In studying the talmudic-midrashic corpus we often compare similar texts, whether on the lower-critical level, namely, several textual witnesses to one passage, or on the higher-critical level—synoptic investigation of parallel passages. I would like to preface this discussion with two quotations which can serve as paradigms for two contrasting ways of viewing these relationships. The first deals with the textual discrepancies between the two versions of the Ten Commandments found in the Torah (Exodus 20:7 || Deuteronomy 5:11):

This discrepancy is explained in the well-known Mekhila passage:

According to the Mekhila, the relationship of these variants is not one of primary versus secondary, original versus edited. Rather, the two texts are...
accorded equal status. Both of them were pronounced by the divine voice in miraculous simultaneity,\(^2\) an impossible task for mortals, as remarked by both the Yerushalmi (Nedarim 3.2 37d) and the Bavli (Rosh ha-Shanah 27a):

\[\text{מד שמע אפ الصح ל.Face נא לא לימים ופשיטות. מד שמעי תפלי לזר הזר זר חיות.}\]

A feat that the human mouth cannot accomplish and the human ear cannot perceive.

We will use this paradigm to symbolize the approach espoused by many scholars, according to which parallel rabbinic texts represent two different traditions of which neither can be proven to be the source of the other.

The second quotation also refers to laws laid down in two separate passages in the Torah, passages which are partly similar and partly different:

\[\text{והמד התרשיה, כל פרשה שאמרה הוא המוקד חוסר בו והפסד בו. זכרו זכרו ונשא שאמה מקוף.}\]

As worded in the Bavli,

\[\text{הנה דבר רבי שמעון: כל פרשה שאמרה וניהמה, לא נישאה אלא בשבי דבר.}\]

The non-corresponding element of the two passages is an innovation, innovated in the second version to supply a necessary clarification or addition to the first version. This paradigm represents the model of active editorial change.

The zakhor ve-shamor paradigm, which I call the model of independent parallels, has prevailed among scholars during most of the twentieth century. It appears under a variety of names, all signifying independent parallel sources: “different traditions,” “separate yeshivot,” “different tannaim,”

\[\text{Devarim, ed. E. Finkelstein (Berlin, 1940); Genesis Rabbah: Midrash Bereshit Rabbah, ed. Theodor-Albeck, 2nd printing with additional corrections by Ch. Albeck (Jerusalem, 1965); Deuteronomy Rabbah: Midrash Devarim Rabbah, ed. S. Lieberman (Jerusalem, 1940). Page numbers following citations refer to these editions.}\]


\(^3\) Sifrei Numbers 2 (p. 5). The rule is ascribed to the school of R. Yishmael. See W. Bacher, Die älteste Terminologie der jüdischen Schriftauslegung (Leipzig, 1899), pp. 100–103, 193; idem, Die Agada der Tannaiten (Strassburg, 1903), vol. 1, p. 242; A. J. Heschel, Theology of Ancient Judaism (London & New York, 1962), vol. 1, pp. 3–4. See J. Harris, How Do We Know This? (Albany, 1995), and specifically p. 261 there.

\(^4\) B. Q 64b, B. Shevu 19a, B. Men 10a, B. Bekh 46a.
etc. Ultimately, in my opinion, this is an incomplete concept—in the extreme almost a mystical one—which came into being under the assumption that tridents would not change or alter the received text. Scholars believed that parallel texts which diverged from one another had been transmitted independently from early times, with each representing an equally “original” text.

This theory fails, however, to provide a full, rational explanation for the overall similarity which marks these parallels, and for the fact that the differences between them are highly localized. At the same time it closes the door on any detailed investigation of the nature of the differences, differences which, when categorized, often point to qualitatively different types of texts before us—namely, an earlier, more original version, and a later, more edited and reworked one.

The “independent parallels” paradigm corresponds to certain traditional patterns of presentation found in talmudic literature, and can easily be related to specific talmudic concepts indicating independent and parallel transmission, such as אֵיבָּא תַּרְבּוּת בְּרֶשֶׁט. Suffice it to be said here that recent research now points in the

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6 When discussing lower criticism of the Mishnah, J. N. Epstein tries to maintain the historical inviolability of the text of the Mishnah as much as possible. What may appear as alternate forms of the Mishnah’s text are perceived as deriving from independent, parallel works. Creative editorial change is largely viewed by him as a negative development of the post-classical period. When mentioned (בֹּרַדוּת וּנְחָמוּת) this concept tends to be applied in the sense of the infusion of one text by another (בְּרֶשֶׁט יִתוֹנֵה), which is code for Epstein’s concept of these texts being independent parallels. Also on the higher-critical level Epstein tends as much as possible to view different forms as being of equal weight, to such a degree that linguistic development in word pairs contained in the parallels is eclipsed in his analysis. See his Mavo le-Nosah ha-Mishnah, 2nd ed. (Jerusalem, 1964), pp. 1–7 (cf. idem, Introduction to Tannaitic Literature [Jerusalem, 1962], p. 239), 164–165, 349–353. On the above-mentioned editorial changes, see pp. 218, 250. On Epstein and tannaitic sources cf. A. Rosenthal, “Le-Masoret Girsat ha-Mishnah,” in Saul Lieberman Memorial Volume, ed. S. Friedman (New York and Jerusalem, 1993), p. 32. On Epstein and parallel traditions: S. Friedman, “Mishnah and Tosefta Parallels (2)—Rabban Gamliel and the Sages (Shabbat 13, 14)” (Hebrew), Bar-Ilan 26–27 (1995) (=Y. D. Gilat Festschrift, ed. Z. A. Steinfeld), pp. 277–288, specifically p. 287 n. 49. On Albeck: idem, Tosefta Atiqta, Pesah Rishon (in press), introduction and n. 155.

7 The phenomenon deserves a full historical study in itself. In the meantime, see Tosefta Atiqta (as in previous note).

8 See I. Lewy, Introduction and Commentary to Talmud Yerushalmi (Bava Qamma I–VI) (Hebrew; Jerusalem, 1970), pp. 4–12; some other terms are mentioned on p. 13: לָאְפַה אִיתָרָן לָעֵד, מִרְדָּא מִן, אִיתָרָן מִן, אוֹמְרָא לָעֵד, אוֹמְרָא לָעֵד, אִיתָרָן מִן.
direction of non-equality of two statements joined by רבעי וה. One of the
two can often be identified as the original, and the other as an editorial re-
working, motivated by harmonizing purposes or mandated by a specific
halakhic agenda.\footnote{See Friedman, *Talmud Arukh, BT Bava Metzi'a VI: Critical Edition with Compre-
tween parallels are commonly set aside in the Talmudim with equalizing terminol-
ogy; Yerushalmi: קינון קינון; cf. Bavli: קין קין (Abbaye).}

Parallel accounts of historical events, when developed editorially, can produce conflicting details between the two passages, lead-
ing some to conclude that two separate events are being referred to:
והרי בעריך והרי

The second paradigm which we have presented—**parashah she-nithadesh bah davar**—corresponds much better to the basic and pervasive relation-
ship which we find in synoptic parallels. Similar but differing texts do not
spring into existence in primeval twinship. Changes come about develop-
mentally and usually editorially, and their effects can be recognized in
terms of a wide range of well-known literary and stylistic categories which
are far from unique to our corpus.\footnote{Regarding M. Yoma 2.2 and T. Yoma 1.12 (p. 224), see *Tosefta Atiqta*, introduction and n. 124; and S. Friedman, “Historical Aggadah in the Babylonian Talmud,” in *Saul Lieberman Memorial Volume* (n. 6, above), passim.}

This paradigm, which can be called the “edited parallel,” strikes a responsive cord among the **rishonim** who pio-
nereed the perception of the Bavli as reworking its sources. I refer to the
words of Rabbenu Tam (Jacob ben Meir of Ramerupt):
והרי תומא ומשהו, ורפאתי ומשהו מקובל פلحقא ואוורא, מפרשים המקובלים אודו
והרי תומא והמשה מקובלPel כלח מה教えて פلحقא ואוורא, ומפרשים המקובלים אודו

Editorial activity as the force which creates alternate forms of the same
text can be traced in both lower-critical and higher-critical settings. Re-
garding lower criticism, the question can be phrased: “Do the variants pre-
served in the textual witnesses to the Bavli result from the fluidity and free
transmission of the Talmud in its primordial stage?” This perception fits
the model of independent parallels. Two voices emerge from the early, fluid Talmud, each presenting an independently formulated version. This indeed has been the regnant position, as articulated, for example, by Eliezer Shimshon Rosenthal. I have attempted to argue for a different model, in which the two voices can often be identified as one close to the original text on one hand, and a more reworked, edited version on the other. This approach adds visibility to the editorial categories (e.g. harmonization, updating of vocabulary, etc.), and the regular reappearance of these categories lends further weight to their pervasive role.

Even talmudic terminology, sometimes considered a basic and unchangeable stratum of the Talmud, actually evolved editorially. An example: אָדוֹן presented by one branch of witnesses should be taken as original, and אָדוֹן as presented by the other is often an editorial change—fine-tuning the language for the purpose of greater clarity, to indicate that the beraita now being quoted contradicts the previous one.

On the higher-critical level and in the synoptic comparison of parallel passages, I have elsewhere dealt with the Mishnah as a corpus which edits its sources. This becomes apparent when parallels to the Mishnah, such as those preserved in the Tosefta or in the tannaitic midrashim, are available for comparison. This analysis provides general insight into the Mishnah’s own style and agenda, and particular insight into the evolution of laws or concepts, where the Mishnah can sometimes be construed as containing the latest tannaitic stand. Consequently, passages in the Mishnah should not be assigned to the earliest generations without rigorous proof. The tendency to view many passages in the Mishnah as extremely early was presented by D. Hoffmann in his Die erste Mischna, and was often followed by Epstein and other scholars.

One of the most fruitful areas of application of the editorial model is in the relationship between the Tosefta and parallel beraitot in the Bavli. Contemporary scholarship still sees much independence on the two sides of this relationship, and consequently often assumes that the Babylonian version of a beraita represents an actual tannaitic statement.

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16 Ibid., pp. 88-89; Talmud Arukh, Text Volume (n. 5, above), pp. 25-55.
18 See Tosefta Atiqta, Pesah Rishon (in press), introduction.
The "independent parallels" theory regarding the relationship of Tosefta-Bavli parallels was impressed upon our consciousness in J. N. Epstein's famous diagram on page 246 of his *Introduction to Tannaitic Literature*, and in the explanation of this diagram as provided by the author, where he says, "Two descendants sprang forth from the primordial Tosefta—the beraitot of the Bavli and our Tosefta." According to this imagery, common ancestry is a prehistoric issue. In terms of the seeable and the scrutinizable, the two corpora have separate and independent systematic identities issuing forth on parallel lines which never intersect: zakhor ve-shamor. Epstein’s statement and accompanying diagram have exerted enormous influence on contemporary scholarship regarding the relationship of passages paralleled in the Tosefta and Bavli. Since the Babylonian beraitot are described here as being an independent witness to the original Tosefta, it would follow that their readings may sometimes be superior to those of our Tosefta, and may be adopted by scholars when the situation warrants.

According to E. S. Rosenthal in his study "Ha-Moreh" on the work of Saul Lieberman, the precise nature of the relationship between the Tosefta and the beraitot of the Bavli, although an essential question for the proper interpretation of the passages involved, still remains an unsolved enigma. In his words, "The big question, which lies at the heart of source criticism and which affects most of all the commentator on the Tosefta, is: the relationship between our Tosefta and the two Talmudim. This is a complicated question that has occupied many scholars." It is quite true, of course, that the original forms of the Tosefta and other talmudic works are not available to us, and cannot be assumed to have been identical with their representations currently in our hands. However, recourse to this truism is not necessary in order to unravel this relationship (Bavli beraitot and Tosefta parallels). In my opinion the primacy of Tosefta passages to their parallels in Babylonian beraitot is a demonstrable fact rooted in the creative reworking that the Bavli brings to bear upon all its sources. The approach proposed herein is capable of providing us with one of the strongest keys available to unlock, and often rewrite, the history and evolution of tannaitic laws and concepts.
Harmonization is often the purpose and the vehicle of the editorial changes found in the Bavli’s version of Tosefta parallels. The Mishnah is often the source of the harmonizing element. In other words, many Bavli beraitot are in reality a Tosefta passage with an addition from the Mishnah.

**B. Avodah Zarah 42b; B. Hullin 40a**

T. Hullin 2.18 (p. 503) apresenta uma lista de corpos celestes: sol, lua, etc. Quem abat uma cria dedicada a estes tem invalidado a carne para consumo. A Mishnah apresenta uma lista terrenal: montanhas e mares, rios e desertos. A beraita babyloniana, que é essencialmente paralela à Tosefta, apresenta ambos os listados, o celestial e o mundano, incorporando a lista Mishna em linguagem Tosefta! Assim, parece claro que esta beraita foi formada por adicionar parte da Mishnah à linguagem original da Tosefta. Desde que acreditamos que a beraita babyloniana introduziu elementos da Mishnah na sua versão da Tosefta, a concordância da Mishnah com uma beraita não pode mais servir como prova de que a beraita é mais autêntica do que sua Tosefta paralela. O contrário é verdadeiro. A beraita foi similar à Mishnah porque foi harmonizada editorialmente sob o influência da Mishnah.

Outras técnicas editorializantes são observáveis em estes beraitot, como atualização de estilo, vocabulário, e até nomes. Conversar um menos comum lugar-comum para um mais conhecido, ou até o nome de um centro de atividade mais conhecido, é uma realidade literária predominante. Mesmo quando beraitot dos dois Talmudim concordam em um nome como contra a Tosefta, se seu acordo é sobre um nome mais popular, a primazia da versão Tosefta deve ser seriamente considerada. Embora seja verdade que o Bavli editorializa muito mais do que o Yerushalmi, o Yerushalmi’s conservativo abordagem não deve ser construída como uma negação em princípio de introduzir mudanças editoriais, mas bem como uma tendência de fazer mais frequente.24

Vamos olhar brevemente para o editorial change of place-names. In a passage describing *haroset* and the Passover seder, an episode involving merchants

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23 See Friedman, “Historical Aggadah” (n. 11, above), p. 132 n. 57.

24 For a lower-critical model of conservative editing, see Talmud Arukh, Text Volume (n. 5, above), pp. 39-41.
is mentioned. In the Yerushalmi (Pesahim 10.3 47d) and in the Bavli
(Pesahim 116a), they are merchants of Jerusalem, hawking ingredients for
the seder, or specifically for haroset. However, in the Tosefta (Pesahim
10.10) they are the high-standing merchants of Lydda, appearing in a partic-
ular historic setting with R. Elazar b. Zadok shortly after the destruction
of the Temple, when the introduction of haroset as a new Passover obligation
was being discussed. In effect, R. Elazar b. Zadok is saying to them, “Come,
merchants of Lydda, and partake of the haroset ritual.” Scholarly prefer-
ence for the reading “merchants of Jerusalem” as found in both the Yeru-
shalmi and the Bavli over that of “merchants of Lydda” in the Tosefta25
places the event in the pre-destruction period. This completely alters our
understanding of the history of the seder and of the ritual evolution that
took place after the destruction. Furthermore, in a separate Tosefta passage
(Pesahim 3.11 [p. 154]) we have independent corroboration of R. Elazar b.
Zadok spending Passover in Lydda (despite the fact that the Bavli [Pesah-
him 49a] also retold that account as taking place in Yavneh).26

We have seen that even place-names are updated in the process of cre-
ative transmission. The appearance of a more prestigious name in the tal-
mudic parallels cited above is not an argument for their originality. The
Bavli also shows its hand in reshaping the language of this beraita in the
phrase תמציה תר GOODS מנהל, which is the specific wording of the above-
mentioned beraita (Pesahim 116a). The word תמציה, meaning “spices,” is a
hapax. This meaning is available only in Syriac, and thus demonstrates
that this text is being reworked by the Bavli under the influence of Babylo-
nian Aramaic.27

Usually the Babylonian reworking is a matter of localized style edit-
ing—not free stylistic exchange for its own sake, but part of an overall ten-
dency to refine harsh language and replace it with a more respectable
substitute (or other stylistic agendas). For example, it is not לאזרא מנהר אלה
בר אלנידור, as in Tosefta, Sifrei Deuteronomy and Yerushalmi, but more
respectfully לאזרא פסדה שא רבר אלנידור, in the Bavli parallel alone.28 We find
the very same stylistic change between T. Niddah 1.5 (p. 641) and B. Nid-

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25 See S. Lieberman, Tosefta Ki-fshuta, vol. 6 (New York, 1952), p. 654; J. Tabory,
The Passover Ritual Throughout the Generations (Hebrew; Tel Aviv, 1996), p. 259 n. 32.
26 See Tosefta Atiqta, Pesah Rishon, ch. 21. Regarding the switch from Rabbi Eliezer to Rabbi Joshua in the Bavli passage, see below.
27 See Tosefta Atiqta, ibid.
28 T. Git 7.1 (p. 272); Sifrei Deuteronomy Piska 269 (p. 289); Y. Git 9.1.50a; B. Git
83a. The extended text paralleled in these four sources provides an excellent oppor-
tunity to observe the Bavli’s tendency for localized editorial change in short seg-
ments of beraiot, which remain otherwise intact. See my forthcoming commentary
on B. Gittin chapter 9, sugya three (83a).
dah 7b. Another example of refining language can be found in a passage that recounts an incident in which a husband imposes an impossible condition for the divorce he grants his wife. In the Tosefta and in the Yerushalmi parallel he does it crassly and insultingly: “on condition that you fly in the air.”29 In the Bavli the husband’s language is refined and spiritualized: “on condition that you ascend to the firmament.”30 The Bavli imposes this type of style editing upon its sources on a regular basis.31

It is true that the Bavli’s version of a beraita may be smoother and more focused, and may spell out the halakhic content that the reader is looking for. It is therefore not surprising that scholars have often given preference to the Babylonian version in the course of their research, frequently with no specific proof.32 In light of the examples given above, we suggest that more caution should be exercised before concluding that the beraitot of the Bavli represent earlier and more original texts.

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The creative reworking that we find in beraitot of the Bavli when compared with their parallels in tannaitic corpora leads us to a further conclusion. Once we have uncovered significant editorial activity in the Bavli, there is much room for suspecting33 that some of the Babylonian beraitot with no independent tannaitic parallels may contain post-tannaitic material, especially when they present features which correspond to known editorial tendencies or deal with early tannaim whose statements on basic issues would normally be represented also in Palestinian traditions.34 This

29 T. Git 5.12 (p. 268); Y. Naz 2.4 52a. For another example of the insulting use of this expression, see M. Ket 13.7; cf. Gen. Rab. 22.8 (p. 213).
30 B. Git 54a. On the spiritual nature of בְּרֵאשִׁיָּתָא cf. Gen. Rab. 19.8 (p. 176), Deut. Rab. 11.1 (p. 38), and passim.
32 Many such preferences can be documented.
33 And then corroborating or rejecting, through specific investigation.
34 The question of the Babylonian beraitot in general and their problems has been discussed in the past, sometimes heatedly. See I. H. Weiss, Dor Dor v’Dorshav (Vienna, 1876), vol. 2, pp. 215–216; H. Malter, “A Talmudic Problem and Proposed Solutions,” JQR n. s. 2 (1911), p. 89 n. 15; A. Weiss, The Talmud in Its Development (New York, 1954), pp. 37–47; L. Jacobs, “Are There Fictitious Baraitot in the Babylonian Talmud?” HUCA 42 (1971), pp. 185–196. Jacobs’ examples belong to various categories, and should be commented upon separately; see below, n. 56. Regarding B. Rosh ha-Shanah 24a–b (=Avodah Zarah 43a–b), see my upcoming commentary on B. Avodah Zarah chapter 3. Recent writers have touched on the question en passant, usually not conclusively, listing bibliographic references. See D. Goodblatt,
suggestion is not intended as a blanket generalization. Our claim is that alongside the many unparalleled Babylonian beraitot which appear to represent authentic historical tannaitic statements, there are others which present a series of features that, after detailed analysis, lead us to the conclusion that they may be, at least in part, Babylonian creations.

Proliferation of tradent has long been connected with the problem of inaccurate transmission of tannaitic opinions. The many collections of beraitot which already existed shortly after the Mishnah was compiled give testimony to the creative forces operating within these circles. The talmudic authorities required special credentials for a beraita to be accepted as authoritative: “Any tannaitic dictum which did not enter the college is not trustworthy”; “Any tannaitic dictum which was not taught in the college of R. Hiyya or R. Hoshia is faulty.”


35 As already observed in the Tosefta: מפרוש התלויות שניא לשנה שהביאו על עירם תרבו יחלקות משארה גם כי תורת תרה (T. Hag 2.9 [p. 384] and parallels).

36 Such collections are mentioned in, e.g., the following passages: אברע יד יד וסעתות организ מברא כנ אלא בחרהו שמיעתיה בשאלה התם באמר על שמא הממים מברא כנ (Midrash Tehillim 1.16; cf. Eccl. Rab. 2.1, ed. Hirshman, p. 163 = Song Rab. 8.1); אני מבחר למשרה כנ אברע אמר יד יד עונה מהנמל אמר (Eccl. Rab. 6.1). I have translated “tannaitic dictum” rather than “Mishnah” as used by Lieberman in order to emphasize that no distinction between mishnah and beraita is meant here. These dicta would usually fit our category of beraita. Regardingশלימה לא ישראל דבר יהודה דבר בברא כנ (B. BM 34a), Lieberman wrote, “In case of doubt he [=the college-tanna—SF] was consulted as to the sequence or the arrangement of several clauses in the Mishnah” (Hellenism, p. 89), even though the reference is to beraitot paralleling our Tosefta; see Tosefta Ki-fshuta, Nezikin (New York, 1988), p. 170; and Epstein, Mavo le-Nošah, p. 675 (similarly, the terminology of “beraita” is apt regarding B. Nid 43b, mentioned in Hellenism, where the genre of halakhic midrash is referred to; see Epstein, Introduction to Tannaitic Literature, p. 243 n. 12).
Amoraim cited in the Bavli voice concern that the later collections may contain beraitot which do not represent genuine tannaitic opinions. B. Hullin 141a-b:

The beraita quoted in this sugya in the name of R. Yehudah is, according to the Talmud, not historical and incorrectly extrapolated from the mishnah. The position of the sages in this Mishnah is that one who took the mother bird together with her young (Deuteronomy 22:6) does not receive lashes for violating the negative commandment, for this prohibition contains a positive method of rectifying the transgression: “let the mother go” (verse 7). Since R. Yehudah holds that he is liable to lashes, it was assumed that he does not subscribe to the rule that a positive method of rectifying the transgression precludes lashes. Based upon this assumption, a beraita was formulated in his name stating that thieves and robbers receive lashes, despite the existence of the positive commandment to return what they took illegally. The beraita is eventually rejected in favor of another beraita which explicitly quotes this rule in R. Yehudah’s name. That the latter

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38 Cf. R. Rabbinovicz, *Variae Lectiones* (*Diqduqi Soferim*), 205a nn. 4, 5. The ellipsis represents וְנָעַלְתָּנִיתֶּבֶּן רֹאֵם in the printed editions. The absence or major variations of this phrase in the manuscripts indicate that it is probably a later addition that cannot be used (as by Epstein, *Mavo le-Nosah*, p. 41) to demonstrate the existence of common beraitot taught by these two sages. On R. Abba b. Memel and R. Zera as colleagues, see *Mavo le-Nosah*, p. 1300.

39 יִשָּׁמְאָר רְבִי מֵעַלְתָּנִיתֶּבֶּן רֹאֵם וְנָעַלְתָּנִיתֶּבֶּן רֹאֵם (Rashi on B. Hullin 141b, s.v. אוֹי־דָּרוֹר); (Ch. Albeck, *Studies in Beraita and Tosefetta* [Hebrew; Jerusalem, 1969], p. 28 n. 3).

40 And explained through emendation.
beraita is the authentic one, representing the historical position ascribed to R. Yehudah in the tannaitic period, can now be demonstrated by the fact that this beraita has been preserved in the manuscript text of Mekhilta de-Rashbi:

Even though we have presented this talmudic precedent, the issue, as usual, must be decided on the basis of investigation. The regnant position in talmudic research has been to give full historical credence to Babylonian beraitot, without requiring confirmation from Palestinian sources or attempting to identify features which could lead to a late dating. This position is often taken by Epstein, as we will cite below. However, it is significant that Epstein provides an important catalogue of tannaitic statements which appear in changed, evolved or corrupt forms, culminating in several categories of non-historical beraitot, newly created in Babylonia. Among these he mentions:

Sometimes they intentionally reversed the dispute in the mishnah and taught a type of “talmudic” beraita in order to have the law they preferred stated in the name of that tanna or that house whose opinion is considered authoritative . . . . In Babylonia a unique type of mishnah-beraita came into existence, beraitot which summarize the mishnah, epitomize it, eliminate the dispute while adopting the position of one of the disputants according to the regnant halakhic rules. . . .

[In the category of] explanatory “talmudic” beraitot . . . belong certain Babylonian beraitot introduced by when their language is exactly like the statement . . . .

The problem is compounded by the very skill of Bavli creativity, and the explicit and developed nature of these passages. The scholar can thereby be led to enticing pieces of information about the tannaim, which he or she

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42 Epstein, Mavo le-Nosah, pp. 677–681.
43 Ibid., pp. 680–681. At this point Epstein refers to preceding passages by page numbers, but the location of some of the passages is questionable. As to the import of the statement here, he certainly appears to be suggesting that the beraitot introduced by in these passages were formulated according to the (anonymous) emendations. In the body of his work, however, I have found only the opposite position. Regarding B. Hag 2b Epstein states: “[Thus,] based upon this Babylonian beraita the Mishnah was ‘expanded’ [מָחַר מַחַר] with a strong hand” (p. 633); regarding B. Hag 7b: “[Thus] the Mishnah has been ‘explained’ [מָחַר מַחַר] according to the Babylonian beraita” (p. 634); and regarding B. BQ 16a: “The was certainly formulated here according to the beraita”
would prefer not to discount. As a result, some of scholarship’s essential historical conclusions are based upon such beraitot in the Bavli.  

This possibility of non-historical opinions ascribed to tannaim in Babylonian beraitot could have major methodological implications for the study of the tannaim. For example: authoritative histories of tannaitic literature assign passages to great antiquity because they are already quoted by early tannaim. Quite often, however, these quotations are found only in Babylonian beraitot. So regarding M. Pesahim 3:1:

גנה אפי רבי יהודה: נב מתחברת乌克兰 ויהי וד יועבר מקרא. ויהי וד יועבר מקרא. ויהי וד יועבר מקרא. ויהי וד יועבר מקרא.

The final clause of this Mishnah is assigned to pre-destruction times by Epstein because it is referred to and actually quoted by R. Yehoshua (B. Pesahim 43a):

הנה אמי רבי יהודה: נב מתחברת乌克兰 ויהי וד יועבר מקרא. ויהי וד יועבר מקרא. ויהי וד יועבר מקרא.

The above-mentioned mishnah is, as it were, quoted in this beraita with the introductory formula כרמאדשטיין. Hence Epstein’s conclusion: “This mishnah in Pesahim is an ancient one, already mentioned by R. Yehoshua.”  

R. Yehoshua, who lived through the destruction of the Temple, is perceived here as quoting the text of a mishnah which appears in the very same form in our tractate Pesahim. Therefore it is claimed that this passage should be assigned to the earliest stratum of our Mishnah. However, the style in this beraita is too dialectic to be accepted as a genuine tannaitic statement, and even Epstein himself cast doubt regarding the quotation formula כרמאדשטיין, which is found in tannaitic statements only in Babylonian beraitot. But it is not sufficient to limit the Babylonian reworking to the quotation term alone. The entire beraita, not corroborated by any tannaitic parallel, cannot serve as a proof that R. Yehoshua quotes our Mishnah and provides a dialectic explanation for its language.

(p. 639). Regarding the last example, Jacobs (“Fictitious Baraitot” [n. 34, above], p. 190), takes the opposite stand, that the beraita was composed according to the ק"ה"ו, as Epstein appears to be saying on p. 681. Jacobs (ibid., n. 12) takes the same stand regarding B. Ber 13b–14a; Epstein (p. 626) follows the manuscripts which do not include the ק"ה"ו beraita there at all.

44 Regarding the historical credibility of the account of Yehudah ben Dortai (B. Pes 70b), see Tosefta Atiqta, introduction n. 273.

45 Epstein, Introduction to Tannaitic Literature, pp. 24, 62, 324, 334.

46 Idem, Mavo le-Nosah, p. 807: מ"ה מ"ה מ"ה מ"ה מ"ה מ"ה מ"ה.

47 M. Higger questioned the authenticity of this beraita specifically because R.
Epstein uses this method regarding other passages as well. In a beraita at B. Pesahim 38b R. Ilai queries both R. Eliezer and R. Yehoshua regarding the obligation of eating matzah:

Since the language which comes after "אלו אפיים" corresponds almost exactly with our Mishnah at Pesahim 2.5, Epstein concluded that this must be a Mishnah of ancient formulation, already known and quoted by R. Yehoshua. In his words: "There are mishnayot which R. Yehoshua already quoted . . . This mishnah is certainly from the time of the Temple, and R. Yehoshua already referred to it (in a beraita, 38b): they have said 'loaves of the thank offering' ("אלו אפיים תהלת תודה")." However, the beraita containing this quotation by R. Yehoshua is not an independent, tannaitic beraita, but a reworking of a Tosefta passage (T. Hallah 1.6, p. 276) that deals with a similar issue in a different context. There it is first R. Yehoshua and then R. Eliezer who are asked a question regarding the laws of hallah by R. Ilai:

It was R Eliezer’s answer in T. Hallah which was used to create M. Pesahim 2.5. The Babylonian beraita recast the entire encounter, introducing several changes, one of which is that R. Eliezer and R. Yehoshua are switched. R. Yehoshua is now the hero of the story who knows the correct answer and gains ascendance over R. Eliezer. Another change is that R. Yehoshua is described as quoting this law from our Mishnah, with the formula "אלו אפיים".

Consequently, this beraita cannot be used as proof that the historical R. Yehoshua knew this Mishnah. A more likely reconstruction would be: 1. The law was an original composition by R. Eliezer, as the Tosefta language indicates. 2. The formulation of M. Pesahim 2.5 rests upon R. Eliezer’s statement. 3. R. Yehoshua is portrayed by the Babylonian beraita as quoting this Mishnah. The availability of a Tosefta parallel in this case strengthens the line of reasoning we took in the previous example, for

Yehoshua appears to be quoting our Mishnah in it (Otsar ha-Baraitot, vol. 8 [New York, 1945], p. 14).

49 할ת תודה אפייםرمز משמשן ofreceılmasıיאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצאאיצנ

50 See Tosefta Atiqta, ch. 8.
which no parallel was available. It corroborates our position that we must be equally prepared for late editorial features in Babylonian beraitot which have no parallels.

Similarly, a statement ascribed in another beraita to Rabban Gamliel in discourse with R. Aqiva is construed by these scholars as quoting M. Pesahim 3.4: η. The beraita (B. Pesahim 48b) reads:

This quote is adduced by both Albeck and Epstein as proof that M. Pesahim 3.4 was formulated in an exceptionally early period, since it is already quoted by Rabban Gamliel. Albeck writes, ἡν οὐκ ἔστι λεγόν. Many reasons can be adduced for not considering this beraita tannaitic, however, from considerations of style and its relationship to the Mishnah. Auxiliary corroboration can perhaps be deduced from the portrayal of R. Aqiva as a self-abasing disciple of Rabban Gamliel, which is not historical, in terms of the picture presented in authentic tannaitic sources such as the following:

T. Berakhot 4.15 (pp. 21–22):

T. Demai 5.24 (p. 93):

Historically, R. Aqiva was quite independent of Rabban Gamliel. It would be difficult to imagine him saying ἤδη ἐπάνω τῆς Ῥημάτων as quoted in some texts of the version of the beraita on B. Pesahim 48b, where Rabban Gamliel is made to quote the Mishnah, or otherwise presenting himself as his pupil (see n. 52).

We have seen that one of the ways that the Bavli alters beraitot which are paralleled in the Tosefta is by introducing language from the Mishnah.

51 Ch. Albeck, Shishah Sidrei Mishnah: Seder Moed, additions (Tel Aviv, 1952), p. 447.
52 See in detail, including the two textual versions of this beraita, Tosefta Atiqta, ch. 13.
Similarly, when the Bavli composes beraitot de novo, quotations from the Mishnah appear prominently. Consequently, it would not be correct to use these quotations placed in the mouth of tannaim as proof that the given mishnah is an ancient one, already quoted by early tannaim. Other attempts have been made to adduce evidence of ancient Mishnah material from Babylonian beraitot.\(^\text{53}\)

In one case a surprising halakhic position ascribed to an early tanna serves as a first clue that an opinion presented in a Babylonian beraita may not be a genuine tannaitic opinion. Such is the opinion cited in the name of R. Yose Hag’lili, that benefit derived from hametz, other than eating it, is permitted during Passover. This position, indirectly suggested only in a Babylonian beraita, strikes a strange cord in terms of what we know about tannaitic halakhah.\(^\text{54}\) A careful analysis of the sugya confirms this suspicion and leads to an explanation of how the beraita and its strange phrasing came into being.\(^\text{55}\) It can no longer be credited with providing historically reliable information about halakhic opinions held in the tannaitic period.

It would appear that we can locate the literary parallel which served as the kernel for this beraita, though it does not bear the meaning which developed in the context of the Babylonian sugya:

Mekhila, Bo, Parashah 16

B. Pesahim 28b

\(^{53}\) Regarding passages which served as part of Hoffmann’s original attempt to demonstrate the existence of early mishnayot, such as B. Pes 107b (Aggripas), see Tosefta Atiqta, introduction, and ch. 19.

\(^{54}\) In contrast, R. Yose Hag’lili’s position, cited elsewhere, that fowl is not included in the prohibition of Exod 23:19 is completely in keeping with tannaitic halakhah, and R. Aqiva agrees that there is no Torah prohibition of fowl with milk; R. Yishmael’s pupil R. Yonatan is also in agreement (M. Hul 8.4; Mekhila, p. 336; Sifrei Deuteronomy, p. 163; cf. Epstein, Introduction to Tannaitic Literature, p. 537). Furthermore, the position is quite logical in and of itself: לא תשת נין אוולא את אים לא

What was probably added by the Bavli was the conclusion that ממען פש רבי מוה אום יד בבר יד ממען פש ממען פש

\(^{55}\) See Tosefta Atiqta, Pesah Rishon, chapter 7 additional note.
In the Mekhila R. Yose Hag'lii's statement follows a discussion of the prohibition of benefit derived from hametz, but addresses another issue, the eating of matzah in Egypt one day only. This passage provides us with the earliest available example of this juxtaposition, in which the third-generation tanna R. Yose Hag'lii is not yet conceived as disagreeing with the law discussed in the preceding lines (by tannaim of the fourth generation!). He is simply recorded as assigning a different derasha to one of the verses—not enough in the tannaitic midrashim to establish rejection of the law which another (later) sage derived from this verse. The Bavli's (re)wording upgrades the statement by suggesting a direct (and opposite) halakhic position in the form of a dialectic challenge: תמק על צמצם התורה והם אמרים כל שמה... תמק על צמצם התורה והם אמרים כל שמה. In the context of the sugya this challenge is directed at sages of a later generation, R. Yehudah and R. Shimon, further indication that the context is not original. Higger, Epstein and Halivni have already described the artificial nature of the combination of various beraitot and late compositions in this sugya. We have taken their thinking one step further by viewing the statement attributed to R. Yose Hag'lii as a development of the original Mekhila context.\footnote{See in detail Tosefta Atiqta (ibid.).}

We can now round out and summarize as follows:
1. The prohibition of eating hametz is found several times in the Torah. In the Mekhila we find R. Yose Hag'lii explicating Exodus 13:3–4, one of the superfluous verses (אלא חכמה והם גרים בבירה), to mean that for the first Passover in Egypt hametz was prohibited for one day only.
2. Tannaim younger that R. Yose Hag'lii (R. Yoshiah and R. Yitzhak) are quoted in the Mekhila, each of whom derives other laws from this verse—R. Yoshiah: feeding hametz to others; and R. Yitzhak: the prohibition of deriving benefit from hametz.
3. The passage in no way suggests that R. Yose Hag'lii permitted the

לָא יִצְבָּל חָמֵץ, לָא אֵלֵ֣כַה אֵלֵ֣ל חָמֵץ. מִשְׁמַּ֣רְתָּ הַתְּרוֹם, רְבֵ֣י תְּרוֹםָּלָּאָמְרָלָא, אֵלֵ֣ל חָמֵץ מִגְּדֶ֣ל מְדַלָּאָמְרָלָא, אֵלֵ֣ל חָמֵץ. מִזְיִן מִגְּדֶל מְדַלָּאָמְרָלָא מְזַיְּן מִגְּדֶל מְדַלָּאָמְרָלָא; בְּכָלָא, אֶלָּא דַּוִּי אֲבָד בְּקָדָם. רְבֵ֣י תְּרוֹםָּלָּאָמְרָלָא, אֵלֵ֣ל חָמֵץ, על צמצם התורה. חָמֵץ אֵלֵ֣ל חָמֵץ, על צמצם התורה...
derivation of benefit from hametz. However, the fact that he interprets the verse differently from R. Yitzhak eventually led to such a conclusion.

4. According to an early amoraic tradition (R. Abbahu) found in Yerushalmi and Bavli parallels at the beginning of Pesahim chapter 2, biblical prohibitions against eating something automatically include a prohibition against deriving other benefit, unless and until an explicit verse indicates that benefit is permitted.57 R. Yose Hag’lili’s position in the Mekhilta passage does nothing to challenge this view.

5. The Mekhilta passage, containing the opinions of R. Yoshiah and R. Yitzhak, is quoted in the Yerushalmi sugya without, however, including R. Yose Hag’lili at all. It would appear that the Yerushalmi did not consider R. Yose Hag’lili’s Mekhilta statement as germane at all to the issue of benefit derived from hametz.58

6. The Bavli contains no specific passage in which R. Yose Hag’lili permits benefit derived from hametz. The anonymous sugya at B. Pesahim 28b takes Exodus 13:3 as necessary for deriving the full prohibition of hametz, and also contains R. Yose Hag’lili’s statement from the Mekhilta about the Egyptian Passover. The additional dialectic argument was probably ascribed to him because he made different use of that verse.

7. R. Yose Hag’lili would hardly have addressed such an argument to sages of the generation which followed him (R. Yoshiah and R. Yitzhak), and certainly not to sages of the generation after that (R. Yehudah and R. Shimon), whom he appears to address in a highly composite passage in the Bavli.

8. The anonymous sugya of the Bavli (Pesahim 32b), in line with the sugya at 28a–29a, assigned to R. Yose Hag’lili an absolute position that deriving benefit is permitted: This formulation (is a clear indication that the opinion is a post-tannaitic extension or generalization, and in this case not a tannaitic quote at all.59

9. Were R. Yose Hag’lili’s position permitting benefit derived from ha-

57 R. Abbahu in the name of R. Elazar (Y. Pes 2.1 28c = Y. Orlah 3.1 62d ; B. Pes 21b and parallels). Hizkiah disagrees in both places. In the Yerushalmi, Hizkiah’s question follows R. Abbahu. In the Bavli it is made to precede, and only in the Bavli does it specifically touch upon the laws of hametz.

58 Furthermore, the Yerushalmi takes R. Yoshiah as a support for R. Abbahu and R. Yitzhak as a support for Hizkiah, while ascribing to both of them the clear stand that benefit from hametz is prohibited. R. Yitzhak requires the additional (Nifal) prohibition of Exod 13:3, while the general prohibition of eating hametz is sufficient for R. Yoshiah to prohibit the derivation of benefit also. R. Yose Hag’lili would certainly be categorized with R. Yoshiah.

59 Cf. also TTD nrvon *iv noKT "ITI^K 'm-Tr o nDTin •HI? -IDK"TKcrm. See S. Friedman, Talmud Arukh, Text Volume, pp. 436–438 and literature quoted there.
metz already enunciated in historical, tannaitic sources, its complete omission from all Palestinian sources would be more than astounding, in light of the extended discussions of this prohibition in all of them.

In another case (B. Gittin 83b) the use of Babylonian Aramaic within the beraita attributed to R. Yehoshua serves as the first clue that this may not be an authentic tannaitic statement. Assuming that the beraita is comprised only of the short text that precedes the Aramaic is inadequately stylistically. Actually this beraita is a re-adaptation of a memra of Rava’s (B. Nedarim 70a–b).

In its original context the heqesh is a classical one—referring to two adjacent biblical words—and the reference to two havayot is transparent. Furthermore, in context of the issue being discussed, it would be extremely surprising not to find any Palestinian parallel to R. Yehoshua’s statement.

I would like to close with the famous beraita describing the history of the Hanukkah lights (B. Shabbat 21b):

This beraita proclaims that the basic commandment is one light for each household; for the punctilious, one light for each person; for the most punctilious, the house of Shammai says that eight lights are lit on the first night and the number is progressively reduced to one over the course of the eight days of the festival, and the house of Hillel says that one light is lit on the first night, and the number is progressively increased to eight.

It would be difficult to consider this beraita in its present form an authentic tannaitic passage in its entirety, providing the opinions of the house

60 And not even Second Temple Aramaic as in M. Eduy 8.4, M. Avot 4.5, and T. Eruv 8.23 (p. 138) (R. Yehoshual).

61 See Rashi’s attempt to address the difficulties of the Gittin passage on B. Git 83b, s.v. erpo and s.v. והכל.

of Shammai and the house of Hillel for the law of the most punctilious worshipers. At most the original form of this beraita could be taken to begin with the opinions of the house of Shammai and the house of Hillel, presenting the basic law as it should apply to everyone, eight lights down to one, or one light up to eight. The schematic evolution in the introduction, claiming that the original practice was one light only for each day, and that the house of Shammai and the house of Hillel were addressing only the most punctilious, is a Babylonian composition. This theory can be buttressed by a linguistic investigation of the phrase המהריין פthane (the most punctilious).

Ben Yehuda lists this phrase under the root רד, meaning “beauty.” In the Piel conjugation he lists a special sub-entry: מכאן בrored משהלאلغשה, “the most punctilious observer,” namely, punctilious observance. Our beraita is the only talmudic example adduced by Ben Yehuda for this sub-entry, and indeed no other exists throughout the entire range of tannaitic Hebrew. It would therefore be best not to regard this word as authentic tannaitic Hebrew, but as a Babylonian coinage reflecting the Aramaic המהריין רד or מרה רד, which corresponds exactly to the meaning required in this passage. Here we will quote a nearby occurrence (B. Shabbat 23a), which is but one of many:

 düzenן צלב הוכות: סהל הלל קול ים פחIAN: סהל דל ים הקלים. אמן. מצה: מרש

דרשנה צלב: סהל הוכות: סהל קלים, דל ים הקלים. אמן. מצה: מרש

Abbaye said: “Originally my master used to go out of his way to get sesame oil for the Sabbath lights . . . now that he has heard R. Yehoshua ben Levi’s statement in favor of olive oil, he goes out of his way to get olive oil.”

The phrase מרה רד, (which we have translated “go out of his way”), frequent in Babylonian Aramaic and equivalent to the Hebrew המהריין רד, is the source of המהריין, and not רד, meaning “beautiful,” as found in the dictionaries.

Clearly המהריין in our beraita is a calque of the Babylonian Aramaic usage in the sense of striving to fulfill a commandment in the best way. The root רד never has this meaning in authentic tannaitic sources, and it can

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64 I have dealt elsewhere with adjacent issues of רד in the Piel.

65 Cf. Rashi on B. Shabbat 21b: במPagerAdapter—מאPagerAdapter. Compare Rashi on B. Hul 139b, s.v. במPagerAdapter.
only be understood here as a Babylonian creation of pseudo-tannaitic Hebrew, under the influence of the Babylonian Aramaic dialect. This passage can therefore no longer serve as a source or proof that the original practice before the destruction of the Temple was to light one flame only on Hanukkah,\textsuperscript{66} since at least the historical introduction to the beraita must be viewed as a Babylonian construction. Its purpose may have been to harmonize the description here of many Hanukkah lights with the fact that the Hanukkah light is usually mentioned in the singular.\textsuperscript{67}

As for the phrase \textit{דריוד מبقاء} in B. Bava Qamma 9b, even though it is usually ascribed to R. Zera, it is actually a coinage of the anonymous talmudic authors in their wording of R. Zera’s statement.\textsuperscript{68} From context, it is clear that \textit{דריוד מبقاء} means “beautifying the Hanukkah”, and is not directly associated with קדושין וتمرודין.\textsuperscript{69}

\textsuperscript{66} J. Goldstein, \textit{I Maccabees} (Garden City, 1976), p. 282.

\textsuperscript{67} Especially in M. BQ 6.6, T. BQ 6.28 (p. 27), and B. Shabb 21b–23b. The introduction is thus a sugya-like dialectic element such as found also in the Mishnah, e.g. M. Ber 1.1 (לכל משלא nuclei דתא תמצית銷售 תמצית תמצית תמצית תמצית), which mediates between two tannaitic opinions (see Tosefta Atiqta, ch. 22), or M. Pes 1.1 (ולתם אמך צי רחוב), which provides a dialectic leading to the inclusion of an older quote (ibid., ch. 2).

\textsuperscript{68} Cf. Yalkut Shimoni, Beshalah, par. 245: 
בזרוח הזא孫 יא קמא תומאה הפרי בבריסת תמצית
כבר הרוהא זאuble א"ו. דא רוחא הדריוד פניא דריסת תמצית
בבריסת תמצית תמצית תמצית תמצית תמצית.

In the B. BQ 9a–b passage (already associated with קדושין וتمرודין by R. Hananel [see n. 64, above]): רוחא זאuble ריב הוהא: עמשו א"ו.

\textsuperscript{69} Cf. R. Hananel on B. BQ 9a, s.v. קדושין וتمرודין, rather than קדושין וتمرודין, as is noted by A. Steinfeld, \textit{On the Meaning of ‘He Made the Decision Alone’ and ‘He Made the Decision Together with the Congregation’}, \textit{Sidra 9} (1993), p. 387 n. 7. That this phrase was authored by the anonymous editor is confirmed here by the reading of the Hamburg manuscript, rather than קדושין וتمرודין, and similarly in MS Vat. 116: 
אלא ארקו רי ורוסו העזה דרור שמשב, אלא ארקו רי ורוסו העזה דרור שמשב, rather than קדושין וتمرודין, and similarly in MS Vat. 116: אלא ארקו רי ורוסו העזה.
Conclusion

The model of the edited parallel provides a more realistic concept for talmudic literature than the model of independent parallels. Careful philological treatment, enhanced by greater access than ever available before to manuscript versions, encourages us in the judicious application of the model of editorial development in assessing synoptic parallels.

In this paper we have mentioned synoptic comparison of Mishnah and Tosefta, and have dealt with Babylonian beraitot paralleling the Tosefta, and beraitot occurring only in the Bavli. Elsewhere we have applied this model in additional areas: in lower-critical issues, explaining two text types found in many of the tractates of the Bavli, one conservative and one editorially creative;\(^70\) in expanding awareness of the Erfurt manuscript of the Tosefta as an editorially creative text, building upon Lieberman’s conclusions;\(^71\) regarding dicta of the amoraim appearing in both Talmudim, where the Yerushalmi preserves a more original text of early Babylonian statements, and the Bavli creatively reworks them.\(^72\)

The model of independent parallels was already used by the geonim, albeit apologetically, in order to combat the challenge presented by the existence of variant forms.\(^73\) Regnant scholarship has exhibited a fascination with this idea. Under its influence a textual tradition of the Mishnah in Babylonia was posited, which was said to stand on equal footing with the Palestinian Mishnah.\(^74\) This approach also accepted the Babylonian beraita as sometimes superior to its Palestinian tannaitic counterpart, and at other times gave unbridled authority to unique Babylonian beraitot as authentic representations of tannaitic statements and opinions, or was open to accepting the Erfurt manuscript’s creative editing as authentic Tosefta, over the Vienna manuscript/printed edition family. The pervasiveness of the evolutionary process as perceived in the editorial model will also aid in

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\(^{70}\) Friedman, “On the Origin” (n. 15, above).

\(^{71}\) Tosefta Atiqta, introduction. Lieberman furthered the development of the model of editorial treatment in his description of the doctored nature of the Erfurt manuscript of the Tosefta, which he likened to tiqqune soferim. At the same time, however, he continued to treat some of the Erfurt readings as independent traditions, and recognized in them the original Tosefta even when they could equally fit the evolutionary pattern. (In this connection, see S. Lieberman, Tosefeth Rishonim [Jerusalem, 1937–1939], vol. 4, pp. 12–13.) Compare, e.g., Tosefta Ki-fshuta, Nashim, p. 186 ll. 3–4; S. Friedman, “Variant Readings in the Babylonian Talmud—A Methodological Study Marking the Appearance of 13 Volumes of the Institute for the Complete Israeli Talmud’s Edition,” Tarbiz 68 (1998), p. 154 n. 96.

\(^{72}\) Talmud Arukh, Text Volume, pp. 9–13.

\(^{73}\) See “On the Origin” (n. 15, above), p. 99 and notes.

\(^{74}\) See Talmud Arukh, Text Volume, p. 88 n. 104, and H. Fox cited there.
clarifying linguistic issues, where tracking development can go far beyond simply recording different traditions.\textsuperscript{75} Spelling out the general relationship between the component works of the talmudic corpus, and modes of literary evolution discernible in synoptic parallels, will lead to the identification of institutional and conceptual evolution and development.\textsuperscript{76}

\textsuperscript{75} In other words, "good" representative manuscripts give only a partial and sometimes idealized picture. See Friedman, "Variant Readings" (n. 71, above), p. 150.

\textsuperscript{76} See "Historical Aggadah" (n. 10, above).