

How the Talmud works and why the Talmud won  
(Lecture for Trinity University, March 4, 1996)

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**I. How the Talmud works**

A single document, the Talmud of Babylonia - that is to say, the Mishna, a philosophical law code that reached closure at ca. 200 C.E., as read by the Gemara, a commentary to thirty-seven of the sixty-three tractates of that code, compiled in Babylonia, reaching closure by ca. 600 C.E. - from ancient times to the present day has served as the medium of instruction for all literate Jews, teaching, by example alone, the craft of clear thinking, compelling argument, correct rhetoric. That craft originated in Athens with Plato's Socrates for the medium of thought, and with Aristotle for the method of thought, and predominated in the intellectual life of Western civilisation thereafter. When we correlate the modes of thought and analysis of the Talmud with the ones of classical philosophy that pertain, we see how the Talmud works, by which I mean, how its framers made connections and drew conclusions, for the Mishnah and Gemara respectively. And when we can explain how the Talmud works, I claim, we may also understand why it exercised the remarkable power that it did for the entire history of Judaism from its closure in the seventh century into our own time. Those two questions - how it works, why it won - define the task of this presentation.

The Talmud makes connections in the manner of Western science as defined by Aristotle in his work of natural history, and it draws conclusions in the manner of Western philosophy as defined by Plato's Socrates and by Aristotle in their logic, specifically, their dialectical analysis and argument. To be concrete and claim no more than I mean: history, specifically, governs the composition of the Mishnah, and philosophical dialectics, the Gemara. Modes of thought and analysis, media of the formulation of the same, and methods of explanation - these answer the question of how one thing is deemed to connect to another but not to a third, and what conclusions we are to draw from the juxtapositions, connections, and intersections of things. And the answers to that question form the structure and system of thought that for a given society explain sense and also define nonsense. The modes of public thought of the Talmud that turned out to govern the affairs of an entire social order, the one that is portrayed by, and ultimately realized through, that Talmud, certainly, seen in its selected context, one of the most influential pieces of writing and public thought in the history of mankind.

From its closure to our own day, the Talmud of Babylonia (Mishnah and Gemara together) has formed the paramount authoritative writing of Judaism. It has served as the governing medium by which the revelation of Sinai, the Torah, oral and written, reaches age succeeding age. By reason of its unique character, the Talmud turned out not only to provide legal ruling and supporting opinion, but a model of how rulings and opinions were to be reached - and, more important still, a paradigm for the education of succes-

sive generations in the method of right thought. When faithful Israelites undertook to "study Torah," they opened the Talmud, and, when they did, they learned - entirely inductively - how to turn themselves into scientists and philosophers, that is to say, natural historians working with the data of the everyday and disciples capable of joining in a dialectical analysis through argument. I so allege that (1) the basic structural document of the Talmud, the Mishnah, makes connections in the manner of Classical natural history, and (2) the exegesis and amplification of that document, the Gemara, conducts its analysis through the dialectical method of Classical philosophy. The Talmud and its Judaism (or, Judaic religious system) then emerge from this account as distinctive but native chapters in the intellectual history of Western civilisation, as much in their point of origin, in late antiquity, as was later the case in medieval times among Judaic philosophers in the Aristotelian tradition.

In particular, the Talmud's modes of organizing data into intelligible patterns ("rules") follow the rules of natural history common to Western science from Aristotle onward, and its media for the conduct of analytical argument and construction of compelling arguments and reliable judgments prove congruent to those of Western philosophy. I refer, specifically, both to those of Socrates as Plato presents him and of Aristotle in his lectures on how to frame arguments, his *Topics*. So the Talmud imposes rationality upon, or explains, diverse and discrete data by modes of Western science, specifically natural history set forth by Aristotle, and transforms those organisations of data into encompassing, well-tested generalizations capable of encompassing fresh data, doing so in the way in which that principal labor is carried out by Western philosophy, tests of generalizations conducted in accord with the method of analytical argument (not merely static demonstration) laid out by Socrates' Plato and utilized, also, by Aristotle.

That the whole forms an exercise of analysis of the everyday through applied logic and practical reason is clear from the topics that are treated by the Talmud. Classical science dealt with the natural world, biology and zoology and physics, for example; dialectics investigated the definition of abstract categories of virtue. Not so in the Talmud. While possibilities for abstract inquiry presented themselves, e.g., in topical tractates concerning matters of no immediate practical fact, the Talmud in the main bypasses those tractates in favor of those deemed practical. That is to say, while the Mishnah's law covers a wide variety of practical and theoretical subjects, the Gemara deals, in the main, with those tractates of the Mishnah that concern everyday life (specifically, the divisions of the Mishnah presenting laws on the festivals and holy days, laws of home and family, and the corpus of civil law, court procedure, and governance). The Talmud - Mishnah and Gemara together - works by bringing to bear upon the workaday world principal modes of scientific and philosophical thought<sup>1</sup> characteristic of Western civilization.

Before I proceed, let me give a simple, concrete example of what I mean by making connections and drawing conclusions, that is, the method of classification of data in a process of comparison and contrast. The method involves taking facts concerning a gi-

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<sup>1</sup> The terms "science" and "philosophy" serve contemporary sensibility, to be sure, since in ancient times no one made the distinction important to us now.

ven matter and comparing those facts with the ones concerning a kindred matter, so as to lend context and meaning to both sets of facts. My concrete instance concerns the relative status of the two sources of authority, the king and the high priest, in the theoretical Israelite politics put forth by the Mishnah. In the briefest of examples, we see that the facts concerning the one are collected and set forth in comparison and contrast with the facts concerning the other:

A high priest (1) judges, and [others] judge him; (2) gives testimony, and [others] give testimony about him; [...]

The king (1) does not judge, and [others] do not judge him; (2) does not give testimony, and [others] do not give testimony about him.<sup>2</sup>

What we see is that four facts are collected and joined in a common classification, high priest, then king; and when we contrast the one set of well-organized facts with the other, we further hierarchize what has been classified, showing that the king enjoys higher status than the high priest. The work of natural history proceeds in just this way, through comparing like to like, and differentiating like from like.

To give an example of a dialectical argument proves somewhat more difficult in the nature of things. A simple example shows how the dispute about a ruling shades over into a debate about the principles operative in making the ruling. Then each party to the dispute gives his reasons and challenges the premises of the other. In the end the two positions are balanced and yield a clearcut choice, and those assembled vote. In the case at hand, what we want to know is how to resolve a matter of doubt, whether by appeal to the *status quo* or the *status quo ante*, that is, do we confirm the status quo retroactively, and say, an invalid situation has been invalid for so long as we do not know that it was valid? Or do we determine that the situation has changed only when we have discovered the change, so that the discovery of the invalidity marks the beginning of the period of invalidity. The case involves an immersion pool, used for purifying unclean objects. We have this morning discovered that the pool was invalid, by reason of an insufficient volume of water. Two weeks ago, we examined the pool and found that it was valid, with a sufficient volume of water. What is the status of the objects immersed over the past two weeks? Do we assume they were cleaned until the pool was proven invalid? Or do we declare them unclean by reason of the newly-discovered invalid status of the pool? What is important to us is the unfolding of the argument. Each party invokes a governing analogy, one which declares invalidity to be retroactive, the other not. Then each challenges the validity of the other's analogy. Finally, the issues and arguments and facts are fully exposed. People have to vote:

The water-reservoir of Disqus in Yavneh was measured and found lacking. And R.Tarfon did declare clean all the objects immersed in the pool until it was found to be invalid, and R.'Aqiva declared unclean all the objects immersed in the pool from the last occasion on which it had been measured and found valid.

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<sup>2</sup> Mishnah, Tractate Sanhedrin 2,1-2.

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Said R. Tarfon: "Since the immersion-pool is in the assumption of being clean, it remains perpetually in this presumption of cleanness until it will be known for sure that it is made unclean."

Said R. Aqiva: "Since this immersion-pool is in the assumption of being unclean, it perpetually remains in the presumption of uncleanness until it will be known for sure that it is clean."

Said R. Tarfon: "To what is the matter to be likened? To one who was standing and offering [a sacrifice] at the altar, and it became known that he is not a valid priest. *His* act of service is valid."

Said R. Aqiva: "To what is the matter to be likened? To one who was standing and offering a sacrifice at the altar, and it became known that he is disqualified by reason of a blemish - for his service is invalid."

Said R. Tarfon to him: "You draw an analogy to one who is blemished. I draw an analogy to one who is invalid to begin with. Let us now see to what the matter is appropriately likened. If it is analogous to a blemished priest, let us learn the law from the case of the blemished priest. If it is analogous to one who is invalid to begin with, let us learn the law from the case of one who is invalid to begin with"

R. Aqiva says: "The unfitness affecting an immersion-pool affects the immersion-pool itself, and the unfit aspect of the blemished priest affects the blemished priest himself.

But let not the case of the one who is invalid to begin prove matters, for his matter of unfitness depends upon others.

A ritual pool's unfitness depends on one only, and the unfitness of a blemished priest depends on an individual only, but let not the case of the one who is invalid to begin with prove the matter, for the unfitness of the one depends upon ancestry."

They took a vote concerning the case and declared it unclean.

Said R. Tarfon to R. Aqiva: "He who departs from you is like one who perishes."<sup>3</sup>

These two concrete cases are meant to illustrate what I mean by natural history, on the one side, and dialectical, or moving, argument, on the other.

When I speak of philosophy, inclusive of natural history, I do so within a very limited framework. Classical philosophy encompasses a broad range of modes of thought and analysis. But here only a single, principal mode in each instance comes under consideration. For modes of thought, I speak only of science in the form of natural history, which explains the rationality<sup>4</sup> of nature by showing the connections between diverse data and by classifying them. That is why we turn to the methods of hierarchical classification set forth by Aristotle in his study of natural history. For modes of analysis, I point to philosophy, which draws conclusions through the testifying of hypotheses in analytical argument. I refer specifically to the methods of dialectical argument - challenge and response, rigorous questioning and well-articulated answering of questions - the mode of dialectical analysis defined by Plato's presentation of Socrates. That is why the names of Aristotle, for natural history, and Socrates as read by Plato, and

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<sup>3</sup> Tosefta, Miqvaot 1,17-20.

<sup>4</sup> Perhaps in its own (Aristotelian) context "teleology" would have provided a better word than "rationality", but in the end we are constrained to use the language of our world, even when transmitting the intellect of another one, however influential that other is upon our own.

Aristotle in his *Topics*, for dialectics, make their appearance as we find our way toward the right reading of the Talmud's writing.

What, specifically, do I mean by applied reason and practical logic? Immediately upon entering any passage, whether legal, for the Mishnah, or analytical, for the Gemara, the Talmud focuses upon humble affairs of the here and now. Among these it makes its connections by a process of comparison and contrast, linking like to like, unlike to unlike. It then derives its comprehensive truths from received formulations of practical rules, for its problematic commonly finds definition in conflicts among received formulations of petty rules about inconsequential matters, that is to say, from the issue of generalisation from cases to rules, from rules to principles, from principles to fresh cases of a different kind altogether. The Gemara then proposes generalizations, hypotheses governing many and diverse cases from the conclusions drawn in a few, uniform ones. But herein lies the Talmud's remarkable accomplishment, one of intellect: the everyday was subjected to the dictates of rationality: (1) hierarchical classification, as in Aristotle's natural history, making sense of diversity; (2) argument through challenge and response, as in Socrates' and Plato's and Aristotle's dialectical argument. In the great tradition, then, our sages of blessed memory explored the path that leads in a straight line from what is virtuous to what is kosher.

The dialectical argument of the Gemara conforms to philosophical dialectics not only in logic, but also in rhetoric. Just as a fair part of Plato's Socratic dialogues is made up of scripts to be acted out, and most of Aristotle's writings are comprised of lecture notes, so the authors of the dialectical analytical arguments that are set forth in the Talmud of Babylonia supply only notes toward the reconstitution of an argument and a purposive inquiry. Out of those notes of what can be said, we are able to recapitulate the oral exchange, the public argument, that exposes right and worthwhile thought. While the Mishnah is fully articulated but only to whom it may concern, the Gemara is made up of notes, not fully spelled out sentences, paragraphs, arguments, propositions meant to affect the judgment of all who are concerned enough to join in the debate.

Much as, scholarship understands, we receive Aristotle's writings in the form of extended lecture notes but not finished compositions, so we have to view the Talmud's main type of writing, the protracted, analytical argument, as a set of notes that permit us to join in the thought processes of the framers. We then reconstruct logical argument out of the notes the Talmud provides as guidance on the recovery of reasoned thought concerning right and wrong in practice. Accordingly, when we speak of how the Talmud works, the message is not only general - the intellectual context of the document, in classical philosophy - but quite particular to the very distinctive characteristics of the writing itself: why in this form rather than in some other? The form - question-answer, in scarcely articulated wording - proves to make sense in that very same context of philosophical analysis inaugurated by Socrates-Plato and Aristotle. So my claim concerning the Classical character of the Talmud concerns not only the generalities of rules of rationality but the specificities of rhetoric.

To take a step further I refer in particular to the rhetoric of dialectical argument, not only its inner logic. Specifically, the Gemara, in particular, is to be seen not as a piece of writing but only as notes on the reconstruction of thought leading to the recapitulation

of the logic of what was originally thought, rather than what was originally said in just these words. This is a process of reconstruction requiring also fresh articulation in age succeeding age. Everyone understands that the Talmud is not a document to be read. Rather, we see it as a script for a conversation to be reenacted. That is why in the classical yeshivas, where the Talmud is not read but correctly studied through ritualized debate reminiscent of that of the Tibetan schools, all study takes place orally, and, orally, in the context of pairs of debaters, students who work together to recapitulate thought by reading and explaining what is before them. Properly prepared in language and information, Plato's Socrates and Aristotle would find themselves quite at home in the authentic yeshivas. Even the echoes of music in the argument, the sung propositions, might reach deep into their intellectual consciousness. Or, to put it differently, because of their preference for oral representation of thought and argument, they will have shared my view that in our hands we hold the best of all possible Talmuds. To do the work properly, it must be done in this manner and in no other, in this kind of writing and not in any other mode of writing (e.g., essays, commentaries, codes, exegesis of a prior document, and on and on through the entire repertoire of types of writing among ancient Judaisms). So much for what is at stake here for the reading of the Talmud.

But the issue of a context in which the Talmud is to be read does not exhaust matters. For, second, beyond the limits of the document and its formal protocol in rhetoric, we have still to ask a further question. It is, for the history of Judaism and the analysis of its cultural context, what is at stake in this approach to the philosophical and rhetorical character of the Talmud? It is to place that authoritative writing, and the religious system that it represents, squarely in the center of the intellectual heritage of Western civilisation. The reason is simple. The upshot of this reading of mine is that the document of Judaism that is both most influential and also most particular and distinctive - I should say, unique - is shown also to bear traits of logic and intellect that mark that same writing as an integral, formidable part of the common heritage of Western scientific and philosophical endeavor. When we read and reconstruct the Talmud rightly, we therefore find ourselves at the center and soul of the intellectual tradition of the West. And to grasp the full implications for enduring culture of the Graeco-Roman philosophical heritage, we have to pay attention, also, to the distinctive (I think, unique) realization of those implications in the Talmud too.

Accordingly, the Torah (a.k.a., "Judaism") as the Talmud set forth the Torah is a profoundly Western statement, an expression of the West as characteristic as is Christianity in its theological and philosophical form. And that is for a reason that all acknowledge: Christianity determined the intellectual foundations of Western civilisation. It hardly suffices to say, as just now noted, that science (natural history) and philosophy together form the foundations of the intellectual life of the West. It is necessary, by way of explanation, to add, and that is because the principal religion of the West, Christianity, along with its competition, Islam, and, we now shall see, in addition also to Judaism in its Talmudic statement, all made their own the Graeco-Roman heritage of mind.

The proximate reason is that Christianity, which defined Western civilisation, identified theology, conducted along philosophical lines, as its principal medium of expression. For everyone knows that Christian theologians and philosophers recast the Gospels

into a philosophical statement of theology, calling upon the voice of Athens to deliver the word of Jerusalem. In due course Islam would do the same. What has not been recognized until now is that at the same time that Christianity would speak through theology, conducted along the lines of philosophical argument, so Judaism<sup>5</sup> would speak through norms of law, also set forth along the lines of philosophical argument - and, within broad limits, the same philosophical argument.<sup>6</sup> Christianity and that minority component of Western, Christian civilisation, which is Judaism in its Rabbinic formulation, meet in philosophy, which is why, at some specific points in their intersecting histories, they were able to conduct civil and rational debate. As much as Catholic Christianity - the Christianity of philosophy, theology, and intellect - defined the Western formulation of the Gospel,<sup>7</sup> so Talmudic Judaism - the Judaism of hierarchical classification and dialectical argument - defined in the Christian West<sup>8</sup> the Judaic representation of Sinai.

Judaic jurists - who also accomplished the work of theology and philosophy, but in a distinctive and unfamiliar idiom, namely, saying abstract things in concrete ways - accomplished a counterpart feat. And in its own terms it was equally remarkable. To turn Christian faith into the language and logic of Classical philosophy and philology required solving intractable problems, bridging from heaven to earth, so to speak. The theologians solved them. For Judaism, others had already set forth the Torah in the language of Graeco-Roman civilisation. But to turn the details of the Torah's laws, theology, and exegesis into data for Graeco-Roman scientific and philosophical inquiry and yet to preserve all the specificity of those details - that involved far more than a labor of mediation through translation. It was a task of not philology but philosophy. Our sages of blessed memory had to throw a bridge across the abyss between the here and now of marketplace and alley and the rationalities of a well-ordered social world of proportion and abstract theory.

For our sages of blessed memory confronted a problem still more challenging than the one worked out by the Christian philosophers and theologians. The latter could find in philosophy the abstract, philosophical language and categories for issues of intangible faith, e.g., from ontology to Christology. But where could the sages discover appropriate

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<sup>5</sup> And Islam, with both theology and law at stake in philosophy. In that context, I need only point out how the great Judaic Aristotelian, Maimonides, produced not only an Aristotelian account of philosophical theology, but also an Aristotelian re-presentation of the law. But the way in which these matters come to realization in Islam lies beyond my horizon.

<sup>6</sup> That proposition forms the generative thesis of Harry Wolfson's account of Western philosophy from Philo to Spinoza, encompassing the Church Fathers and Muslim philosophy as well.

<sup>7</sup> So too the Islam of philosophy and theology. But these matters become important in the study of Rabbinic Judaism in medieval times, in the context of which Talmud-exegesis in that same context has to be addressed as well.

<sup>8</sup> - and Muslim, with the same qualification as in the preceding note. That explains why, in the present formulation, Islam is by-passed for the moment.

scientific and philosophical categories for the material and tangible relationships of home and family, kitchen and bed room, marketplace and synagogue and study house, that the Torah set forth as the loci of the authentically-sacred life? The fact is that our sages dealt not with abstract theological formulations of the faith but with concrete rules. Rather than reflecting on the spiritual and angelic and sublime, they thought about the worldly and human and ordinary and secular. And in doing so, what they accomplished was to turn everyday life and its accidents into the medium of instruction on right thinking, sound argument, and compelling, affecting rhetoric. That is why the Talmud's writers' and compilers' achievement compares in grandeur and wit to the one of the Greek - and Syriac - writing theologians of Christianity of their own time and place.

Their success in the Talmud and its well-analyzed, rigorously-considered law (as much as the success of Christianity in theology) forms eloquent tribute to the power of Classical philosophy to accomplish the goals of rationality whatever the arena. The Greek philosophers aimed at finding universal truths through universally-valid methods. That they accomplished that goal is shown by Christianity's philosophical theologians. But I should maintain that still more compelling evidence of their success comes to us in the pages of the Talmud. That is because the two philosophical modes of thought and analysis that would govern, Aristotle's natural history, and Plato's Socrates' dialectics, proved sufficiently abstract and general as to serve quite nicely in the analysis of matters that fall between the acute particularity of Aristotle's zoology, on the one side, and the abstract grandeur of Plato's metaphysics, on the other. In many ways, then, the true vindication of science and philosophy in their shared claim to deal with all things in a single way comes in the middle passage taken by our sages. It emerges with the success of the Talmud in doing its work of workaday, concrete and practical character through the universals of thought that philosophy (including science) put forth.<sup>9</sup>

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<sup>9</sup> In this context it is worth addressing the question I am asked from time to time: if you are right about the Aristotelian character of the Mishnah, then why did Maimonides not notice it? He was (I am instructed) an Aristotelian and would have loved to have found out precisely what I maintain. I regret that I cannot envisage an explanation of why even the greatest intellectual in the history of Judaism (excluding only Moses, and he had help) did not happen to notice what he did not notice. I surely do not doubt that he was looking carefully at the document, for among his greatest gifts to posterity was the best commentary to the Mishnah written until the nineteenth century. But it should be said that Maimonides supposed to present philosophy outside of the framework of law, and law without sustained and specific engagement with philosophy. This came about because he did not realize the full extent to which the Mishnah, Maimonides' correct choice of the foundation-document of Judaism after Scripture, stood squarely within the Aristotelian philosophical tradition. Specifically, when Maimonides systematized philosophy in his original *Guide to the Perplexed* and law in his imitative *Mishneh Torah*, he misunderstood the fact that the law, for the Judaism of the Dual Torah, constitutes the medium for theological and philosophical reflection and expression. And that is the fact, even though at numerous specific examples, he introduced into the explanation or elucidation of the law philosophical considerations. All of these preliminary impressions await sustained clarification, but they do serve to place this project into perspective. In his separation of the presentation of law from philosophy, he tore apart what in the Mishnah had been inextricably joined in a lasting union, which was (and is) the law of that Judaism and both its theology and also its philosophy. Seeing the law in *Mishneh Torah* as a problem merely of organisation and rationalization, Maimonides did not perceive that that same



How did this take place? Through the method of hierarchical classification, bits and pieces of data - undifferentiated, discrete facts without regard to the status or character or context of those facts - would gain sense and meaning. That same method then could and would determine the Mishnah's presentation of the facts of the law. This would take the form of a topical schematization of laws in such a way that coherent formations of data, in the form of well-composed lists, would impart the order of laws to the chaos of rules.<sup>10</sup> Lists by themselves order data in intelligible patterns, but on their own, do not generate laws beyond themselves. Only analysis of the consequences of list-making does; that is the point at which the labor of generalization takes over from the work of systematization, and lists are transformed into the beginnings of series.

Dialectical analysis, for its part, served equally well in the quest for correct definitions (that is, governing principles or generalizations) of the virtuous and of the kosher.<sup>11</sup> Talmudic analysis of Mishnaic lists aims at the labor of systematization and generalization. And that analysis, when effective, takes the form of the dialectical, or moving, argument, a matter defined in philosophical terms in due course. That argument comes at the end of a long period of prior, critical thought of a philosophical character. Specifically, in documents that reached closure long before the Talmud of Babylonia and that were utilized in the composition of that Talmud, arguments constructed along fairly commonplace philosophical principles made their way. For instance, moving from the known to the unknown by identifying the governing analogy - X is like Y, therefore follows the rule of Y, X is unlike Y in the following aspect, so does not follow the rule of Y, the analogy falling away - represented a common mode of analytical argument. So too, sorting out contradiction through the making of distinctions to explain difference will not have surprised participants in Rabbinic argument long before the Bavli came on the scene.

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law contained within itself, and fully expressed, the very same principles of theology and philosophy that in the *Guide to the Perplexed* are invoked to define what we should call Judaism. Maimonides therefore did not grasp that the law in the very document that, in his (correct) judgement contained its classic formulation, that is, the Mishnah, also set forth precisely those principles of philosophy that, in Aristotle's system as Maimonides adapted it would frame the proposed philosophy and theology of Judaism of *The Guide to the Perplexed*. Then, in the *Guide* Maimonides (mis)represented philosophy and theology by divorcing them from their legal media of articulation, as though these could come to expression entirely outside the framework of the legal sources of Judaism. So the greatest scholar of the Mishnah of all time and the greatest Aristotelian Judaism has ever known misperceived the profound intellectual structure of the Mishnah. The reason for this error, in my view, is that Maimonides did not understand the deeply Aristotelian character of the Mishnah, which is the initial and definitive statement of the law of Judaism.

<sup>10</sup> That is the argument of my *Judaism as Philosophy. The Method and Message of the Mishnah*.

<sup>11</sup> Dialectics was the necessary choice for our sages of blessed memory, considering the enormous heritage of contention and conflict and disharmony that the Mishnah and compilations of rules, as well as free-floating statements, of its period left them. How better receive these inconsistent norms than a mode of thought aiming at identifying inconsistency and defining with precision the encompassing categories and rules of a coherent order.

But the writers of those compositions and composites in the Bavli that go beyond the received modes of thought and argument and venture into dialectics of a very particular order - these are the ones who took over and recast the entire antecedent heritage of thought and the rules governing argument. Specifically, they took the static, systematic exchange of proposition and counter-proposition, argument and refutation, and turned it into a dynamic, sometimes meandering sequence of propositions, lacking the neatness of the received, neat exchange of positions and reasons for those positions. For what marks the Bavli's mode of dialectics is the power of an argument to change course, the possibility of re-framing a position altogether in direct response to a powerful counter-argument.

Here we find not only the reasoned exchange of proposition, evidence, and argument, but the equally rational response to a good argument through a revision of the original, contrary position. When a player listens to what the other says and responds not by repeating, with better arguments and more compelling evidence, his original position but by recasting his position altogether, then we have that moving argument that stands for dialectics in its purest sense. For there we address the possibility of not merely refuting the position of the other, but even changing his mind. In other words, at its best,<sup>12</sup> the Talmud replicates in writing the actualities of real, everyday arguments, not merely the acting out, in rhetorical form of questions and answers, of set-piece positions. And that observation returns us to our interest in rhetoric, not only logic. For we see that, approaching the replication of authentic, living argument, the Bavli's writers did well to hand on not the script for set-piece recitation of still-life positions - the fully-articulated set-piece positions of the one side and the other, as in a philosophical dialogue - but notes for the reconstruction of the real-life conversation between - and among! - real people, actually listening to one another and taking account of what they were hearing on the spot.

Once we admit to the possibility that the players may change positions, the course of argument, not only its issues, takes over. Then (as Plato thought, and in the manner of Aristotle's main writings) the right rhetoric is required. Notes for the reconstruction of an argument prove the ideal medium of preserving thought - that is, notes in writing. There is no other way. If I had to choose an analogy out of the arts, I would compare the prior modes of writing - spelling it all out - to the notes by which music is preserved for replication.

I would further compare the Talmud's mode of writing - annotations that would guide the reconstruction of the action of thought - to the symbols by which the dance is preserved for reenactment and renewal. The one is exact, the other approximate; both leave space for the performer's participation, but with an important difference. The composer writes down the notes out of what he hears in his head. In recording the ballet, the choreographer (counterpart to the composer) is the one who dances the dance, and then the recorder writes down the symbols that preserve on paper what the choreographer has

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<sup>12</sup> The authentic dialectical argument in the Bavli is by no means the principal or even the predominant mode of composition; many of the compositions and most of the composites of the Bavli undertake other tasks altogether, as I have shown in *Talmudic Dialectics: Types and Forms*.

already done. If we can imagine an orchestra playing music and only then writing it down, or a soloist-composer performing the music as he made it up (and there have been such, though not many), we can see the difficulty facing those who would write down, in advance, the *oeuvre* of thought. And that act of imagination helps us account for the character of the Talmud's writing, a post-facto recording of the processes of thought to make possible others' progression through those same processes: not performance but intellectual recapitulation, not replication but reconstruction and renewal. The Talmud lives because it opens to us the intellectual life of those who lived it first, then wrote it down for us.

Accordingly, when we understand, in particular, the Talmud's dialectical argument, the rhetoric that encapsulates it, the analytical initiatives that drive it, the purposive program that sustains it, then we realize how our sages of blessed memory would frame the intellect of Israel in accord with the intellectual model of philosophy (including science) that through theological Christianity also was to define the West. Here then is how our sages of blessed memory would determine the necessary and sufficient way of making connections (natural history) and drawing conclusions (dialectics).

## II. Why the Talmud Won

Through the centuries from the formal closure of the Talmud, in about 600 C.E., the Talmud formed the single authoritative writing of Judaism, the source of the theology and the law that defined the faith and the community of holy Israel, God's first love, wherever they might be located. Enriched by commentaries, responsa, and law codes over the centuries, the Talmud defined the practical affairs of the community of Judaism. But because of its particular character, as the script for a sustained analytical argument, the Talmud further shaped the minds of those who mastered its modes of thought and, because of its profound sensibility, the document further imparted to those who responded to its teachings a character of intellectual refinement and personal responsibility, an alertness to the meaning of word and deed alike. No wonder, then, that the master of Talmudic learning, the disciple of sages in its native category, has defined the virtuous life for Judaic faithful, down to our own time. Because of its power to impart form and structure to the mind of holy Israel, its capacity to define the good and holy way of life for those who wished to be Israel, God's people, the Talmud enjoyed complete success in that various world to which its compilers or authors entrusted their work. Not many books can compete.

The most important question about the Talmud concerns not what it says but how it works, meaning, why the Talmud has exercised the amazing power that it has wielded over the life of holy Israel, God's people, for the whole of its history. After all, how many documents compare? Here is a piece of writing that faced a particular group of people and from its appearance to our own time defined for that group everything that really mattered: questions of order, questions of truth, questions of meaning, questions of purpose. Individuals devoted their lives to the study of this writing, but more important,

the entire society of Judaism - that is, the community formed by the Torah - found in the Talmud those modes of thought and inquiry, those media of order and value, that guided the formation of public affairs and private life as well. The Talmud is a public, political, anonymous, collective, social statement, its compilers intended to define the life of the public polity by forming the kingdom of God in the here and now that the Torah, beginning with the Pentateuch, had recorded as God's will for Israel, the holy people.

That is the context in which we ask what we need to know about a piece of writing - this piece of writing - to explain for ourselves how the writing works, meaning two things: how does it do its work, and why does it work? If the compilers put together two stories, what message have they formulated through making that particular connection? If they have taken as self-evident the coherence of a given set of propositions, what has instructed them on why things fit together so well - and in this way, rather than in that way? That is to say, how people make connections and draw conclusions from those connections is the key to how they see their world, their modes of thought. What people find self-evident defines the source of truth and meaning that governs for them. And the Talmud will express that profound principle of the analysis of a culture in so many words when it perceives an incongruity and says: "Now, who ever mentioned that?" What does subject A have to do with subject X? The upshot will be a point of disharmony that requires attention, and in the harmonization of incongruity much new truth emerges.

And there is a deeper dimension still. A piece of writing holds together because of a logic of coherence, which the writer and the reader share, and which the writer uses to show the reader why one thing follows from another, and how two things hold together. In a composite work such as the Talmud, the issue of coherence surfaces everywhere. In following the unfolding of an argument, knowing precisely where we stand, understanding how one thing follows from some other and inexorably leads us onward to a further conclusion - these are precisely the elements that generate the power of the document. If you are ever studying a passage of the Talmud and ask yourself what one thing has to do with another, you may take comfort in the fact that you have asked the one question that you must ask - and must answer if you are to make sense of things.

The Talmud as a whole is cogent, doing some few things over and over again; it conforms to a few simple rules of rhetoric, including choice of languages for discrete purposes, and that fact attests to the coherent viewpoint of the authorship at the end - the people who put it all together as we have it - because it speaks, over all, in a single way, in a uniform voice. The Talmud is not merely an encyclopaedia of information, but a sustained, remarkable protracted, uniform inquiry into the logical traits of passages of the Mishnah or of Scripture. It is not a chaotic mishmash, it is not disorganized, nor is it over all just a compilation of this, that, and the other thing. Quite to the contrary, an outline of the Talmud,<sup>13</sup> beginning to end, shows that the Talmud moves from main

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<sup>13</sup> *The Talmud of Babylonia. A Complete Outline.* Atlanta, 1995: Scholars Press for USF Academic Community Series. I.A. Tractate Berakhot and the Division of Appointed Times. Berakhot, Shabbat and Erubin. I.B. Tractate Berakhot and the Division of Appointed Times. Pesahim through Hagigah. II.A. The Division of Women. Yebamot through Ketubot. II.B. The Division of Women.

points to subsidiary ones, follows a coherent *program* of argument, presents information in a generally coherent way for a clear, propositional purpose, and, in all, can be followed in the same way we follow other writings.

First of all, the outline demonstrates, the Talmud does some few things, and does them over and over again in the same order: first this, then that. Most of the Talmud deals with the exegesis and amplification of the Mishnah's rules or of passages of Scripture. That is to say, every sustained discussion begins with a passage of the Mishnah, which will be read with great sensitivity. The rules of reading the Mishnah are few and strong. Wherever we turn, that labor of exegesis and amplification, without differentiation in topics or tractates, conforms to a small number of rules in inquiry, repeatedly phrased, implicitly or explicitly, in a few simple rhetorical forms or patterns. We will be told the meanings of words and phrases, but more than information, we will be asked to participate in a sustained inquiry into the scriptural foundations, in the written Torah, of the Mishnah's rule, which are received as oral Torah. We further will be told that the implicit governing principle of a rule before us intersects with the inferred governing principle of some other, on a different subject, and these have to be compared, contrasted, harmonized, or differentiated. All of this is exhilarating and empowers us to join in the analysis and argument.

True, the Talmud is made up of diverse materials. Its compilers used ready-made writing as well as making up their own compositions. But once we outline some pages, from the very beginning to the very end of the discussion of a given paragraph of the Mishnah, we can see what was essential to the purpose of the Talmud's compilers, and what served a subsidiary purpose, for instance, of just giving us information on a topic at hand. So we will find a proposition, demonstrated at some length, followed by an appendix of topically interesting material, which is not party to the argument but which is useful and illuminating. Once we understand how things are put together and why a given passage is included, we see the document as coherent, purposeful, and quite reasonable in its inclusions and juxtapositions - anything but that mess that people tell us it is.

We are able to identify the types of compositions and large-scale composites of which the Talmud's framers made use, which allows us systematically to study the

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Nedarim through Qiddushim. III.A. The Division of Damages. Baba Qamma through Baba Batra. III.B. The Division of Damages. Sanhedrin through Horayot. IV.A. The Division of Holy Things and Tractate Niddah. Zebahim through Hullin. IV.B. The Division of Holy Things and Tractate Niddah. Bekhorot through Niddah Note also: The Talmud of the Land of Israel. An Outline of the Second, Third and Fourth Divisions. Atlanta, 1995-6: Scholars Press for South Florida Studies in the History of Judaism. I.A. Tractate Berakhot and the Division of Appointed Times. Berakhot and Shabbat. I.B. Tractate Berakhot and the Division of Appointed Times. Erubin, Yoma, and Besah. I.C. Tractate Berakhot and the Division of Appointed Times. Pesahim and Sukkah. I.D. Tractate Berakhot and the Division of Appointed Times. Taanit, Megilla, Rosh Hashanah, Hagigah, and Moed Qatan. II.A. The Division of Woman. Yebamot to Nedarim. II.B. The Division of Women. Nazir to Sotah. III.A. The Division of Damages and Tractate Niddah. Baba Qamma, Baba Mesia, Baba Batra, Horayot, and Niddah. III.B. The Division of Damages and Tractate Niddah. Sanhedrin, Makkot, Shebuot and Abodah Zarah.

classifications of those types, e.g., Mishnah-commentary, other-than-Mishnah-commentary, to take the two most obvious classifications of all. Not by a repertoire of examples but by a complete catalogue of all items, therefore, we know precisely what types of materials are used, in what proportions, in what contexts, for what purposes, and the like. Generalizations, accompanied by reasonably accurate statements of the numbers and proportions of exemplary data, take a probative role in all study of the character and definition of the Talmud. Talmudists share the conviction that here they study the record of God's revelation, that is, God's self-manifestation. Here in their theology, therefore, they learn the logic of God, how God thinks, those patterns of reason that govern in the creation of the world. From the wording of the Torah, they work our way back to the processes of thought, the rules of coherent analysis, that yielded that wording.

The Talmud throughout speaks in a single, uniform voice, and that voice is unique in the context of Rabbinic compilations of late antiquity. There can be no further argument on that point; the evidence of the uniformity of discourse is spread out in stupefying detail. Why does it matter, and what is at stake in this-worldly terms? In fact, the difference it makes is fundamental: is the Talmud, Judaism's foundation-document after Scripture, organized or disorganized, purposive or random, systematic or chaotic? Many accounts of the character of the Talmud as a piece of writing describe the document as unsystematic. Some describe the document as disorganized, others as exhibiting no well-established program that accounts for why a given passage appears where it does and not somewhere else. The regnant theory of the document, along these lines, holds that it developed through a sedimentary process of agglutination and conglomeration. But a better-informed view shows that the opposite is the fact.

Why do many Talmudists describe the document as incoherent? The reason is twofold. First, modes of study focus on details, for in the yeshiva world, which is the sole venue for authentic and sustained learning in this writing, people study words and phrases, concentrating on the exegesis of sentences. They turn from a sentence and its declaration to the topic of the sentence, and so move into the commentaries, which discuss the substance of matters, rather than the cogency of a large-scale Talmudic argument. The nature of jurisprudence requires just this kind of phrase-by-phrase study, but such study hardly will produce on the student the impression of a large-scale, sustained argument.

There is a second, formal problem that impedes even the most logical disciple of the Talmud from following its structure and order, and that has to do with a technical limitation that affects all books coming to us from ancient times. To understand the problem, we begin with the present. When we are composing an argument, we will subordinate, in footnotes, bits and pieces of clarification, e.g., facts, meanings of words and phrases, that the reader will find useful, but that will greatly impede the exposition if left in the body of the text. So in the text we make our main point, and in footnotes we add supplementary information, even further thoughts. Not only so, but when we are writing a book, we may wish to take up an entire subject and present it in a systematic way, but we may also find that the subject does not allow for the systematic exposition of an important topic. Now what do we do? We simply write up the topical exposition and place it into an appendix. In that way the reader benefits from the information, but the progress of

exposition flows unimpeded. But the technology of footnotes and appendices and the similar media by which writers in our own place and time protect the cogency of their presentation are the gift of movable type and printing and computers.<sup>14</sup> Since the Talmud's sages (like everyone else in antiquity) had to put everything together in interminable columns of undifferentiated words, without punctuation, without paragraphing, without signals of what is primary and what is secondary, what we have demands a labor of differentiation.

When we do that work, we see (now limiting ourselves to the Talmud) some well-demonstrated and incontrovertible facts. First, we may speak of a composition, not merely a compilation. That is because, first, the Talmud's authors or authorship follow a few rules, which we can easily discern, in order to say everything they wish. So the document is uniform and rhetorically cogent. The highly orderly and systematic character of the Talmud emerges, first of all, in the regularities of language. Second, the Talmud speaks through one voice, that voice of logic that with vast assurance reaches into our own minds and by asking the logical and urgent next question tells us what we should be thinking. So the Talmud's rhetoric seduces us into joining its analytical inquiry, always raising precisely the question that should trouble us (and that would trouble us if we knew all of the pertinent details as well as the Talmud does).

The Talmud speaks about the Mishnah in essentially a single voice, about fundamentally few things. Its mode of speech as much as of thought is uniform throughout. Diverse topics produce slight differentiation in modes of analysis. The same sorts of questions phrased in the same rhetoric - a moving, or dialectical, argument, composed of questions and answers - turn out to pertain equally well to every subject and problem. The fact that the Talmud speaks in a single voice supplies evidence that the Talmud is a coherent piece of writing. It is not a pastiche of sentences from here, there, and everywhere. It is a coherent statement, to be located at a particular place and time. That work was done toward the end of that long period of Mishnah-reception that began at the end of the second century and came to an end at the conclusion of the sixth century. A handful of remarkable geniuses did it all, taking over a heritage of writing of diverse compositions and forming out of them a coherent composite, capable of saying some few things about many things.

The single governing fact is that in a given unit of discourse, the focus, the organizing principle, the generative interest - these are defined solely by the issue at hand. The argument moves from point to point, directed by the inner logic of argument itself. A single plane of discourse is established. All things are levelled out, so that the line of logic runs straight and true. Accordingly, a single conception of the framing and forma-

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<sup>14</sup> My *The Talmud. An Academic Commentary* (Atlanta, 1994-1996: Scholars Press for South Florida Studies in the History of Judaism) is executed mainly through graphics made possible by the computer; I signal my views on the place and role of every unit of thought by a simple medium of spatial organization and variation that, before computers would have been exceedingly difficult to execute, but, more likely, beyond my imagination. Now it is the simplest thing to signal language-variation (Hebrew/Aramaic, and what the difference means); sources as against the use of sources in an argument; what is primary in a composite and what is subordinate; a comment on a prior discussion; a comment on the comment; and onward up one page and down another.

tion of the unit of discourse stands prior to the spelling out of issues. More fundamental still, what people in general wanted was not to create topical anthologies - to put together instances of what this one said about that issue - but to exhibit the logic of that issue, viewed under the aspect of eternity. Under sustained inquiry we always find a theoretical issue, freed of all temporal considerations and the contingencies of politics and circumstance.

Once these elementary literary and structural facts make their full impression, everything else falls into place as well. Arguments did not unfold over a long period of time, as one generation made its points, to be followed by the additions and revisions of another generation, in a process of gradual increment and agglutination running on for two hundred years. That theory of the formation of literature cannot account for the unity, stunning force and dynamism, of the Talmud's dialectical arguments. To the contrary, someone (or some small group) at the end determined to reconstruct, so as to expose, the naked logic of a problem. For this purpose, oftentimes, it was found useful to cite sayings or positions in hand from earlier times. But these inherited materials underwent a process of reshaping, and, more aptly, refocusing. Whatever the original words - and we need not doubt that at times we have them - the point of everything in hand was defined and determined by the people who made it all up at the end. The whole shows a plan and program. Theirs are the minds behind the whole. In the nature of things, they did their work at the end, not at the outset.

In this regard, then, the Talmud is like the Mishnah in its fundamental literary traits, therefore also in its history. The Mishnah was formulated in its rigid, patterned language and carefully organized and enumerated groups of formal-substantive cognitive units, in the very processes in which it was also redacted. Otherwise the correspondences between redactional program and formal and patterned mode of articulation of ideas cannot be explained, short of invoking the notion of a literary miracle. The Talmud too underwent a process of redaction, in which fixed and final units of discourse were organized and put together. The probably-antecedent work of framing and formulating these units of discourse appears to have gone on at a single period, among a relatively small number of sages working within a uniform set of literary conventions, at roughly the same time, and in approximately the same way. The end-product, the Talmud, like the Mishnah, is uniform and stylistically coherent, generally consistent in modes of thought and speech, wherever we turn. That accounts for the single voice that leads us through the dialectical and argumentative analysis of the Talmud. That voice is ubiquitous and insistent.

The upshot is that we may speak about "the Talmud," its voice, its purposes, its mode of constructing a view of the Israelite world. And that fact accounts for the impact of the Talmud upon the culture of Israel, the Jewish people, through the fifteen centuries since it reached closure. The reason is that, when we claim "the Talmud" speaks, just as in the yeshiva world people have always heard the Talmud speaking, we are right: the Talmud does speak, in a uniform, coherent voice. It does sustain and hold together an on-going conversation, into which we enter, which we may use our own minds to reconstruct and then to carry forward. The Talmud's power to persuade and compel, to impose its viewpoint everywhere and upon everything, to say some one thing about everything,



and to make a statement in each detail that proves consequential and formidable - that power affects us when we follow the Talmudic discourse ("sugya") from beginning to end and make sense of its sequence and flow. Talmudists with vast experience in the pages of the document know instinctively how things work, because the Talmud's writers and compilers teach by example and through detail.

### **III. What the Talmud accomplished**

How did a document turn out to impart structure and order to an entire social order, wherever that order replicated itself across time and change? The authors of the compositions and compilers of the composites of the Talmud of Babylonia accomplished a goal that surely transcended their ambition. They proposed to make sense of the law, to discover the correspondence between everyday life and the rationality of the Torah. But the document that they brought into being - the Mishnah and Gemara together - turned out to make the definitive statement of the Torah, oral and written, that the world calls "Judaism". From the closure of the Talmud to our own day, the sages of Judaism found in the Talmud the point for all inquiry, the court of appeal for all contended questions. The written part of the Torah that the world knows as the Hebrew Scriptures or "Old Testament" would reach holy Israel through the Talmud. The oral portion of the Torah, initially written down in the Mishnah, would enjoy no independent existence, but, like the written part, would find its authoritative reading and interpretation in the Talmud. Law, theology, and the exegesis of Scripture - all three constitutive components of the Torah found their classical formulation in the Talmud.

How, then, are we to find an explanation for the amazing success of the Talmud, which is to say, for its intellectual power? What is needed is a guide to not only how the principal normative documents of Rabbinic Judaism are to be read and reconstructed, but why they gained the remarkable influence that they exercised through the subsequent history of Judaism. Specifically, why did the Talmud work so well as to constitute one of history's most influential documents in the formation of that social order its writers wished to define? For few writings out of any age command a hearing later on, and fewer still define the curriculum of a culture the way the Talmud does. The sayings of Confucius, the Gita, the Dialogues of Plato and the writings of Aristotle, the Bible and the Quran, the great traditions of mathematics and philosophy - these formations of intellect (human or divine, as the case may be) form the counterparts. And, among them, the Talmud is the least appreciated for the remarkable success attained by its writers.

Here I do not investigate the after-life of the Talmud but offer only a single proposition for further speculation and testing. It seems to me plausible to argue that, if ideas have power to perpetuate themselves and extend their own influence, then the recapitulation of principal ideas of science and philosophy within the setting of ordinary affairs ought to account for the enduring capacity of the Talmud to define the holy life of Israel, the people. The Talmud formed in concrete terms an infinitely detailed and concrete statement of the abstract rationality that the West in general deemed self-evident - that is, the matching rationalities of science and philosophy. So the Talmud

served as the medium of inductive instruction in the universal modes of right thinking about workaday matters.

Then to practice Judaism one entered into the disciplines of rationality that define the very ground of being for the West - the science and philosophy of Western civilisation, formulated in Classical Greece and transmitted in Christian Rome. It was in that very same intellectual context that the Talmud shaped the intellection and rational intuition of Israel and so made of Israel not only a kingdom of priests and a holy people, but a nation of scientists and philosophers of the everyday. That is what this further hypothesis, demanding investigation in its own terms for medieval and modern times, would propose. Those historians of ideas in medieval and modern times interested in the interplay between religion and society, ideas and the people who hold them, may find that hypothesis worth further consideration.

Let me spell out the hypothesis that I cannot here demonstrate. Sound explanation derives, I maintain, from the character of consciousness and conscience, the shape and structure of well-considered ideas, the coercive power of rationality. Politics, rather than intellectual power, accounts for only a brief moment of a document's privilege. For the institutions of political power come and go, none of them lasting very long. Politics defines an accident in the life of ideas, much as a university president marks an accident (possibly even a happy one!) in the life of a university. Politics does not constitute the essential of the explanation of the power of an idea or a mode of thought. Politics may be claimed to be necessary in the process of explanation, but, I would maintain, it never is sufficient. In the end, for a writing to enjoy long-term readership, long after the original political power and sponsorship have passed from the scene, the document's own resources, its power to demand attention and compel assent, take over.

Take the Mishnah, for instance, which, people generally suppose, gained its privilege by reason of its sponsor (supposedly: author), Judah, the Patdarch. The Mishnah, however it originated, is alleged to have enjoyed the sponsorship of the governor of the Jews of the Land of Israel (a.k.a. Palestine) with Roman support. The same document, it appears from the Talmud, likewise was treated as authoritative by the governor of the Jews of the Babylonian satrapy of the Iranian empire, the exilarch. The Romans long since have gone their way, and Iranian rule of Babylonia (now part of Iraq) ended with the Muslim conquest of that region. But the Mishnah, whether with new political support or none at all, would command attention for long centuries to come. Hence when we know how a document works, we also approach the question of why, over time, that same document would continue to compel future generations to accept its authority. It is, then, an authority of sound thinking and persuasive argument, a power of intellect, that I propose to explain.<sup>15</sup>

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<sup>15</sup> Those familiar with my inquiries from the early 1970's forward will find familiar that point of insistence upon unpacking the inner logical coherence of documents, their philosophical cogency (or lack of the same, in some cases), their integrity as intelligible and compelling statements. That point of insistence comes to expression in the documentary reading of components of the Rabbinic canon, which I have formulated. In many ways, the present work moves along lines set forth twenty-five years ago, when I began my commentary to the Mishnah that takes the form of my

I propose to explain that fact by appeal specifically to the intellectual power of the document, not its utter originality - the main outlines of the paramount modes of argument can be identified in the Tosefta and Sifra. Rather, I point to two considerations. The first is its fresh and strong utilization of available media of thought and argument. The second is its introduction of the power of balanced argument, the energy of well-regulated contention. The great achievements in the intellectual arts flow not from originality mainly, but from the power to put together in a compelling way what others may well know in a random manner. What attests to the power of the document and makes us want to know how, within its framework, the document dictates that we read it, is what happened to the Talmud but no other writing that reaches us from Judaic antiquity except for Scripture.

Specifically, as we now realize, the Talmud was, and remains, the privileged document of Judaism, accorded the standing of the principal writing of the Torah (a.k.a., Judaism), beyond Scripture itself but governing the reading even of Scripture. The Talmud of Babylonia from the moment of its closure at about 600 C.E. served as the textbook of Judaism. For Judaism today that same protean writing continues to provide the final and authoritative statement of the Torah revealed by God to Moses at Sinai. From it truth flows; to it doubts and dilemmas are referred. Its modes of thought govern, commentaries on it precipitate intellectual activity, decisions based upon its law and reached through the analytical argument dictated by its model, provoke reflection. It is the textbook for the holy Israel for whom its framers legislated. I propose to find in the power of Western philosophy embodied in its founding figures, Socrates-Plato and Aristotle, the answer to the question, how come?

So should I like to move from how the Talmud works to why the Talmud matters. It is because I take for granted - as do intellectuals and scholars in general at the commencement of their work - the principle that ideas bear social consequences. The ideas people hold both shape and also express the attitudes that animate their mind. Specifically, the kind of arguments they find compelling, the sort of language they find affecting, the modes of presenting problems and solving them that they find self-evidently valid, and the ways in which they make connections and draw conclusions - these matters of theory shape the structure of common practice. Conviction, formed in the crucible of intellect and argument, governs. Accordingly - so I assume as primary to all else - we may explain the culture of a group by appeal to formative modes of thought and authoritative propositions of unquestioned validity and truth, then we may ask: what intellectual qualities of the Talmud account for its power? And, it will follow, we may also raise the question, how does the Talmud - by reason of its distinctive program of

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*History of the Mishnaic Law* in forty-three volumes. A very brief introduction to the documentary method in Rabbinics, together with bibliography of my other works on the subject, is in the opening chapter of *The Documentary Foundation of Rabbinic Culture. Mopping Up after Debates with Gerald L. Bruns, S. J. D. Cohen, Arnold Maria Goldberg, Susan Handelman, Christine Hayes, James Kugel, Peter Schaefer, Eliezer Segal, E. P. Sanders, and Lawrence H. Schiffman*. Atlanta, 1995: Scholars Press for South Florida Studies in the History of Judaism. I summarize the main lines of the results in my Introduction to Rabbinic literature. N.Y., 1994: Doubleday. The Doubleday Anchor Reference Library. Religious Book Club Selection, 1994.

thought medium and message alike - bear relevance to the formation of culture even now?

The Talmud works through modes of thought and argument that for the West in general form the foundations of science and philosophy, which are (in this context) history and analytical dialectics. What makes the Talmud special, the power of the Talmud in particular, lies in its translation into concrete and everyday matters of the two most powerful intellectual components of Western civilisation from its roots to our own time, science and philosophy, to review: 1) Aristotle's principles of knowledge and 2) Socrates' (Plato's) principles of rational inquiry and argument. The modes of scientific inquiry of the one and of reasoned analysis of the other are translated by the Talmud into everyday terms, so that the experience of the everyday is turned into the academy for reasoned explanation of how things are: a book that turns concrete facts of the home and street into proportion of scientific interest and problems of philosophical inquiry.

The Talmud turns the world into a class room, the holy people into disciples, and culture into a concrete exemplification of abstract and reliable truth. Here is the source of the Talmud's power: its capacity to hold together its two components, a philosophical law code, the Mishnah, which, in concrete ways, inculcates the principles of natural history, those of rational classification that Aristotle stated in abstract form; and a commentary to the Mishnah, called the Gemara which, through the utilization of applied reason and practical logic, forms a moving ("dialectical") and analytical argument about the working of those principles in concrete cases. Therein, we now see, lies the continuing importance of the moving argument. Its open-endedness made it possible for successive generations to find themselves not merely invited, but empowered, to join in the argument. So from age to coming age, Israel was to assume the disciplines of rational argument that the Talmud exemplifies. And the elite did, and ordinary folk honored those who did and imitated them. Then for what did "Jerusalem" come to stand, if not for Temple and priesthood in long centuries of transcendental mourning? "Jerusalem", which would stand for the full realization of the Torah's ideals in some place or other, came to mean, a town crowded with academies and peopled by disciples of our sages of blessed memory. And so, to realize the Torah in that profoundly intellectual sense, towns had to imitate Athens in the name of Jerusalem. So Talmudic Israel made itself into an academy without walls, an Athens beyond all boundaries of time and place, a new Jerusalem of rationality.

In both aspects, therefore, the document serves as the medium of inductive instruction into the principles of science and philosophy that define the structure of the well-ordered society, and that is precisely what the document's writers - authors of its compositions, compilers of its composites - proposed to accomplish. Their very style forms a testament to the substance of their intent: let the talk go forward, let the argument begin.

When people not only pronounce opinions but exchange ideas, each empowers the other. The participants offer their own views for the criticism of the other. But they also implicitly accept the judgment of the other upon their original pronouncements. Dialectics constitutes a form of mutual empowerment effected through shared rationality. Communities of intellect take shape, imparting to the social order a component of thought

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and enriching it with the possibilities of change through persuasion, not the legitimate coercion, only, of politics. The Gemara put forth for holy Israel a source of reasoned community that for all time would make of holy Israel a preserve of contentious argument in a world of inarticulate force. Its dialectics civilized Israel, the holy community, and, the theologians would add, Israel then conformed to the model and the image of the God who created all being through reasoned speech. And that is why the Talmud won.