylonian culture, distinguishes between the value placed on dialectics, i.e. the ability to ask and answer questions, and the general approach to *pilpul*, or intellectual acumen.<sup>15</sup> With regard to the former, Rubenstein demonstrates that the Babylonian culture marked the ability to ask and answer questions as the highest dimension of Torah proficiency. He cites many late Babylonian narratives where a sage's ability to raise objections and to answer them determines his status among the Sages. For example, in *bB. Qam. 117a*, Rav Kahana's level of proficiency in dialectics determined his status in the eyes of his colleagues.<sup>16</sup> Rubenstein shows that this element is present only in the Babylonian version of these stories and specifically in the Stammaitic layer of the Talmud. The parallel Palestinian sources lack any mention of these elements. Thus, the value placed on dialectics can be relegated to the late period in Babylonia.

In contrast, with regard to the general approach to intellectual acumen, Rubenstein notes that the geographic divide is as not clear cut. Rubenstein relates to many of the sources cited by Rosenthal, and points out that the Palestinian approach is not unequivocal. For example, as noted above, the Yerushalmi (*yHor 3:4, 48c*) states: 'The collector of traditions (*sadran*) takes precedence over the dialectician (*pilpulan*)'. However, in the very next line, the Yerushalmi questions this assertion and asks: 'Even one such as Rabbi Ami? To which the Talmud answers: Why do you ask about Rabbi Ami, he is both a collector of traditions as well as a dialectician'.<sup>17</sup> This exchange indicates some ambivalence towards the original statement preferring the *sadran*, and this ambivalence is reinforced by the ensuing discussion:

Rabbi Shmuel bar Nachman said that mishna (recitation of traditions) takes precedence over talmud (exegesis of the traditions)... while Rabbi Yohanan says that talmud takes precedence over mishna...

15 Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), pp. 39–53.

16 See also *bHor. 13b*; *bB. Meṣi'a 84b*; *bB. Meṣi'a 84a*;

17 This version of the text is based on Saul Lieberman, 'Yerushalmi Horayot', *Sefer ha-Yovel le-Rabi Hanokh Albek* (Jerusalem: Mosad Harav Kook, 1963); p. 293.

Hence, it appears that the question of which learning style takes preference was unresolved in Palestine. This suggestion is reinforced by other statements that indicate a Palestinian preference for *pilpul* and intellectual acumen. For example, as we saw earlier, Rav asserted that only who knows how to render a carcass of a creeping animal pure by Torah law has a place on the Sanhedrin. However, this same statement appears in Yerushalmi in the name of Rabbi Yohanan.<sup>18</sup>

Based on this evidence, Rubenstein concludes that both centers seem to have sources that stress tradition as well as sources that value intellectual reasoning. In the overall picture one can detect a Babylonian preference for *sevara* as opposed to a Palestinian stress on tradition. Yet the difference in these tendencies is not absolute, but rather one of emphasis.

Tropper adds to the discussion by examining the chronological provenance of the sources discussed.<sup>19</sup> He points out that many of the sources cited in praise of tradition are Tannaitic sources, and therefore don't serve as an indication of a geographic divide between the Amoraic centers with regard to the value of tradition. Additionally, even within the Tannaitic sources themselves one can find a tension between the value of remaining loyal to recited traditions and as opposed to promoting innovation and intellectual creativity. He points to the many disputes of Hillel and Shammai, where Shammai is presented as the conservative who relies on traditions, while Hillel focuses on determining the reasons for these traditions and using logical reasoning to expand and innovate the halakhah. Hence, the tension between learning styles existed already in the Tannaitic period.

Tropper explains that this tension continued throughout the early Amoraic period in both the Land of Israel as well as Babylonia, as evidenced by the conflicting Amoraic traditions found in both Talmuds. In contrast to these earlier sources, there are many later sources in the Babylonian Talmud that indicate a strong Babylonian preference for *sevara* and logical reasoning. He notes that many of the stories that stress the importance of *sevara* contain elements that indicate strong editorial

18 *ySan.* 4:1, 72a.

19 Amram Tropper, *Like Clay*, pp. 185–192.

intervention and were actually composed later than the Amoraim mentioned in those stories. This is true for the description of the eulogies of Reish Lakish and Rav Nachman, the story of the appointment of a head of the Pumbeditan yeshiva, and others. Tropper also relates to the claims of scholars such as Lieberman who contend that the overall nature of the Palestinian Talmud reflects a preference for tradition over *pilpul*, while the general impression one receives when reading the Babylonian Talmud is the opposite. Tropper points out that this impression is generated by the back and forth of the Stammaitic layer of the Babylonian Talmud, once again reinforcing the idea that the dominant stress on dialectic and logical reasoning is a late Babylonian development.

This claim is supported by studies on the development of Talmudic reasoning during the Amoraic period. Moscovitz and others have pointed to a significant development in conceptual and abstract thinking that characterizes the late Amoraic and Stammaitic period beginning from the fourth generation of Amoraim.<sup>20</sup> These studies note the central role that Rava played in these developments. Similarly, Hirschman noted that Rava's educational vision and curriculum reflect a turning point in learning styles in the Babylonian academy.<sup>21</sup> On the one hand Rava stresses the importance of recitation of traditions, while at the same time putting a new emphasis on reasoning, inferences, and questions. For example, in *b'Abod. Zar.* 19b, we find statements by Rava that focus on the importance of recitation:

A person should always study and review even though he may afterward forget, and even though he does not understand what it is saying.

A person must always study Torah and gain a broad knowledge of it, and only then may he analyze and delve into it.

20 Leib Moscovitz, *Talmudic Reasoning: from Casuistics to Conceptualization* (Tübingen: Mohr Siebeck, 2002), pp. 350–352, and references in footnote 22.

21 Marc Hirshman, *The Stabilization of Rabbinic Culture, 100 C.E.-350 C.E.: Texts on Education and Their Late Antique Context* (Oxford: Oxford University Press, 2009), pp. 109-120.

Yet, at the same time, Rava sees *sevara* as the ultimate goal of learning and states (*bBer.* 6a): ‘The reward for learning traditions is logical analysis’. This duality comes to the fore in Rava’s own learning practices as related in *bSukkah* 29a:

Rava and Rami bar Hama, when they would stand before Rav Hisda, would run through the received tradition and only afterwards would they speculate in reasoning.

Hirschman concludes that through these and other curricular implementations, Rava impacted the style of learning in the academy and changed the face of learning in Babylonian culture.

As a support for this trend, Pinchuk points to a number of *sugyot* in the Palestinian Talmud that seek to determine the source for certain halakhot.<sup>22</sup> He notes that the Babylonian parallels to these *sugyot* contain an extra statement that presents an additional source for the said halakhah that derives from *sevara*. These sources from *sevara* are suggested by sixth generation Amoraim or the Stam, once again supporting the importance placed on *sevara* in this later period and demonstrating the influence of Rava’s intellectual revolution.

Recently Vidas has suggested that the importance placed on *sevara* and analysis during this later period affected the social groups among the Sages.<sup>23</sup> He points to statements by the Rabbis that assert that a wide knowledge of sources alone is not sufficient to be considered part of the Rabbinic establishment. These sources label the reciter of traditions as an ‘am ha-aretz’ and some go so far as to label them ‘those who hate the Rabbis’ or ‘destroyers of the world’.<sup>24</sup> Vidas proposes that these sources reflect an attempt by the Rabbis to separate themselves from those who

22 Moshe Pinchuk, ‘*Sinai ve-Oker Harim, Hey Minayhu Adif? Hevdel Tarbuti ve-Yisum Hilkhati*’, *Zecher le-Avraham* (Jerusalem: Lifshitz College, 2020), pp. 201-218.

23 Moulie Vidas, *Tradition and the Formation of the Talmud* (Princeton: Princeton University Press, 2014), pp. 115–117.

24 ‘Am ha-Aretz’, ‘those who hate the Rabbis’: *bB. Meši’a* 33b; ‘destroyers of the world’: *mSotah* 3:4.

were not “masters of Talmud”, and to define the Rabbis as only those proficient in the complex analysis of the sources.

On the backdrop of this cultural and social milieu, the present study focuses upon one Talmudic story that has thus far eluded scholarly discussion with regard to its place in the *sevara*-tradition divide. This story stands in opposition to the picture portrayed by the aforementioned scholars. The story takes place in the later Babylonian period, yet the message of the story champions tradition over *sevara*. In this paper, I will present this story and analyze its message in order to understand its place within the sources presented above. As we will see, in order to fully understand the message of the story, it is necessary to also examine the surrounding discursive context within which the story appears.<sup>25</sup> The analysis of the story within this halakhic context will serve to shed light

- 25 The relationship of Talmudic stories to the surrounding halakhic context in which they appear has been the topic of much scholarly discussion. On the one hand, Jonah Fraenkel (Jonah Fraenkel, *Darkhei ha-Aggadah veva-Midrash* [Givatayim: Masada, 1991]) claims that these stories are to be viewed in isolation, interpreting them as self-contained dramatic tales divorced from the surrounding literary framework. Others, however, have stressed the interrelationship between these stories and the surrounding halakhic discourse, as well as the influence of the surrounding culture on the message of the stories. (See Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition and Culture* [Baltimore: Johns Hopkins University Press, 1999]; Jeffrey L. Rubenstein, *Stories of the Babylonian Talmud* [Baltimore: Johns Hopkins University Press, 2010]; Ofra Meir, ‘The Literary Context of the Sages’ Aggadic Stories as Analogous to Changing Storytelling situations – The Story of the Hasid and the Spirits in the Cemetery’, *Jerusalem Studies in Jewish Folklore* 13–14 [1991–2], pp. 81–97; Yonatan Feintuch, ‘Tales of the Sages and the Surrounding *Sugyot* in Bavli Niziqin’ (Ph.D diss., Bar Ilan University, 2008). See also Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (New York: Oxford University Press), 2012, pp. 2–6, 11). Recently, Barry Wimpfheimer suggested a new approach that blurs the sharp distinction between the literary genres of halakha and aggadah in light of many halakhic aggadot which serve to explore meta-halakhic questions. (See Barry Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* [Philadelphia: University of Pennsylvania Press, 2011], pp.31-62). For further discussion of Wimpfheimer’s approach and its implications on the present study, see footnote 59 below.

both on the surrounding *sugya* as well as on the general academic culture in Babylonia.

The story, located in *Zevahim* 96b, begins by recounting an incident about a student who abandons his teacher and takes up study with another teacher. As Eliashiv Fraenkel notes, this is a recurrent theme in Rabbinic narrative and often leads to a conflict between the disciple and the original teacher.<sup>26</sup> The resolution of the conflict reflects on the personality of the Sages involved and serves as a model for proper or improper behavior of Sages in the Talmud. In this story, however, the conversation between the teacher and student extends beyond the specific interpersonal relationship to address more global issues in the academy.

The Talmud relates<sup>27</sup>:

Rav Yitshak bar Rav Yehudah was accustomed [to study Torah] before Rami bar Hama.<sup>28</sup> He left him and went to Rav Sheshet. [One day]<sup>29</sup> Rami bar Hama met him and said to him: ‘The chief minister<sup>30</sup> has grasped me by the hand, and his fragrance has come to my hand’? Because you went before Rav Sheshet, you have become like Rav Sheshet?

- 26 Eliashiv Fraenkel, ‘*Darkhei ha-Limud ha-Retsuyot be-Veit ha-Midrash: le-Or Sugyot Ishtik be-Talmud ha-Bavli*’ (Master’s thesis, Hebrew University, 2002), p. 24; Eliashiv Fraenkel, ‘*Mifgashim ve-Sihot shel Hakhamim be-Sippurim al Reka Hilkhati be-Talmud ha-Bavli*’ (PhD diss., Bar Ilan University, 2015), p. 108.
- 27 The text here is cited according to MS Columbia X893 (T 141) as transcribed on the *Maagarim* website of the Academy of the Hebrew Language. Textual variants that affect the meaning of the story are noted in the footnotes.
- 28 While the term used in MS Columbia X893 (T 141) is ‘*shekhiah kammei*’, in all the other textual witnesses the phrase is ‘*ragil kammei*’. For an analysis of both of these forms as denoting ‘to study Torah’, see David Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Leiden: Brill, 1975), pp. 200–202.
- 29 This phrase was added based on the other textual variants as it adds to the flow of the story.
- 30 See *Arukh*, entry *arkafta* (ed. Kohot, vol. 1, p. 303). For a discussion of this phrase in its Sasanian context see Geoffrey Herman, ‘Persia in Light of the Babylonian Talmud: Echos of Contemporary Society and Politics: hargbed and bidaxš?’ in *Talmud in its Iranian Context, Proceedings of the Conference*, ed. Carol Bakhos and Rahim Shayegn (Tübingen: Mohr Siebeck, 2010), pp. 58–82.

[Rav Yitshak bar Yehudah] said to him: It is not due to that [reason].

[When] I ask you with regard to any matter, you resolve it for me through *sevara*, (a priori reasoning). Thus, when I find a Tannaitic source [to the contrary] it refutes your [resolution]. [However, when] I ask Rav Sheshet concerning a matter, he resolves it for me from a Tannaitic source, so even when I find an alternate Tannaitic source, it is one source against another.

[Rami bar Hama] said to him: Ask me about a matter, which I will resolve for you based on logic,<sup>31</sup> [and yet the answer will] accord with a Tannaitic source.

[1] [Rav Yitshak bar Yehudah] asked him: If one cooked [a sin-offering] in only part of a vessel, does the [remainder of the vessel] require scouring and rinsing, or not?

[[2] [Rami bar Hama] said to him: It does not require [scouring and rinsing], just like the case of sprinkling [blood of a sin-offering upon a garment].<sup>32</sup>

- 31 The words ‘based on logic’ appear in the text in the version of the story in *Iggeret Rav Sherira Gaon* (ed. Levin, p. 46), as well as MS Columbia 294–295. Although these explanatory words aren’t found in other manuscripts, it seems from the context that this is in fact the intent of the passage. As Rami bar Hama is defending himself against the critique of relying on logic alone and therefore arriving at faulty conclusions, it is appropriate for him to assert that he will use this same logic to resolve a problem while arriving at correct conclusions. As Eliezer Kortswel points out (‘On the Relation between the Version of Babylonian Talmud Tractate Zevahim Columbia Manuscript and the Version of an Anonymous Ancient Commentator’, *Oqimta* 7 [2021], pp. 107-108 [Heb.]) MS Columbia X893 (T 141) often contains explanatory glosses that are not found in the other textual witnesses of tractate *Zevahim*, yet they often serve to clarify the meaning of the Talmudic text.
- 32 This statement [2], as well as the following statement [3], does not appear in MS Columbia X893 (T 141). However, as they are attested to in most of the other textual witnesses of the story, I have included them here in the text. For an analysis of the place of these statements in the textual tradition, see footnote 35 below.

[3] [Rav Yitshak bar Yehudah replied]: But the Tanna does not teach this.<sup>33</sup>

[4] [Rami bar Hama] said to him: It stands to reason that it is just like a garment: Just as a garment requires laundering only in the place of the blood,<sup>34</sup> so too a vessel requires scouring and rinsing only in the place of cooking.<sup>35</sup>

[5] [Rav Yitshak bar Yehudah] said to him: Are [the situations] comparable? Blood does not spread whereas cooking spreads.

[6] Moreover, it was taught in a *baraita*:<sup>36</sup> ‘...the stringency that applies to scouring and rinsing is... if one cooked [the meat] in

33 A prior, the fact that there is no Tannaitic source to corroborate Rami bar Hama’s claim should not be grounds for questioning the validity of that claim. There are many cases in the Talmud where a question is resolved based on logic alone because the case is not addressed by Tannaitic sources. However, in this case, Rami bar Hama has made a rather bold claim, asserting that he will resolve the question based on logic, *and* that this claim will accord with a Tannaitic source. Thus, the fact that no Tannaitic source exists to corroborate his resolution significantly weakens his claim.

34 This ruling is explicitly taught in Mishnah *Zevahim* 11:3.

35 This statement of Rami bar Hama [4] seems to be a repetition of his original statement [2]. Although this statement is an elaboration of the first one, it doesn’t seem to add anything to the discussion. In fact, in MS Columbia 294–295, sections [2] and [3] are missing and the text only records the second half of the conversation. Conversely, the version of the story in *Iggeret Rav Sherira Gaon* (ed. Levin, p. 46) includes only lines [2] and [3], omitting lines [4] and [5], although it’s possible that the *Iggeret* is simply presenting a summarized version of the story. In both MS Munich 95 and Genizah fragment New York JTS ENA 2096/1–2, the letters ל"א appear before line [4] indicating that this part of the conversation is a *לישנא אחרונה*, a different version of the previous text (see appendix C for a chart of all the manuscript variants). Thus, it seems that there were two versions of the conversation, a short version, [2] and [3], and a longer one, [4] and [5]. MS Columbia 294–295 includes only the second longer version, while *Iggeret Rav Sherira Gaon* includes only the first shorter version. In the other manuscripts both were included, often noted as a different version by the letters ל"א. Presumably, at some point these two alternate versions were conflated into one extended conversation with an unexplainable repetition.

36 This *baraita* has a parallel in Tosefta *Zevahim* 10:15.

only part of the vessel, the entire vessel requires scouring and rinsing, which is not so in the case of sprinkling’.

[Rami bar Hama] said to him: If it is taught, it is taught.<sup>37</sup>

Previous scholarship focused on the historical reliability of this story. Richard Kalmin explains that this story is ‘in part a didactic tale demonstrating the superiority of a style of learning which emphasizes knowledge of traditional sources in favor of logical reasoning’.<sup>38</sup> He suggests that the storyteller molds actual events or fabricates them completely in order to convey his message. Accordingly, the storyteller chose these characters as protagonists due to the fact that they are known from other contexts as exemplifying these particular styles of learning. Both Rav Sheshet’s wide breadth of knowledge,<sup>39</sup> as well as Rami bar Hama’s sharpness of intellect,<sup>40</sup> come to the fore in many Talmudic contexts.

Barak Cohen, in his discussion of Rami bar Hama’s analytical methodology, takes a different approach. He assumes that this story actually occurred and that it accurately depicts Rami bar Hama’s analytic

37 This response seems to indicate that Rami bar Hama’s concession was due to the explicit halakhah in the Tosefta and was not necessarily a concession to the logical argument that attacked the validity of the legal analogy. Based on the alternate versions of this conversation (see note 35 above), it would appear that the logical argument was not an integral part of the story and was added to increase the drama in the story. By pointing out that not only did Rami bar Hama’s resolution contradict a Tannaitic source but that it was also not logically sound makes Rami bar Hama’s approach seem all the more unfounded.

38 Richard Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia* (Atlanta, Georgia: Scholars Press, 1994), p. 8.

39 See for example, the references in Y. N. Epstein, *Mavo le-Nussah ha-Mishnah* (Jerusalem: Magnes Press, 2001<sup>2</sup>), p. 360.

40 For example, Rava often criticizes Rami bar Hama’s position by stating ‘his error is as deep as his subtlety’ (MS bGittin 20b, bBava Metsiya 96b, bNidah 33b) or ‘In his ingenuity, he did not consider it carefully’ (bBava Batra 116a, similar expression appears in bEiruv 90a). For additional examples, see Barak Cohen, ‘*Rami Bar Hama: Darkhei Limmudo u-Vikorto shel Rava*’ (Master’s thesis, Bar Ilan University, 2000), pp. 1–5, and the literature cited there.

methodology – a methodology which relies on *sevara* alone, ignoring explicit Tannaitic sources.<sup>41</sup>

However, this description of Rami bar Hama's methodology is simply not borne out by many of his questions and statements throughout the Talmud.<sup>42</sup> Additionally, the caricatured portrayal of Rami bar Hama in this story combined with the surprising triumph of his student, serve to increase the drama of this narrative. Both the historical inaccuracy as well as the dramatic flair in the narrative point to a literary reworking of the story. I will therefore adopt Kalmin's approach and view this story as

41 Barak Cohen, *Rami Bar Hama*, pp. 79–82.

42 A survey of Rami bar Hama's statements reveals that not only does he not ignore Tannaitic sources, but he is very involved in explicating and citing them. He often explicates *mishnayot* (*bNed.* 52b, *bB. Qam.* 111b, *bSanh.* 24b). He cites *mishnayot* (*bYebam.* 115a, *bKetub.* 87b, *bB. Qam.* 20a) and Toseftan *halakhot* (*tNaz.* 6:1 = *bNaz.* 55b, *tBek.* 1:14 = *bBek.* 13a) in order to resolve questions that are raised in the course of the Talmudic discussion. In addition, he challenges Amoraic dicta based on Tannaitic sources (challenges based on the Mishnah include *bShab.* 46b, *bShab.* 144b, *bYoma* 78b, *bNaz.* 55b, *bB. Qam.* 105b, *bB. Meši'a* 36a, *bB. Meši'a* 36b, *bB. Meši'a* 65a, *bB. Bat.* 176a, etc. while challenges based on the Tosefta include *bBek.* 13a). He quotes Halakhic Midrashim (*bZebaḥ* 50a; *bZebaḥ* 52b) and bases certain *halakhot* on them (*bYebam.* 8b, *bKetub.* 37b–38a, *bKetub.* 48b, *bNed.* 72b–73a). He will often suggest a source for a halakhah in Mishnah or Tosefta based on a midrashic homily that is not found in known Midrashic compilations. He will introduce a source with the language of 'tanei Rami bar Hama' introducing a Tannaitic source unknown to us from other compilations. These and many other examples point to the fact that Rami bar Hama did not ignore Tannaitic sources. On the contrary, he was very involved in citing and explicating them throughout the Babylonian Talmud. Additional evidence as to the historical inaccuracy of the story can be found by examining other details. For example, the student in the story, Rav Yitshak bar Rav Yehudah, is a third-generation sage, and therefore it is unlikely that he was a student of either Rami bar Hama or Rav Sheshet, themselves both third-generation sages. In addition, there is no other place in the Talmud where we find Rav Yitshak bar Rav Yehudah interacting with either Rami bar Hama or Rav Sheshet. For a full discussion see Shmidman, 'Rami bar Hama's Approach to Halakhic Analysis', [Heb.] (PhD diss., Bar Ilan University, 2020), pp. 156–168.

a didactic tale that sets out to promote a clear agenda of preferring one style of learning over another.<sup>43</sup>

Yet, according to Kalmin's analysis, the narrator could easily have inserted any halakhic question into the story without changing its message. Neither Kalmin nor Cohen take into account the specific halakhic content of the story nor the surrounding context in which the story appears. Recent scholarship has demonstrated a tendency of the Babylonian editors to adapt the stories of the Talmud to the dominant culture in Babylonia, while at the same time integrating them within the specific halakhic *sugya* in which they appear.<sup>44</sup> As such, it can be argued that reading this halakhic story within those cultural and literary contexts will shed additional light on its meaning.

Adopting this approach, I will examine the interrelationship between the story and the surrounding halakhic discussion. As we will see, the tension between *sevara* and tradition can be found throughout the entire Talmudic discussion. However, this tension is not always apparent. It lies under the surface of the halakhic discussion, hidden by the tacit assumptions of the discourse. The dialogue between Rami bar Hama and

43 Kalmin leaves open the question of the chronological provenance of the story. However, there are signs that indicate that the story was composed by a later Babylonian editor. For example, the story invokes the theme of using questions and answers to determine a scholar's proficiency. As we saw above (text near note 15) Rubenstein demonstrated that this theme is only found in the later strata of the Babylonian Talmud. Thus, the presence of this theme serves as an indication of the Stammaitic dating of the story. See Jeffrey Rubenstein, 'Criteria of Stammaitic Intervention in Aggada' in *Creation and Composition, The Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey Rubenstein (Tübingen: Mohr Siebeck, 2005), p. 423. In addition, the presence of significant textual variants (as described in notes 32 and 35) is a further indication that the text belongs to the Stammaitic layer of the Talmud (ibid, p. 433; Shamma Friedman, 'Pereq ha-Isha Rabba ba-Bavli', in *Mehqarim u-Mekorot*, ed H. Dimitrovsky [New York: Jewish Theological Seminary, 1977], p. 306 and the literature cited in note 82). Lastly, the story references material that appears further on in the *sugya*, once again reinforcing the possibility that the story was created by late editors who strove to integrate the story into the surrounding halakhic *sugya* (Rubenstein, *Creation and Composition*, p. 429).

44 See note 25 above.

his student thus serves to highlight this subtle element of the halakhic discussion and to bring it to the reader's attention.

In order to demonstrate this, I will first analyze the halakhic *sugya* that precedes the story. The text of the *sugya* can be found in Appendix A (I–IX). In the course of the analysis, I will describe the stages in the debate (stages 1–8). These stages are mapped out in a chart in Appendix B.

### **Preceding *sugya*: *Zevahim* 95a–95b**

This *sugya* is a self-contained unit that includes a Mishnah and the subsequent Talmudic discussion that centers on its interpretation. The halakhic ruling in the Mishnah relates to the laws of cooking a sin-offering that are detailed in the Scriptural verses in Leviticus. The verses prescribe special treatment for various types of vessels used to cook these sacrificial meats, as follows: 'But the earthenware vessel in which it is cooked shall be broken; and if it be cooked in a copper vessel, it shall be scoured and rinsed in water' (Leviticus 6: 21).

The Mishnah (*Zevahim* 11: 7) attempts to define the act of cooking referred to in these verses and states: 'Both [a copper vessel] in which one cooked [meat] as well as one into which one poured boiling [meat]... require scouring and rinsing' (I). The Mishnah addresses two distinct acts that could be considered cooking; the standard method of cooking the meat in a vessel, as well as the act of pouring the boiling meat of an offering into a vessel. These acts involve two factors that affect the laws of scouring and rinsing, namely, cooking and absorption. In the standard case of cooking, the meat is both cooked in the vessel and at the same time its flavor is absorbed into the walls of the vessel. In contrast, in the case of pouring boiling meat into a vessel, the flavor of the meat is absorbed into the vessel without being cooked therein. The Mishnah requires scouring and rinsing in both of these cases: both in the case that involves cooking with the resultant absorption, as well as in the case that involves absorption alone. What is missing here is a discussion of the inverse case, a case where the meat was cooked in the vessel without being absorbed into the walls of the vessel. Yet the Mishnah does not address this case.

In the Talmudic passage that follows, Rami bar Hama seeks to fill this lacuna by addressing the case of cooking without absorption. In stage one of the *sugya*, he asks: ‘If one roasted [the meat] in the air-space of an earthenware oven, what is [the ruling]? Is the Divine Law particular about cooking and [the resultant] absorption, but about cooking without absorption it is not particular; or perhaps, [it is particular] even about cooking without absorption?’ (II). The Talmud explains that the case in question, that of roasting sacrificial meat in the airspace of an oven, creates a situation where the meat is cooked in the oven without absorption of its flavor. The ensuing Talmudic discussion seeks to resolve the ruling in this case, thereby establishing whether cooking alone is sufficient to require scouring and rinsing.

Stage two of the *sugya* involves the first two attempts to resolve this question. The Talmud cites a Mishnah and an Amoraic dictum both of which seem to indicate that cooking is sufficient to require the scouring and rinsing. First, Rava cites the Mishnah ‘Both [a copper vessel] in which one cooked [meat] as well as one into which one poured boiling [meat]... require scouring and rinsing’ (III). *Prima facie*, it is unclear as to how this citation resolves the question, as the case under discussion is not directly addressed by the Mishnah. The commentators offer various explanations as to how Rava intended to resolve this question based on the Mishnah,<sup>45</sup> yet none of these explanations are convincing. At best,

45 Rashi 95b, s.v. *ve-ehad*, explains that Rava is attempting to resolve the question based on an induction from the Mishnah. He reasons that just as the case of absorption without cooking requires scouring and rinsing, so too, the inverse case of cooking without absorption should require scouring and rinsing as well. Rava assumes that any case where only one factor is involved should be sufficient to require scouring and rinsing. Consequently, Rami bar Hama rejects this proof as inconclusive, as it is possible that the two factors are not of equal weight. The *Hiddushim u-Veurim* (Haim Shaul Greineman, *Hiddushim u-Veurim*, Bnei Brak, 2010, p. 275, s.v. *amar rava*), on the other hand, suggests that Rava is reaching the opposite conclusion. He suggests that perhaps Rami bar Hama is asking which of the two factors are at play, cooking or absorption. Rava concludes from the fact that the Mishnah states that absorption is indeed a factor that therefore cooking is not. Accordingly, Rami bar Hama points out that it is possible that both factors are significant. This reading, however, does not fit into

one can suggest that perhaps Rava understands that the basic ruling in the Mishnah refers to cases involving cooking, and the additional case of pouring boiling meat into a vessel comes to expand the basic ruling to include not only cases that involve cooking (as these would be obvious based on the language of the verse), but also cases that don't involve cooking but rather absorption alone. Accordingly, any case involving cooking would clearly require scouring and rinsing. Despite Rava's suggestion, Rami bar Hama<sup>46</sup> points out that the proof from the Mishnah is inconclusive (IV).

The second attempt at resolving Rami bar Hama's question is based on a dictum by Rav Nahman in the name of Rabba bar Avuh who states 'the oven in the temple was [made out] of metal' (V). The Talmud assumes that the ovens in the Temple were used to cook meats in such a way that the meats did not come into contact with the walls of the oven. Hence the typical use of the Temple ovens was to cook the meats without the flavor being absorbed into the oven. The fact that the ovens in the Temple were made out of metal and *not* earthenware indicates that merely cooking the meats in the oven without the resultant absorption is sufficient to require the breaking of earthenware vessels. In the third stage of the *sugya*, the Talmud rejects this proof as well by explaining that the ovens in the Temple were also used to bake the dough leftover from the *menahot* offering (VI). This dough was baked on the walls of the ovens and hence their flavor was absorbed into its walls. Therefore, no conclusion can be drawn about the status of cooking sacrifices in a case where their flavor was not absorbed.

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the words of the question as it states explicitly 'Is the Divine Law particular about cooking *and* absorption', implying that the questioner is aware of the possibility that both factors are significant. As both of these explanations require making unfounded assumptions, it is impossible to conclusively determine the intention of Rava's proof.

46 According to MS Colombia 294–295, this point is made explicitly by Rami bar Hama. In the rest of the textual witnesses, the statement is anonymous.

At this point in the debate, the fourth stage in the *sugya*, the Talmud cites a long passage which is also found in tractate *Pesahim* (VII).<sup>47</sup> The passage deals with an earthenware oven that has absorbed the flavor of a prohibited substance. The discussion there concludes with the assertion that one can remove the absorbed flavor from an earthenware oven simply by re-firing the oven. Based on this conclusion, the anonymous voice of the Talmud, the Stam, asks: ‘But [with regard to] the pots of the Temple, why does the Merciful One<sup>48</sup> state that they should be broken? Let us simply return them to the kilns!’ (VIII). In asking this question, the Talmud assumes that once the absorbed flavor is removed from the ovens, there is no longer any need to break them, despite the fact that sacrificial meats were cooked in these ovens. This assumption of the

47 Jacob Nachum Epstein, *Mevo’ot le-Sifrut ha-Amoraim*, ed. E.Z. Melamed, (in Hebrew) (Jerusalem and Tel Aviv: Magnes and Dvir, 1962), p. 19, lists this passage among the examples of passages that originated in tractate *Zevahim* and were later incorporated into tractate *Pesahim*. However, it seems more likely that this passage originated in *Pesahim*, as the discussion focuses on the statement of Rav regarding the breaking of pots on Passover. The passage is cited here in order to extrapolate from the ruling with regard to the absorption of leavened bread into pots to be used on Passover and to apply it to the Temple pots which have absorbed the flavor of sacrificial meats. It therefore seems that the editor of the *Zevahim sugya* imported the passage from *Pesahim* into the local discussion of the Temple pots. This conclusion reinforces the idea that the principle of absorption is not necessarily the operating principle behind the laws of scouring and rinsing of pots in the Temple.

48 The words ‘אמר רחמנא’ indicate that the injunction to scour and rinse pots is a biblical injunction. These words appear in the text in following textual witnesses: MS Columbia 294–295, MS Munich 95 and Genizah fragment New York JTS ENA 2096/1–2, as well as the *Sheiltot* of Rav Ahai Gaon (ed. Mirsky, p. 98) and Venice Print. However, they are missing in MS Vatican 118–119, MS Vatican 120–1211, and MS Paris – AIU H147. Tosafot (s.v. *ela*) and Rashi (s.v. *ela*) omit these words from their text. Tosafot explain that this omission is necessary because a biblical injunction to break the pots could not be attributed to a technical reason such as the fact that kilns are not built in Jerusalem. These words would clearly indicate that the breaking of the pots is a scriptural decree related to the cooking of sacrificial meats, a position rejected by this passage. The presence of these words in four major textual witnesses highlights the difficulty in the passage.

Stam clearly indicates that cooking alone does not necessitate the breaking of the oven.<sup>49</sup> This is surprising, as this issue was left unresolved in the previous stage of the debate. Despite the fact that the previous attempts to resolve this question were inconclusive, at this point the Talmud has assumed its resolution.<sup>50</sup> The Talmud proceeds to explain that the reason for breaking the pots in the Temple is due to a technicality, namely that there was a ban against kilns in Jerusalem, which precluded the option of removing the absorbed flavor from the pots. Had the ban not been in place and the absorbed flavor could be removed, and the pots would not need to be broken. Thus, this passage concludes with the working assumption that cooking alone is not sufficient to require the breaking of earthenware pots. As this conclusion was not reached by invoking previous traditions, this working assumption falls into the category of *sevara*, a priori reasoning.

The Talmud now interrupts the halakhic discussion to recount the story of Rami bar Hama and his student. The story includes a halakhic dialogue between Rami bar Hama and his student that relates to the details of the laws of scouring and rinsing. While the issues addressed in the story are similar to those addressed in the *sugya*, the arguments set forth in the story point in the opposite direction of those developed in the *sugya*. This contrast can be seen by comparing the stages of the debate in the story and the *sugya* (see the chart in appendix B).

- 49 Tosafot (s.v. *ela*) suggest that perhaps the returning the pots to the kilns would constitute a ‘re-creation’ of the pots. As such, these pots would be considered new vessels, ‘*panim hadashot*’. Thus, the act of firing the pots would serve to cancel out the cooking that was done in them, thereby obviating the need for breaking the pots. According to this explanation, it is possible that the Talmud maintains the position that cooking alone would require breaking the pots. However, this explanation does not fit with the simple meaning of the text.
- 50 This difficulty is noted by Tosafot (s.v. *ela*) who point out that the question of the Talmud is not appropriate. The Talmud maintained the possibility that roasting meat in the airspace of an oven necessitates breaking the oven even when it involves cooking alone. According to this possibility, the ruling requiring the breaking the pots is not due to absorption of flavor, but rather is a scriptural decree. If that is the case, the removal of the absorbed flavor should not affect the ruling at all and the pots should be broken in any case.

### Story – Zevahim 96b

The halakhic discussion in the story (which appears above, p. 11, [1]–[6]) opens in stage five with the presentation of a halakhic question. The student asks Rami bar Hama ‘If one cooked [a sin-offering] in only part of a vessel, does [the remainder of the vessel] require scouring and rinsing or not?’ [1]. Perhaps only the part of the vessel that came into contact with the food would require scouring and rinsing in this case.

At first glance, this question seems unrelated to the question posed in the *sugya*, the case of roasting meat in an oven. However, upon closer examination it is clear that these two cases reflect the same essential question of cooking without absorption. When cooking in a pot, the food will only fill up part of the pot, leaving the top of the pot untouched by the food being cooked. Hence, although the upper part of the pot was cooked in, no absorption took place there, as there was no direct contact between the food and the pot. This creates a scenario analogous to the case of roasting in an oven, cooking without absorption.<sup>51</sup> The question is whether this part of the pot requires cleansing?

In order to resolve this dilemma, in stage six of the story, Rami bar Hama employs a legal analogy and compares this case to the case of sacrificial blood that was sprinkled on a garment [2]/[4]. In the case of the garment, the Mishnah clearly states that the area that did not come

51 One could argue that the cases are not analogous because in the case of cooking in part of a vessel, there is still flavor being absorbed in the other part of the vessel. Hence, it is possible that the flavor in one part of the vessel spreads to the entire vessel. In fact, this objection is raised by Rav Yitshak bar Yehudah in the later stages of the debate. Alternatively, it is possible that the entire vessel would require scouring and rinsing because the vessel is treated as a whole unit and hence once part of the vessel requires cleansing, the entire vessel requires cleansing. However, Tosafot (s.v. *bishel*) point out that if the question were related to these issues, it would not be limited to the laws of scouring and rinsing, but would apply to any case where a prohibited substance was cooked in a vessel. As Rava asserts in the subsequent *sugya*, the ruling that requires scouring and rinsing of the whole vessel in a case where the food was only cooked in part of the vessel is unique to the laws of scouring and rinsing. It is therefore reasonable that the question is indeed addressing the issue of whether cooking without absorption necessitates scouring and rinsing.

into contact with the blood does not require laundering.<sup>52</sup> According to Rami bar Hama, these cases are comparable and therefore logic dictates that the part of the pot that did not come into contact with the sacrificial meat would similarly not require cleansing. This ruling indicates that cooking alone is not sufficient to necessitate scouring and rinsing. Note the contrast between the initial attempt at resolving the question in the story as opposed to that of the *sugya*. In the *sugya*, the traditions cited led to the conclusion that the vessel should be broken, while in the story, logical reasoning leads to the opposite conclusion.

Despite Rami bar Hama's compelling logic, in stage seven of the story, the student points out that this analogy is flawed as the two cases are not necessarily comparable [5]. In the case of the garment, the blood does not spread throughout the garment as opposed to cooking where the flavor spreads throughout the vessel.<sup>53</sup> Furthermore, in stage eight, the student refutes Rami bar Hama's conclusion by citing a Tannaitic tradition which explicitly states otherwise [6]. The *baraita* rules that in a case where the meat was cooked in only part of a vessel, the entire vessel requires cleansing; indicating that cooking alone **does** necessitate scouring and rinsing.<sup>54</sup>

A comparison of the stages of debate in the *sugya* with those in the story demonstrates how the flow of the argumentation in the story parallels that of the *sugya*, but with the order of the positions reversed! In the *sugya*, the initial attempt at resolving the question posed in stage one

52 Mishnah *Zevahim* 11:3.

53 Prima facie, the assertion that during cooking the flavor of the food spreads throughout the entire vessel renders the original question irrelevant. If the flavor has spread through the whole vessel, then there is no room to entertain the notion that only part of the vessel would require scouring and rinsing, as the entire vessel underwent cooking with absorption. Tosafot (s.v. *bishel*) note this difficulty but do not suggest a resolution. It follows, therefore, that Rami bar Hama must maintain that the flavor of the meat does not spread throughout the entire vessel; otherwise there is no basis for the question or the proposed resolution. As noted above (note 35), there are versions of the dialogue that do not include this objection, and it is possible that it was added as an expansion of the original discussion to add additional support for the student's position.

54 See parallel in Tosefta *Zevahim* 10:15.

involves the citing of traditions in stage two. These traditions are consequently shown to be flawed in stage three, so that in stage four the Talmud advances an assumption without invoking a previous tradition. As explained above, conclusions reached without relying on tradition fall into the category of a *sevara*. The *sugya* concludes by adopting the position that the operating principle is that of absorption alone. In the story, on the other hand, the initial attempt at resolving the question posed in stage five is based on logical reasoning set out in stage six. This reasoning is then shown to be flawed in stage seven, and the question is finally resolved in stage eight, by invoking a tradition from a *baraita*. In the story, the tradition that advances cooking as the operating principle behind scouring and rinsing wins the day.

The story concludes with the complete refutation of the position set forth by Rami bar Hama in the story. Consequently, one would have expected the Talmud to adopt the position put forth by the *baraita*, namely that merely cooking without absorption necessitates scouring and rinsing. Surprisingly, however, in the passage that follows the story, the *Stam* returns to the assumption that it had adopted in the passage preceding the story and maintains that the operating principle behind the laws of scouring and rinsing is absorption alone. This can be seen by examining the assumption that underlies the question that is raised in this passage.

### Subsequent *sugya* – Zevahim 96b

The subsequent *sugya* opens with a citation of a *baraita*<sup>55</sup>:

The Sages taught: ‘...the sin offering’ (Leviticus 6:18)... One might think that I include *terumah*. Therefore, the verse states: [‘Every male among the priests may eat] of it’, [which excludes *terumah*]; this is the statement of Rabbi Yehudah...

In this homily, Rabbi Yehudah learns that the halakhah of scouring and rinsing does not apply to vessels in which *terumah* was cooked. The Talmud challenges this ruling:

55 See parallel in Sifra, *tsav*, *par.* 3:6 to Leviticus 6:23 (ed. Weis, p. 33a).

And does *terumah* not require rinsing and scouring? But isn't it taught in a *baraita*:<sup>56</sup> ...if one cooked *terumah* [in a pot], one may not cook non-sacred food in it; and if one cooked [non-sacred food in it, the non-sacred food is forbidden] if [the *terumah*] imparts flavor to it.

The *baraita* about *terumah* asserts that the flavor of *terumah* that was absorbed in the walls of a vessel is halakhically significant and will impart the sanctity of *terumah* to any foods subsequently cooked in that vessel. Therefore, the pot requires a process of cleansing in order to expel the flavor of *terumah* from it. The Talmud understands from this *baraita* that vessels in which *terumah* was cooked require the process scouring and rinsing mentioned above. This question of the Talmud assumes that the process of purging the absorbed flavor from the vessel is the self-same process of scouring and rinsing.<sup>57</sup> According to this understanding,

56 See parallel in Tosefta *Terumot* 8:16.

57 In contrast to this line of reasoning, related Tannaitic sources clearly distinguish between these two processes. For example, in the Mishnah (*Zevahim* 11:7), R. Shimon disagrees with R. Yehudah and excludes sacrifices of lesser sanctity from the halakhah of scouring and rinsing. The version of R. Shimon's opinion in the Tosefta (*Zevahim* 10:11) states that offerings of lesser sanctity do not require scouring and rinsing (*meriqah ve-shtifah*), but only require washing (*hadahah*) in order to resolve the issue of imparting flavor. Thus, this Tannaitic source clearly distinguish between the unique process of scouring and rinsing which is related to specific sacrifices and the process of washing which is related to the removal of the absorbed flavor. This Tosefta is not mentioned in the Talmudic passage in question. In addition, Mishnah (*Zevahim* 11:7) discusses the type of the water used in the process of scouring and rinsing. The Mishnah (MS Kaufman A50, MS Parma 3173, MS Cambridge Add.40.1, Editio Princeps Napoli 1492, BT Venice Print 1520-1523, MS Munich 95, MS Vatican 118-119, MS Vatican 120-121, MS Columbia X893 (T 141), MS Paris AIU H147a) as well as the Sifra *tsav, par. 7:2* to Leviticus 6:21 (ed. Weis, p. 32d) assert that both scouring and rinsing are performed with cold water. This stands in opposition to the process of removing absorbed flavor which involves boiling water. Although a *baraita* in the Bavli (*bZev.* 96b, *bZev.* 97a) presents this ruling as a Tannaitic debate, there is clearly one Tannaitic position that maintains that the process of scouring and rinsing is distinct from that of removing absorbed flavor. For an analysis of the relationship between the process of scouring and

the role of scouring and rinsing is to remove absorbed flavor from the vessel and is not a unique halakhah related to cooking sacrificial meats. This assumption matches the assumption in the passage that preceded the story, namely that the factor necessitating scouring and rinsing is absorption alone. Thus, despite the fact that this assumption was seemingly completely refuted in the story, the Talmud returns to this position in this subsequent discussion.

The Talmud's question in this passage is resolved by asserting that although *terumah* requires a process of cleansing in order to remove the absorbed flavor, the process of scouring and rinsing differs from this process in significant ways. Four Amoraim cite rulings that distinguish between these two processes. Each one specifies a halakhah that is unique to the laws of scouring and rinsing and hence would not apply to the treatment of vessels in which *terumah* was cooked. The ruling offered by Rava<sup>58</sup> is the law that sacrificial meats that are cooked in only part of a vessel necessitate the scouring and rinsing of the entire vessel, which would not be true in the case of *terumah*. This ruling refers back to the halakhic discussion in the story of Rami bar Hama and his student, reasserting the role of cooking alone in the laws of scouring and rinsing. Thus, while the Talmud opened the passage with the assumption that the laws of scouring and rinsing are related to absorption alone, it concludes by citing traditions that once again indicate that the element of cooking is the deciding factor in these cases. While the conclusions of this discussion match the conclusion at the end of the story, the back and forth highlight the continuing tension between the two positions outlined above. This tension continues in the subsequent passages of the *sugya*, where the Talmud once again reopens this issue, examining the question of the factor involved in the laws of scouring and rinsing from various different angles.

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rinsing and that of removing absorbed flavor see *Arukh ha-Shulhan ha-Atid*, *siman* 79.

58 While this ruling is attributed to Abaye in the printed editions, all the manuscripts list Rava as the tradent.

Taking a step back from the details, we have seen that in the *sugyot* which surround the story, there is a clear tension between two different halakhic positions with regard to the laws of scouring and rinsing. Yet the tension is not limited to two competing halakhic positions, but rather extends to a tension between two styles of learning – one based on *sevara*, and the other anchored in tradition. This secondary layer is not stated explicitly in the *sugyot*, as the dialectic discussion does not focus on whether a given position is based on tradition or logic. In fact, the transition from proofs based on traditions to an alternate conclusion independent of tradition is concealed within the tacit assumptions of the *Stam*.

In contrast, the interpolated story of the interaction between Rami bar Hama and his student highlights this secondary layer of tension and brings it to the surface. By taking the same halakhic question that was discussed in the preceding *sugya*, and framing it within the dialogue about preferences of learning styles of Rav Sheshet and Rami bar Hama, the story shifts the focus from the halakhic positions themselves to the method of learning behind each position. Thus, the story places the specific halakhic debate in a broader context and relates the specific rulings there to the larger question of the place of *sevara* in the determination of halakhah. As such, the editor of this *sugya* uses the aggadic element in order to explore meta-halakhic questions that were central to the academic culture in Babylonia. In this sense, the present analysis dovetails with Wimpfheimer's approach whereby the aggadah in the Talmud serves as a parallel space in which meta-halakhic issues can be explored.<sup>59</sup>

59 See Barry Wimpfheimer, *Narrating the Law*, pp.11-29. Wimpfheimer discusses the role of halakhic stories as providing a venue in which to address cultural and metalegal issues central to the Rabbinic world. And indeed, the Rami bar Hama story in *Zevahim* 96b serves to examine such issues. That being said, the examples that Wimpfheimer discusses reflect a sharp divide between the dialogical voice of the stories, on the one hand – a voice that is replete with tone and nuance - and on the other hand, the monological voice of the *Stam* which flattens the stories, forcing them into a black and white legal framework. In contrast, in the *sugyot* discussed in the present study, the *Stam* strategically situates the Rami bar Hama story within the complex halakhic discussion in

In that broader context, this story has much to contribute to the current scholarly discussions regarding the tension between *sevara* and tradition in Rabbinic Literature. As noted above, recent scholarship has described a historical development towards strong preference for *sevara* and dialectic in the later Amoraic period in Bavel. These developments were accompanied by a shift towards complex logical reasoning within the academy, affecting the social dynamic among the Sages.

Given this social and intellectual milieu, the message of this story flies in the face of the strong cultural preference noted by these scholars. The provenance of this story is certainly no earlier than the third–fourth generation of Amoraim in Bavel,<sup>60</sup> the precise time when the preference for logical reasoning was becoming most pronounced.<sup>61</sup> As such, the strong preference for tradition expressed in this story is incongruous with

order to give expression to a dissenting voice that champions the supremacy of tradition over *sevara*. As we have demonstrated, this voice finds its way into the surrounding halakhic *sugyot* as well. This technique fits with the description of the dialogical nature of the *Stam* as suggested by Moshe Simon-Shoshan (Moshe Simon-Shoshan, ‘Talmud as Novel: Dialogic Discourse and the Feminine Voice’, *Poetics Today* 40, 1 [2019], pp. 105-133). Simon-Shoshan describes the role of the *Stam* as a novelist whose job is “to fashion a symphony of distinct voices in such a way that not only does their individuality remain distinct but a juxtaposition and interactions with the other voices of the work bring out the potentialities that would not otherwise be audible.” Indeed, in the *sugyot* discussed herein, the *Stam* does not flatten the story but rather gives space to a dissenting voice in the Rabbinic academy that might not otherwise be heard.

60 This dating is based on the dating of the protagonists in the story. Rav Sheshet was active during the third generation of Babylonian Amoraim and Rami bar Hama bestrides the third and fourth generations. See Aharon Hyman, *Toledot ha-Tannaim ve-ha-Amoraim* (Jerusalem: Kiryah Ne-emana, 1964), p. 1101 and p. 1231; Barak S. Cohen ‘*Rav Sheshet ve-Darkhei Limmudo be-Misgeret Tekufato*’ (Ph.D diss. Bar Ilan University, 2003), pp. 34–37; Barak Cohen, *Rami Bar Hama*, pp. 38–41. In any case, although this is the earliest possible dating for the story, it is likely, as noted above (note 43), that this story was constructed by later editors and dates to a period later than the one during which the aforementioned amoraim were active.

61 Rami bar Hama was a contemporary of Rava, the Sage to whom many scholars attribute the major shift towards *sevara*. See the reference to *bSukkah* 29a above.

the general trend of that period. The message of this story stands in opposition to the viewpoints attested to in other contemporary passages in the Talmud. Yet perhaps one can suggest that specifically in a society that assigns such a high value to intellectual achievement, there were opposing voices that pointed out the dangers of taking such a value too far. This story, then, gives expression to the voices that championed an adherence to tradition and warned about the dangers of engaging in dialectic and relying on logical reasoning alone to determine halakhah. This ideological counter-voice was recently identified by Moshe Simon-Shoshan in an additional story in the Babylonian Talmud, about R. Dosa ben Harkinas in b*Yevamot* 16a.<sup>62</sup> As Christine Hayes has pointed out, one of the vehicles for Rabbinic self-criticism is the placement of the criticism in the mouths of the ‘other’, sometimes one outside of the Rabbinic estate and sometimes one within.<sup>63</sup> In this case, the voice championing tradition is placed in the mouth of a student, an insider. The placement of scholastic criticism in the mouth of an insider here is consonant with the findings of Balberg and Vidas, who have demonstrated that when the Rabbis express criticism about the moral flaws in their scholastic enterprise, this criticism tends to be put in the mouths of the Sages themselves and is not relegated to outsiders.<sup>64</sup>

Hayes further explains that in some instances the criticism is completely accommodated, while in others, only partially so.<sup>65</sup> In our case, the story concludes with a concession to tradition, voiced explicitly by Rami bar Hama’s statement – ‘if it is taught it is taught’ – *prima facie* indicating complete accommodation of the criticism. However, in the subsequent *sugyot*, the Talmud reopens the question, suggesting that

62 Moshe Simon-Shoshan, ‘The Tradition vs. Individual Talent: Narrative Point of View and the Ideological Counter-Voice in the Story of R. Dosa ben Harkinas (b.Yebamot 16a)’, *JQR* (forthcoming).

63 Christine Hayes, *What’s divine about divine law? Early perspectives* (Princeton: Princeton University Press, 2015), pp. 222.

64 See Mira Balberg and Moulie Vidas, ‘Impure Scholasticism: The Study of Purity Laws and Rabbinic Self-Criticism in the Babylonian Talmud’, *Prooftexts* 32, 3 (2012), pp. 312-356.

65 Hayes, *What’s divine about divine law?*, pp. 223

*sevara* and dialectic may nevertheless triumph. Thus, the complete accommodation at the end of the story is but a short-lived illusion.

Overall, the placement of this story within the surrounding *sugya* reflects a high level of Rabbinic self-awareness of the tension between *sevara* and tradition. The story allows the editors to give voice to the dissenting view, latent within the legal disputation.

In conclusion, we have demonstrated that this Rami bar Hama narrative, which until now had always been analyzed in isolation, takes on new meaning when viewed in terms of its interrelationship with the surrounding *sugya*. The narrative thus serves to highlight the methodological tension that underlies the local halakhic *sugya*, drawing the reader's attention to the implicit assumptions behind the questions raised in the course of the discussion. At the same time, however, the narrative enhances our understanding of the broader cultural tension that existed between different styles of learning. While the majority of sources in the Babylonian Talmud point to an increasing preference for dialectic learning, this story demonstrates that this preference was not absolute. The debate between Rami bar Hama and his student indicates that despite the dominant trend towards a priori logical reasoning, there were other dissenting voices that opposed this movement and championed an adherence to tradition. Unlocking this additional layer of meaning gives expression to a new Rabbinic voice that self-critically opposes trends from within.

## Appendix A

### The Preceding Sugya from Zevahim 95a-96b (as per MS Columbia X893 [T 141])

- I. Mishnah: Both [a copper vessel] in which one cooked [meat] as well as one into which one poured boiling [meat]... require scouring and rinsing.
- II. Rami bar Hama asked: If one roasted [the meat] in the air-space of an earthenware oven, what is [the ruling]? Is the Divine Law particular about cooking and [the resultant] absorption, but cooking without absorption it is not particular? {The Sages say}<sup>66</sup> or perhaps, [it is particular] even about cooking without absorption?
- III. Rava said, Come and hear: “Whether one cooked therein or poured boiling meat into it.”
- IV. And Rami bar Hama said: [The case of] absorption without cooking is not what we are asking about, as it is certainly absorbed. We were asked with regard to cooking without absorption: what is the law?
- V. Come and hear, for Rav Nahman said in the name of Rabba bar Avuh: The oven in the Temple was made of metal. And if you say that the Divine Law is not particular about cooking without absorption, let it be made out of earthenware?
- VI. Since there are the remainders of meal-offerings, whose baking takes place in the oven and there is cooking and absorption, we make it out of metal.
- VII. A certain oven was greased with fat. Rabba bar Ahilai prohibited to eat... This is a refutation of Rabba bar Ahilai... Rabina said to R. Ashi, Now since Rabba bar Ahilai was refuted, why did Rav say: pots on Passover must be broken?...

66 These words do not belong in the text, as noted on the website of the Academy of the Hebrew Language (<http://maagarim.hebrew-academy.org.il>).

- VIII. [With regard to] the pots of the Temple, why does the Merciful One state that they should be broken? Let us simply return them to the kilns!
- IX. Rav Zeira said: Because one does not make kilns in Jerusalem...

- I. מתניתין: אחד שבישל בו ואחד שעירה לתוכה רותח... טעונין מריקה ושטיפה.
- II. באעי ראמי בר חמא. צלה באויר תנור מהו? אבישול ובלוע קפיד, אבישול בלא בילוע לא קפיד? {חכמים אומרין} דלמא אפלו אבישול בלא בילוע קפיד רחמ'?
- III. אמ' רבא. תא שמע. "אחד שבישל בו ואחד שעירה לתוכו רותח".
- IV. וראמי בר חמא אמ'. בילוע בלא בישול לא קא מבעיא לן, דהא בליע. כי קא מיבעיא לן בישול בלא בילוע. מאי?
- V. תא שמע: דאמ' רב נחמן אמ' רבא בר אבוה תנור שלמקדש שלמתכת היה. ואי אמרת אבישול בלא בלוע לא קפיד רחמנא, נעביד דחרש!
- VI. כיון דאיכא שיירי מנחות דאפייתן בתנור. ואיכא בישול ובלוע. משום הכי עבדינן שלמתכת.
- VII. ההוא תנורא דטאחו בה טאחי. אסרה רבה בר אהילאי למיכלה... תיובתא דרבא בר אהילאי תיובתא... אמ' ליה רבינא לרב אשי. וכי מאחר? ד?איתותב רבא בר אהילאי. אלמא אמ' רב. קדירות בפסח ישברו?...
- VIII. קדירות במקדש מאי טעמא אמר רחמנא ישברו? נהדרינהי לכבשנות!
- IX. אמ' רב זירא. לפי שאין עושין כבשנות בירושלם.

**Appendix B**

Stages of Argument in the Sugya and Story

*Cooking without Absorption*

<b>Sugya</b>		<b>Story</b>	
	Requires Cleansing/Breaking?		Requires Cleansing/Breaking?
<p style="text-align: center;">Stage 1</p> <p>Roasting Meat Suspended in an Oven</p>		<p style="text-align: center;">Stage 5</p> <p>Untouched Part of Vessel</p>	
<p style="text-align: center;">Stage 2</p> <p>Tradition (Mishna, Memra)</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>Break Oven</p>	<p style="text-align: center;">Stage 6</p> <p><i>Sevara</i> (Legal Analogy)</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>No Need to Cleanse</p>
<p style="text-align: center;">Stage 3</p> <p>Traditions are Inconclusive</p>	<p style="text-align: center;">?</p> <p>Unresolved</p>	<p style="text-align: center;">Stage 7</p> <p>Analogy is Flawed</p>	<p style="text-align: center;">?</p> <p>Unresolved</p>
<p style="text-align: center;">Stage 4</p> <p><i>Sevara</i> (A Priori Reasoning)</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>No Need to Break (if not for a technicality)</p>	<p style="text-align: center;">Stage 8</p> <p>Tradition (Tosefta)</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>Requires Cleansing</p>

## Appendix C

Table of Textual Variants of the Story

אגרת רב שרירא גאון	קטע גנייה ניו יורק JTS ENA 2096/1-2	כ"י וטיקן 120-121	כ"י וטיקן 118-119	כ"י קולומביה 294-295	כתב יד כ"ח 147	כ"י מינכן 95	דפוס ונציה (ר"פ-ר"ג)	
אמר ליה בעי מינאי מלתא ואיפשוט לך מסברא כמתניתין	בעי מינאי מילתא דאיפשוט לך ממת? ...נ?	א"ל בעאי מינאי מילתא דאיפש' לך ממתנית'	אמ' ליה בעא מינאי מילתא	אמ' ליה בעי מינאי מילתא דאיפשוט לך מסברא כי מתניתא	א"ל' בעי מינאי מילתא דאיפשוט לך כי מתנית'	בעי מינאי מילתא ואיפשוט לך כי מתנית'	בעי מיניה מילתא דאיפשיט לך כי מתני'	0
בעא מיניה בישל במקצת כלי טעון פ' הכלי מריקה ושטיפה או אינו טעון	בעא מיניה בישל במקצת כלי טעון מ? ...? ושטיפה לכל הכלי או אינו טעון	בעא מיניה בישל במקצת כלי טעון מריקה ושטיפת כל הכלי או אינו טעון	בעא מיניה בישל במקצת כלי טעון מריקה ושטיפה כל הכלי או אינו טעון	בעא מניה בישל במקצת כלי טעון מריקה ושטיפה כל ה(ד)({כ}לי או אינו טעון	בעא מיניה בישל במקצת כלי טעון מריקה ושטיפה כל הכלי או אינו טעון	בעא מיניה בישל במקצת כלי טעון מריק' ושטיפה כל הכלי או אינו טעון	בעא מיניה בישל במקצ' כלי טעון מריקה ושטיפה או אין טעון	1
אמר ליה אינו טעון מידי דהוה אהזאה,	א"ל א... טעון מידי הוה... הזאה	א"ל אין טעון מידי דהוה אהזאה	א"ל אין מידי דהוה אהזאה		א"ל' אין טעון מידי דהוה אהזאה	א"ל' אינו טעון מידי דהוה אהזאת	א"ל' אינו טעון מידי דהוה אהזאה	2
אמר ליה והא לא תני בבריתא הכי	והא לא ת?נ?א... ...	והא לא אשכחן ברייתא ותימ' הכי	והא לא אשכחן ברייתא דתימ' הכי ואת אמרת תיפשוט לי ממתניתין		והא לא אשכחן ברייתא דתימ' הכי ואת אמרת דתיפשוט לי כי מתניתא תני	והא לא תנא הכי	והא לא תנא הכי	3
	ל'א' מסתברא כבגד מה בגד אינו	א"ל' מסתברא כי בגד מה בגד אין	א"ל' מסתברא כי בגד מה בגד אין	אמ' ליה מסתברא כי בגד- מה בגד	א"ל' מסתבר כי בגד מה בגד אין	ל'א' מסתבר' כבגד מה בגד אינו	א"ל' מסתברא כבגד מה בגד אינו	4

	טע... א... מקום הדם אף כלי אינו טעון מרי... ושטיפה אלא מקום בישול	טעון כיבוס אלא מקום הדם אף כלי אינו טעון מריקה ושטיפה אלא מקום בישול	טעון כיבוס אלא מקום הדם אף כלי אין טעון מריקה אלא במקום בישול	אין טעון כיבוס אלא מקום הדם אף כלי אין טעון מריקה ושטיפה אלא מקום בישול	טעון כיבוס אלא מקום הדם אף כלי אין טעון מריקה ושטיפה אלא מקום בישול	<טעון כיבוס אלא מקום הדם אף כלי אינו טעון מריקה ושטיפה אלא מקום בישול	טעון כיבוס אלא מקום הדם אף כלי אינו טעון מריקה ושטיפה אלא במקום בישול	
דתניא...?	א"ל מי דמי...? דם לא מפעפע בישול מפעפע ועוד תניא ועוד ת?	א"ל מי דמי דם לא מפעפע בישול מפעפע ועוד תניא	אמ' ליה מי דמי דם לא מפעפע בישול מפעפע ועוד תניא	אמ' ליה מי דאמי דם לא מפעפע בישול מפעפע ועוד תניא	א"ל מי דמי דם לא מפעפע בישול מפעפע ועוד תניא	א"ל מי דמי דם לא מפעפע בישול מפעפע ועוד תניא	א"ל מי דמי דם לא מפעפע בישול מפעפע ועוד תניא	5