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Without a theory of the whole, there is no comparing of parts. It follows that when Christine Hayes proposes to compare the two Talmuds, she implicitly affirms the theory of documentary autonomy that underlies the theory of documentary description, analysis, and interpretation. For hers is an exercise in documentary analysis, as comparison and contrast always entails. Here is how she describes her proposed study:

The dissertation accounts for selected divergences between parallel passages of the two Talmuds dealing with laws governing relations between Jews and non-Jews. I proceed on a case by case basis and consider whether external influences (cultural, regional), internal factors (textual, hermeneutical, dialectical) or some intersection of the two best accounts for these legal divergences. While some legal differences reflect the differences between Jewish-Gentile relations in Hellenistic Palestine and Jewish-Gentile relations in Sassanid Persia, I critique a reductive brand of historical analysis that would posit external explanations for divergence between the two Talmuds without paying sufficient attention to internal factors. To avoid a reductive historicism, I focus on i) the character of the Talmuds as hermeneutic literatures employing specific strategies of interpretation, ii) the additional 300 years of analysis, debate and revision to which legal traditions were sub-

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jected in Babylonia, and iii) the way in which the later Babylonian sages transformed the nature of the Babylonian Talmud. Specifically, earlier layers—often resembling the Palestinian Talmud in style and substance—were incorporated into a dialectical superstructure moving the law in new directions.

Hayes produces results that prove inconclusive and representative only of themselves, and her own description underscores that fact. She could repeat the same experiment many times and produce no more definitive results than those before us, which consist in the end only of cases and examples of what we know not what. Her generalization ends up in hermeneutics, not in the comparison she promises:

In regard to the specific issue of accounting for halakhic difference between the two Talmuds, I have argued that one must attend to a range of internal causes of halakhic difference—textual, hermeneutical, and dialectical—if one wishes to avoid a reductive brand of historical analysis. I have further argued that a sound knowledge of rabbinic canons of interpretation and strategies of reading are critical for reliable cultural-historical analysis of halakhic difference...I examined internal causes of halakhic difference between the two Talmuds in tractate Avodah Zarah. In other words, I examined the way in which halakhic difference might be traced to various aspects native to the exegetical enterprise to which the amoraim were devoted. I showed...that halakhic difference can result from the fact that the two communities of amoraim possessed divergent versions of the Mishnah itself...I demonstrated that syntactic oddities, gaps and semantic ambiguities in a mishnah could generate halakhic divergence between the gemaras as the amoraim struggle to interpret and analyze the mishnah in question...I turned to a discussion of the formal and actual halakhic differences that emerge from the Bavli’s more systematic application of the hermeneutical assumption of verbal economy in the language of the Mishnah (an assumption shared by, but less fully developed in, the Yerushalmi). Chapter 4 explored the way in which the Bavli’s more rigorous pursuit of dialectical strategies of interpretation and redaction led to halakhic difference between the Talmuds...I turned to a consideration of halakhic differences between the Bavli and Yerushalmi that lend themselves to a cultural-historical analysis. In each case, some unprecedented novelty or exegetical aberration signaled the possibility of an extra-textual pressure to modify the halakhah...pp. 387f.

These results prove diffuse, unfocused, and episodic; she finds no general principles, sees no patterns that account for differences beyond specific cases at hand; and if she pursued the same inquiry many times over, she still would not set forth an explanation of her data, but only, more facts. But the facts turn out to be not only episodic, but recapitulative, since she says in general terms pretty much what her cases indicate in concrete, specific ones. So it is an elaborate paraphrase of what we know not what.

When we speak of making comparisons, we establish the premise that the things to be compared are both alike and not alike: sufficiently unlike to validate comparison and contrast, sufficiently alike so that the comparison will produce intelligible propositions. Comparing things that are utterly unlike, e.g., belonging to distinct classifications, yields pseudo-