

# The Babylonian Talmud in Its Historical Context

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MEDIEVAL RABBINIC LITERATURE aptly characterized the Babylonian Talmud as “the sea.” The Babylonian Talmud is vast in comparison to all other rabbinic compilations, and it conforms to the biblical verse, “all streams flow into the sea.”<sup>1</sup> Many early sources run into the Talmud’s sea: biblical and apocryphal verses; traditions from *Megillat Taanit*

(*Scroll of Fasting*), which was the only written post-biblical work quoted extensively by the rabbis; and passages from most of the Mishnah, completed in 220 C.E. Of course, most quotations in the Babylonian Talmud are drawn from either tannaitic sources (*Mishnayot*, *Mekbilotot*, *Sifrei*, and *Sifra*) or the amoraic dicta of the third- to fifth-century Babylonian and Israeli authorities.<sup>2</sup>

Finally, there is the anonymous redactional layer, which constitutes just over half of the total text of the Babylonian Talmud and which frames the discussion of the rest. This framework, post-dating the statements of identified figures, introduces questions, often provides solutions, and, in general, controls the interpretation of the earlier sources. It was composed by the late-fifth/early-sixth centuries, no later than c. 542 when the Black Plague appeared in Byzantium and proceeded to ravage the region for two centuries.<sup>3</sup>

The Babylonian Talmud as a whole comprises more than 1.8 million words, and its anonymous, redactional layer consists of almost a million words. To put this figure in context, it should be compared to the other major and magisterial legal compilation of the period, the *Digest* of the Roman emperor Justinian. A compilation of pre-classical and classical Roman law (written before 245 C.E.), the work was culled from some three thousand books of the Roman jurists and comprises 800,000 words. It is important to note that many of these quotations had been altered during the nearly three centuries of their transmission from the end of the classical period in the middle of the third century. The sources of the Babylonian Talmud, transmitted orally, were also subject to changes in wording, context, and, occasionally, substance.

The *Digest* was the major constituent of Justinian’s *Code*, which we have only in its second edition, completed in 529 by the Roman Jurist, Tribonian. Tribonian headed a committee of sixteen Byzantine law professors, and accomplished this daunting task in just three years. In addition, the *Code* contained the *Institutes*, a first-year textbook for law students who would enter the emperor’s bureaucracy trained in his version of Roman law, and the *Fifty Decisions*, which was supposed to adjudicate all outstanding differences of opinion. The entire work thus runs to about one million words, and is restricted to civil, or private, law. Indeed, it has been remarked that without the introductory pages of the *Code*, one would hardly know that the Emperor was a theologically involved Christian.<sup>4</sup>

1. Ecclesiastes 1:7.

2. On all of this, see H.L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash* (Edinburgh: T&T Clark, 1991). See also Lawrence Schiffman’s “The Making of the Mishnah and the Talmud” in this volume.

3. On the *stammaim*, see David Weiss Halivni, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge: Harvard UP, 1986), pp. 76–92; on the Black Plague, see Peter Christensen, *The Decline of Iranshahr: Irrigation and Environments in the History of the Middle East 5000 B.C. to A.D. 1500* (University of Copenhagen), pp. 75–83.

4. See Hans Julius Wolff, *Roman Law: An Historical Introduction* (Norman, OK: University of Oklahoma Press, 1951), pp. 162–174.

The Babylonian Talmud contains more than civil law. Like its sister-Talmud produced in the Land of Israel, it is formally an Aramaic commentary on the Mishnah (composed in Hebrew and completed in the Land of Israel c. 220), though, unlike the Jerusalem Talmud, the Babylonian Talmud does not include commentary on *Zeraim*, the first order, which is devoted to agricultural laws. On the other hand, the Babylonian Talmud contains a large amount of commentary on the fourth order, *Kodashim*, devoted to sacrifices and *sheḥitah* (ritual slaughter), which is not found in the Jerusalem Talmud. Neither contains material commenting on *Tohorot*, the order devoted to ritual purity (except for discussions of menstrual impurity, which are found in *Niddab*). I repeat these well-known facts in order to suggest that aside from the Babylonian Talmud's discussions in *Kodashim*, a case may be made for the essentially practical nature of these collections, just as in that of Justinian's *Code*.

The third legal collection produced in Late Antiquity, the Persian *Book of a Thousand Decisions*, by Farroxmard i Wahraman, was collected around 620 in a much smaller compass than the two works produced before the Plague. It consists of some 25,000 words, and is restricted to civil and administrative law.<sup>5</sup> Thus, the two legal collections that are roughly contemporary with the Babylonian Talmud are quite secular in nature and were assembled for practical use by jurists.

This comparison may provide a solution to one of the puzzling characteristics of rabbinic literature that has perplexed generations of scholars. That is, the fact that while the Babylonian Talmud contains hundreds of disputes between authorities, it hardly ever decides between conflicting opinions. This too seems to have been the method of Tribonian and Farroxmard. They collected and presented conflicting opinions, but, despite the practical orientation of their compilations, they did not rule decisively. The jurists of Late Antiquity apparently saw no contradiction in this practice,

even when, as in Justinian's *Code*, a unified law for the entire Empire was the openly expressed goal.

Still, when we examine the Babylonian Talmud in the context of the other legal compilations of its time, it does fulfill its function as a commentary to the Mishnah, elucidating, defining, and examining the meaning and legal/ritual significance of the terms presented therein. Still, these definitions are of the most basic kind; mostly material objects whose dimensions can be measured and whose volume can be ascertained. Like the *Digest*, definitions are often the object of dispute among ranking authorities, and it is their opinions that are given. For example, the *Digest* is dominated by Ulpian, whose excerpts make up over forty percent of the *Digest*. Abstract definitions of marriage, ownership, the family, and the like hardly ever occur. However, the difference seems to be one of degree rather than kind. All three compilations force us to rely on inherited material to define basic concepts, and because the Babylonian Talmud is so much larger and more analytical, it provides more material for the delineation of precise definitions.

Far beyond any other legal compilation of Late Antiquity, the Babylonian Talmud is marked by a salient characteristic, its continuous and unending dialogue. The debates are not haphazard. Certain authorities who were contemporaries or near-contempo-

5. See Anahit Perikhanian, *The Book of a Thousand Judgements*, trans. Nina Garsoian (Mazda Publishers in association with Bibliotheca Persica, 1997), and the more complete edition of Maria Macuch, *Rechtsskizzen und Gerichtspraxis zu Beginn des siebenten Jahrhunderts im Iran: Die Rechtssammlung des Farroxmard i Wabrāmān* (Wiesbaden: Harrassowitz, 1993), and idem, *Das sasanidische Rechtsbuch "Mātakdān i Hazār Dāristān"* (Teil II), Deutsche Morgenländische Gesellschaft/ Kommissionverlag Franz Steiner (Wiesbaden, 1981).

rarians debate all sorts of issues related to the Mishnah, issues that are sometimes only remotely relevant to them personally.

Some statistics will give us an idea of what is happening. The Babylonian Talmud is the creation of at least seven generations of Babylonian authorities, and contains several generations of Israeli authorities as well. However, of the hundreds of authorities mentioned by name, more than forty thousand times *in toto*, only a dozen or so dominate the discussion and are scattered in pairs. Chronologically, Rav and Samuel, R. Huna and R. Hisda, R. Nahman and R. Sheshet or R. Yehuda, Abaye and Rava, R. Papa and R. Huna b. R. Joshua, and R. Ashi overwhelmingly carry forward the debate.

These debates are often arranged as structured discussions on a given topic, so that they appear to be stenographic records of actual debates. This appearance is literary only, however, as few of these authorities lived in close proximity. This is true even though the discussion, or *sugya* (a “walking through”), sometimes seems to reflect a long debate over a point, a debate that gives the appearance of having lasted for generations. Here is a segment of a *sugya* from *Bava Batra* 99a, devoted to the postures of the cherubim in the Holy of Holies of Solomon’s Temple:

Ravina (third generation)<sup>6</sup> said in the name of Samuel (first generation): The cherubim [made by Solomon] stood [in their place] miraculously, as it is said, [quoting I Kings 6:4 to the effect that their wingspan was ten feet, for a total width of twenty feet. Since there were two cherubim, these twenty feet would completely fill the width of the Holy of Holies, leaving no room for their bodies], where [then] was their place for their bodies? It must be that they stood miraculously.

Abaye (fourth generation) objected: They might have been standing [with their bodies] protruding [under their wings] like [those of] hens.

Rava (fourth generation) objected: Perhaps they did not stand opposite one another.

R. Aḥa b. Jacob (third generation) objected: They might have been standing diagonally.

R. Huna b. R. Joshua (fifth generation) objected: The Temple might have been wider from above.

R. Papa (fifth generation) objected: Might the wings have been bent?

R. Ashi (sixth generation) objected: Their wings may have been overlapping each other.

Aside from R. Aḥa b. Jacob, this compilation is chronologically arranged around one point. But it is not typical in one crucial respect: it lacks the cut-and-thrust of typical talmudic dialogue. Each statement merely adds another possible response to the original problem.

Nevertheless, it has several lessons to teach us. First, the arrangement of dicta is not purely chronological. This is not only because the third-generation *amora* R. Aḥa b. Jacob is “demoted” to a position between the fourth-generation Rava and the fifth-generation R. Huna b. R. Joshua, but also because there is a topical arrangement. Rava and R. Aḥa

6. Alt. reading: Rabbanai (second generation) (MSS Paris 1337, Vat 115 and ed. Pesaro). This makes no difference to our analysis below.

b. Jacob suggest different orientations for the cherubim, R. Papa and R. Ashi suggest different positions for the wings, and R. Huna b. R. Joshua stands alone, suggesting an alteration in the Temple structure. The redactor of this *sugya* thus categorized the solutions into groups, and arranged them chronologically within each category. This not only explains the placement of R. Aḥa b. Jacob, but also explains why R. Huna b. R. Joshua appears before his senior colleague R. Papa, who nearly always precedes him.

Its artificiality should also be noted. There is no compelling reason for this discussion to have stretched over six generations, or for only the heads of the *yeshivot* to have expressed their opinions on this matter. This passage illustrates the point made earlier, however, that despite the cast of hundreds of rabbinic authorities, the Babylonian Talmud's discussions are carried out by a select few. Of course, we only know that they are major because the Babylonian Talmud tells us so. The preservation of thousands of their dicta within the amoraic world of rabbinic learning indicates that efforts were made to do so.

How are we to understand a discussion of this type carried on over five or six generations? Were the opinions of the major figures of each generation solicited, the answers carefully preserved, and the *sugya* constructed, layer-by-layer, generation after generation? Some scholars, especially those who worked before 1970, argued this line of reasoning. Since then, however, the predominant academic opinion has been that the *sugyot* were assembled from antecedent materials by redactors of the fifth and sixth centuries, and that these redactors were responsible for much of the anonymous dialogue that fills the Babylonian Talmud. This is much more than “filler.” Most of the Babylonian Talmud's dialogue is anonymous, but this anonymous dialogue frames and directs the development of the subject matter and dialectical reasoning of each *sugya*. Indeed, most scholars today take the view that the form of the *sugya*, the basic building block of the Babylonian Talmud, is itself the invention of these fifth- and sixth-century anonymous redactors.<sup>7</sup> Unfortunately, how this applies to the *sugyot* in the Yerushalmi has not yet been worked out.

7. See the work, in particular, of Shamma Friedman and David Weiss Halivni. For Halivni, see n. 3 above and the various introductions to his volumes of *Mekorot u-Mesorot*, particularly to *Shabbat* (New York: Jewish Theological Seminary of America, 1982), pp. 1–27 (Arabic numbering), and as revised in the volume on *Bava Metzia* (Jerusalem: Magnes Press, 2003), pp. 11–26. For Friedman, see “Al Derekh Heker ha-Sugya,” in H. Z. Dimitrovsky, ed., *Mehkarim u-Mekorot: Maasafle-Madaei ha-Yabadut*, vol. I (New York, 1977–1978), pp. 283–321.

In any case, there are still three possibilities: “punctuated redaction,” specifically, where some redactional activity centered around the work of the two first-generation authorities Rav and Samuel, and around the work of two prominent fourth-generation *amoraim*, Abaye and Rava, in the second and fifth generations, respectively; “continuous redaction,” which assumes that redaction took place alongside transmission from one generation to the next; and the most popular theory, “final redaction.”

One reason for the popularity of this opinion is the existence of forced interpretations and contradictions within the *sugyot*. This suggests that the redactors were not fully in control of their inherited material. Scholars presume that there was a break between the *amoraim* and the *stammaim* (redactors), the creators of the anonymous Talmud, the *Stam ha-Talmud*, or, simply, the *Stam*.

The theory of “activist” intervention by the *Stam* is not a new theory. The tosafists argued thusly, for instance, when they noted that the statements attributed to R. Papa in *Bava Batra* 176a and *Kiddushin* 13b are contradictory.

R. Papa said: The law is [that] a verbal loan may be collected from the heirs [of the debtor] but may not be collected from the buyers [of the debtor's property]. It may not be collected from the heirs— in order that “doors may not be locked in the face of borrowers” [because no one would lend money if his collateral could be attached], but it may not be collected from buyers— because [a verbal loan's existence] is not well-known [and a buyer's must be protected].<sup>8</sup>

R. Papa said: The law is [that] a verbal loan may be collected from the heirs [of the debtor] but may not be collected from the buyers [of the debtor's property].

It may not be collected from the heirs— the force of a lien is biblical, but it may not be collected from buyers— because [a verbal loan's existence] is not well-known [and a buyer's must be protected].<sup>9</sup>

According to *Tosafot* only the first part of each is actually to be attributed to him, the different justifications attached to each were added by “the Gemara,” or *Stam*.<sup>10</sup> Indeed, in their analyses of these problems the tosafists refer to the Gemara, or *Sbas*, some two hundred times.

Overwhelming evidence exists that these dicta were transmitted orally, and that amoraic rabbinic culture was pervasively oral. Writing, not reading, was considered a significant attainment,<sup>11</sup> but learning consisted of memorizing and reciting traditions, and many of the early variants of attributions preserved in the Babylonian Talmud itself often stem from aural misperceptions or errors of association. [Was it the master or the disciple? Or one of two closely-associated colleagues? Was the statement made by R. Avin or Avina?] Other examples include “others report,” a statement as a question while others report it as a declarative sentence. These examples, and many others, demonstrate the accuracy, at least in Babylonia, of the talmudic dictum that “things transmitted orally may not be written down,”<sup>12</sup> at least for halakhic matters. Indeed, even much later, during the late-geonic period (tenth century), this remained the norm, and R. Aaron Sarjado ha-Kohen testifies, as though it was common knowledge, that “most of the *yeshivah* do not know what a book is.” The upshot was that not only the text, but also the punctuation was orally transmitted. R. Aaron's statement concerned whether a particular statement under discussion was a question or a statement, but the wider implications relate to the very structure of most *sugyot*. Talmudic dicta betray characteristics well known from other oral compilations, such as ring-structures (where the end mirrors the beginning), chiasmic structures (where the second half of the *sugya* parallels the first, but in reverse order: ABCD/DCBA), recurrent use of stereotyped phrases, and ordering of segments in groups of threes, sixes, and sevens.<sup>13</sup>

Thus, the preference for listing things by threes (three questions, three solutions, three inferences) as an aid to memory has more than literary consequences. On occasion, the situation does not yield its elements so symmetrically, and one of the elements tends to be a “weak sister,” added only to make up the requisite number.

What can we say of the social context that produced such a huge, complex, and variegated compilation, one that is unquestionably equal to the Bible as a generative influence on rabbinic Judaism? Quite a bit, as recent research has shown. Evidence

8. *Bava Batra* 176a.

9. *Kiddushin* 13b.

10. See *Tosafot*, *Bava Batra* 176a, s.v. *goveh*.

11. See *Hullin* 9b.

12. *Gittin* 60a.

13. See my article, “Orality and the Redaction of the Babylonian Talmud,” *Oral Tradition* 14 (1999), pp. 52–99; the references are on p. 84.

14. For R. Kahana see Jerusalem Talmud *Yoma* 1:6; for Samuel see *Sanhedrin* 98a; for R. Nahman see *Kiddushin* 70a–b; for Rava see *Moed Katan* 28a; for R. Papa see *Gittin* 19b and *Gittin* 11b.

15. See *Shabbat* 47b, *Pesahim* 5b, *Taanit* 20b, 21a.

16. See *Kiddushin* 73a and *Avodah Zarah* 70a.

17. See *Shabbat* 88a–b, *Hullin* 84a, and possibly *Berakhot* 13b.

18. Muhammad b. Garir al-Tabari, *Geschichte der Perser und Araber zur Zeit der Sasaniden. Aus der arabischen Chronik des Tabari*, trans. Th. Noeldeke (Leiden, 1879), pp. 15–16; see Samuel N. C. Lieu, *Manichaeism in the Later Roman Empire and Medieval China: A Historical Survey* (Manchester: Manchester UP, 1985), pp. 4–5, and the literature cited in n. 28.

19. See *Berakhot* 59b.

20. As Rava's problems with certain members of the household of "Dr. Benjamin" reveal, see *Sanhedrin* 99b–100a; but he gave as good as he got, see *Shabbat* 133b, and especially *Makkot* 22b; see my "Acculturation to Elite Persian Norms" in the forthcoming Halivni *Festschrift*.

21. See *Shabbat* 35b.

22. On the "lokalpatriotism" of the various Jewish communities in Babylonia, and the consequent denigration of outsiders, see Gafni, *Yebudei Bavel bi-Tekufat ha-Talmud* (Jerusalem: Makhon Shazar, 1990), pp. 119–125, and especially his comments on p. 124. Though these characterizations are undoubtedly exaggerated, they would not have been effective (and thus circulated) were they totally bereft of truth.

suggests that a successive string of prominent rabbinic figures—Rav, R. Kahana, Samuel, R. Nahman, Rava and R. Papa—were familiar with Middle Persian language and culture.<sup>14</sup>

This should hardly be surprising. Jews and Persians lived in close proximity in Babylonia for over twelve centuries. For nearly all of that time, one or another Iranian dynasty ruled the country as a province of its empire. Moreover, the religion of the latter was all the more dangerous for being disturbingly familiar, with its theological doctrines of reward and punishment, heaven and hell, judgment, creation, the fight against evil, the coming of the messiah (actually, three of them) and the ultimate defeat of evil, resurrection of the dead, its ethical system emphasizing right thought, speech and action, and ritual system with its avoidance of idolatry, its hatred of sorcery, sodomy, and contact with menstruating women and dead bodies. It was far more attractive than the paganism of Rome or Babylonia, with gods that were far too human, Christianity with its claims of possessing the true Judaism, or the dualism of Gnostic Christianity and Manichaeism.

Four of the six prominent Babylonian *amoraim* familiar with Middle Persian language and culture were linked in a chain of teachers and disciples. For various reasons, our entry point into the Babylonian talmudic era is the Jewish community of Maḥoza in the second quarter of the fourth century, home to two of the most influential *amoraim* of the Babylonian Talmud, R. Nahman and Rava.

Maḥoza, home to large Jewish and Christian populations, was situated on the west bank of the River Tigris, just across from the Persian capital of Ctesiphon. Ctesiphon was the seat of Shapur II, who had restored the fortunes of the empire he had inherited as a child in 309 and would continue to rule until 379. On the outskirts of Maḥoza was the Jewish suburb of Mabrakta, between the two was a synagogue. Sikara, also on the Tigris' west bank, was not far downriver; across the river were Nehar Pekod and Be Ardashir. Altogether, Maḥoza was part of a huge *entrepot*, the metropolis of the entire Sasanian Empire, with a heterogeneous population where Persian soldiers were common and were sometimes billeted with Jewish families.<sup>15</sup> Similar to the capital city, Maḥoza also had a significant population of proselytes<sup>16</sup> and Christians,<sup>17</sup> some of whom were originally Jewish. Also directly across the river from Ctesiphon, adjacent to Maḥoza, and perhaps at one time incorporated in it, was Weh-Ardashir, once called Seleucia, where the Christian *catholicos* (patriarch) had his headquarters. Indeed, in Syriac and later in Arabic, the two metropolises were referred to as *al-Madain* (the Twin Cities).<sup>18</sup>

Maḥozans were wealthy, cosmopolitan, canny,<sup>19</sup> and skeptical of rabbinic authority.<sup>20</sup> Even members of the household of rabbinic authorities were not greatly informed about the intricacies of everyday *halakbab*.<sup>21</sup> Maḥozans had the reputation of being perspicacious and delicate;<sup>22</sup>

the women were pampered and idle, the men pursued still more wealth and the good life.<sup>23</sup>

Maḥoza was thus across the river from the intellectual and religious center of the Persian Empire, and, as we know from both the Talmud<sup>24</sup> and later Islamic histories, had at least two bridges spanning the Tigris to Ctesiphon.<sup>25</sup> The proximity was more than geographical. As Samuel N.C. Lieu recently described it:

The Sassanian Empire was a meeting point of religions and cultures. Although the official religion of the ruling dynasty was Zoroastrianism, Judaeo-Christian sects and Semitic pagan cults jostled with each other in splendid confusion in Mesopotamia. To these was added a strong Jewish presence in Babylonia and Adiabene. . . . The victories of Shapur I [241–273] brought large numbers of captive Romans to residence in the Sassanian Empire and many of them were Greek-speaking Christians from conquered cities like Antioch.<sup>26</sup>

Lieu refers to a situation in which syncretism was the order of the day, with Judaeo-Christian sects like the Elchasaites (among whom the prophet of Manichaeism, Mani, was raised), Christian sects such as the Marcionites, and certainly the Manichaeans and Mandaeans, all competing for converts. In some parts of the Empire, especially in the east, Buddhism was a factor. According to Pahlavi sources (albeit from the ninth century), Shapur II held religious disputations.<sup>27</sup> A century before, Shapur I harbored the founder of Manichaeism in his court.<sup>28</sup>

These sects did not exist in peaceful isolation. Some were at various times persecuted severely, especially the more orthodox Christian sects that were looked upon as natural allies of the Roman enemy. In 339, the *catholicos*, Simeon bar Sabbae, was martyred under Shapur II.<sup>29</sup> A century earlier, the self-styled prophet, Mani, wore out his welcome at the court of Shapur I, and died in prison martyred by Vahram I (273–276). Mani's influence continued to grow, however, including among the acculturated Jewish community of Maḥoza.

*Araber zur Zeit der Sasaniden*, p. 54.

26. Samuel N. C. Lieu, *Manichaeism in Mesopotamia and the Roman East* (Leiden: E.J. Brill, 1994), p. 25.

27. See Mary Boyce, *Zoroastrians: Their Religious Beliefs and Practices* (London: Routledge & Kegan Paul, 1979), p. 118; Mansour Shaki, "The Denkard Account of the History of the Zoroastrian Scriptures," *Archiv Orientalni* 49 (1981), pp. 114–125, esp. p. 119; and Shaul Shaked, *Dualism in Transformation: Varieties of Religion in Sasanian Iran* (London: School of Oriental and African Studies, 1994), pp. 11–12.

28 Samuel N. C. Lieu, *Manichaeism in the Later Roman Empire and Medieval China* (Tübingen: Mohr, 1992), pp. 58–59, and see Jacob Neusner, *History of the Jews in Babylonia*, vol. II (Leiden: E.J. Brill, 1966), pp. 16–18. If Shaul Shaked is correct, it was this encounter with monotheism that turned Zoroastrianism into a more thoroughgoing dualistic religion than it had been before. See his *Dualism in Transformation*, pp. 10–13, 22–26, especially his concluding comments on p. 26.

29 See Samuel N. C. Lieu, *Manichaeism in the Later Roman Empire*, p. 39, and see A.F.J. Klijn and G.J. Reinink, *Patristic Evidence for Jewish Christian Sects* (Leiden: E.J. Brill, 1973).

23. On Maḥozans' reputations see: *Berakhot* 59 for perspicacity; *Shabbat* 109a for delicateness; *Pesahim* 50b for pampered women; *Shabbat* 32b for idle women; *Gittin* 6a and *Bava Metzia* 59a for the pursuit of wealth; and *Rosh ha-Shanah* 17a and *Niddah* 17a for pursuit of the good life.

24. See *Eruvin* 57b, *Moed Katan* 25b, and Jacob Obermeyer, *Die Landschaft Babyloniens im Zeitalter des Talmuds und des Gaonats: Geographie und Geschichte nach Talmudischen, Arabischen und Anderen Quellen*, (Frankfurt-am-Main: I. Kaufman Verlag, 1929), pp. 161–185 on Maḥoza, and pp. 186–189 on Sikara. Seleucia and Ctesiphon were therefore considered one city as far as Sabbath laws were concerned. Since Maḥoza was a suburb of Seleucia-Weh-Ardashir, Maḥozans might well have been able to cross over to the capital even on the Sabbath.

25. See Arthur Christensen, *L'Iran Sous les Sassanides* (repr. of 2nd ed.; Osnabruck: Otto Zeller, 1971), p. 234. The information comes from al-Tabari; see Th. Noeldeke, *Geschichte der Perser und*

30. On Naresh see *Hullin* 127a; on Pumbedita see *Shabbat* 153a.
31. See *Ketubbot* 13a, but see also 56a.
32. See *Bava Metzia* 22b and *Sanhedrin* 27a.
33. On R. Naḥman's expertise in rabbinic law see *Hullin* 124a and Rashi *Gittin* 19b, s.v. R. Naḥman; on his expertise in Sasanian civil law see *Bava Batra* 173 a–b, *Bava Kamma* 58b, and *Sanhedrin* 5a.
34. See *Kiddushin* 70 a–b.
35. See *Yevamot* 37b and *Yoma* 18b.
36. See *Shabbat* 67 a–b.
37. See Jerusalem Talmud *Yoma* 1:6 and E.S. Rosenthal, “La-Milon ha-Talmudi,” Shaul Shaked, ed., *Irano-Judaica* 1 (Jerusalem: Makhon Shazar, 1982), pp. 38–131, see pp. 48–50.
38. See *Sotah* 2a and *Dadestan i Denig* 70.
39. See *Avodah Zarah* 10b–11a.
40. *Bava Batra* 173a–b, *Bava Kamma* 58b, *Shevuot* 34b. *Yerushalmi Sukkah* 3:10 [Vilna 16a] = *Yerushalmi Gittin* 2:3 [Vilna 12a] for his borrowing of the institution of “returnable gifts” (see *Sukkah* 41a where it is attributed to Rava, but compare to *Bava Batra* 137b), *Bava Batra* 13b for his enunciation of the exact position a Persian landowner would take in his dispute with R. Yehuda on breaking up estates; *Bava Batra* 148b for his attempt to liberalize Jewish law on the returnability of *mattanat shekhiv mera* (gifts in contemplation of death) to make it able to compete with Persian law.
41. See *Sanhedrin* 99b–100a, *Makkot* 22a, *Eruvin* 21b, and *Shabbat* 23a.
42. See *Eruvin* 21b.
43. See my “Acculturation to Elite Persian Norms in the Babylonian Jewish Community of Late Antiquity,” in the Halivni Festschrift (forthcoming) and “Between Rabbi and *Dadwar*: R. Naḥman of Maḥoza in *AJS Review* (forthcoming).

Despite hosting three generations of rabbinic authorities (Rabbah b. Avuha, R. Naḥman, and Rava), Maḥoza seems to have remained hostile territory for the rabbis, dominated as it was by the exilarch and his coterie of acculturated upper-class society. Unlike Pumbedita, Nehardea, Sura, or Mata Meḥasya, Maḥoza did not enter rabbinic historiography as a Torah center, even though R. Papa complains about Naresh, and Rabbah and Abaye about Pumbedita.<sup>30</sup> Abaye observes, and his uncle Rabbah confirms, that the Pumbeditans hated Rabbah. Nevertheless, in the end, the Maḥozans as individuals got their due: *halakhah* generally follows R. Naḥman<sup>31</sup> and Rava.<sup>32</sup>

The traditions of R. Naḥman (b. Yaakov) of the second-third generation, and his disciple, Rava, of the fourth generation, provide us insight into the Maḥozan community. R. Naḥman, was a relative of the exilarchs, perhaps a son-in-law, and an expert in both rabbinic and Sasanian civil law.<sup>33</sup> He appears to have been a pivotal figure, particularly when we consider his close relationship with his major disciple, Rava, the commanding local presence in the Babylonian Talmud, who is mentioned some 3800 times in the text. R. Naḥman was a rabbi and a member of upper-class Maḥozan society, one who seems to have been thoroughly at home in Persian culture, and recognized as such by his contemporaries and successors. He was also criticized mercilessly by the Babylonian Jewish (Pumbeditan) “right wing” for that.<sup>34</sup>

R. Naḥman's adoption of the Persian institution of temporary marriage is certainly a significant indicator of his lifestyle, as it is for the great first-generation *amora* Rav.<sup>35</sup> It is noteworthy that the Babylonian Talmud contains no criticism of the practice on moral grounds or of following *darkhei ha-Emori* (gentile practices).<sup>36</sup>

Of course, it may be that Rav's prestige shielded his later colleague from censure. Nevertheless, as E. S. Rosenthal noted, Rav himself was thoroughly familiar with Middle Persian, to the extent of being able to make a visual bilingual pun in pantomime to his disciple R. Kahana.<sup>37</sup> In addition, it should be noted that Rav expressed the view that one's wife is predestined for him, a belief found in Middle Persian sources, although this may have had an equally Jewish origin.<sup>38</sup> There is also Rav's friendship with Artavan V, the last king of the Parthian dynasty,<sup>39</sup> and R. Naḥman's expertise in Persian law, acknowledged throughout the Babylonian Talmud.<sup>40</sup>

Rava's career adds to our picture of Maḥozan society. He apparently had to reply to a deep-seated skepticism toward rabbinic authority<sup>41</sup> and to defend the authenticity of the rabbinic oral tradition.<sup>42</sup> The skepticism of Maḥozan Jewry was fueled in part by the acceptance of the Manichaean polemic against Zoroastrianism and its insistence on oral transmission, and by a strong concern with the problem of theodicy, encouraged by a

familiarity with Zoroastrian theology.<sup>43</sup> Rava's creativity was fueled by his cosmopolitan urban environment. For instance, he ruled that one who habitually ate certain non-kosher foods because he liked the taste was nevertheless trustworthy as a witness in cases involving civil matters.<sup>44</sup> So too did he suggest that a lost object belongs to the person who discovers it even before the loser is aware of his loss, because it prevented the loser from resorting to urban courts to try to get his property back and eliminated the period of uncertainty of possession. It also led to the legal concept that "future [psychological] abandonment [of possession] when unaware [of the loss] is [nevertheless retrospectively accounted] as abandonment."<sup>45</sup> Ultimately, Rava's views were decisive in shaping the Bavli's approach to the problem of theodicy, legal midrash, and conceptualization, all of which stand in stark contrast to the Yerushalmi.

Not all Babylonian Jewish communities were as acculturated as Maḥoza. Rabbinic Pumbeditan society was much further to the "right," as demonstrated by the anecdote describing R. Naḥman's confrontation with the founder of the Pumbeditan *yeshivah*, R. Yehudah.<sup>46</sup> Current research indicates, however, that at least one Pumbeditan figure, R. Yosef, was deeply influenced by Zoroastrian views in his theology of divine anger, and that this theological stance in turn influenced his own views of the limits of supplicatory prayer.<sup>47</sup> Research into these matters has only just begun, and we are not yet able to determine the degree of acculturation of the typical Babylonian Jew, though we may be better placed to describe the Babylonian rabbinic authority. We can say this: the Babylonian Talmud was not produced in a ghetto, nor was it initially studied and transmitted in one. Its major figures, experts in Jewish traditions, were also very aware of broader currents in the general culture.

44. *Sanbedrin* 27a.

45. *Bava Metzia* 20b–22a.

46. See *Kiddushin* 70 a–b.

47. See *Ketubbot* 106a, *Bava Kamma* 60a, and *Avodah Zarah* 4b.