Chapter One

The Historical Background

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Defining the Rabbinic Period

Establishing chronological boundaries for the historical background of rabbinic literature is well nigh an impossible task, due in no small measure to the amorphous nature of what we choose to include under the rubric of ‘rabbinic tradition’. If, for instance, we embrace a maximalist approach equating rabbinic tradition with ‘Oral Tora’\(^1\) and defining the latter as any comment or statement touching or elaborating on a portion – however small – of the written Bible, our *terminus a quo* for the history of rabbinic tradition may find us not far removed from Mt. Sinai itself. Indeed, it was just this premise that served as the basis for the ‘chain of tradition’ drawn up by the Sages and linking them to Moses at Sinai.\(^2\) Rabbinic tradition in the eyes of its propounders was no less than the sum of all those explanations, qualifications and clarifications of the frequently obscure or all-too-brief text of God's Tora, and it was only natural for them to assume that such traditions made their initial appearance almost contemporaneous with the divine revelation itself.\(^3\)

By necessity, then, we find ourselves forced to embrace, at least for the purposes of this chapter, a more limited task, i.e. providing a brief historical outline of the salient stages that lead to, and ultimately produced, organized tracts of rabbinic material. Here too, however, we encounter a developmental process that must not be ignored, and a clear distinction is required – albeit not easily applied along purely chronological lines – between the earlier formative stages of rabbinic tradition, and the later stages that actually spawned literary corpora of rabbinic material. The latter stage, roughly embracing the first five

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\(^2\) *Avot* 1:1; the ‘Tora’ received by Moses and handed down to Joshua etc., clearly refers to the ‘Oral Tora’ or to the amalgam of written and oral Tora, cf. Herr, ‘Continuum’, 44ff., for the implications of the chain of tradition drawn up by the Sages.

\(^3\) E.g. *B.T. Meg.* 19b: ‘The Holy One Blessed He showed Moses the minutiae of the Tora and the minutiae of the scribes, and the innovations which would be introduced by the scribes’; cf. *Sifra, Behukotai* 2 (112c).
or six centuries of the common era, is frequently designated as the ‘Mishna and Talmud Period’\textsuperscript{4} of Jewish history, and indeed it was during those years that the monumental works of the Sages – the Mishna, Tosefta, two Talmudim and the Midrashim – were crafted and shaped into the literary forms we recognize today. But to accurately assess the nature of this literature as we now possess it, we must remain cognizant of the processes that both preceded and followed the Mishna and Talmud period. On the one hand, while rabbinic literature may have taken on a literary format in the first five centuries of the common era, the contents of this material may at times reflect ideas, practices and even statements handed down from earlier phases of Jewish development, most particularly the days of the second Jewish commonwealth, which commenced with the return to Zion (538 B.C.E.) and building of the Second Temple (c. 516 B.C.E.), and concluded with the destruction of Jerusalem by Titus (70 C.E.). While this statement does nothing to diminish the enormous contribution of the Tannaim and Amoraim, it nevertheless takes into account the fact that by the first century C.E. there already existed within the Jewish community a significant body of oral tradition, both in the form of biblical commentary as well as ‘regulations handed down by former generations and not recorded in the Laws of Moses’.\textsuperscript{5} Rabbinic literature thus frequently serves as a conduit for the transmission of ideas and statements whose genesis preceded the rabbinic era by decades or even hundreds of years. For the student of rabbinic history the fact that a statement issuing – in literature – from the mouth of R. Akiva may have its roots in the teachings of an anonymous Sage hundreds of years earlier is indeed inhibiting,\textsuperscript{6} but it is only after we accept this basic premise that rabbinic literary development can be placed in its proper perspective.

No less crucial for our understanding of rabbinic literary development are the processes that accompanied and followed the stages of rabbinic activity. The unique systems involved in the transmission of ‘oral’ traditions, whereby whole corpora of statements were organized, preserved and publicly disseminated in a non-written form,\textsuperscript{7} gave rise to a situation whereby many of the rabbinic works we refer to were in fact finally redacted and transcribed in the post-talmudic period. Thus, for example, we frequently refer to ‘aggadic midrashim’ such as the various Rabbot (Genesis Rabba; Leviticus Rabba etc.) as Amoraic midrashim, and this is correct to the extent that we take note of the persons whose

\textsuperscript{4} Neusner’s observation (History of Religions 8 [1968] 164 and elsewhere) that historians were thus employing literary categories to define historical periods is correct, but his contention that ‘Talmud does not define an age’ may be qualified. Designation of the ‘Talmudic Era’ is no less natural than the rendering of portions of the 2nd and 1st millennia B.C.E. as ‘The Biblical Period’; cf. also Neusner, Method and Meaning, 6. For support of a ‘Talmudic Period’ cf. Goodblatt, ‘Rehabilitation’, 32.

\textsuperscript{5} Josephus, Ant. 13:297.

\textsuperscript{6} Cf. Urbach, Sages, 3; no less sobering is the converse possibility, i.e. that a statement attributed to R. Akiva may have been placed in his mouth generations after the fact; cf. Green, ‘What’s in a Name’.

\textsuperscript{7} Cf. Lieberman’s classic study on ‘The Publication of the Mishnah’ in his Hellenism, 83-99.