A Talmud in Exile

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The Provenance of Anonymous Material in the Bavli and the Role of Anonymous Material in B. Avodah Zarah’s Appropriation of Y. Avodah Zarah (Micro Analysis III)

Over the past seventy years or so (and, with the addition of Isaac Halevy, even longer), scholars have labored hard to understand the provenance, function(s), and possible agenda(s) of the Bavli’s unattributed material. The study of the Bavli’s anonymous voice (hereinafter “anonymous Bavli”) has not yielded a scholarly consensus about its provenance, agenda (or lack thereof), or role in the redaction of the Bavli itself.1 A definitive resolution of the questions pertaining to the anonymous Bavli is beyond the scope of this book. But the unattributed material in

1. See, e.g., David Halivni, Sources and Traditions (New York: Jewish Theological Seminary, 1968–1982; Jerusalem: Magnes, 1993–2003) (Heb.). Naturally, other scholars who have studied the redaction of the Bavli have of necessity considered the question as well. See Julius Kaplan, The Redaction of the Babylonian Talmud (Jerusalem: Makor, 1933); Kalmin, Redaction of the Babylonian Talmud; idem, Sages, Stories, Authors, and Editors; Dor, Teachings of Eretz Israel. More recently, scholars have begun to investigate the intellectual and spiritual worldviews of the anonymous Bavli. See Yaakov Elman, “Righteousness as Its Own Reward: An Inquiry into the Theologies of the Stam,” PAAJR 57 (1990–91): 36–67; Rubenstein, Talmudic Stories; idem, Culture of the Babylonian Talmud.
b. Avodah Zarah nevertheless merits our attention because, to the extent that this material is determined to be a contribution of the Bavli redactors, it may shed light on b. Avodah Zarah’s appropriation of y. Avodah Zarah.

We will begin with a brief survey of earlier scholars who considered the question of the anonymous Bavli either in relation to Palestinian learning (Isaac Halevy and Zwi Moshe Dor) or in relation to the redaction of the Bavli itself (David Halivni). We will then move on to a preliminary classification of anonymous material in the Bavli that will enable us to identify anonymous material that most likely represents the contribution of the redactors. This in turn will enable us to venture some tentative hypotheses as to how the anonymous material sheds light on b. Avodah Zarah’s appropriation of y. Avodah Zarah.

I
Precursors in the Study of the Anonymous Bavli in Relation to Palestinian Learning:
Isaac Halevy and Zwi Moshe Dor

Isaac Halevy (1847–1914) responded to the Wissenschaft des Judentums in his monumental work of Orthodox Wissenschaft entitled Dorot ha-Rishonim. Apropos of the Bavli’s anonymous voice, Halevy purported to demonstrate that it was aware of its anonymous Yerushalmi counterpart, and that it incorporated conclusions from Yerushalmi sugyot into the parallel Bavli sugyot.²

Like Isaac Halevy, Zwi Moshe Dor, in his posthumously-published The Teachings of Eretz Israel in Babylon, recognized that the Bavli’s anonymous voice often drew on Palestinian traditions.³ Dor examined several issues related to the broader theme reflected in the title of the book: the special relationship of Rava to the teachings of R. Yohanan, the Palestinian traditions in R. Papa’s learning, as well as his relationship to the teachings of R. Yohanan and Resh Laqish, and the Bavli’s adaptation and use of Palestinian amoraic teachings and sugyot. He also studied the differences between the Babylonian and Palestinian versions of what are allegedly the same amoraic traditions, and found that the Bavli may consciously rework Palestinian traditions in order to prevent a conflict with a divergent Babylonian halakhah, or to present the logical end-result of an amora’s position as being already an explicit part of his statement.⁴ Dor thus correctly saw that differences between the Talmuds’ presentations of the

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3. Dor, Teachings of Eretz Israel, 71, 75–78, 86–94.
same materials need not be interpreted as stemming from different sources or the vagaries of oral transmission; rather, they could be the result of the Bavli’s conscious and creative appropriation of the Palestinian material into its new intellectual environment.

II

David Halivni’s Contribution to the Study of the Anonymous Bavli

David Halivni’s original formulation of his theory suggested that the anonymous Bavli is the literary product of scholars he termed stammaim, who allegedly flourished from approximately 430 CE (the date of R. Ashi’s death) until nearly 500, the traditional date of the start of the saboraic period. They completed and expanded the traditions they received, added rhetorical questions and answers, related different sugyot to each other, and, in short, created the Talmudic sugya as it exists in the Bavli. Halivni also introduced into the study of the Bavli the sense that to know the source of the anonymous Bavli is, in effect, to know who “wrote the Talmud.” He has now advanced the theory that the stammaim were active “at the end of the era of the last sages mentioned in the gemara . . . of whom the last, apparently, was Rabai de-min Rov . . . who lived approximately fifty years after Ravina II, which is at the mid-point of the sixth century.” According to Halivni’s revised view, then, the redaction of the Bavli began in the latter half of the sixth century and likely continued into the seventh.

In a recent volume of Sources and Traditions, Halivni distinguished four categories of anonymous Bavli, not all of which are considered to be the products of scholars who lived and worked in the post-amoraic period. Halivni posited the existence of early stammaim whom he calls “juxtaposing stammaim” and “repeater-stammaim” (נספנותו התחייה), as well as other stammaim whose job it was to place appropriate (anonymous) questions before amoraic “answers.” The “juxtaposing stammaim” worked with amoraic statements. They either juxtaposed differing amoraic statements into a dispute-form (e.g., “R. Yohanan said ’X,’ Hezekiah said ’Y’”), or combined identical amoraic views into one statement. Similarly, the “repeater-stammaim” worked with the statements of tannaim and amoraim within two or more generations after the tradent’s death, expanding or re-wording a statement.

5. See his Sources and Traditions.
8. Halivni, Sources and Traditions: Baba Kama.
Halivni’s recent start in trying to distinguish early from late anonymous material is necessary, but inadequate because it is based on *a priori* assumptions about what is “early” or “late” “stammaitic” activity. As we saw in chapters 3 and 4, b. Avodah Zarah reworked some amoraic statements in order to take account of exegetical results in the parallel y. Avodah Zarah sugya. Unless we suppose that “repeater-*stammaim*” who worked on tractate b. Avodah Zarah had a version of y. Avodah Zarah at their disposal already in the amoraic period—unlikely since the amoraim themselves are unaware of the selections and sequences of topics characteristic of the Yerushalmi—these sorts of “stammaitic” activities are more likely post-amoraic.

Halivni has also not sufficiently taken into account one other important factor in his study of the anonymous Bavli, the *geographical* factor. We can distinguish between anonymous Bavli that is attributed elsewhere—either in the Yerushalmi or elsewhere in the Bavli—to Palestinian amoraim, anonymous Bavli that is also anonymous in the Yerushalmi, and anonymous Bavli that has no Palestinian counterpart. Having identified anonymous Bavli that is attributable to Palestinian amoraim, we will be able to look for patterns: is the “Palestinian” anonymous Bavli regularly attributable to a particular set of Palestinian amoraim? Are there differences between Palestinian and non-Palestinian anonymous Bavli? And, of greatest importance for our purpose: Is the “author” of the anonymous Bavli responsible for the correspondences between the two Talmuds? Is all of the anonymous Bavli the work of the redactors of the tractate?

III

Anonymous Statements in the Bavli Can Be Attributed to Palestinian Amoraim

In this section, we will first set out five examples of this phenomenon in b. Avodah Zarah as well as one from another tractate. We will first set out the anonymous statement, followed by the Palestinian source to which it can be attributed. We will then move on to an analysis of what these examples show.

III.a. B. Avodah Zarah 7a (Anonymous Bavli)

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9. How can we be certain that this statement was made by the anonymous Bavli? The statement is integrated within a dialectical context in which positions
It is obvious: [When] a dispute [in a mishnah is] followed by [the same matter decided unequivocally in an] anonymous [mishnah], the law is like the anonymous [mishnah].

Y. Yevamot 4:11, 6b

רב ממא באה קומיו. ד' מייん תומך ר' חיותה רב אבר רבא ובוש ר' לוער כל
מוקומ שינה רב מלתו כי והנהו שמא סתם אלו הכותם שמה

R. Mana asked R. Yudan: “There R. Hezekiah said [in the name of] R. Abbahu who said in the name of R. Lazar: ‘Every place in which Rabbi taught a dispute, and then went back and taught [the matter unequivocally in] anonymous [form], the law is like the anonymous mishnah’”?

III.b. B. Avodah Zarah 7a (Anonymous Bavli)

רב חנה מומס דאיני סדר ומשנה

And R. Huna [holds the position he does because he also claims] that there is no order to the Mishnah.

Y. Demai 5:1, 24c

רבו וימי בוש רב ועייא איני מומס אמות制冷 על סדר

R. Yose [said] in the name of R. Zeirah: “The Mishnah is not stated in order.”

III.c. B. Avodah Zarah 38a (Anonymous Bavli)

אמר רב ברותו אמר רב עודד מככבים שנהגו את האור הבאין כל המטב
שבעה מנין אוסרי גם דמי איל言い לא ידע כי תומר והי שמה

R. Beruna said in the name of Rav: “An idolater who lit a fire in an uncleared piece of land—all of the locusts on the land are forbidden.”

How is this? If it is said that he [the Israelite] does not know which is pure [i.e., permitted] and which is impure . . .

are being attributed to R. Huna, with whom R. Yosef disagreed (…רבו המז) and to R. Yosef (…רבו יוספ). Since these amoraim are not represented as speaking for themselves, but as having positions attributed to them, this statement about deriving law from the mishnah is most likely the work of the anonymous Bavli.

10. See also b. Yev 42b, where the same tradition is attributed initially to either R. Papa or R. Yohanan, and then is stated by R. Abbahu in answer to a question from his assistant R. Nahum.
The anonymous voice first takes up the possibility that the reason for the prohibition is that there is an indistinguishable blending of permitted and forbidden locusts.

Y. Avodah Zarah 2:9, 41d

It once happened that a blaze erupted in a thicket of reeds and an uncleared plot of date-palms, and there were locusts there which were roasted. The matter came before R. Mana, who forbade [Israelites to eat the unintentionally-roasted locusts]. R. Abbahu said: “[The reason for R. Mana’s stringency was] because of the intermixing of [clean locusts with] unclean locusts.”

The anonymous Bavli has commenced its discussion of the prohibition at 38a with the one and only explanation for it offered in the Yerushalmi.

III.d. B. Avodah Zarah 50a (Anonymous Bavli)

R. Yishmael opines that they make a small Mercurius by the side of a large Mercurius.

Y. Avodah Zarah 4:1, 43c

R. Ami said: “The reasoning of R. Yishmael [who in the mishnah said that three stones found lying side-by-side next to a Mercurius statue are forbidden, while two lying together are permitted] is that [he asserts that idolaters build] a large Mercurius [statue] next to a small Mercurius [statue].”

III.e. B. Avodah Zarah 62a (Anonymous Bavli)

Rather, [the reason the wage of the worker is forbidden is that] since it [libation-wine] “holds its monies” like idolatry. [That is, just as money obtained through selling an idol never loses its status as idolatry, so does money obtained through selling libation-wine never lose its status as libation-wine.]
Y. Avodah Zarah 5:1, 44c

Asi said: “The monies of wine poured out as a libation which are in the hands of a Gentile are forbidden; the monies of idolatry in the hands of a Gentile . . . R. Yohanan says: ‘Forbidden.’”

III.f. B. Sukkah 31b (Anonymous Bavli)

B. Sukkah 35a

R. Abbahu said: “Do not read הדר (goodly), but rather הדר (that which lives). [The citron is that] which lives in its tree from year to year.”

While six examples are admittedly a very small sample, they yield an interesting pattern. Of the six examples, three of the anonymous Bavli traditions are attributable to R. Abbahu, one to R. Zeirah, and one each to R. Ami and R. Yohanan. Aside from R. Yohanan, whose image looms large in the Bavli, these are all Palestinian amoraim of the third generation. Thus, most of these traditions date from the latter part of the third century CE. The traditions represent the rabbinic centers of Caesarea (R. Abbahu) and Tiberias (R. Yohanan and R. Ami), while R. Zeirah (and R. Abbahu as well, for that matter) also falls within the scholarly orbit of R. Yohanan and Tiberias. These examples of the attributable type of “Palestinian” anonymous Bavli, then, consist of Palestinian amoraic material dating from the latter part of the third century CE, largely from the schools of R. Yohanan and/or his major disciples. This suggests that R. Yohanan’s

11. For another example of Palestinian anonymous Bavli that is attributed to R. Abbahu in the Yerushalmi, see b. Sanh 6a and y. Sanh 1:1, 18a. At 6a the anonymous Bavli raises a question and draws conclusions in connection with a discussion by R. Abbahu of m. Bekh 4:4 that in the Yerushalmi are attributed to R. Abbahu himself.
pre-eminence in the Bavli may be discernible not merely from his ubiquitous attributed statements, but from examination of this concise type of attributable “Palestinian” anonymous Bavli as well.

Examination of these examples also shows that “Palestinian” anonymous Bavli attributable to Palestinian amoraim tends to be concise and non-argumentative; in other words, it is essentially anonymous amoraic material. We may infer, then, that “Palestinian” anonymous Bavli attributable to Palestinian amoraim is material that dates from the amoraic period itself and may be distinguished as such by its characteristic brevity and similarity to attributed amoraic activity. Moreover, given that this type of anonymous Bavli is essentially an amoraic voice, we see that we should neither look to it as the source of the structural similarities between the Talmuds we studied in chapter 2, nor as the voice of whichever editors incorporated y. Avodah Zarah sugyot into b. Avodah Zarah. The “Palestinian” anonymous Bavli attributable to Palestinian amoraim does not function in an editorial capacity. It transmits traditions; it does not order and arrange materials within b. Avodah Zarah. The anonymous transmission within Babylonia of Palestinian amoraic traditions is an interesting phenomenon that requires more research; at the very least, it shows a high degree of assimilation of Palestinian amoraic traditions within rabbinic Babylonia.

IV
Anonymous Material in B. Avodah Zarah That Is Also Anonymous in Y. Avodah Zarah

Not all of the Palestinian anonymous Bavli is attributable—some is anonymous in the Yerushalmi as well. We will now analyze this doubly anonymous material to see whether there might be a distinction in function between this sort of material and that studied in the previous section. Perhaps, rather than simply conveying Palestinian amoraic traditions anonymously, this sort of Palestinian anonymous Bavli also conveys the viewpoints of the earlier Talmud’s editorship.

IV.a. B. Avodah Zarah 40b // Y. Avodah Zarah 3:1, 42b // Y. Demai 2:1, 22b–c

M. Avodah Zarah 3:1 records a dispute between R. Meir and the Sages. The former asserts that all images are prohibited because they are worshiped once a year, while the Sages counter that only certain images are forbidden—those in which a human figure is holding a staff, bird, or ball.
R. Shimon b. Gamliel extends this prohibition to include human figures holding any sort of object at all.

B. Avodah Zarah 40b

A. If they are worshiped once a year, what is the reason of the Sages?

[According to the Sages, many images are permitted, since they do not portray figures holding the halakhically problematic objects. Yet, the Talmud asks, if those figures are nevertheless worshiped once a year, how can the Sages hold them to be permitted?]

B. R. Yitshaq b. Yosef said in the name of R. Yohanan: “In R. Meir’s location, they would worship [them] once a year.” And R. Meir, who concerns himself even about a minority of situations (יוحنן שלמה מעריצות) decreed [a prohibition as to] other places because of that place [even though the images were not being worshiped once a year anywhere else]. And the Sages, who are not concerned about a minority of situations, did not decree [a prohibition concerning] other places because of that place.12

Y. Avodah Zarah 3:1, 42b

A. R. Hiyya b. Ba said: “[All images are forbidden] because they are worshiped in the great city of Rome twice in a Sabbatical cycle [twice every seven years].”

B. From this [i.e., based on R. Hiyya’s statement], let them be forbidden in a place in which they are worshiped, and permitted in a place in which they are not worshiped!

C. R. Yose said: “Since they are forbidden in one place, they are forbidden in every place.”

D. What view do we hold? If it is clear that the images are of kings, all agree that they are forbidden . . . rather, we maintain that [the images are [set up with] no determinable purpose. R. Meir says [that images set up with] no determinable purpose are [considered to be] of kings.

Although it is the traveler (תנ дер) R. Yitshaq b. Yosef who conveys R. Yohanan’s interpretation of R. Meir in b. Avodah Zarah, he presents a view that is similar, although hardly identical, to both §§A and C in y. Avodah Zarah. Further, the explanation attached to his interpretation is not found in y. Avodah Zarah. We should not consider that explanation to be part of R. Yitshaq b. Yosef’s statement for two reasons: first, it is in Aramaic, while his statement is in Hebrew; and second, it provides an explanation provided in y. Demai by the Yerushalmi’s own anonymous voice.

12. We will explain shortly why the material marked as anonymous is assumed to be so.
M. Demai 2:1 begins by setting out a list of fruits and crops that are always and everywhere to be tithed as if they are *demai* (produce as to which there is doubt as to whether it had been tithed). In the course of the Yerushalmi’s discussion, a dispute between R. Lazar and R. Yohanan is presented in which R. Lazar maintains that the mishnah is talking only about one who buys from a Gentile (since perhaps the latter bought from an Israelite and tithing really is required); one who buys from an Israelite must tithe as if the produce had definitely not been tithed. R. Yohanan, on the other hand, asserts that the mishnah is saying that regardless of who the seller is, the purchaser must tithe as if the produce is *demai*. After this, the Yerushalmi goes on:

A. R. Lazar is of the view that most of the Land of Israel is in the hands of Gentiles.

B. R. Yohanan is of the view that most of the Land of Israel is in the hands of Israelites.

C. And even if R. Lazar agrees with R. Yohanan that most of the Land of Israel is in the hands of Israelites, R. Lazar is concerned about the minority of cases (שחילים מספר). As the anonymous Yerushalmi interprets R. Lazar, the mishnah’s unspecific reference to the need to tithe as if for *demai* must only refer to produce bought from Gentiles, since they own most of the Land of Israel. Yet, maintains the Yerushalmi, even if R. Lazar agreed with R. Yohanan’s demographic assessment, he would still maintain his position that only produce bought from Gentiles is to be tithed as *demai* since he worries about even a minority of situations—in this case, the speculative situation that even in a Land of Israel owned mostly by Israelites, the Israelite buyer bought from a Gentile who had himself bought from an Israelite.

The anonymous Yerushalmi has utilized the notion of שחילים מספר to explain R. Lazar, just as the anonymous Bavli did at b. AZ 40b in order to explain R. Meir. This idea of שחילים מספר appears nowhere else in the Yerushalmi, and, significantly, the concept is cited in y. Demai in order to explain an amoraic dispute pertaining to Israelites and Gentiles. The anonymous Bavli uses this concept in only one other place, b. Hul 6a, again in connection with R. Meir and again in connection with issues involving Israelites and outsiders (in this case, Samaritans). The only place at which the concept seems attributed to amoraim (b. Hul 86a) is one in which the context does not deal in some way with Gentiles. This suggests that the anonymous Bavli has taken over from the anonymous Yerushalmi not only the concept, but also the overall context—Israelites and Gentiles—in which שחילים מספר is deemed applicable.
IV.b. B. Avodah Zarah 47a || Y. Bikkurim 1:2, 63d

B. Avodah Zarah 47a

A. Resh Laqish asked: “One who bows down to a palm-tree—can its branch (לולא) be used for the commandment?”

B. A tree that was planted from the beginning for that purpose should not be a question for you, for that would be forbidden even for a private person [using the branch for a non-sacred purpose]. A tree that was planted and then at the end [ sometime after it was planted] was worshiped should be a question for you. And you should not have a question based on the view of R. Yose b. R. Yehudah, for [according to him] it would be forbidden even for a private person. Based on the view of the Sages, you should have a question: What is the law about [using this branch to fulfill] a commandment? Is it disgusting in the view of the High One (נימי כולם נוה) [meaning that God would not desire service with this idolatrous object], or not?

C. When R. Dimi came, he said: “[Resh Laqish] was troubled by [the case of] the asherah-tree, which has been invalidated [from being an idolatrous object and hence is permitted for use by an Israelite].” Is there disqualification with regard to commandments, or is there not disqualification with regard to commandments?

[If there is “disqualification” (ידוהי), then since the palm-branch once could not have been used for the commandment, it can never be used, even if it later was “invalidated” from its previous status as an idolatrous object.]

[The sugya continues with a discussion of ידוהי.]

Sections B and C present two distinct explanations of what is actually troubling Resh Laqish. According to the anonymous Bavli in §B, Resh Laqish is troubled by how the Sages’ view affects his case. Is the detached palm-branch “disgusting” (נימי) or not? If so, it cannot be used; if not, it can be. Implicit in this explanation is the idea that being an idolatrous object per se does not disqualify the object for Israelite ritual use. Once detached from a worshiped tree, the branch might still be considered “not ‘disgusting’” and hence fit for use, even if it had not formally been invalidated as an idolatrous object.

13. The Torah commands at Lev 23:40 that Jews should “take” the “fruit of a beautiful tree” along with three other plants during the festival of Sukkot. The rabbis understood from this that Jews should celebrate the festival by waving a palm branch surrounded by willow and myrtle, along with a citron (etrog) for seven days. It is this palm branch to which Resh Laqish refers in §A.

14. Appropriately, Tosafot (to b. AZ 47a, s.v. ידוי) immediately points out that one of the options entertained by Resh Laqish in §B is the same as that of Rava at
Section C, by contrast, opens with R. Dimi’s tradition that Resh Laqish was, in fact, concerned about the “asherah that had been invalidated [from being worshiped].” According to this interpretation of Resh Laqish, he is concerned about disqualification: having once been unfit for use, is it always unfit (despite invalidation)? Or, having once been unfit for use, does its later invalidation render it fit? The Bavli editor has used R. Dimi’s statement as the opening remark of §C and the second way to understand Resh Laqish. We must now look to a partial parallel to this sugya at y. Bik 1:2, 63d in order to compare the anonymous Bavli and the Bavli editing overall to what we find in this earlier version of the same sugya.

M. Bikkurim 1:2 makes the point that one who steals (ונלך) land may not bring first-fruits and recite the appropriate verses because Scripture explicitly commands that these acts be performed with fruits of your land—the stolen land is not the property of the robber.

Y. Bikkurim 1:2, 63d

A. Up to now [the mishnah is talking about] one who stole land. If he [the robber] stole a branch and planted it, does he not owe [the owner] money? [Hence, having paid the compensatory damages he owes, the robber should then be able to bring first-fruits from the tree that grows from that branch.]

B. But it is necessary [to raise a question about the latter case of the stolen branch] according to the Rabbis. Are ritual objects like the High One (שמות'? Or are they not like the High One? If they are like the High One, he [the robber of the branch] does not bring [first-fruits from the tree that grows from the branch], and if you say they are not like the High One, he does bring.

C. Everyone agrees with respect to the asherah-tree that has been invalidated that he [an Israelite now receiving benefit from it] does not bring lumber [from it to the Temple] for the altar.

D. R. Shimon b. Laqish asked: “Can he bring from it [the invalidated asherah-tree] a palm-branch [to fulfill the commandment on Sukkot]?” Are ritual objects like the High One? Or are they not like the High One? If you say that they are like the High One, he cannot bring; if you say that they are not like the High One, he can bring. It is obvious that he can bring a palm-branch from it [the invalidated asherah-tree] since ritual objects are not like the High One.

Sections B in both Talmuds are very similar. Both the anonymous Bavli and anonymous Yerushalmi resolve that an issue is presented according to the Sages’ view, and that the legal bottom-line will depend, in turn, on whether using an idolatrous object is “disgusting to God” (מאת כלים גביה).
or whether ritual objects are (or must be) like the High One (מֶזֶהוּ כְּנֵהוּ), i.e., whether they must be as fit as objects used in the Temple in order to be suitable for ritual purposes. Moreover, unlike the Palestinian anonymous Bavli studied earlier, which was concise, brief, and declarative, the anonymous material here in both Talmuds’ §B is dialectical and argumentative. Thus, brevity is not necessarily a reliable criterion by itself for distinguishing Palestinian from non-Palestinian anonymous Bavli; all anonymous Bavli material must always be checked for possible Palestinian parallels.

Another point is that the juxtaposition in the Yerushalmi of Resh Lakish and the anonymous material is done by the redactors; Resh Lakish himself asks only about the palm-branch. The proof that this is so is that while Resh Lakish asks about the palm-branch in both Talmuds, the continuation of his statement differs in both (although largely similar in content). This supports the conclusion that the material following his question about the palm-branch was added by both Talmuds’ anonymous editorial voices. This editorial juxtaposition of the amora and the anonymous material is carried over into the Bavli sugya where Resh Lakish’s question about the palm-branch is also followed by strikingly similar anonymous material. Thus, in this case, the anonymous Yerushalmi that is carried over as anonymous Bavli does represent a Babylonian editorial adoption of an editorial decision made by the Yerushalmi.

Yet, although this largely similar anonymous material is present in the same point in the argument in both Talmuds, the Talmuds use the material differently. The Yerushalmi applies this material directly to Resh Lakish in its §D and unequivocally answers his question—the palm-branch can be used, since the “ritual objects are not like the High One.” The Bavli leaves this anonymous material as an unresolved question in §B, then moves on in §C to cite R. Dimi and takes the sugya in a different direction—ultimately leaving Resh Lakish’s question unanswered.

In the Bavli’s §C, R. Dimi observes that Resh Lakish’s question pertained to the invalidated asherah-tree. There was no way R. Dimi could have known this from the way Resh Lakish’s question was presented at b. AZ 47a, since Resh Lakish asked only about a tree to which a person had bowed, and had not identified the tree as an asherah. Whoever is presenting R. Dimi’s observation is bringing a Palestinian tradition to bear on the interpretation of Resh Lakish, and this Palestinian tradition is found at §§C–D of the y. Bikkurim sugya. Examining R. Dimi’s statement in light of these sections, we see that the version of R. Dimi’s statement that is presented in the Bavli takes account of the material that is anonymous in the Yerushalmi. This suggests both that the Bavli editors were making use of already-existing anonymous material found in the Yerushalmi, and that the anonymous Yerushalmi includes material that dates from the amoraic period, and should not necessarily be presumed to be the voice of post-
amoraic editors. The Bavli used R. Dimi as the pivot on which the sugya would turn from being a discussion about ma’aseh be’lev ha-’ohel to one about ṣirah, for which there is no precedent in the older sugya.

Considering the Bavli editors’ work in this sugya overall, we see that they worked in b. AZ 47a with a sugya remarkably similar to that at y. Bik 1:2, 63d. They presented as anonymous, material that was also anonymous in the Yerushalmi, but it is not in this anonymous material itself that we see their editorial hand, but in how they worked with it. Whereas the anonymous Yerushalmi definitively resolved Resh Laqish’s question, the Bavli editors dropped that resolution. Instead, they used R. Dimi as the basis to begin a discussion of “disqualification in regard to commandments” and thus created a sugya that deviates completely from the older Palestinian one.

What we have learned thus far is that the anonymous material in the Bavli may not necessarily represent the voice of the Bavli redactors. If the anonymous material is attributable to a Palestinian amora, then this anonymous Bavli may be early and unrepresentative of the voice of the post-amoraic Bavli redactors. If the anonymous Bavli is also present in the Yerushalmi as anonymous material, then further examination of how the material is used in the two Talmuds may show that the Bavli is adopting some of the Yerushalmi’s editorial decisions, or it may not.

V

Anonymous Material in the Bavli That Cannot Be Shown to Be Palestinian

Not all anonymous Bavli can be attributed to a Palestinian amora. Nor is it necessarily present in the Yerushalmi as anonymous material. For ease of

15. See also b. AZ 51b and y. AZ 4:3, 43d (Abaye interprets a mishnah just as the anonymous Yerushalmi did); b. AZ 75a and y. AZ 5:14, 45b (y. AZ presents an anonymous statement that is attributed to R. Shmuel b. Yitshaq in the Bavli); and b. AZ 76a and y. AZ 5:15, 45b (m. Zev 11:7 is invoked anonymously in the Yerushalmi, while it is cited by R. Amram and R. Sheshet in the Bavli). Taken together, these four examples suggest that the anonymous Yerushalmi may be an amoraic voice. But there are also examples that suggest that the voice is post-amoraic. See, for example, y. Ber 7:1, 11a, in which the anonymous Yerushalmi explicitly anticipates a reader’s objection to using a source from the Order Teharot in order to derive laws pertaining to blessings, and responds to it. We see that the anonymous Yerushalmi, like its Babylonian relative, can be assumed neither to be uniformly early nor uniformly late.

16. See also the related sugyot at b. Suk 33a and b. Hul 87a.
reference, this material will be referred to herein as “Babylonian anonymous Bavli.” Such “Babylonian” anonymous Bavli may be a significant factor in tracing b. Avodah Zarah’s reliance on, and appropriation of materials from, y. Avodah Zarah. The following examples will make this clear.

**V.a. Babylonian Anonymous Bavli Links Palestinian Materials Together**

**(1) B. Avodah Zarah 67a–b || Y. Avodah Zarah 5:3, 44d**

This sugya was discussed at great length at pp. 116–121, above. We did not emphasize there, however, how the Babylonian anonymous Bavli on 67b links together Palestinian materials found adjacent to each other at y. AZ 5:3, 44d but which had become separated in b. Avodah Zarah because of b. Avodah Zarah’s introduction of material from y. Orlah. At 67a, b. Avodah Zarah presents a Palestinian sugya explaining the mishnah’s clause, “This is the general principle: Every [forbidden food item which has fallen into a permitted item and] imparts taste [to the permitted item] in which there is pleasure [for the eater], is forbidden.” The sugya ends on the note that the people of Sepphoris used to prepare a dish called **אוהקה**, in which wine was poured into cold, pounded grains and then heated.

At this point, the Yerushalmi moves right into a dispute between R. Meir and the Sages about the principle of “imparting taste,” while b. Avodah Zarah moves from the culinary tastes of Sepphoris into the material it drew from y. Orl 2:7, 62b. On 67b, after the conclusion of its borrowing from y. Orlah and some apparently amoraic commentary upon it, the anonymous Bavli points out: “From all of this, [may we infer] that there is [support] for the one who holds that the imparting of taste to the detriment [of the dish] is forbidden? Yes!” At this point, b. Avodah Zarah cites the dispute between R. Meir and R. Shimon, which, but for the name of R. Meir’s partner in dispute, is the same as that in the Yerushalmi. Although this particular anonymous Bavli is itself nowhere attested in Palestinian literature, it provides the segue by means of which the Bavli will resume the interrupted structural similarity to the parallel Yerushalmi treatment of the mishnah.

**(2) B. Avodah Zarah 6b || Y. Avodah Zarah 1:1, 39b**

We studied this example exhaustively at the beginning of chapter 3, but must return to it briefly to point out the presence in b. Avodah Zarah of what I am here calling “Babylonian anonymous Bavli,” the “glue” that holds together portions of the older Palestinian sugya (better than y. Avodah Zarah had).
**Y. Avodah Zarah 1:1, 39b**

A. *It is understandable* [that there be a prohibition] against *lending* [items to Gentiles three days before their festivals].

B. *But not to borrow* [items] from them?

C. [The prohibition of borrowing makes sense] because [the Israelite] is like one who raises up a name for [the Gentile. By borrowing from him, the Israelite shows him honor in which the Gentile will rejoice on his festival].

D. *It is understandable* [that there be a prohibition] against *lending him money* [three days before his idolatrous festival].

E. *But not to borrow* [money] from them?

F. Because [the Israelite] is like one who raises up a name for him.

G. *It is understandable* [that there be a prohibition] against *repaying them* [three days prior to their festivals].

H. *But not to be repaid by them* [for a loan]?

I. *It is in order that* [the Gentile] *not say that his idolatry assisted it* [the repayment].

J. R. Ba b. Tablai said in the name of Rav: “If it was a lost [unsecured] loan, it is permitted [to receive repayment three days prior to, or on, the Gentile’s festival].”

K. And so it was taught: A lost [unsecured] loan [is one made] with witnesses; a loan is not lost [if made] with a document. Even a loan with a document may be lost, since a person does not always merit [being able] to pay off his debt.

L. *What is the result?* [What is the definition of a “lost,” or unsecured, loan?]

M. An unsecured loan is a loan without collateral; a loan is not unsecured with collateral.

N. Then he found it [the meaning of “lost loan”] taught as in the first [baraita in §K]: A loan is lost if made with witnesses, a loan is not lost with a document.

O. *It was taught there in a mishnah:* R. Yehudah says: “A woman should not put on cosmetic paint, because it is a disgrace for her” (m. MQ 1:7). [While she has the paint on, she looks unattractive; the cosmetic benefits of the paint will only be apparent when she removes it. Thus R. Yehudah holds that she should not put it on during the intermediate days of a Festival, since she will look unattractive during the Festival.]

P. R. Hanina and R. Mana [disagreed about what R. Yehudah and his opponents, the Sages, really meant]. One said: “They were arguing about a cosmetic paint that she removes during the Festival, but a cosmetic paint that she removes after the Festival is forbidden.” [As to the first, since she will obtain some of the cosmetic benefit during the Festival, the Sages permit it. Yet the Sages and R. Yehudah both agree that if she will in no way benefit from the paint during the Festival, she is forbidden to apply it.] And the other said: “They were arguing about a cosmetic paint that she removes after the Festival, but a cosmetic paint that she removes during the Festival is permitted.”
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Q. And they did not know which said which and which said which [unnamed sages did not know which statement was attributable to R. Hanina and which to R. Mana].

R. From what R. Hanina said in the name of R. Yose in the name of R. Yohanan: “R. Yehudah is consistent with his own opinion. Just as he said there [m. MQ 1:7] that temporary disgrace is considered disgrace, so he says here [m. AZ 1:1] that temporary pain is pain.” So it is [R. Hanina] who says that they were arguing about a cosmetic paint that she removes during the Festival, but a cosmetic paint that she removes after the Festival is forbidden.

The Yerushalmi moves from questioning m. AZ 1:1’s pairing of prohibitions (no lending or borrowing items, no lending or borrowing money, no repaying debts or being repaid) in §§A–I to a discussion of what type of loan an Israelite is permitted to collect from a Gentile in §§J–N, to a consideration of whether an Israelite can put herself through unpleasantness during the Festival in order to derive a benefit after it is over in §§O–S.

B. Avodah Zarah follows the same basic structure, but with the addition of anonymous Bavli not found in y. Avodah Zarah.

B. Avodah Zarah 6b

A. It is understandable [that it be forbidden] to lend [items] to them, since [then the Israelite] is enriching them.

B. But by borrowing from them he is diminishing them! [so why the prohibition?]

C. Abaye said: “There was a decree [prohibiting] borrowing from them lest he lend to them.”

D. Rava said: “All of [the prohibitions of m. AZ 1:1] are on the grounds that [the Gentile] will ‘go and thank’ [his god].”

E. It is understandable [that it be forbidden] to lend them money, since [the Israelite] is then enriching them.

F. But borrowing [money] from them, why [should it be forbidden]?%

G. Abaye said: “There was a decree [prohibiting] borrowing money from them lest he lend to them.”

H. Rava said: “All of it is on the grounds that he will ‘go and thank.’”

I. It is understandable [that it be forbidden] to repay them, since he is then enriching them.

J. But by being repaid by them [the Israelite] is diminishing them!

K. Abaye said: “There was a decree [prohibiting] being repaid by them lest he repay [a loan he borrowed from] them.”

L. Rava said: “All of it is on the grounds that he will ‘go and thank.’”

M. And they [the prohibitions of m. AZ 1:1] are all necessary. For had the tanna taught only [that it was forbidden] to transact business with them on the grounds that he would be enriching [the Gentile, who would then] go and give thanks, one then would have thought that [he is permitted to] borrow from them, since he thereby diminishes them!
N. And had the tanna taught [the prohibition against] borrowing from them, [that would have been on the grounds that borrowing from the Gentile] is important to him [it makes the Gentile feel important], and he would "go and thank." But borrowing money from them should be permitted since it would be a cause of sorrow. He would say: "The money will not return to me."

O. And had the tanna taught that it was forbidden to borrow [money] from them because he would say: "Against his [the Israelite borrower's] will I will exact repayment," and nevertheless now go and thank, but [then I might have thought that it would be permitted] to be repaid by them, since the money would not return to them. I would say: "He is in pain, and will not go and thank"—[so all the statements in m. AZ 1:1 are] necessary.

P. And R. Yehudah disagrees [with the principle that] "even though [the Gentile] is upset now, he will be happy later"? [In m. AZ 1:1 R. Yehudah permits an Israelite to accept repayment from a Gentile prior to the festival because this will upset the Gentile prior to the festival. The Sages forbid the repayment because even though the Gentile is "upset now," he will be "happy later."]

Q. And was it not taught in a baraita: R. Yehudah says: "A woman should not put on cosmetics during the Festival, since it is a disgrace for her." And R. Yehudah agrees that she can apply a cosmetic paint during the Festival that she can remove during the Festival; even though she is upset now, she will be happy later.

R. R. Nahman b. Yitshaq said: "Leave aside the laws of the intermediate days of a Festival, for all of them [are based on the principle of] 'upset now, happy later' [thus, they are not to be compared to the laws against doing business with idolaters]."

S. Ravina said: "When it comes to loan repayment, an idolater is always upset."

T. Our mishnah [which prohibits accepting repayment from a Gentile in every case] is inconsistent with R. Yehoshua b. Qorha. For it was taught in a baraita: R. Yehoshua b. Qorha said: "We do not collect from them a loan evidenced by a document, but we do collect from them a loan made orally, because [the Israelite collecting] is like 'one who saves [Israelite property] from their hands'" (t. AZ 1:1).

Sections M–P are “Babylonian anonymous Bavli” not attested in y. Avodah Zarah. In chapter 3, it was explained that §§M and N deal with two issues not taken up in the preceding Palestinian sugya: the relationship between the mishnah’s initial prohibition of buying and selling and the other prohibitions of the mishnah, and the apparent redundancy of forbidding the borrowing of items from Gentiles, and (in a distinct prohibition) the borrowing of money. The redundant §O was designed to introduce the idea of the Gentile’s being “in pain” now. Section O’s introduction of this idea, in turn, was meant to pave the way to the introduction of R. Yehudah’s view on being “in pain now, but happy later” in §P and thus to the dispute over women’s application of face-paint during the Festival.
The important point to note is that §§M–O are Babylonian anonymous Bavli not attested in y. Avodah Zarah. The author(s) of this Babylonian anonymous Bavli, as we pointed out, had to have known both the older Palestinian sugya (y. §§A–I, above) reproduced in the Bavli (which they supplemented at b. §§M and N), and the already-existing juxtaposition of that sugya with the discussion of the mishnah from Moed Qatan—to which they segued by means of §O after their digression. Moreover, by inserting such a segue into this pre-existing Palestinian order, the Babylonian anonymous Bavli improves upon the presentation of these materials in y. Avodah Zarah, which had no such transition at all. Once again, we see that Babylonian anonymous Bavli is the means by which the b. Avodah Zarah editors connect Palestinian materials together (better than y. Avodah Zarah itself had).17

V.b. The Babylonian Anonymous Bavli Re-Casts an Older Palestinian Sugya into a More Expansive, Dialectical Construction

(1) B. Avodah Zarah 20b || Y. Avodah Zarah 1:8, 40a— Selling to Gentiles With a Condition

The first clause of m. AZ 1:8 says that an Israelite may not sell items attached to land in Palestine—such as trees or crops—to a Gentile while they are so attached. Even though the Israelite is presumed to retain ownership of the land itself, he has through this sale given the Gentile some form of rootedness in the land, which is impermissible. R. Yehudah sees no such difficulty, and allows the sale on the condition that the Gentile cut the attached items off the land.

Y. Avodah Zarah 1:8, 40a

A. R. Bun b. Hiyya asked: “Is even a large beast in dispute? [Can the Israelite] sell [it] to [the Gentile] on the condition that he slaughter it?”

17. Another point is that, although the content of this Babylonian anonymous Bavli is not itself Palestinian, its author(s) used a Palestinian dialectical vehicle, the “חפוך” construction, with which to present it. This construction justifies seemingly redundant statements in a tannaitic source by pointing out the erroneous conclusions the student would reach but for the presence of the apparently-redundant materials. The “חפוך” is by no means an invention of the Bavli; examples of it are found in the Yerushalmi as well. See, for example, y. Peah 1:5, 16c and y. AZ 1:5, 39d.
B. It was found [to have been] taught [in a baraita] that even a large beast is in dispute. R. Yehudah says: “He sells to him on the condition that he slaughter it” [compare t. AZ 2:1].

In this sugya, the third-generation Palestinian amora R. Bun b. Hiyya asks if the mishnah’s dispute concerning land and items attached to it applies as well to the sale of a large beast. This question is not called for by the mishnah itself, which is concerned about Gentile settlement in the land of Israel. On the face of it, it seems difficult to see the connection between this mishnah and a question about the sale to a Gentile of a large beast. Despite this oddity, b. Avodah Zarah places a version of the same sugya in connection with this mishnah.

B. Avodah Zarah 20b

A. They asked: “[If an Israelite sold a Gentile] a beast on the condition that he slaughter it, what [is the law]?”

B. There [in the mishnah] what is the reason that R. Yehudah permits [the conditional sale]? [Is it] because [the trees or other items attached to the land] are not in [the Gentile’s] domain and he cannot delay [fulfilling the condition to cut] them [down], but [as to] an animal, since it is in the domain of the idolater, he can delay [fulfilling the condition to slaughter] it? Or perhaps there is no difference [between the two cases]?

C. Come and hear that which was taught in a baraita: [An Israelite may sell to a Gentile] an animal on the condition that he slaughter it and he [the Gentile] slaughters, the words of R. Yehudah. R. Meir says: “We only sell [to Gentiles that which is already] slaughtered” [compare t. AZ 2:1].

The author of the anonymous §B seems troubled by the same question we asked earlier about y. AZ 1:8, 40a: How does a question about the sale to a Gentile of a large animal have any connection to m. AZ 1:8? As we discussed earlier, §B responds to this skillfully by looking for a higher level of conceptualization that will encompass both the mishnah and the animal query. That higher level is the issue of whether or not the Gentile’s purchased property is considered to be a part of his domain. Will R. Yehudah rule the same way in both cases, despite the fact that the purchased trees or crops are not in the Gentile’s domain but the purchased animal is? Or

18. Once again, we must caution that a distinction must be made between that which is called for by the mishnah and typical Talmudic dialectic to which students of the literature are accustomed. There is nothing about this mishnah—taken on its own terms—that calls for consideration of the question about the beast. The fact that y. AZ does this is because of that Talmud’s own intellectual predilections.

19. For a more expansive discussion of this sugya and of b. AZ’s typically Babylonian predilection for a higher degree of legal conceptualization than we see in the Yerushalmi, see chapter 3, pp. 142–147.
will the difference in domain mean that R. Yehudah will rule differently in
the two cases? The anonymous editor is thus expanding and trying to clar-
ify an older Palestinian sugya that he himself did not create, trying to find
a way to link it to the mishnah to which it belongs but from which it seems
distinct. Having inherited both a sugya and a context, the anonymous
b. Avodah Zarah editors have added to the sugya in order to better ex-
plain its place in that context.

VI
Conclusion

On the basis of an admittedly small sample, we have suggested that it is
useful to categorize anonymous Bavli into two large geographical groups:
Palestinian or Babylonian. Palestinian anonymous Bavli may be further
subdivided into material that is attributable to Palestinian amoraim, and
that which is also anonymous in the Yerushalmi. The former is essentially
amoraic material that is anonymous; it is brief, declarative, and does not
do editorial work such as expanding or further elucidating prior sources,
or linking together different sugyot. The latter type of Palestinian anony-
mous Bavli is more likely to convey the editorial decisions of the Yeru-
shalmi to the Bavli, but may not always do so. Finally, simply because
some anonymous Bavli is exclusively “Babylonian” in provenance does
not mean that it has no awareness of the prior Talmud. Babylonian anony-
mous Bavli can provide the “glue” that joins together in the Bavli materi-
als that were already joined in the Yerushalmi, as well as create a more
dialectical sugya out of a simpler Palestinian source. Yet Babylonian anon-
ymous Bavli can also introduce a Babylonian halakhic agenda into a dis-
cussion that seems opposed to it.

The scholar is therefore well advised to approach the study of the
anonymous Bavli with as few a priori assumptions as possible. Merely
identifying anonymous Bavli as anonymous tells us very little about the
authorship of that material, let alone of the Bavli as a whole. The key is to
identify its geographical provenance and function within a given sugya.
Only by assessing its relationship (or lack thereof) to the constituent sug-
yot that comprise a given mishnah-treatment can we arrive at any firm
conclusions about the anonymous Bavli.