CHAPTER THREE

“THE NEHARDEANS SAY”

1. Early Babylonian Halakhic Traditions?

There are forty-five passages in the Bavli in which a halakhic tradition is ascribed to an anonymous group of sages using the term, “the Nehardeans say” (amrei Neharde’ei). The Bavli itself contains no direct biographical information regarding this group, and varying suggestions have been offered by scholars concerning the period in which this group of sages was active, their identity and their halakhic methodology. It is especially difficult to glean any historical/biographical information concerning this group due to the fact that all of the traditions ascribed to them are of a halakhic nature and are phrased

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1 This includes all appearances of the phrase, “the Nehardeans say” (Neharde’ei amrei) or “say the Nehardeans” (amrei Neharde’ei) in the Bavli. It does not include parallel passages, or multiple appearances within one passage. It also does not include appearances of the phrase, “the Nehardeans go according to their own reasoning” (Neharde’ei le-ta’amayhu) or the word “the Nehardeans/Nehardea/in Nehardea” with the verb “act” (avde’i) whose meaning differs from that of the phrase under discussion here. See Goodblatt, “Local Traditions,” 189–190. The list also does not include “the amora of Nehardea” mentioned in b. Sanhedrin 17b, see below, p. 125, footnote 126. The following is the complete list: b. Berakhot 43a; b. Shabbat 129a (twice); b. Shabbat 134a; b. Eruvin 41b; b. Botzah 6a (=b. Botzah 22a); b. Mo’ed Qatan 19b; b. Mo’ed Qatan 27b–28a; b. Tencamat 45b; b. Tencamat 52a (=b. Kiddushin 12b); b. Ketubbot 43b; b. Ketubbot 56a; b. Ketubbot 87a (=b. Ketubbot 100b; b. Gittin 52b; b. Bava Metzi’a 108b); b. Sotah 40a; b. Gittin 34b; b. Bava Qamma 46a; b. Bava Qamma 70a (=b. Shewu’ot 33b; b. Bekhorot 49a); b. Bava Metzi’a 16a (=b. Bava Metzi’a 35a); b. Bava Metzi’a 36b; b. Bava Metzi’a 66b; b. Bava Metzi’a 104b (=b. Bava Batra 70b); b. Bava Metzi’a 108a (three times); b. Bava Batra 31a; b. Bava Batra 35b; b. Bava Batra 37b; b. Bava Batra (twice=b. Arakhin 14b); b. Bava Batra 40a–40b; b. Bava Batra 144a; b. Bava Batra 147a; b. Bava Batra 153a; b. Sanhedrin 30b; b. Sanhedrin 31a; b. Sanhedrin 41b; b. Shewu’ot 7a; b. Shewu’ot 43b; b. Avodah Zarah 30a–30b; b. Arakhin 22b; b. Arakhin 23b.

2 Traditionally the “Nehardeans say” have been identified with R. Hama based on the anonymous testimony found on b. Sanhedrin 17b. We will discuss the reliability of this source below, p. 125, footnote 126, and in chapter four, section 3(b), p. 150. This was the approach adopted by medieval talmudic historiographers. A different claim is that “the Nehardeans say” is an appellation for Nehardean amoraim that lived throughout the talmudic period. This claim does not accept the identification of the “Nehardeans say” with R. Hama found in the Bavli. See below, section 1(a).
apodictically, a literary form which does not allow one to glean historical information.

In his study of the “Nehardeans say” traditions, David Goodblatt concluded that this term refers to a group of anonymous sages active in Nehardea during a single period, namely the first half of the fourth century C.E. Based on a comparison of this group with “the sages of Caesarea”—a group mentioned about 140 times in the Yerushalmi—Goodblatt suggested that the “Nehardeans” were a type of rabbinic guild that operated in Nehardea. The halakhic traditions ascribed to this group represent a consistent halakhic approach, one which focused on practical halakhot observed in daily life.

With the noted exception of Goodblatt’s study, the “Nehardeans say” traditions have not yet been examined in-depth by modern scholars of Babylonian amoraim. In some studies it is possible to find a few general remarks which assume that these traditions stem from a pre-talmudic Babylonian halakhic tradition, or from local traditions in Nehardea which existed at the beginning of the talmudic period, namely during the period of Samuel. These claims are based on overall impressions that arise, or seem to arise from the literature, and not from an in-depth study of the traditions themselves or from a comparison with traditions ascribed to contemporary sages. Below, we will examine the talmudic material that has been used as a basis for these claims, and afterwards we will analyze the interpretive and halakhic methodology reflected in the “Nehardeans say” traditions themselves.

The first modern scholar to paint a broad characterization of the “Nehardeans say” traditions was Solomon Funk. As part of his book on Babylonian Jewry during the talmudic period, Funk attempted to

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3 Concerning the meaning of “apodictic statements,” see above, chapter two, section 4.3., p. 55, near footnote 105.
5 See: ibid., 194.
6 Concerning the “Sages of Caesarea” see mainly: Bacher, “Die Gelehrten von Caesarea,” 298–310; Frankel, Mavo HaYerushalmi, 123; Lieberman, “The Talmud of Caesarea” [Heb.], 9–12; Levine, Caesarea, 95–97; Oppenheimer, “Batei Midrash in Eretz-Israel” [Heb.], 81; Oppenheimer, “Those of the School of Rabbi Yannai” [Heb.], 137; Miller, Sages and Commoners, 403–404.
7 Goodblatt, “Local Traditions,” 206.