

40. **חברים שכולל מטהרים יינם לנסכים ושמן למנוח' שמה יבנה בהמ"ק בימיהם**—the associates in the Galilee purify their wine for libation offerings and their oil for meal-offerings because perhaps the Temple might be rebuilt in their days." On the identity of the **חברים** as a specific group of people and the later amoraic understanding of the term as applying to **חכמים** in general, see Urbach's *The Sages*, 582–87.
41. The metaphor remains ambiguous. It refers to the actual beginning of a woman's status of menstrual impurity (see m'Arakhin 2:1), as well as to the laws concerning Niddah in general (see Albeck's commentary in his edition of the Mishnah, *Shishah Sidrei Mishnah*).
42. *Mishneh Torah, Hilkhot Tumat 'Okblin*, 16:12. For a discussion of the ethical categories provided by the Mishnah Torah to enhance the halakhic system, see Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)*, (New Haven and London: Yale University Press, 1980), 356–515, in particular his section on "Concern with ethical perfection," 430–43.

## CHAPTER 4

Beginning Gittin/  
Mapping Exile

Aryeh Cohen

Ben Bag Bag said: Examine it [Torah] again and again for all is in it.

—Pirkei Abot 5:22

BEN BAG BAG'S motto asserts the timelessness of Torah study. It has no beginning and no end. Each time one studies Torah it is like the first time.<sup>1</sup> One can only pick up the Torah as one picks up a diamond to see the way the light is refracted through all of its endless facets. Or, perhaps, one needs to inquire after it endlessly in a necessarily futile attempt to understand what it is. Each new vantage point provides a new world of Torah that just yesterday was hidden from view. Each new vantage point brings closer the definition of what it is and at the same time pushes it farther away. There is no beginning, there is no end.

The graphic layout of the printed page of the Vilna edition of the Talmud<sup>2</sup> similarly argues that the question of beginnings is, at best, irrelevant. Every time Rashi—writing in the twelfth century but being (re)presented/read in the eternal present—comments on the Mishnah with his common *begemara me-farsh* ("it is explained in the Gemara") or the equally common *lekaman me-farsh* ("it is explained further on"), he elides the possibility of distance that is suggested by the phoneme *GM* (signifying *Gemara*) at the point of separation between third-century Mishnah and sixth- and seventh-century Talmud (in Hebrew) or Gemara (in Aramaic). It is this distance that raises the possibility of silence. That is, the choices and the directions a sugya takes are naturalized

by its assumption into the Mishnah by Rashi. It is by reclaiming this distance that the question of beginnings might be spoken. Acknowledgment of this distance allows one to ask questions about the texts *authorization* and assumption of *authority*.<sup>3</sup>

For this discussion of Talmudic beginnings I would like to make use of a distinction between "starting" (*tehilab*) and beginning or Beginning (*berishit*) that was first proffered by an early theorist of the study and interpretation of Talmud. In the first chapter of his work on Talmudic interpretation, *Darkehei Hatabmud*, the Gaon of Castille, R. Yitzhak Canpananton (1360–1463), enumerates several prerequisites to the proper study of Talmud. "At the start of your *iyun* (logical and linguistic analysis of Talmud<sup>4</sup>) accept as a given that each of the speakers [in the *sugya*] both the questioner and the respondent, are intelligent. . . ."<sup>5</sup> (22); "At the start of your *iyun* of the words of the commentators you must see of which phrase of the text [the commentator] is speaking. . . ." (23); "At the start of your *iyun* you must review the whole *sugya* and know its intention and encompass it in a general way. . . ." (24)<sup>6</sup> Then, just before the end of the first chapter comes the following admonition: "In the beginning (*berishit*) read the language with heartfelt joy two or three times out loud and then return to study intently (*le'ayyen*) that language. . . ." (26).

This last step in the process of beginning one's study is a process of constructing the studied text, the *sugya*. Reading the text two or three times out loud with joy is not for the sake of intellectual comprehension, but for the sake of a certain intimate familiarity with the words, the way the phrases sound as they are read.<sup>7</sup> This step in the process also establishes the text in the reader's mind as a unified object of study—a text rather than a series of sentences. Canpananton calls this step *ps'hat*. While there is much controversy over what *ps'hat* exactly is—opinions range from literal to contextual meaning—there is a general agreement that *ps'hat* signifies a certain type of interpretation or understanding. For Canpananton it seems that *ps'hat* is prior to any interpretation.

More interesting, however, is the rhetorical strategy of acknowledging the theological importance of constructing the text as object of study by the shift to the word *berishit*.<sup>8</sup> This is striking since a similar charge to scan the whole *sugya* (though not to recite it joyously two or three times) was presented on the previous page with the introductory term *tehilab* (start).

Following this distinction then, the ultimate Beginning of beginning, the *berishit* of the beginning, is the deeper significance that the disjunction of beginning a tractate carries. A Tractate begins, therefore, at its moment of disjunction with its Mishnah. The moment when the specific Talmudic tractate comes into view as a separate entity that is no longer present in the Mish-

nah is its beginning. This moment carries with it both legal and religious difference. The tractate does not necessarily start with its beginning. As I will argue in the case of Bavli Gittin, the first folios are an introduction, but the beginning of the tractate is on folio 6a.

## II

In this chapter I will first analyze the introduction to Bavli Gittin (2a–5b). These *sugyot* are a first read-through of the Mishnah, or a first line by line engagement with Mishnah Gittin 1:1. In my reading I point out both the literary structure of the text, and the way in which that structure highlights its own artificiality as linear dialogue. This section ends with the anonymous voice of the Bavli (the *stam*) undermining the basis on which the discussion had taken place. This leads to the Beginning of the Tractate on 6a. I then closely read the *sugya* 6a–7b, employing a *sugyaetic* analysis. A *sugyaetic* analysis is a reading practice that consists of three types of analyses.<sup>9</sup> First, reading the *sugya* against its grain, asking what the various rhetorical moves do, rather than acquiescing to their own claims as questions and answers. Second, analyzing the *sugya* structurally to identify the recurrent forms, tropes, and images in the *sugya*. Third, an intertextual analysis to situate the *sugya* within its literary and cultural universe.

## III

An introduction, as opposed to a beginning, makes a less originary claim. An introduction is a framing of a certain text; a clearing of a certain discursive space. The introduction's own claim for "beginning" is usually put forward as false, or artificial. An introduction constitutes a statement of direction, and a choice of one of the many—if not infinite—ways in which a work can proceed.<sup>10</sup> The claim of an introduction—as the argument for an introduction—is a claim for some narrative order in the chaos,<sup>11</sup> albeit in a rather limited way.

There are two issues at stake in this reading of the beginning of Tractate Gittin of the Babylonian Talmud.<sup>12</sup> First is the claim that the cultural negotiation of living in Exile is an integral part of the legal discourse that produced the Talmud. The second issue, is that the violence that is inherent in all legal systems, and especially in those parts of patriarchal legal systems that deal with marriage and divorce, is brought to the fore in these discussions. Divorce is represented in these texts as a site of violence, both physical and psychological. It is the same *sugya* that inscribe the Land of Israel onto Babylonia in an attempt to efface Exile (or subvert the Exile-Land of Israel opposition),

which also highlight the violence that is represented as a prime characteristic of diasporic existence.

## IV

The violence that is an aspect of law has been addressed by the legal theorist Robert Cover. He argues succinctly for one major and overriding difference between legal and literary interpretation. "Legal interpretation takes place in a field of pain and death."<sup>13</sup> Yet, the violence inflicted by law and by legal interpretation is far removed from the scene of the interpretation or adjudication. The violence is therefore either hidden or transparent.<sup>14</sup> The institutions of law often go to great lengths to ensure that this is so. The violence of incarceration, impoverishment, loss of one's children, loss of one's life, are choreographed in such a way that the objects of that violence are seen as willing actors in the legal drama.

However, the violence is always just beneath the surface. When an outraged defendant refuses to participate in the "civilized" choreography that leads to her freedom being lost; when a judge breaks through the visage of impartiality in the face of a particularly vicious criminal—the curtain is torn and the actual stakes of the game are apparent.

One of the unique elements of the introduction to Bavli Gittin is rhetorical acknowledgment of the violence that is an integral part of the discourse of divorce. If the communicative and legal situation that is divorce misfires (to borrow a phrase from J. L. Austin), the woman might be *anchored*, she is liable to be put to death for having sex with another man, her children from any other union might be *mamzerim*—"nonpersons" in the societal context. The power that the exercise of divorce grants to the man necessarily leads to an adversarial situation. This situation is, in general, domesticated, or naturalized in the rhetoric of legal determinism.<sup>15</sup> That it bubbles to the surface with the force and clarity that it does in the beginning of Bavli Gittin is surprising.

The violence of the discourse of divorce operates on two levels—as does the discourse itself. For the discourse of divorce, as I will show in this essay, is also and equally the discourse of exile—and partakes of the violence of that discourse too.

## V

The initial *sugya*, or talmudic discussions, in Bavli Gittin are generated by pressing on the first line in the first Mishnah. Exploiting both ambiguities

and anomalies, the *stam*, the anonymous editorial voice of the Talmud, opens a space for a theoretical legal debate. The Mishnah begins as follows:

One who brings a writ [of divorce] (a *get*) from abroad [lit. the province of the sea] must attest: "Before me it was written and before me signed."

This line raises a number of legal problems. First, what is the status of the agent who brings the *get* and makes the declaration? Is he a witness? If so this would deviate from the legal norm that requires two witnesses. If he is not a witness, what is the status of his declaration? Second, why do we require a secondary declaration concerning a legal document that had already been duly written and signed? Is this a reflection of the status of the courts outside of the Land of Israel? From another angle, is the stress to be placed on the fact of the writ being *brought* or that it was brought from *abroad*?

It is questioning along these lines that is the impetus for the opening move of the anonymous editorial voice of the Talmud. The discussion opens by presenting two opposing views as possible explanations for the law of the Mishnah.

Rabbah says, for they are not experts [knowing that it must be written specifically] for her.<sup>16</sup>

And Raba says, For witnesses are not [to be found] to substantiate it.

The *sugya* continues in a highly formalized manner based on triplets.<sup>17</sup> Initially, three scenarios are listed in which there would be a difference in ruling<sup>18</sup> between Rabbah and Raba.<sup>19</sup> Subsequently, in two symmetrical, triplet (overlapping) sections each side is interrogated as to why this case (in which one messenger suffices) is not similar to other cases that require two witnesses. Both sides aver that, *de jure*, two witnesses would be required. However, Rabbinic ordinance provides for the one witness, as a leniency, so as to guard against the possibility that the woman becomes an anchored woman, (*agnath*) one who can neither get divorced nor remarry. That is, if two witnesses were required to deliver the *get* it would be that much harder for the woman to receive her divorce.

Both sections then raise the possibility that this might not actually be a leniency that favors the woman. If the husband appears and challenges the writ (which was approved on the basis of one witness) once the woman has remarried, she would be forced to leave her (new) husband and her children would be *mamzerim*. This fear is allayed by reference to a discussion which is

found further on in this opening section.<sup>20</sup> There is a dispute over whether the messenger needs hand over the writ of divorce in front of two or three witnesses. Regardless of the reasons for either number, the *stam* asserts that once the husband knows that there is public record of the delivery of the *get*, he will not endeavor to challenge it, or subvert it.

The next (third) section of triplets questions why Raba does not agree with Rabbah, and vice versa. In perfectly symmetrical parts, first Raba then Rabbah set forth the reasons they do not hold the opposite view. In the third part of the section, both sides rebut the other's previous objections.

The fourth section of the opening moves away from the strict symmetrical construction of the earlier sections. Though a triplet, it is only concerned with the Tannaitic ground on which Rabbah's opinion rests and does not mention Raba. The *stam* first attempts to tie Rabbah to R. Meir as the author of the opinion that the writing and signing of the *get* needs to be performed specifically for this one woman. Then R. Eliezer is offered as a more appropriate source for this opinion. Both these are rejected and R. Ashi finally presents R. Yehudah as the author of the opinion upon whose shoulders Rabbah stands.

We now look back to ask what this first part of the opening has accomplished. The strict symmetrical construction has not given either side an advantage as far as whether Rabbah or Raba is right. The arguments of each side were drawn out in full to the point that the debate was left at a draw. While this is a striking example of this type of scholastic debate, in fact most *sugyot* do not end in a legal decision. So, again, we are left to ask what did the *sugya* do? That is, what was accomplished by the *sugya* rhetorically.

If we do not follow the demands of the *sugya's* own rhetoric, we can see the following. The stylized debate enabled the introduction of a number of important concepts, concepts that reverberate throughout the beginning of Gittin and in many *sugyot* in the rest of the tractate. We are left with a sharp distinction between the Land of Israel and the rest of the world. At this point Babylonia is still part of the rest of the world. The question of whether the difference between Israel and the world is geographical (Raba) or substantive (Rabbah) has purposely not been resolved. It will ultimately be collapsed into one inclusive differentiation.<sup>21</sup>

Additionally, the divorce proceeding is portrayed as one of confrontation and subterfuge with serious consequences. The husband might want to challenge the divorce, even on spurious grounds; the woman might be left anchored, or might be considered as a married woman who has married another—an offense punishable by death—whose children are *mamzerim*.

## VI

The next *sugyot* are constructed as a running commentary on the rest of the Mishnah. The Mishnah is divided into five statements and there are five Talmudic sections—the fifth one is, again, a triplet. Within this overall picture, the first and second sections are parallel in their formal construction, as are the third and fourth. Each of the first four sections interrogates the proposition that the debate between Raba and Rabbah is the necessary backdrop for understanding the Mishnah. In the first two of these sections the difference between the attributed opinions and the opening anonymous opinion of the Mishnah, quoted above, is interpreted through the lenses of both Raba and Rabbah. To wit:

- 1 We taught [in a Mishnah]: Rabbah Gamliel says, Even the one who brings [a *get*] from the Rekem and from the Heget.
- 2 Rabbi Eliezer says, Even from Kfar Ludim to Lydda.
- 3 And Abbayye says, We are dealing with cities that adjoin the Land of Israel and are enveloped within the boundary of the Land of Israel.
- 4 And Rabbah bar bar Hannah says, As for myself, I saw that site and it was as [the distance] from Bei Kuby to Pum Beditha.
- 5 And the first teacher [in the Mishnah Gittin 1:1] held that [from] these it was not necessary [to state "Before me . . ."].
- 6 Is it not that they dispute about this: One holds "for they are not experts [knowing that it must be written specifically] for her," and these, [those who reside in these named cities,] are learned.
- 7 And one holds "for witnesses are not [to be found] to substantiate it," and these are also not to be found.
- 8 Raba answers according to his understanding, and Rabbah answers according to his understanding.
- 9 Rabbah answers according to his understanding, for everyone [holds] "for they are not experts [knowing that it must be written specifically] for her,"
- 10 and the first authority [in the Mishnah] reasons: these [cities], since they are adjoining, are learned.
- 11 Rabbah Gamliel comes to say, Enveloped [cities] are learned, adjoining cities are not learned.
- 12 Rabbi Eliezer comes to say, Enveloped [cities] also not, so as not to differentiate within "provinces of the sea."
- 13 And Raba answers according to his understanding, for everyone [holds] "for witnesses are not [to be found] to substantiate it."
- 14 And the first teacher holds, These since they are adjoining [the witnesses] are indeed to be found.
- 15 Rabbah Gamliel comes to say, [In] enveloped [cities the witnesses] are to be found, [in] adjoining [cities the witnesses] are not to be found.



16 Rabbi Eliezer comes to say, Enveloped [cities] also not, so as not to differentiate within "provinces of the sea." [i.e., foreign lands]

Lines 1 and 2 are quoted from our Mishnah.<sup>22</sup> Lines 3 and 4 are Amoraic statements interpreting the Mishnah. Line 4 interprets into the Babylonian context, a move that will become much more important further on. Line 5 is a statement of the *stam*, or anonymous voice of the Talmud, making the dispute between the attributed statements of lines 1 and 2 and the opening line of the Mishnah explicit. This move is not simply explanatory. The explicit debate is needed for the continuation of the discussion—to see whether or not it can be explained as foreshadowing (and thereby making irrelevant) the dispute between Raba and Rabbah (lines 6 and 7). The rest of the discussion (lines 8 to 16) demonstrate that actually both Raba and Rabbah can explain both sides of the Mishnah's dispute. In other words, their dispute is not already found in the Mishnah.

The next part of this section continues in the same vein: a quote from the Mishnah is followed by an explanation of the dispute by the *stam*; the question is then raised whether this dispute foreshadows the Raba versus Rabbah dispute; this question is resolved through the demonstration that both Raba and Rabbah can account for both sides of the dispute.

In the next part of the *styya*, the continuation of the Mishnah is quoted: "One who brings a *get* from province to province in a 'province of the sea,' needs to state 'Before me it was written and before me it was signed.'" The *stam*'s comment here explains this statement as a challenge to Rabbah. The anonymous voice reads the statement strongly, as negating its implied opposite: One who brings the *get* from province to province needs to attest. However, if it is brought in the same province there is no need. If the reason that one who brings the *get* from abroad has to attest to its writing and signing is because those in foreign lands are not expert in those laws, why should it make a difference if it is carried between two provinces or if it stays in the same province? While this challenge is parried, the *stam* construes the next part of the Mishnah in a similar vein as a challenge to Rabbah. In response to this challenge the *stam* asserts that: "Rabbah also takes Raba's opinion into account."

The dispute between Raba and Rabbah is seriously mitigated since Rabbah agrees that Raba's concern for the presence of the witnesses is a legitimate concern—in addition to the concern that those who reside abroad are ignorant of the subtlety of divorce law. One of their two concerns, therefore, is now considered a universal concern—everyone demands the accessibility of the witnesses that can affirm the writ. The concern that is only held by Rab-

bah is that those residing abroad are ignorant of the law that a writ of divorce needs to be written specifically for one woman.

This conclusion, that Rabbah also takes Raba's opinion into account, is proffered three more times in the course of the discussion in this section. The section then concludes on a significant note.

99 This is as the dispute between R. Yohanan and R. Joshua b. Levi.

100 One says "for they are not experts [knowing that it must be written specifically] for her."

101 And one says "for witnesses are not [to be found] to substantiate it."

102 Specify that it is R. Joshua b. Levi who says "for they are not experts [knowing that it must be written specifically] for her."

103 For R. Simeon b. Abba brought a *get* before R. Joshua b. Levi and said to him,

104 "Need I say 'before me it was written and before me it was signed,' or not?"

105 He said to him, "You need not."

106 They did not say it except in the earlier generations when they were not experts, but in the later generations in which they are expert, no."

107 Specify it.

There are two important moments in this short text. The first is the opening line (99). The *stam* avers that the dispute between Raba and Rabbah is actually the same as the dispute between R. Yohanan and R. Joshua b. Levi. The significance of this is twofold. It moves the dispute to the time of the Palestinian Sages. Hence, the dispute has a pedigree. Therefore, other opinions of these two Amoraim can be contrasted with this opinion. Second, and more important, from the manner in which it is deduced that it is actually R. Joshua b. Levi who holds that those residing abroad are not experts, it emerges that the concern about expertise itself is anachronistic: "They did not say it except in the earlier generations when they were not experts. . . ." It follows then that there really is no difference between Babylon and the Land of Israel in terms of either expertise in providing writs of divorce, or the necessity for attesting that the writ was written and signed for one specific woman.

This, then, is the end of the introduction to Gittin. It is an artful rehearsal of some of the dominant ideas of the Tractate—ideas that will come back again and again in various *styyot*. It is a good example of that type of introduction that was noted first by R. Sherira Gaon and expanded upon more recently by Avraham Weiss<sup>23</sup>—an introduction that might have served as a lecture summarizing the year's study. The introduction was probably composed after most of the tractate. Its style is predominantly anonymous and "midrashic" in the manner in which it comments on the Mishnah in a "verse by verse" manner.<sup>24</sup> It is not however the Beginning of the Tractate in the way

that I am using that word here, in the way that Canpanton differentiates between starting (*tehillah*) and Beginning (*bereshit*).

The Beginning of the Tractate, the moment at which the tectonic shift generates enough seismic activity to break the topography,<sup>25</sup> the point at which the Bavli authors and authorizes its own disjunctive Beginning, occurs on the next folio with the statement (and sentiment) attributed to Rab: "Babylonia is like the Land of Israel in reference to writs [of divorce]." The ramifications of this remapping of the territory of Exile is played out over the next two folios. It is this unfolding of the tension between two modes of Exilic being—on the one hand effacement of the Exile by inscribing the Land of Israel onto the Babylonian diaspora, and thereby claiming a nonexilic existence and authority discontinuous with the Land of Israel; on the other hand invoking the existential (and material) reality of Exile as the primary location of the legal discourse which often occupies and almost always underlays the discussions of Tractate Gittin.

## VII

The Beginning of Bavli Gittin engages Exile by mapping of the Land of Israel onto Babylonia. This necessarily failed attempt to efface Exile is one prong of the discursive engagement with Exile. The other prong is the representation of the essential violence of the Exilic situation.

Mapping, in general, is an articulation of a distinct territory. Mapping both reflects and establishes the boundaries of that territory. The map also, for the most part, aims for transparency. That is, it claims to represent an actual state of affairs—often a seemingly "natural" or "objective" state of affairs. The articulation of a territorial identity is, however, anything but obvious or natural. It is an act of reading, of interpretation—often through a frame of religious or political power or ideology.<sup>26</sup>

The mosaic map uncovered at the site of the ancient church of Madaba is a useful example as a counterpart to the mapping of the beginning of Bavli Gittin.<sup>27</sup> The map was created in the sixth century C.E.<sup>28</sup> to cover the floor of the whole transept<sup>29</sup> of the Ancient Church at Madaba. Jerusalem is the central showpiece of the map.<sup>30</sup> The map was constructed in such a way that Jerusalem is almost at the exact center of the map—and therefore in the center of the forward, or eastern end, of the church. This placement accords with a tradition (both Jewish and Christian) that places Jerusalem at the center of the Holy Land—and often at the center of the world. More significantly though, the site that is given preeminence in the mosaic's representation of Jerusalem is the church of the Holy Sepulchre—while the Temple Mount is depicted as an empty space. The Church of the Holy Sepulchre (or *Anastasis*)

is in the almost exact center of the depiction of Jerusalem, and is the largest and most ornately drawn building in the city, while the Temple mount is comparatively small, and almost totally obscured by the colonnade of the north-south street that runs by it.<sup>31</sup> In this same vein, the map as a whole is heavily weighted toward depicting New Testament places over places mentioned in the Hebrew Bible.<sup>32</sup> This supercessionist mapping of the Holy Land—which seems to fulfill Jesus' prophecy that "there will not be left here [in the Temple] one stone upon another, that will not be thrown down," (Matthew 24:2)<sup>33</sup>—was the nightmare of the Madaba mosaics contemporaries, the Sages who created the Babylonian Talmud.

The mapping that we encounter in Bavli Gittin is legal in its topography—its nominal end is the establishment of a territory whose boundaries are those of legal competence. It is, however, also creating the cultural entity that it seems only to represent. This new entity is proffering itself as substitute for the territorial map whose center is empty—the Land of Israel after the destruction of the Temple and the Exile.

## VIII

The most dramatic part of the opening sugyot of Bavli Gittin, the *sugya* that is the Beginning of Bavli Gittin—6a–7b—is generated by a dispute between Rab and Samuel over whether Babylonia should be granted the legal status of the Land of Israel in the area of divorce law. Rab equates Babylonia with the Land of Israel and Shmuel refuses to do so. The *sugya* may be divided into five parts. (I:1–20; II:22–49; III:50–77; IV:78–109; V:110–141)<sup>34</sup> The first three parts of the *sugya* are all structurally similar. An Amoraic statement is cited. This is followed by a stammatik discussion in which there is an attempt to implicate this statement in the dispute between Rabbah and Raba mentioned above. This is dismissed by stating that Rabbah agrees with Raba. This generates further stammatik or anonymous discussion. The last two parts of the *sugya* are generated by Amoraic statements that link them to the previous parts.

This debate, whether Babylonia should be granted the legal status of the Land of Israel in the area of divorce law, changes the whole landscape as it had previously been set out in the Mishnah. The borders drawn in the Mishnah were those between Israel and foreign countries (*medinot hayam*). The idea that any place would be an exception to that is foreign to the Mishnah.<sup>35</sup>

1 It has been stated: Babylonia, Rab said, [It is] like Land of Israel in respect of writs of divorce.

2 And Samuel said, [It is] as outside the land.

- 3 Let us say that they differ on this, that one of them reasoned for they are not experts [knowing that it must be written specifically] for her, and these [the Babylonians,] are learned, [and in the same category with the Palestinians and are not required to make the declaration].
- 4 And the other reasoned that witnesses are not [to be found] to substantiate it, and the same difficulty is found [in Babylonia].
- 5 Can you reason this, seeing that Rabbah also takes Rabas opinion into account?
- 6 Rather, All [i.e., Rab and Samuel agree that] [the ability of witnesses] to confirm is required.
- 7 Rab reasoned that since there are Academies [in Babylonia witnesses are] always to be found.
- 8 Samuel reasoned that the Academies are taken up with their studies.
- 9 It has also been stated that R. Abba said in the name of R. Huna in the name of Rab: "We established Babylonia as the same as the Land of Israel in respect of writs of divorce from the time when Rab came to Babylonia."
- 10 R. Jeremiah returned [a challenge]:
- 11 R. Judah says, [foreign lands extend] from Rekem eastward, Rekem considered as east;
- 12 from Askelon southward, Askelon considered as south;
- 13 from Acco northward, Acco considered as north.
- 14 Now Babylonia is located north of the Land of Israel, as it is written, "And the Lord said to me, Out of the north the evil shall break forth upon all the inhabitants of the land." (Jer. 1:14)
- 15 And the Mishnah teaches: R. Meir says, Acco is like the Land of Israel in respect of writs of divorce;
- 16 but even R. Meir only said this in the case of Acco, which is close [to the Land of Israel, but Babylonia, which is distant, not.
- 17 He asked the question and he himself answered [by saying that] "With the exception of Babylonia."

The stammatit discussion (II. 3–8) of the dispute between Rab and Samuel accomplishes two things. It links this *sugya* with the previous *sugya* by presenting the reasoning of Raba and Rabbah (3–4) that is the thread running through the first six pages. The possibility that the dispute between Rab and Samuel is encompassed within the Raba-Rabbah dispute is dismissed with the already familiar reprieve (line 5): Rabbah also takes Rabas opinion into account. That is, since Rabbah actually (according to the *stam*) agreed that having witnesses present was a concern, and his own concern for the expertise of the Babylonians was an additional concern—the dispute between Rabbah and Raba could not then be the basis for the Rab and Samuel dispute here.

Then the *stam* introduces an idea (7–8) that serves as a frame for the statement attributed to R. Abba in the name of R. Huna. Rab equates Babylonia with the Land of Israel since there are academies in Babylonia. Samuel

acknowledges the existence of academies, but dismisses their relevance (according to the *stam*) since the members of the academies are involved with their studies—seemingly to the exclusion of involvement in legal or business affairs.<sup>36</sup>

This idea of Babylonia being equated with the Land of Israel by dint of its academies is then reinforced with a statement attributed to R. Abba in the name of R. Huna (9): "We established Babylonia as the same as the Land of Israel in respect of writs of divorce from the time when Rab came to Babylonia." This is a rephrasing of Rabs original statement, but here the equivalence with the Land of Israel is dated to the time of Rab. Following on the introduction of academies in the previous lines, we read this to mean that Babylonia is equivalent to the Land of Israel, in the matter of divorces, because of the academies that are there.<sup>37</sup>

The *sugya* continues with a question attributed to R. Yirmiyah, which brings the full audacity of Rab's statement into bright relief. This exchange does two things. First, Rab's equation of Babylonia and the Land of Israel is naturalized. R. Yirmiyah challenges this equivalence, his challenge is refuted (10–17), and the *stam* continues in the assumption that Babylonia is like the Land of Israel. R. Yirmiyah's question is so straightforward or "obvious" that the reader must read the answer ("With the exception of Babylonia.") as being equally obvious. This is what makes Rab's statement fit. Part of this statement's background is that Rab (and Samuel) are credited with founding the first academies in Babylonia. They are the beginning of (Jewish) Babylonia. So we might read this statement as follows: "From the founding of Babylonian Jewry (i.e., from the time of the establishment of the academies in Babylonia), we equate Babylonia with the Land of Israel."

Second, the verse that is quoted as a "proof-text" for the assertion that Babylonia is actually north of the Land of Israel is, to say the least, striking. The verse quoted is part of a prophecy to Jeremiah in which God promises to inflict punishment on Israel for their iniquities. The instruments of that punishment will be the nations coming from the north. There are many ungrammaticalities—that is, syntactic and logical difficulties—in this citation. First is the surprising necessity to "prove" that Babylonia is north of Israel. Second, Babylonia is not mentioned in this verse.<sup>38</sup> In the verse, it is the enemies of Israel who are coming "from the North" to sack Jerusalem. Third, the injection of the violent image of Jerusalem besieged is arresting. The injection of violence by way of proof-texts recurs throughout this *sugya*. Implicating the Jewish community of Babylonia in this verse that warns of danger from Babylon, the enemy of Israel, situates the Jewish community of Babylonia on the



wrong end of the binary opposition between home and diaspora, safety and danger. Babylonia<sup>39</sup> here is an exilic space.

Situating the Babylonian reality within an exilic space is echoed and reinforced in the dispute between R. Papa and R. Yosef (18–20).

18 How far does Babylonia extend?

19 R. Papa says: The same difference of opinion that there is in respect of writs of divorce, there is in respect of family descent.

20 R. Joseph says: There is a difference of opinion only in respect of family descent, but in respect of writs of divorce all parties are agreed that Babylonia extends to the second boat of the [floating] bridge.

The origin of the purity myth of Babylonian Jewry is the return from exile in the time of Ezra.<sup>40</sup> The borders of Babylonia are the borders of the ethnic purity of the returnees. These are now the borders of the exilic community.

The contradictory ways in which the Rabbinic presence, or the presence of Academies, in Babylonia is implicated in the narrative of Exile is echoed throughout this *stygia*. On the one hand, Babylonia and the Land of Israel are equalized in respect to divorce law (by dint of the presence of Rabbis and the Academies), while Babylonia is privileged with respect to ethnic purity. On the other hand, the violence that is associated with the original scene of Exile, is thematized in the violence of Rabbinic—domestic and institutional—power in various ways in the *stygia*.

The next part of the *stygia* maps Babylonia as the Land of Israel in a more explicit manner.

21 R. Hisda required [the declaration to be made by the bearer of a Get] from Ctesiphon to Ve-Ardashir, but [if one brought it] from Ve-Ardashir to Ctesiphon, he did not require [the declaration].

22 Let us say that he reasoned “for they are not experts [knowing that it must be written specifically] for her,” and these [the Jews of Ve-Ardashir] are learned.

23 Can you reason this, seeing that Rabbah also takes Rabas opinion into account?

24 Rather, All [agree that] [the ability of witnesses] to confirm is required.

25 and since these [people of Ve-Ardashir] go there [to Ctesifon] to market, the [inhabitants of the latter] are familiar with their signatures;

26 but these [inhabitants of Ve-Ardashir], are not familiar with [the signatures] of these [people of Ctesiphon] because they are busy with their marketing.

The statement attributed to R. Hisda (21) parallels the statement of the Mishnah attributed to R. Eliezer. R. Eliezer demands that even when an agent is delivering a *get* from Kfar Luddim—the suburbs of Lydda—to Lydda he

must state that the divorce that he is delivering was written and signed in his presence. R. Hisda demands that an agent state that the *get* that he is delivering was written and signed in his presence, when he comes from Ve-Ardashir to Ctesiphon.<sup>41</sup> Ve-Ardashir is to Ctesiphon as Kfar Luddim is to Lydda—except for one important fact. Neither Ve-Ardashir nor Ctesiphon are in the Land of Israel. R. Hisda's statement would not make any sense for the legal topography of the Mishnah.

R. Hisda's statement generates a discussion that firmly plants the ongoing discussion of borders within Babylonia.<sup>42</sup> In the next section of part II (32–49), bringing a writ of divorce from Sura to Nehardea in Babylonia (or the other way around) is equated to bringing a writ of divorce from Kfar Sisai to any other place in Israel.

32 R. Hanin related the following:

33 R. Kahana brought a Get either from Sura to Nehardea or from Nehardea to Sura. I do not know which.

34 He went in front of Rab.

35 He said to him, Am I required to declare. In my presence it was written and in my presence it was signed, or not?

36 Rab said to him: You are not required, but if you have done so, so much the better.

37 What [was meant by] if you have done so, so much the better? That if the husband came and contested [the Get], they would pay no attention to him;

38 as it has been taught<sup>43</sup>: An event concerning a man who brought a *get* before R. Ishmael.

39 He said to him: Rabbi, am I required to declare. In my presence it was written and in my presence it was signed, or am I not required?

40 He [R. Ishmael] said to him: My son, from where are you?

41 He said to him: From Kfar Sisai.

42 He said to him: My son it is necessary for you to declare. In my presence it was written and in my presence it was signed, so that the woman should not require witnesses [in case the husband raises objections].

43 After the man left, R. Ilai came before him [to R. Ishmael].

44 He said to him: “My teacher, is not Kfar Sisai within the ambit of the border-line of the Land of Israel, and is it not nearer to Sepphoris than Acco is?”

45 And we learn in the Mishnah: R. Meir said, Acco counts as the Land of Israel in matters of writs of divorce.

46 And even the Rabbis who differ from R. Meir only differ in regard to Acco, which is some distance away, but not in regard to Kfar Sisai which is near!”

47 R. Ishmael said to him: “Be silent, my son, be silent; since the thing has been declared, it was permitted to be declared.”

48 [Why should R. Ilai have thought otherwise], seeing that [R. Ishmael] also said: ‘that the woman should not require witnesses?’

49 [R. Ilai] had not been told of these concluding words.



In this exchange, the territorial specificity of the Land of Israel ("nearer to Sepphoris than Acco . . .") is seamlessly overlaid onto Babylonia. Two other themes or subtexts are activated in this section (32–49). First, the theme of the writ as a contested site—the fear that the husband will attempt to undermine the writ of divorce by contesting its legitimacy—is triggered again. This is another of the threads that runs through these texts. The second theme that is new, but that characterizes this *styya* is "not hearing" or not receiving a tradition. This theme of not hearing first appears here in line 49, with the implication that R. Ilai did not hear the end of the tradition. It then reappears in line 62, in an effort to impune Eviathar's authority. This is followed by a short excursus attributed to Abbaye about the difference between "*gemara*" and that which might be learned through deduction (*sevara*). Finally, the trope occurs in line 86 where R. Ashi follows the teaching of Rabbah bar bar Hannah even though he did not hear it.

The next part of the *styya* (III: 50–77) starts in the same way as the first sections.

50 R. Abiathar sent to R. Hida [the following instruction:] [Concerning] writs of divorce that come from there [Babylonia] to here [the Land of Israel], [the bearers of the writs] are not required to declare, "In my presence it was written and in my presence it was signed."

51 Let us say that he reasoned "for they are not experts [knowing that it must be written specifically] for her," and these [the Jews of Babylonia,] are learned.

52 Can you reason this, seeing that Rabbah also takes Rabas opinion into account?

53 Rather, All [agree that] [the ability of witnesses] to confirm is required.

54 and in this case, as there are Rabbis going up to [the Land of Israel] and down [to Babylonia], [witnesses] can easily be found.

55 Said R. Joseph: Who tells us that R. Eviathar is a man of authority?

56 Was it not he who sent [the statement] to Rab Judah:

57 "People who come from there [Babylonia] to here [the Land of Israel] fulfil in their own persons the words of the Scripture: 'And they bartered a boy for a whore, and sold a girl for wine, which they drank' (Joel 4:3)."

58 And he wrote the words [from Scripture] without ruling lines [under them].

59 And R. Isaac said, "Two words [from Scripture] may be written [without ruling lines] but not three."

60 In a Baraita it was taught, Three may be written [without ruling lines] but not four.

61 Said Abbaye to him: Is anyone who did not receive this rule of R. Isaac not to be counted a great scholar?

62 If it were a rule established by logical deduction, we might think so. But it is a tradition, and it is a tradition which [R. Eviathar] had not received.

An amoraic statement is quoted (50), attributed to R. Eviathar. This is followed by an attempt to align the statement with the reasoning of the de-

bate that runs through the whole introduction—that the Jews outside of Israel are not "experts [knowing that it must be written specifically] for her" (*lishmah*). This attempt is dismissed since Rabbah's reasoning has been acknowledged to include Raba's (as in 3–5 and 22–24 above), and a different reason is introduced. As in the first section (lines 7–8), this new reason (54) has to do with the Rabbinic presence in Babylonia. (There: the presence of academies; here: the presence of Rabbis.<sup>44</sup>) This statement (54), that the presence of Rabbis who go up to Israel and back to Babylonia, obviates the fear that the witnesses will not be available; the similar statement above (7), that the presence of academies accomplishes the same thing, rereads and recasts an earlier statement in a previous *styya* in the introduction.

On 4b, the Mishnaic statement (M Gittin 1:1) that one who brings a *get* from one province to another in a foreign country must state that the document was written and signed before him generates the following stammaitic discussion:

The Mishnah should [then] teach "One who brings from province to province" with no further elaboration!

In fact, from province to province in the Land of Israel he also does not need [to state "before me . . ."].

Since there are pilgrims, [witnesses] are indeed to be found.

This is well in the time that the Temple existed, in the time that the Temple does not exist what is there to say?

Since there exist established courts, [witnesses] are indeed to be found.

This discussion, first, assumes a strong distinction between the Land of Israel and foreign territories. Second, the idea of the presence of pilgrims and, subsequently, established courts,<sup>45</sup> is an idea that is attributed only to Israel. Our statements on 6a (line 7) and 6b (line 54) place the Rabbinic presence in Babylonia. This is part of the general mapping of Israel onto Babylonia that is accomplished in this *styya*.

Returning to 6a–7b, the statement attributed to R. Eviathar reinforces the equality of Babylonia and Israel stated in the first section. R. Eviathar's authority is then challenged on this exact point.

This part (III) also parallels part I in that the presence of the Rabbis is followed by a striking "proof-text," which dramatically performs "exile." A statement attributed to R. Yosef challenges R. Eviathar's authority (55). The challenge is based on the fact that, seemingly, R. Eviathar did not uphold a teaching of R. Isaac. This is based on an event in which R. Eviathar had sent an edict warning people not to come from Babylonia to Israel. The edict was

based on a midrashic reading of a verse. R. Eviathar had neglected to score the parchment before writing the verse. By doing so he opened himself up to the charge of not being a "great man," since he did not know this teaching of R. Isaac. Abbaye comes to R. Eviathar's defense by distinguishing between someone who has not *received* a tradition (*la shmi'a*), and one who does not *know* a tradition that is arrived at by deduction (*sevara*).

The proof-text at issue is Joel 4:3 (line 59):

And they bartered a boy for a whore, and sold a girl for wine, which they drank.<sup>46</sup>

In context, this is part of a prophecy in which God promises vengeance upon the enemies of Israel who considered the lives of boys and girls so worthless that they would trade them for wine or whoring. In our *sugya* a Palestinian Amora, R. Eviathar, reads this verse as referring to Babylonian sages who come to Palestine, and by so doing either neglect the commandment of procreation,<sup>47</sup> or force their families into penury, even unto prostitution.<sup>48</sup> Again, as above, the Jewish community of Babylonia is implicated in a verse describing the violent acts of the enemies of Israel. Here, the identification is even greater as R. Eviathar states that the violence is perpetrated by Babylonian Rabbis who come to Palestine.

Abbaye supports R. Eviathar's authority in another way by claiming that even God recognized R. Eviathar as the able exegete of the story of the Concubine of Gibe'a. The story (Judges 19ff), in short, is that the concubine of a man from Levi runs away from him and back to her family. The man follows her to take her back. On the way home they stay overnight in Gibe'a and are given lodging by another nonresident. During the night the townspeople demand that the man is handed over to them. The host instead offers the townspeople his virgin daughter and the concubine. The townspeople rape and kill the concubine. The man from Levi finds his dead concubine in the morning, throws her on his donkey and goes home. He subsequently cuts her into twelve pieces and sends a piece to each tribe. This leads to a bloody civil war. Elijah himself had informed Eviathar that God quoted his exegesis of Judges 19:2 (along R. Jonathan's) approvingly (63-77).

As has been pointed out by Yair Zakovitch<sup>49</sup> the opening verses of the story of the concubine (Judges 19:2-3) share language with Jeremiah 3:1—the prophetic use of the Deuteronomic divorce laws to represent the relationship between God and Israel. This intertext firmly places this story within an exilic narrative.

... If a man divorces his wife, and she leaves him and marries another man, can he ever go back to her? Would not such a land be defiled? Now you have whored (*ve'at zanit*) with many lovers: can you return to me?—says the Lord.<sup>50</sup>

The proof-text quoted at the end of the next section of the *sugya* reinforces this reading. As basis for the ruling that song is forbidden at parties, Mar Uqba quotes Hosea 9:1:

Rejoice not, O Israel, unto exultation like the peoples, for thou hast gone astray (*ki zanita*) from thy God.<sup>51</sup>

63 Moreover, R. Abiathar is one whose view was confirmed by his Master.

64 For it is written, "And his concubine played the harlot against him (Judges 19:2)."

65 R. Eviathar said "He found a fly with her."

66 and R. Jonathan said, "He found a hair on her."

67 R. Eviathar came across Elijah.

68 He said to him: "What is the Holy One of blessing doing?"

69 He [Elijah] said to him, "He is involved with [the issue of] the concubine in Gibe'a."

70 "What does He say?"

71 "[God says], My son Eviathar says So-and-so, and my son Jonathan says So-and-so,"

72 He [R. Abiathar] said to him: "Can there possibly be uncertainty in the mind of the Heavenly One?"

73 He said to him: Both [answers] are the word of the living God.

This section of the *sugya* does two important things. First, it reinforces the theme of violence that was also a part of the other two proof-texts. Second, the reading of the verse from Judges, situates the Concubine of Gibe'a story firmly in the center of the discourse of divorce. The verse that R. Eviathar and R. Jonathan comment on is a problematic one. The locution translated here as "played the harlot" (*zanab 'al*) is unique to this verse. There is a long history of interpretation that tries to make sense out of it.<sup>52</sup> The problem—at least for the Rabbis—with a "literal" translation is that if the concubine had actually had sexual relations with another man, the first man would not have been able to take her back.<sup>53</sup>

Reading the verse with the comments of either R. Eviathar or R. Jonathan (and God seems to approve of both) frames the story explicitly as one of "marital discord" that leads to violence.<sup>54</sup> The Rabbinic intertext for this reading is, of course, the discussion in M Gittin 9:10. In that Mishnah, Bet Shammai

states that a man might only divorce his wife if she has committed some sexual misdeed. Bet Hillel and R. Akiva, in their footsteps, say that he might divorce her for, basically, any reason whatsoever.

This explanation for why *he* divorced *her*, tidies up the problems that are inherent, for the Rabbis, in saying that she divorced him—as it seems in the verses. That is, she left and he ran after her to try to mollify her and bring her home. In fact, the scene wherein the Levite attempts to patch things up with his concubine is left on the Talmud's cutting room floor. The *stygia* moves from why he divorced her, immediately to the fact that many thousands were killed—at the beginning of the next part (IV). This latter is arrived at via a statement attributed to R. Hisda, (78–79) that men should not terrorize their households excessively.

78 R. Hisda said: A man should not cast excessive terror over his household.

79 For the concubine of Gibeat—her husband terrorized her excessively and many thousands were slaughtered in Israel.

80 Rab Judah said: If a man terrorizes his household, he will eventually commit three sins: unchastity, blood-shedding, and desecration of the Sabbath.

82 Said Rabba b. Bar Hanah: This is that which our Rabbis taught:

83 A man has to say three things to his household on the eve of Sabbath with darkness,

84 "Have you set aside the rithe? Have you placed the 'Erub? Light the lamp,"

85 He needs to say it gently, so that they should accept it from him.

86 R. Ashi said: I never received that rule of Rabba b. Bar Hanah, but I observed it because of [my own] reasoning.

This move—passing over the rape and murder scene—also accomplishes something else. It reinscribes the silence and disappearance of the Concubine. In the story in Judges, the unnamed woman<sup>55</sup> does not have a single spoken line. After she is given over (by the Levite) to be raped, and dies from her torture, the Levite cuts her up and literally erases her. In the retelling of this story by R. Hisda, it was the fact that he had terrorized her, which caused thousands of Israel to die. While this puts the blame for the deaths on the Levite's shoulders,<sup>56</sup> those deaths do not include the rape and murder of the Concubine. The crime was intimidating the Concubine, and the punishment was that thousands of men of Israel died. Hence, the statements attributed to R. Yehuda, Rabba b. Bar Hannah, and R. Ashi (80–88) reinforce this discourse of marriage as controlled aggression toward a utilitarian end. That is, a husband should not be overly intimidating since it will be bad for him in the end.

Following immediately on this warning against the possibility of violence resulting from intimidation and abuse, the next section continues the inter-

weaving of the themes of violence and marriage and exile. The section begins with an account of a written exchange between Mar 'Uqba, who was apparently facing some opposition, and R. Eleazar. Both of R. Eleazar's answers are midrashic readings of verses that he has inscribed on parchment in the proper way—by first scoring lines and then writing.

92 Mar 'Ukba sent to R. Eleazar: Certain men are opposing me, and I am able to turn them over to the government; What is [the law]?

93 He scored lines and wrote [quoting]. "I said, I will take heed to my ways, that I sin not with my tongue, I will keep a curb upon my mouth while the wicked is before me (*leneḡdi*)." (Psalms 39:2)

94 Although the wicked is opposing me (*leneḡdi*), I will keep a curb on my mouth.

R. Eleazar, in his answer, reads the polysemic word *leneḡdi* to mean opposing me in order to understand the verse from Psalms as a statement of almost stoic forbearance in the face of evil opposition.

In his next missive, Mar 'Uqba seems to be losing his patience.

95 He [Mar 'Ukba] sent to him: They are troubling me very much, and I am unable to stand it.

96 He sent to him, "Resign thyself unto the Lord, and wait patiently [*hitholel*] for him." (Psalms 37:7)—be silent for the Lord, and He will cast them down as corpses [*haddelim*] before thee.

97 Go to the Beth-Hamidrash early morning and evening and they will desist of themselves.

98 The words left R. Eleazar's mouth, and Geniba was placed in chains [for execution].

R. Eleazar's answer is again a midrashic reading of a verse from Psalms. Actually, it is only a phrase from a verse. The rest of the verse seems to have been the impetus for the rereading. The verse in whole is: "Resign thyself unto the LORD, and wait patiently for Him; fret not thyself because of him who prospereth in his way, because of the man who bringeth wicked devices to pass." The midrashic reading assumes that the context of the waiting patiently for God is one of political strife—"the man who bringeth wicked devices to pass." This generates a complex midrashic reading.

The four word phrase is read as if it were three clauses. *Dom*, contextually meaning "resign thyself" is read as "be silent."<sup>57</sup> "Unto the Lord" is read to mean "let God take care of it." The verb form *hitholel*, which contextually means "wait patiently," is read through its root *halal*—corpse—as a neologism that means to become a corpse.



Subsequently the intertext from Psalms 65:2 "Praise waiteth (*dmiryah*) for Thee," suggests prayer and the setting of the Beth-Hamidrash, the study hall. This yields "Go to the Beth-Hamidrash early morning and evening and they will desist of themselves."

R. Eleazar's prescient advice seems to have reestablished Mar 'Uqba's authority as the next question is addressed to him.

- 99 They sent to Mar 'Ukba: What is the source that it is forbidden [in these times] for us to sing [at parties]?
- 100 He scored lines and wrote [quoting]: "Rejoice not, O Israel, unto exultation like the peoples, for thou hast gone astray from thy God." (Hosca 9:1)
- 101 Should he not rather have sent the following: "They shall not drink wine with music, strong drink shall be bitter to them that drink it?" (Isaiah 24:9)
- 102 From this verse I should conclude that only music [played on] instruments is forbidden, but music [that is] sung is alright; this I learn [from the other verse].

It is worth noting that the story of Mar 'Uqba and Geniba is the only story in the Talmud where Sages hand over a fellow Sage to the authorities for execution.<sup>58</sup> The only place, other than this *stggya*, where this story is alluded to is also in Bavli Gittin.<sup>59</sup> Another noteworthy element of this part is the way in which it echoes and reinforces the discourse of divorce. The Sages must practice controlled aggression. That is, the choices presented are either God killing the men who oppose the Sage or the Sage himself handing them over to be killed. It is significant within the exilic frame that when the choice presented is between God avenging, and the "powers" avenging—it is the power of flesh and blood who is turned to for vengeance/justice.

The connection with the discourse of divorce, and the discourse of exile that is interwoven with divorce, is strengthened by the second half of this part. In response to the question: "Where does Scripture tell us that it is forbidden [in these times] to sing [at parties]?" (101). Mar 'Uqba quotes the verse from Hosea 9:1, that we mentioned above:

Rejoice not, O Israel, unto exultation like the peoples, for thou hast gone astray (*ki zanit*) from thy God.<sup>60</sup>

This proof-text connects the question of singing with marriage (and divorce), and with exile. It is connected to the previous proof-texts by the word *z-n-h*, which appears here and in Judges 19 and in Jeremiah 3—quoted above.<sup>61</sup>

The final section of the *stggya* (110–141) forcefully overlays marriage and divorce onto exilic space.

- 110 The Exilarch said to R. Huna: On what ground is based the prohibition of gatlands?
- 111 He said to him: It is from the Rabbin.
- 112 For we have learnt in a Mishnah: At [the time of] the battle of Vespasian they prohibited the wearing of garlands by bridegrooms and the [ringing of] bells<sup>62</sup> [at weddings].
- 113 At this point R. Huna got up to leave the room.
- 114 R. Hisda said to him [the Exilarch]: [It is an explicitly] written verse: "Thus saith the Lord God, remove the turban and take off the crown,
- 115 which shall be no more the same [this not this]; that which is low shall be exalted and that which is high abased." (Ezekiel 21:31)
- 116 What has the turban to do with the crown?
- 117 It is to teach that when the turban is worn by the High priest, ordinary persons can wear the crown,
- 118 but when the turban has been removed from the head of the High priest, the crown must be removed from the head of ordinary persons.

In this striking exchange, the wedding scene is explicitly connected with Exile and Redemption. An equivalence is drawn between the turban of the high priest—upon which was the plate of gold inscribed "sanctified to God"<sup>63</sup> (Exodus 28:35ff)—and the garland of the bridegroom. In response to the question of the Exilarch, R. Hisda—whose response is ultimately approved of by his teacher R. Huna—states that the reason that wedding garlands are forbidden is that there is no longer a high priest as the Temple is destroyed. It follows then that when there is no symbol of the marriage between God and Israel, there is no symbol of the marriage between man and woman.

This latter is reinforced by the second part of this section (124–130).

- 124 What is [the meaning of the words in this passage], "This not this" (*תני לך תני*)?
- 125 R. Awira gave the following exposition, sometimes in the name of R. Ammi and sometimes in the name of R. Assi:
- 126 When the Holy One of Blessing said to Israel, "Remove the turban and take off the crown,"
- 127 the ministering angels said before the Holy One of Blessing, Sovereign of the Universe,
- 128 is "this" for Israel who at Mount Sinai said "we will do" before "we will hear"?
- 129 He said to them, "No.
- 130 This" be for Israel, who have made low that which should be exalted and exalted that which should be low, and placed an image in the sanctuary.

The difficult phrase in Ezekiel 21:31—"This not this"—is read in this midrash as an exchange between God and the ministering angels. As God said to Israel, "Remove the turban and take off the crown," that is, when God sent Israel into exile, the ministering angels challenged God: Is "this" for Israel who at Mount Sinai said "we will do" before "we will hear"? God responded,

"No. This" be for Israel, who have made low that which should be exalted and exalted that which should be low, and placed an image in the sanctuary.

The whole verse is read as a narrative of exile—which is played out as divorce. God says "remove the turban" of high priests, for I am exiling you and destroying the Temple. "And take off the crown," Israel, since your wedding can no longer symbolize the relationship between you and God. The angels object: "This" is what you are doing to Israel whom you married on Sinai? God answers: "No, this" is what I am doing to Israel who have left me for another: the image they placed in the sanctuary. The relationship between God and Israel is, to say the least, shaky.

The last lines of the *sugya* (131–141) transvalue a cryptic verse from Nahum.<sup>64</sup>

Thus saith the Lord, though they be in full strength and likewise many, even so shall they be sheared off and he shall cross, etc. (Nahum 1:12)

In MT the verse has something to do with God wreaking vengeance on Israel's enemies (possibly Nineveh) and promising not to oppress Israel any longer. In another midrash attributed to R. 'Avirah in the name of either R. Ami or R. Asi, the verse is read as referring to the obligation to give charity. Moreover one is urged to give charity even if one is poor. Further the promise in the verse not to oppress Israel further, is read as a promise that if one is poor and still gives charity then one will no longer be poor—or at least show signs of being poor.

The connection with the rest of the *sugya* is in the fact that these verses are read out of the realm of God—where they were in their original context—and into the human realm. This latter is possibly the result of the "divorce" or separation from God in the previous part.

### Conclusion

This *sugya* that begins Bavli Gittin—that is, it dramatically marks the disjunction of the Talmud's discourse with the assumptions of the Mishnah—thematizes violence in Exile while attempting to efface Exile through legal cartography. The even darker underside of the angry husband annoying his wife by contesting a *get* is the violence of the concubine of Gibeah, which, in the telling, is only concerned with the violence to the men of Israel—not to the concubine. The violence of the exilic institutions is further underscored by the story of Genibah's ill-fated opposition to Mar 'Uqbah that ends in Genibah's death. By the end of the *sugya*, divorce is constructed as a contested

site within which the stakes are life and death for all concerned—men, women, and Sages. At issue for men is the danger of women to them and the system ("a man shouldn't excessively terrorize . . ."). At issue for women is life and death. At issue for Sages is the legitimacy of their authority, and their relation to God.

Mapping the land of Israel onto Babylonia is part of a conflicted attempt to negotiate diaspora. Articulating an identity independent of the Land of Israel is a complicated gesture. It is a claim for the legitimacy—and possibly the superiority—of the authority of the Rabbinic class in Babylonia. No less a reader of (and propagandist for) the Babylonian tradition than R. Sherira Gaon characterizes the relationship between Babylonia and the Land of Israel in just this way. Invoking a midrash from Tractate Sanhedrin (5a) he states: "We see, then, that these [leaders] of Babylonia are greater."<sup>65</sup>

And yet, Babylonia exists under the sign and the shadow of the Exile. The violence that permeates this *sugya* is itself a reminder of the necessary failure of any strategy to efface Exile. Further, Rabbinic authority, Rabbinic assertion of power, and also the failure of that assertion of power and authority to grant the Rabbis the control they desire, are all gendered. Rabbinic fantasies of violence are inscribed on the bodies of women (real, imagined, and invisible). The Concubine of Gibeah memorializes one end of a continuum of violence that results from the unequal distribution of power in marriage. This end of the spectrum is roundly condemned by the Rabbis. Yet, the desired, legally constructed relationship between husband and wife is still one of inequitable distribution of power, wherein the husband need only learn how to modulate his yielding of that potentially violent power.

At the same time the Rabbis (as Israel) assume the feminine role in relation to God, as God takes the symbol of marriage—the turban of the high priest upon which was the plate of gold inscribed "sanctified/betrothed (*kodesh*) to God"—away from His bride Israel. This too is memorialized.

In this gendered construction, the Rabbinic class attempts to assert its power (consistently marked as masculine) through the institutionalized violence of the law (and the deployment of that violence at the expense of women and non-Rabbinic men), yet it is constantly feminized by Exile (divorced, victimized). The nightmare of the Rabbis is that instead of deferring Exile by mapping it as the Land of Israel, and assuming control through political rule, they will, rather, end up as the divorced woman or, worse, as the raped and mutilated Concubine of Gibeah. The evil then will truly have come from the North.

## Appendix: B Gittin 6a-7b

- 1 It has been stated: Babylonia—Rab said, [It is] like Land of Israel in respect of writs of divorce.
- 2 And Samuel said, [It is] as outside the land.
- 3 Let us say that they differ on this, that one of them reasoned for they are not experts [knowing that it must be written specifically] for her, and these [the Babylonians,] are learned, [and in the same category with the Palestinians and are not required to make the declaration].
- 4 And the other reasoned that witnesses are not [to be found] to substantiate it, and the same difficulty is found [in Babylonia].
- 5 Can you reason this, seeing that Rabbah also takes Raba's opinion into account?
- 6 Rather, All [i.e. Rab and Samuel agree that] [the ability of witnesses] to confirm is required.
- 7 Rab reasoned that since there are Academies [in Babylonia witnesses are] always to be found.
- 8 Samuel reasoned that the Academies are taken up with their studies.
- 9 It has also been stated that R. Abba said in the name of R. Huna in the name of Rab: 'We established Babylonia as the same as the Land of Israel in respect of writs of divorce from the time when Rab came to Babylonia.'
- 10 R. Jeremiah returned [a challenge]:
- 11 R. Judah says, [foreign lands extend] from Rekem eastwards, Rekem considered as east:
- 12 from Askelon southward, Askelon considered as south;
- 13 from Acco northwards, Acco considered as north.
- 14 Now Babylonia is located north of the Land of Israel, as it is written, "And the Lord said to me, Out of the north the evil shall break forth upon all the inhabitants of the land." (Jer. 1:14)
- 15 And the Mishnah teaches: R. Meir says, Acco is like the Land of Israel in respect of writs of divorce:
- 16 but even R. Meir only said this in the case of Acco, which is close [to the Land of Israel], but Babylonia, which is distant, not.
- 17 He asked the question and he himself answered [by saying that] "With the exception of Babylonia."
- 18 How far does Babylonia extend?
- 19 R. Papa says: The same difference of opinion that there is in respect of writs of divorce, there is in respect of family descent.
- 20 R. Joseph says: There is a difference of opinion only in respect of family descent, but in respect of writs of divorce all parties are agreed that Babylonia extends to the second boat of the [floating] bridge.

## בבלי גיטין ו ע"א-ע"ב

איתמר

- 1 בכל רב אמר כארץ ישראל לגיטין.
- 2 ושמואל אמר כחוץ לארץ.
- 3 לימא בהא קא מיפלגי, דמר סבר לפי שאין בקיין לשמה והני גמירי.
- 4 ומר סבר לפי שאין עדים מצויין לקיימו והני נמי לא שכיחי.
- 5 ותיסביר, והא רבה אית ליה דרבה.
- 6 אלא, דכולי עלמא בעיני לקיימו.
- 7 ורב סבר כיון דאיכא מתיבתא מיטבחה שכיחי.
- 8 ושמואל סבר מתיבתא בגירסייהו טרידי.
- 9 איתמר נמי, אמר רבי אבה אמר רב הונא אמר רב, עשינו בכל כארץ ישראל לגיטין מכי אחא רב לבבל.
- 10 מתיב רב ירמיה.
- 11 רבי יהודה אומר מרקס למורה ורקם כמורה.
- 12 מאשקלון לדרום ואשקלון כדרום.
- 13 מעכו לצפון ועכו כצפון.
- 14 והא בבל לצפונה, דארץ ישראל קיימא: דכתיב, 'ויאמר ה' אלי מצפון תפתח הרעה על כל יושבי הארץ.' (ירמיהו א"ד).
- 15 ותנן רבי מאיר אומר עכו כארץ ישראל לגיטין.
- 16 ואפילו רבי מאיר לא קאמר אלא בעכו דמקרבא, אבל בכל דמרחקא לא:
- 17 הוא מתיב לה, והוא מפרק לה-לבר מבבל.
- 18 עד היכן היא בבל?
- 19 אמר רב פפא, כמחלוקת לייחוסין כך מחלוקת לגיטין.
- 20 ורב' יוסף אמר, מחלוקת לייחוסין, אבל לגיטין דברי הכל עד ארבה תניינא דנישרא.



## II

- 21 R. Hisda required [the declaration to be made by the bearer of a Get] from Ktesifon to Ve-Ardashir, but [if one brought it] from Ve-Ardashir to Ktesifon, he did not require [the declaration].
- 22 Let us say that he reasoned "for they are not experts [knowing that it must be written specifically] for her," and these [the Jews of Ve-Ardashir] are learned.
- 23 Can you reason this, seeing that Rabbah also takes Raba's opinion into account?
- 24 Rather, All [agree that] [the ability of witnesses] to confirm is required.
- 25 and since these [people of Ve-Ardashir] go there [to Ktesifon] to market, the [inhabitants of the latter] are familiar with their signatures;
- 26 but these [inhabitants of Ve-Ardashir], are not familiar with [the signatures] of these [people of Ktesifon] because they are busy with their marketing.
- 27 Rabba b. Abbuhā required [the declaration to be made if the Get was brought] from one side of the street to the other;
- 28 R. Shesheth if it was brought from one block [of buildings] to another;
- 29 Raba [from one house to another] within the same block.
- 30 But was it not Raba who said [that the reason was] "Because witnesses are not [to be found] to substantiate it."
- 31 The people of Mahozah are different, because they are always on the move.
- 32 R. Hamin related the following:
- 33 R. Kahana brought a Get either from Sura to Nehardea or from Nehardea to Sura, I do not know which.
- 34 He went in front of Rab.
- 35 He said to him, "Am I required to declare, 'In my presence it was written and in my presence it was signed,' or not?"
- 36 Rab said to him: "You are not required, but if you have done so, so much the better."
- 37 What [was meant by] 'if you have done so, so much the better?' That if the husband came and contested [the Get], they would pay no attention to him;
- 38 As it has been taught<sup>66</sup>: An event concerning a man who brought a *get* before R. Ishmael.
- 39 He said to him: "Rabbi, am I required to declare, 'In my presence it was written and in my presence it was signed,' or am I not required?"
- 40 He [R. Ishmael] said to him: "My son, from where are you?"
- 41 He said to him: "From Kefar Sisai."
- 42 He said to him: "My son it is necessary for you to declare 'In my presence it was written and in my presence it was signed,' so that the woman should not require witnesses [in case the husband raises objections].
- 43 After the man left, R. Ilai' came before him [to R. Ishmael].
- 44 He said to him: "My teacher, is not Kefar Sisai within the ambit of the border-line of the Land of Israel, and is it not nearer to Sepphoris than Acco is?"
- 45 And we learn in the Mishnah: R. Meir said, Acco counts as the Land of Israel in matters of writs of divorce."
- 46 and even the Rabbis who differ from R. Meir only differ in regard to Acco, which is some distance away, but not in regard to Kefar Sisai which is near!"

## II

- רב חסדא מצריך מקטיספון לבי ארדשיר, ומבי ארדשיר לקטיספון לא מצריך. 21
- לימא קסבר לפי שאין בקיין לשמה, והני גמירי. 22
- ותסברא, והא רבה אית ליה דרבא. 23
- אלא דכולי עלמא בעינן לקיימו. 24
- הני כיין דחולי לשוקא לחתם, הנך ידעי בחתומת ידא דהני. 25
- הני בדתך לא ידעי, מאי טעמא: בשוקיהו טרידי. 26
- רבה בר אבהו מצריך מערסא לערסא. 27
- רב ששת מצריך משכונה לשכונה. 28
- רבא: באותה שכונה. 29
- והא רבה הוא דאמר לפי שאין עדים מצויין לקיימו? 30
- שאני בני מחוז דנירדי. 31
- רב חנין משתעי. 32
- רב כהנא איתוי גיטא ולא ידענא אי מסורא לנהרדעא, אי מנהרדעא לסורא. 33
- אחא לקמיה דרב. 34
- אמר ליה, "צריכנא למימר בפני נכתב ובפני נחתם או לא צריכנא?" 35
- אמר ליה, "לא צריכת." ואי עבדת אחנית. 36
- מאי אי עבדת אחנית? דאי אחתי בעל ומערער לא משחיתנן ליה. 37
- כדתניא, מעשה באדם אחד שהביא גט לפני רבי ישמעאל. 38
- אמר לו, "ר' צריך אני לומר בפני נכתב ובפני נחתם, או איני צריך?" 39
- אמר לו, "בני מהיכן אתה?" 40
- אמר לו, "מכפר סיסאי."<sup>66</sup> 41
- אמר לו, "בני צריך אתה לומר בפני נכתב ובפני נחתם, כדי" שלא תיזקק לעדים." 42
- לאחר שיצא, נכנס לפניו רבי אלעאי. 43
- אמר לו, "רבאי והלא כבר סיסאי מובלעת בתחום ארץ ישראל, וקרובה לצפורי יותר מעבר?" 44
- תנו רבי מאיר אומר עכו ארץ ישראל לגיטין. 45
- ואפילו רבון דמלגי עליה, לא מלגי אלא בעכו דמרחקא, אבל כבר סיסאי דמקרא לא. 46

- 47 R. Ishmael said to him: "Be silent, my son, be silent; since thing has been declared, it was permitted to be declared."  
 48 [Why should R. Illa'i have thought otherwise], seeing that [R. Ishmael] also said: 'that the woman should not require witnesses?'  
 49 [R. Illa'i] had not been told of these concluding words.

## III

- 50 R. Abiathar sent to R. Hisda [the following instruction:] [Concerning] writs of divorce that come from there [Babylonia] to here [the Land of Israel], [the bearers of the writs] are not required to declare, 'In my presence it was written and in my presence it was signed.'  
 51 Let us say that he reasoned 'for they are not experts [knowing that it must be written specifically] for her,' and these [the Jews of Babylonia] are learned.  
 52 Can you reason this, seeing that Rabbah also takes Rabas opinion into account?  
 53 Rather, All [agree that] [the ability of witnesses] to confirm is required.  
 54 and in this case, as there are Rabbis going up to [the Land of Israel] and down [to Babylonia], [witnesses] can easily be found.  
 55 Said R. Joseph: Who tells us that R. Eviathar is a man of authority?  
 56 Was it not he who sent [the statement] to Rab Judah:  
 57 "People who come from there [Babylonia] to here [the Land of Israel] fulfill in their own persons the words of the Scripture: 'And they bartered a boy for a whore, and sold a girl for wine, which they drank' [Joel 4:3]."  
 58 And he wrote the words [from Scripture] without ruling lines [under them].  
 59 And R. Isaac said, "Two words [from Scripture] may be written [without ruling lines] but not three."  
 60 In a Baraita it was taught, Three may be written [without ruling lines] but not four.  
 61 Said Abayye to him: Is anyone who did not receive this rule of R. Isaac not to be counted a great scholar?  
 62 If it were a rule established by logical deduction, we might think so. But it is a tradition, and it is a tradition which [R. Eviathar] had not received.  
 63 Moreover, R. Abiathar is one whose view was confirmed by his Master.  
 64 For it is written, "And his concubine played the harlot against him," (Judges 19:2)  
 65 R. Eviathar said "He found a fly with her."  
 66 and R. Jonathan said, "He found a hair on her."  
 67 R. Eviathar came across Elijah.  
 68 He said to him: "What is the Holy One of blessing doing?"  
 69 He [Elijah] said to him, "He is involved with [the issue of] the concubine in Gibeah."  
 70 "What does He say?"  
 71 "[God says], My son Eviathar says So-and-so, and my son Jonathan says So-and-so,"  
 72 He [R. Abiathar] said to him: "Can there possibly be uncertainty in the mind of the Heavenly One?"  
 73 He said to him: Both [answers] are the word of the living God.  
 74 He [the Levite] found a fly and did not take umbrage, he found a hair and took umbrage.  
 75 Said Rab Judah said Rab: A fly in his plate and a hair in that place;

- 47 אמר לו, "שתוק בני, שתוק. הואיל ונצא הדבר," בהיתר יצא."  
 48 והא' איהו' נמי שלא תיזק לעדים קאמר ליה:  
 49 לא סייעוה קמיה לשליחותיה.

## III

- 50 שלח ליה רבי אביהר לרב חסדא, גיטין הבאים משם לכאן אין צריכין שיאמרו' בפני נכתב ובפני נחתם.  
 51 לימא קסבר לפי שאין בקיאיין לשמה, והני גמירי'.  
 52 ותיסברה, והא רבה אית ליה דרבה.  
 53 אלא דכולי עלמא בעינן' לקיימו.  
 54 וכיון דאיכא רבנן' דסלקי ונחתי מישיבא שכיח'.  
 55 אמר רב יוסף, מאן לימא לן דרבי אביהר גברא דסמכא' הוא?  
 56 והא איהו דשלח ליה לרב יהודה.  
 57 בני אדם העולין משם לכאן הם קיימו בעצמן, "ויתנו את הילך כוונה, ואת הילדה" מכרו ביין וישתו".  
 58 וכתב ליה בלא שיריטו.  
 59 ואמר רבי יצחק, שתים כותבין שלש אין כותבין.  
 60 במתניתא תנא שלש כותבין ארבע אין כותבין.  
 61 אמר ליה אביי אטו כל דלא שמיע ליה' הא דרבי יצחק לאו גברא רבה הוא.  
 62 בשלמא מילתא דתליא בסברא לחיי', הא גמרא היא' וגמרא לא שמיע ליה.  
 63 ועוד, הא רבי אביהר' דאסכים מריה על ידיה.  
 64 דכתבי, "ותונה עליו פילגשו", (שופטים י"ב)  
 65 רבי אביהר אמר, זבוב מצא לה.  
 66 ורבי' יונתן אמר, נימא מצא לה.  
 67 ואשכחיה רבי אביהר לאליהו.  
 68 אמר ליה, מאי קא עביד הקדוש ברוך הוא?  
 69 אמר ליה, עסיק בפילגש בבבלי'.  
 70 ומאי קאמר'  
 71 "אביהר בני כך הוא אומר, יונתן בני כך הוא אומר.  
 72 אמר ליה, חס ושלום, ופי איכא ספיקא קמי שמיא?  
 73 אמר ליה, אלו ואלו דברי אלהים חיים הן.  
 74 זבוב מצא ולא הקפיד, נימא מצא ותקפיד'.  
 75 אמר רב יהודה אמר רבי, 'זבוב בקערה נימא באותו מקום.

- 76 the fly was merely disgusting, but the hair was dangerous.
- 77 Some say, he found both in his food; the fly was accidental, the hair was negligent.
- IV
- 78 R. Hisda said: A man should not cast excessive terror over his household.
- 79 For the concubine of Gibea—her husband terrorised her excessively and many thousands were slaughtered in Israel.
- 80 Rab Judah said: If a man terrorises his household, he will eventually commit three sins:
- 81 unchastity, blood-shedding and desecration of the Sabbath.
- 82 Said Rabba b. Bar Hanah: This is that which our Rabbis taught:
- 83 A man has to say three things to his household on the eve of Sabbath with darkness,
- 84 "Have you set aside the rithe? Have you placed the 'Erub? Light the lamp."
- 85 He needs to say it gently, so that they should accept it from him.
- 86 R. Ashi said: I never received that rule of Rabba b. Bar Hanah, but I observed it because of [my own] reasoning.
- 87 R. Abbahu said: A man should not cast excessive terror over his household.
- 88 For there was a certain great man who terrorised his household, and [in consequence] they fed him with a thing to eat which is a great sin. Who was he? R. Hanina b. Gamaliel.
- 89 Would it occur to you that they actually fed him with it?
- 90 Why, even the beasts of the righteous are not allowed by the Holy One of Blessing, to offend; how then shall the righteous themselves be allowed so to sin?
- 91 Say, they wanted to feed him. And what was it they set before him? A piece of flesh cut from an animal still living.
- 92 Mar 'Ukba sent to R. Eleazar: Certain men are opposing me, and I am able to turn them over to the government; What is [the law]?
- 93 He scored lines and wrote [quoting], "I said, I will take heed to my ways, that I sin not with my tongue, I will keep a curb upon my mouth while the wicked is before me." (Psalms 39:2)
- 94 Although the wicked is before me, I will keep a curb on my mouth.
- 95 He [Mar 'Ukba] sent to him: They are troubling me very much, and I am unable to stand it.
- 96 He sent to him, "Resign thyself unto the Lord, and wait patiently [*biḥboleḥ*] for him." (Psalms 37:7)—be silent for the Lord, and He will cast them down as corpses [*palalim*] before thee.
- 97 Go to the Beth-Hamidrash early morning and evening and they will desist of themselves.
- 98 The words left R. Eleazar's mouth, and Geniba was placed in chains [for execution].
- 99 They sent to Mar 'Ukba: What is the source that it is forbidden [in these times] for us to sing [at parties]?
- 100 He scored lines and wrote [quoting]: "Rejoice not, O Israel, unto exultation like the peoples, for thou hast gone astray from thy God." (Hosea 9:1)
- 101 Should he not rather have sent the following: "They shall not drink wine with music; strong drink shall be bitter to them that drink it?" (Isaiah 24:9)

- זבוב מאיסותא, נימא סכנתא. 76
- ויכא דאמרי, אידי ואידי בקערה, זבוב אונסא נימא פשיעותא. 77
- IV 78
- אמר רב חסדא, לעולם אל יטיל אדם אימה יתירה בתוך ביתו, 78
- שהרי פילגש בנבעה הטיל עליה בעלה אימה יתירה ונפלה כמה רבבות מישראל. 79
- אמר רב יהודה, כל המטיל אימה יתירה בתוך ביתו סוף באו יידי שלש עבירות: 80
- גילוי עריות, ושפיכות דמים, והילול שבת. 81
- אמר רבה בר בר חנה, הא דאמרי רבנן, 82
- "שלשה דברים צריך אדם לומר בתוך ביתו ערב שבת עם חשיכה: 83
- עשרתם; ערבתם; הדליקו את הנר." 84
- צריך לימרוניו בניחותא, כי היכי דליקבלו מיניה. 85
- אמר רב אשי, לא שמימא הא דרבה בר בר חנה וקיימתיה מסברא. 86
- אמר רבי אבהו, לעולם אל יטיל אדם אימה יתירה בתוך ביתו, 87
- שהרי אדם גדול הטיל אימה יתירה בתוך ביתו והאכילו דבר גדול, ומנה רבי חנינא בן גמליאל. 88
- האכילוהו סלקא דעתך? 89
- ומהי בהמתן של צדיקים אין הקדוש ברוך הוא מבית תקלה על ידם צדיקים עצמן לא כל שכן? 90
- אלא בקשו להאכילו דבר גדול, ומאי ניהו? אבר מן החי. 91
- שלח ליה מר עוקבא לרבי אלעזר, בני אדם העומדים עלי וכידי למסרם למלכות מהל 92
- שרטט וכתב ליה, "אמרתי אשמרה דככי מחטוא בלשוני, אשמרה לפי מחסום בעור רשע 93
- לנגדי." (תהילים לט:ב)
- אך על פי שרשע לנגדי, אשמרה לפי מחסום. 94
- שלח ליה, קא מצערי לי טובא ולא מציאנא דאיקום בהו. 95
- שלח ליה, "דום לה' והתחולל לו," (תהילים לו:ז) דום לה' והוא יפיקם לך חללים חללים. 96
- השכם והערב עליהן לבית המדרש והן כלין מאליהן. 97
- הדבר יצא מפי ר"א ונתנחומו לגביה בקולו. 98
- שלחו ליה למר עוקבא, זמרה מנא קן דאסירי. 99
- שרטט וכתב להו, "אל תשמח ישראל אל גיל בצמים." (הושע ט:א) 100
- ולישלח להו מהכא, "בשרי לא ישתו יין, [מר שער לשותתן]."<sup>101</sup> (ישעיה כד:ט) 101



- 102 From this verse I should conclude that only music [played on] instruments is forbidden, but music [that is] sung is alright; this I learn [from the other verse].
- 103 R. Huna b. Nathan said to R. Ashi: What is the reason for the verse, "Kinah and Dimonah and Adadah?" (Joshua 15:22)
- 104 He said to him: [The text] is enumerating towns in the Land of Israel.
- 105 He said to him: Do I not know that the text is enumerating towns in the Land of Israel?
- 106 But R. Gebihah from Argiza extrapolated [from these names]: 'Whoever has cause for indignation [*kinah*] against his neighbour and yet holds his peace [*domem*], the One that abides for all eternity [*ade'ad*] shall espouse his cause.
- 107 He said to him: What then of the verse "Ziklag and Madmanah and Sansanah?" (Joshua 15:31)
- 108 Here too he said to him: If R. Gebihah from Be Argiza were here, he would extrapolate from it.
- 109 R. Aha from Be Hoza'ah expounded [it as follows]: 'If a man has just cause of complaint against his neighbour for taking away his livelihood [*z'akath legimul*] and yet holds his peace [*domem*], the One that abides in the bush [*shokni sneh*] will cause justice for him.
- V
- 110 The Exilarch said to R. Huna: On what ground is based the prohibition of garlands?
- 111 He said to him: It is from the Rabbis.
- 112 For we have learnt in a Mishnah: At [the time of] the battle of Vespasian they prohibited the wearing of garlands by bridegrooms and the [ringing of] bells<sup>67</sup> [at weddings].
- 113 At this point R. Huna got up to leave the room.
- 114 R. Hisda said to him [the Exilarch]: [It is an explicitly] written verse: "Thus saith the Lord God, remove the turban and take off the crown,
- 115 this shall be no more the same [this not this]; that which is low shall be exalted and that which is high abased." (Ezekiel 21:31)
- 116 What has the turban to do with the crown?
- 117 It is to teach that when the turban is worn by the High priest, ordinary persons can wear the crown,
- 118 but when the turban has been removed from the head of the High priest, the crown must be removed from the head of ordinary persons.
- 119 At this point R. Huna returned, and found them still discussing the matter.
- 120 He said: I swear to you that [the prohibition] is from the Rabbis, but as your name is Hisda [favour], so do your words find favour.
- 121 Rabina found Mar son of R. Ashi weaving a garland for his daughter.
- 122 He said to him: Sit, do you not hold [with the interpretation given above of] 'Remove the turban and take off the crown?'
- 123 He replied: The men [have to follow] the example of the High Priest, but not the women.
- 124 What is [the meaning of the words in this passage], 'This not this' (את לא זאת)?
- 125 R. Awira gave the following exposition, sometimes in the name of R. Ammi and sometimes in the name of R. Assi:

- יא מהחזא, ה"א הני מילי זמרא דמנא-אבל זמרא" דמונא שוי, קא משמע לן. 102
- אמר ליה רב הונא בר נתן לרב אשי, מאי דכתיב "קינה ודימונה ועדערה." (יהושע טו:כב) 103
- אמר ליה, מתיבתא<sup>68</sup> דארץ ישראל קחשיב. 104
- אמר ליה, אטו אנא לא ידענא דמונותא דארץ ישראל קא השיב. 105
- אלא רב גביהא מארביא אמר בה טעמא, כל שיש לו קנאה על הכירו ודומם שוכן עד עושה לו דין. 106
- אמר ליה, אלא מעתה "צקלג ומדמנה וסנסנה." (שם:סג:לא) 107
- הכי נמי אמר ליה, אי הוה רב גביהא מבי ארביא הכא הוה אמר בה טעמא. 108
- רב אחא מבי חזחא אמר בה הכי, כל מי שיש לו צעקת לגימא על הכירו ודומם, שוכן בסנה עושה לו דין. 109
- אמר ליה ריש גלותא לרב הונא, כלילא מנא לן דאסור?<sup>69</sup> 110
- אמר ליה, מדרבנן. 111
- דתנן, בפולמוס של אספסיינוס מרו על עטרת חתנים ועל האירוס. 112
- אדחכי קם רב הונא לאפניי.<sup>70</sup> 113
- אמר ליה רב חסדא, קרא כתיב "כה אמר ה' אלהים השר המצנפת והרם העטרה. 114
- זאת לא זאת השקלה הנבה והגבוה השפיל." (חזקאל כא:לא) 115
- וכי מה ענין מצנפת אצל עטרה?<sup>71</sup> 116
- אלא לומר לך בזמן שמצנפת בראש כהן גדול, עטרה בראש כל אדם. 117
- נסתלקה מצנפת מראש כהן גדול, נסתלקה עטרה מראש כל אדם. 118
- אדחכי וחכי<sup>72</sup> אתא רב הונא, אשכיחיהו דהוי יתבי. 119
- אמר ליה, האלהים מדרבנן-אלא חסדא שמך וחסדאן מילך. 120
- רבינא אשכיחיה למר בר רב אשי דהוה גייל כלילא לבריתיה. 121
- אמר ליה, לא סבר לה מר "השר המצנפת והרם העטרה."<sup>73</sup> 122
- אמר ליה, דומיא דכהן גדול בנכרי, אבל בנישי לא. 123
- מאי "זאת לא זאת?"<sup>74</sup> 124
- דרש רבי עירא, זימני אמר ליה משמיה דרב אמי וזימני אמר ליה משמיה דרבי אשי. 125

- 126 When the Holy One of Blessing said to Israel, 'Remove the turban and take off the crown,'  
 127 the ministering angels said before the Holy One of Blessing, 'Sovereign of the Universe,  
 128 is 'this' for Israel who at Mount Sinai said 'we will do' before 'we will hear?'  
 129 He said to them, 'No.  
 130 This' be for Israel, who have made low that which should be exalted and exalted that  
 which should be low, and placed an image in the sanctuary.  
 131 R. Awira also gave the following exposition, sometimes in the name of R. Ammi and  
 sometimes in the name of R. Assi.  
 132 What is the meaning of the verse, Thus saith the Lord, though they be in full strength and  
 likewise many, even so shall they be sheared off and he shall cross etc.? (Nahum 1:12)  
 133 If a man sees that his livelihood is barely sufficient for him, he should give charity from  
 it, and all the more so if it is plentiful.  
 134 [What is the meaning of the words] 'Even so they shall be sheared and he shall cross?'  
 135 In the school of R. Ishmael it was taught: Whoever shears off part of his possessions and  
 dispenses it in charity is delivered from the punishment of Gehenna.  
 136 It is compared to two sheep crossing a river, one shorn and the other not shorn;  
 137 the shorn one gets across, the unshorn one does not.  
 138 "And though I have afflicted thee:"  
 139 Mar Zutra said: Even a poor man who himself subsists on charity should give charity.  
 140 "I will afflict thee no more."  
 141 R. Joseph learnt: [If he does that, Heaven] will not again inflict poverty upon him.

- 126 בשעה שאמר הקדוש ברוך הוא לישראל 'הסר המצנפת והרם העטרת';  
 127 אמרו מלאכי השרת לפני הקדוש ברוך הוא, רבונו של עולם,  
 128 זאת לתן לישראל שהקדימו לפניך בסיני נעשה לנשמת?  
 129 אמר לתן לא.  
 130 זאת לתן לישראל שהשכיחו את הגבוה והנבואה את השפל והעמידו צלם בהיכל.  
 131 דרש רב עירא, זימני אמר ליה משמיה דרבי אסי,  
 132 מאי דכתיב "כה אמר ה' אם שלמים וכן רבים וכן ננוזו ועבר וגו'" (נחום א:יב)?  
 133 אם רואה אדם שמונותיו מצומצמין יעשה מתן צדקה, וכל שכן כשתן מרובין.  
 134 "וכן ננוזו ועבר?"  
 135 תנא רבי רבי ישמעאל, כל הננוז מנכסיו ועושה מתן צדקה-ניצל מדינה של ביתם.  
 136 משל לשתי רחילות שהיו עוברות במים, אחת גוזה וזאת אינה גוזה.  
 137 גוזה עברה ושאינה גוזה לא עברה.  
 138 "ועניתך".  
 139 אמר מר זוטרא, אפילו עני המתפרנס מן הצדקה יעשה צדקה.  
 140 "לא אפוך עוד".  
 141 תני רב יוסף שוב אין מראין לו סימני עניות:

## Notes

1. Bavli Erubin, 54b. Cf. Ari Elon, *From Jerusalem to the Edge of Heaven: Meditations on the Soul of Israel*, trans. Tikva Frymer-Kensky (Philadelphia: Jewish Publication Society, 1996).
2. This is the most commonly used edition in which the Mishnah and the Talmud that is generated by that Mishnah is centered on the page, and is framed by the Medieval commentaries Rashi (Rabbi Shlomo of Troyes, eleventh century) and the Tosafof (a school of Franco-German commentators whose central figures are literally of the generation of the grandchildren of Rashi).
3. My reflection on the question of beginnings in general was prompted and is influenced by Edward Said, *Beginnings: Intention and Method* (Baltimore: The Johns Hopkins University Press, 1975), esp. 5–29.
4. For a discussion of the *Iyyun* school of Talmudists and their method, which is influenced by Aristotelean logic, see Daniel Boyarin, *Sephardi Speculation: A Study in Methods of Talmudic Interpretation*, (Heb.) (Jerusalem: Ben Zvi Institute, 1989).
5. That is, do not relate to one side of a dispute as a straw man.
6. To this point, Campanton might be compared with practitioners of New Criticism such as I. A. Richards, *How to Read a Page* (New York: W. W. Norton & Co., 1942).
7. This practice of reading or reciting text is reminiscent of the mystical practice of Campanton's nephew Joseph Karo. Karo would recite Mishnah texts in order to receive a revelation from his supernatural guide or contact, his *magid*. The semantic implications of this connection with Karo are not totally out of place as this is one way of understanding the coming-into-view of a "text" from out of a collection of lines of words. See Solomon Alkabetz's description of this practice by Karo and his circle in the introduction to Joseph Karo *Magid Mesharim*, translated in Louis Jacobs, *The Schocken Book of Jewish Mystical Testimonies* (New York: Schocken Books, 1976), 123–30.
8. This is, of course, the first word of the Torah, Genesis 1:1.
9. Aryeh Cohen, *Rereading Talmud: Gender, Law and the Poetics of Sugyot* (Atlanta, GA: Scholars Press, 1998), 131–151.
10. "The authority of beginnings is also a limiting authority. In the 'discursive space' created by Freud (or Aristotle) there are certain things that one *can't* say." *Beginnings: Intention and Method*, 35–36.
11. See note 2 above.
12. Hereafter Bavli Gittin.
13. Robert Cover, "Violence and the Word," in *Narrative, Violence, and the Law: The Essays of Robert Cover*, ed. Martha Minow, Michael Ryan, and Austin Sarat (Ann Arbor: The University of Michigan Press, 1992), 203.
14. Cf. "The violence of judges and officials of a posited constitutional order is generally understood to be implicit in the practice of law and government. Violence is so intrinsic to this activity, so taken for granted, that it need not be mentioned. For instance, read the Constitution. Nowhere does it state, as a

general principle, the obvious—that the government thereby ordained and established has the power to practice violence over its people. That, as a general proposition, need not be stated for it is understood in the very idea of government." (214 n. 22)

15. By "legal determinism" here, I mean the understanding that we scholars are only dealing with legal outcomes that are dictated by situations, rather than with the underlying ideologies that construct those situations.
16. Translating this line is complicated. The Hebrew is **לפי שאין בקראין לעימה**. This obviously does not address the meaning. (The Soncino translation has "experts in special intention," that might either be borrowing from a wider usage of the term **לעימה**, or attempting to reflect the ambiguity of the original statement.) The "parallel" statement in the Palestinian Talmud is **לפי שאין בקראין בדקדוקי גיטין** (or finer points) of writs [of divorce]. Using this reading as a guide we might translate, as we did in the body of the article, "for they are not experts [knowing that it must be written specifically] for her." That is, there are certain laws of divorce that they have not fully mastered. This translation is favored by Rashi who appends a unique and apparently original reason: "For the inhabitants of the foreign lands are not people of Torah [בני תורה]." The Tosafists and other commentators challenge this understanding by posing the question: If this is so, that the people of foreign lands are ignorant of Torah, why make the claim that it is one specific subset of laws that they have not mastered? Rabbenu Tam [Rabbi Isaac, Rashi's grandson] interprets the phrase to mean that there was a specific difference in interpreting the laws of divorce, and the scholars of foreign lands did not accept the Palestinian reading that necessitated that the *get* be written specifically for this woman in this place (**נתנו לה לעימה**). Both sides of this dispute are equally problematic and compelling, and there is no real way to decide between them. I have translated with Rashi narrowly, and note that this unresolved and unresolvable site of conflicting interpretation highlights the fact that this *sugya* is not necessarily about understanding the "true" reason for the Mishnah's law, but rather, is successful at opening space for the issues (of territory and otherness) that these reasons bring in their wake.
17. Sh. Friedman has pointed out that the tripartite structure (and the seven-part structure) is a dominant pattern in Halakhic sugyot in Talmud, as it is in folk genres. See his "Literary Structure in Sugyot in the Babylonian Talmud" (Heb.), *Proceedings of the Sixth World Congress of Jewish Studies*, vol. 3, 389–402, (Jerusalem, 1977), esp. 391–392. He makes further use of these findings in his "A Critical Study of *Yevamot X* with a Methodological Introduction" (Heb.), in H. Z. Dimitrovski, ed., *Texts and Studies: Analecta Judaica*, vol. 1 (New York: Jewish Theological Seminary of America, 1978): 277–441.
18. (1) By two agents. (No problem of finding witnesses as they themselves can be witnesses.) (2) When the *get* was brought from country [*medina*] to country within the Land of Israel. (No problem of **לעימה**.) (3) When the *get* was

brought in the same country [*medinah*] in the "land of the sea." (No problem of finding witnesses.)

19. This opening *sugya* is obviously a formal construction and therefore my use of Raba and Rabbah are not presumed to be referring to the words of the Amoraim themselves. The original attributions themselves are put into doubt both by the fact that the Palestinian Talmud attributes these statements to two other Sages (the Bavli also does this further on in these opening *sugyot*), and the debate is referred to later on in Bavli Gittin 16b. This is all said without entering into the essential argument concerning the reliability of attributions in general or the dating of the *stam* in general.
20. That the "earlier" discussion refers to the "later" discussion is another index of the lateness and art of these opening *sugyot*.
21. *רבה אית ליה דרבה*, "Rabbah also holds Raba's opinion [in addition to his own]." (4b)
22. It is somewhat unusual for a direct quote from the Mishnah that is generating a specific *sugya* to be introduced by the introductory formula, "We taught [in a Mishnah]." Usually the Mishnaic phrase would be either assumed or quoted and set off by punctuation. This latter depends on the manuscripts but it varies from a space in the line, to a colon, to a colon after it and the word *פירקא* preceding it.
23. *The Literary Activities of the Sabonaim*, (heb.) (Jerusalem: Magnes Press, 1953), 10.
24. Cf. the opening *sugya* of the fourth chapter of Gittin, or the first *sugya* of Tractate Kiddushin—Sherira's example.
25. Interestingly, the plate boundaries that, when they shift, usually cause earthquakes are called "transforms." See "plate tectonics," Encyclopedia Britannica Online, <<http://www.eb.com:180/bol/topic?eu=115121&srn=1>>.
26. As Richard Helgerson has argued about mapmaking in Elizabethan England: "Saxton, Camden, Norden, Speed, Drayton, and the many county chorographers, however faithfully they may have gathered and repeated 'facts' of England's history and geography, had an inescapable part in creating the cultural entity they pretended only to represent. And in creating that entity, they also brought in to being . . . the authority that underwrote their own discourse. They thus made themselves." Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England* (Chicago: University of Chicago Press, 1992), 147. Richard Sennet has similarly argued that the Romans built cities all over the Empire in the same square style with which the Romans built cities all over the Empire in the same square style with which they wished and "conquered" the barbaric territories. In essence, this building of cities founded the barbaric territories as Roman colonies. It was the mapmakers, with their setting out of the city, that insured that the city be in harmony with Roman world. See *Flesh and Stone: The Body and the City in Western Civilization* (New York: W. W. Norton and Co., 1994), 107.
27. The map is extensively described and interpreted in the definitive study by Michael Avi-Yonah, *The Madaba Mosaic Map* (Jerusalem: Israel Exploration Society, 1954).

28. Avi-Yonah dates the Madaba Map to "probably between 560 and 565," *The Madaba Mosaic Map*, 18. The exact dating is relatively insignificant to the purposes of the essay.
29. *The Madaba Mosaic Map*, 15.
30. *The Madaba Mosaic Map*, 10.
31. Identified generally as today's *Via Dolorosa*. See *The Madaba Mosaic Map*, 53. By the same token, the general perspective of the mosaic is broken to depict the Church of the Holy Sepulchre. See *The Madaba Mosaic Map*, 50 and plate 7.
32. "In fact all relevant Gospel names seem to have been included in the map, whereas the corresponding set in the Old Testament has been rigorously seeded," (emphasis in original) *The Madaba Mosaic Map*, 28.
33. Rehav Rubin, *Jerusalem Through Maps and Views: From the Byzantine Period to the Nineteenth Century* [Heb.] (Tel Aviv: Nahar Publishing and Kinneret Publishing, 1987), 15.
34. The complete *sugya* in both original and translation is in the appendix to the paper. The line numbering is the same in both. The relevant portions of the *sugya* will be quoted as necessary. The translation is mine, though I consulted the Soncino translation. The Hebrew text uses the Leningrad-Firkowitz manuscript as a starting point, significant changes from L-F are noted in the apparatus and explained in the chapter. The major resource for the apparatus is Meyer S. Feldblum, *מסכת גיטין*: *דקדוקי סופרים* (New York: Yeshiva University Press, 1966) (Feldblum does not cite L-F). The following are the most common abbreviations: ג—Munich 95; א—Arras 969; א—Oxford 368, MS Opp. 248; ו—Vatican 140; ו—Vatican 130; ג—Vatican 127. For a description of the manuscripts see Feldblum, 9–13.
- The arrangement of the statements or lines of the *sugya* graphically borrows freely from Shamma Friedman's criteria, without accepting his historicist assumptions. I work in from the margin. That is, "Tannaic" material is at the margin, "Amoraic" material is one tab in, and "Stammaic" material two tabs in. This is done so as to be able to easily pick out recurrent phrases, structures, etc. Cf. Shamma Friedman, "A Critical Study of *Yevamot X* with a Methodological Introduction," in *Texts and Studies: Analecta Judaica*, vol. 1, ed. H. Z. Dimitrovski (New York: Jewish Theological Seminary of America, 1978): 313–19.
35. The statement is also found in the Yerushalmi. (y Gittin 1:2)
- רב אמר עשינו עמנו כארץ ישראל לגיטין.**  
**ושמאל אמר אפילו משכונה לשכונה.**
- There are several interesting variants there. First, Raba's statement is closer to the phrasing that is attributed to R. Abba in the name of R. Huna. Second, the context of the debate, as is obvious from Samuel's remark (and the rest of the *sugya* there) is simply of distance—not of territory. Third, Raba, in the immediate continuation of the *sugya* in the Yerushalmi, recants, and the continuation of the *sugya* there is about what the ramification of the recantation are.
36. Rashi *s.v.* *בגדיהו טרידין* says that they wouldn't recognize signatures.



37. Rashi *s.v.* **מבי אתה רב לבבל** cf. David Halivni, *Sources and Traditions: A Source Critical Commentary on Seder Nashim* (Tel Aviv: Dvir, 1968), 488–489.
38. As opposed to Jeremiah 25:9, or Ezekiel 26:7.
39. I use Babylonia to refer to the Jewish community that is implicated in the Babylonian Talmud. This stands intentionally at some distinction from the historical community of Sassanian Persia, which this text might be constructing.
40. See M Kid. 4:1 and b Kid. 69b–71a.
41. Cresiphon and Ve-Ardashir were on two sides of the Tigris opposite each other. Ve-Ardashir was once known as Seleucid. Cresiphon was the capital of Sassanian Persia while Ve-Ardashir was where the palace was located. See Jacob Neusner, *A History of the Jews in Babylonia: II. The Early Sassanian Period* (Leiden: E. J. Brill, 1966), 4. There are those who claim that they were under the same jurisdiction. See Abraham Schalit, "Cresiphon," *Encyclopedia Judaica* (Jerusalem: Keter, 1972), 5:1146. The Bavli (b Yoma 10a) identifies Cresiphon with the Biblical *Resen* in Nimrod's kingdom, which is said to be near Nineveh (Gen. 10:12).
42. On the question of what a **שכונה** was, see Ben Zion Rosenfeld, **השכונה בעיר היהודית בארץ ישראל בתקופת המשנה והתלמוד**; בתוך **אדם ואדמה בארץ ישראל הקדומה**, בעריכת אהרן אופנהיימר, אריה כשר, אוריאל רפפורט.
43. T. Gittin 1:3 (Lieberman, 246) with some changes.
44. Reading **דאיכא רבנא דסלקי** with the MSS. See the apparatus to the text.
45. The exile setting of the discussion is also first brought in here.
46. **יתנו את הילך** בונה, ואת הילדה מכרו ביין וישתו.
47. Rashi, *s.v.* **הילך**.
48. Tosafof *s.v.* **בונה את הילך**.
49. "The Woman's Rights in the Biblical Law of Divorce," 39.
50. The italicized phrases are those that this verse from Jer. 3:1 has in common with the verse from Judges 19.
51. **לאמר הן ישלח איש את אשתו והלכה מאתו והיתה לאיש אחר הישוב אליו עוד הלוא חנוך תחנון הארץ יהיה ואת זנית רעים רבים ושוב אליו נאם ה'!**  
**אל תשמח ישראל אל גיל כעמים כי זנית מעל אלהיך אהבת אתנו על כל גרנות דגן.**
52. For citations to the major ancient and medieval figures and their translations, see George Foot Moore, *A Critical and Exegetical Commentary on Judges* (New York: Charles Scribner's Sons, 1923), 409–410. For a contemporary discussion of the Concubine of Gibeon story in the context of Biblical divorce law see Yair Zakovich, "The Woman's Rights in the Biblical Law of Divorce," *Jewish Law Annual*, IV:38–40.
53. The LXX.a translates *orgisethi*—she got angry with him. LXX.b translates *eporeutho*—she left him. This seems to be the sense of **זנה** that Rashi also sees in his commentary on Judges. Targum Jonathan has **עלוייה**—she insulted him. While LXX.a might be a variant textual reading, the rest are readings of the MT (וְזוֹנָה) that frame the story as a "marital dispute."
54. On this reading, Judges 19:3 is more logical. The Levite, recognizing that he had acted too harshly, goes after his concubine to pacify her.

55. Mieke Bal has named her Beth—a variant on **בית**—as her story is one of house and place. See *Death and Disymmetry: The Politics of Coherence in the Book of Judges* (Chicago: University of Chicago Press, 1988), 90–92. Her notion of the politics of coherence is strengthened in the present countercoherence that our *segya* imposes on the story.
56. Though, in the Vilna edition and the Munich MS the line reads: **התפילה כמה רבכבת רבכבת**.
57. As in Psalms 39:3 **דומיה דומיה**: **נאמלמתי** with silence (*dumiyah*).
58. There have been many attempts to extract the "historical truth" of this story. See Moshe Herr, "ריבו של גניבה במר עוקבה," *Tarbiz*, 31:3, April, 1962:281–286, and Jacob Neusner, *A History of the Jews in Babylonia*, vol. III (Leiden: E. J. Brill, 1968), 75–81. Neither author notes the fact that the story of the execution is only mentioned in b Gittin.
59. 65b. On 31b and 62b, Genibah is referred to as **פלגאה**—one who causes arguments, or one who is divisive. These are the only places where anything bad is said about Genibah.
60. **אל תשמח ישראל אל גיל כעמים כי זנית מעל אלהיך אהבת אתנו על כל גרנות דגן.**
61. Page 29.
62. Following Albeck in his commentary on M Sotah 9:14, and S. Krauss, *Talmudische Archäologie, Band III* (Leipzig: Gustav Fock, 1912), 93. The Soncino translation has "[banging of] drums." Cf. b Sotah 49a.
63. **קדש לה'** 1:1. **קדש**—suggestively similar to marriage formula. See Mishnah Kiddushin 1:1.
64. **כה אמר ה' אם שלמים וכן רבים וכן נגזרו ועבר ועניתך לא אענך עוד.**
65. *Iggeret Rav Sherira Gaon*, ed. B. M. Levin (Jerusalem: Makor, 1972), 82. This sentence appears in both Spanish and French rescensions of the *Iggeret*.
66. T Gittin 1:3 (Lieberman, 246) with some changes.
67. Following Albeck in his commentary on M Sotah 9:14, and S. Krauss, *Talmudische Archäologie, Band III*, (Leipzig: Gustav Fock, 1912): 93. The Soncino translation has "[banging of] drums." Cf. b Sotah 49a.

## Notes in Hebrew text

- 1 מתכבתא ליתא ו
- 2 דלצפונה מוין ל צפונה דפוס
- 3 דכתב מצפון מוין דכתב ויאמר ה' אלי מצפון דפוס
- 4 הרב ל-פ: רב מוין;
- 5 מצויין ו
- 6 רבא ל-פנ: רבא א' אפי' מ: רבא מצריך ווין; הרבא מצריך ד
- 7 מאי אי עבדת אהנית ליתא מ
- 8 תוספתא גיטין א: (ל-ב' 246) בשינויים
- 9 בני ל-פ: ליתא ווין
- 10 מכבר סיסאי מוין; רבי מכבר סיסאי אני דפוס
- 11 ברין ליתא דפוס

- 12 לפנין ליתא וי  
 13 רבין ליתא וי  
 14 ל-פ: ואפילו רבנו לא פליגי עליה דרבין מאיר דפוס  
 15 הדבר/ליתא ג  
 16 והא מוין ג; הא דפוס  
 17 איהו איהי ל-ב  
 18 צריכינ שיאמרו ג; צדיך שיאמרו מו צדיך לומר דפוס  
 19 ...מציין מו  
 20 רבנו מוין ג; רבין דפוס  
 21 בר שמכא דפוס  
 22 את הילד ... ואת הילדה ג; הילד ... הילדה דפוס  
 יואל דג: ואל עמי ידו גודל ויתנו הילד בונה והילדה מברו ביין וישתו:  
 23 שמיע ליה מוין ג; ידע דפוס  
 24 הא גמרא היא אלא הא גמרא היא מ: האי רי יצחק גמרי הוא ג  
 25 אבידת מוין ג; אבידת הוא דפוס  
 26 ורבי מוין ג; רבי דפוס  
 27 אמר ליה דפוס  
 28 אמר רב מוין ג; ליתא דפוס  
 29 ונפלו ג; ונפלו עליה מ: והפילה דפוס  
 30 רב יהודה מוין ג; רב יהודה אמר רב דפוס  
 31 סוף בא מוין ג; סוף הוא בא דפוס  
 32 לא שמיעא ג; אנה לא שמיעא לי דפוס  
 33 ומה וי השעת דפוס  
 34 אל תשמח ישראל אל גיל כעמים כי זנית מעל אלהיך אהבת אתנו על כל גרנות דנו:  
 35 זמרא מוין ג; ליתא דפוס  
 36 מתיבתא וי מתנות דפוס  
 37 והבין מוין ג; ליתא דפוס  
 38 וי מוין ג; מאי דפוס

## CHAPTER 5

## Burying the Dead

Miriam Peskowitz

THINKING AGAIN ABOUT BEGINNINGS: about the content of the stories we tell about certain beginnings, and about the very desire to privilege certain moments as "beginnings" in the first place . . . If the first of these is the general trade of revisionist historians, the second contains the seeds of another way to rethink modern conceptions of time. But situated among these two moves is still another: as a category, our idea of the past as history contains assumptions of nationalism, peoplehood, and the notion that modern peoples are connected by essence to an older, more ancient group. This connection is part of what one needs to be alive and whole in the world. This concept of past time and place and story as familial and national, as legacy and inheritance, is part of what is now up for question.

Jewish interpretation has loved to tell and retell stories about itself through stories of individual rabbis, and by retelling versions of the story of the rabbis. Contemporary, popular vignettes abound of a sturdy and studious group of men, whose rise to power was slow, secure, and pacific, and who provided continuity for Jews after the fiery turmoil of Jerusalem's destruction.

As someone critical of the content of this narrative about the rabbis, I question the results of its repetition as an originary moment in Jewish history. I am caught between the desire to bury the dead and cease the repetition of these stories of Jewish origins, and the recognition that many will continue to retell them despite my preferences. If these tales must be repeated, I offer some palliatives: to start, a new