

## Feminist Sexual Ethics Project

### Introduction – Rabbinic Judaism

“Moses received Torah from Sinai and handed it down to Joshua; and Joshua to the Elders; and the Elders to the Prophets; and the Prophets handed it down to the Men of the Great Assembly...” Mishnah Avot 1:1

Judaism is often believed to be a religion based primarily in the Hebrew Bible, or even more specifically, the first five books of the Bible, known in Jewish tradition as the Torah. These five books, in the form of a Torah scroll, are found in nearly every Jewish house of worship. “Torah,” however, is a term whose meaning can encompass far more than particular books; for Jews, “Torah” often also means the full scope of Jewish learning, law, practice, and tradition. This conception of Torah derives from the rabbis of late antiquity, who developed the belief that the written Torah was accompanied from its earliest transmission by an equally Divine “Oral Torah,” a body of law and explanations of the written Torah that was passed down by religious leaders and scholars through the ages of Jewish history. Thus, Jewish law and religious practices are based in far more than the biblical text. The rabbis considered themselves an integral link in this chain of transmission, and its heirs. In particular, the works produced by the rabbis of late antiquity, from the beginning of the Common Era to the time of the Muslim Conquest, in Roman Palestine and Sassanian Babylonia (modern day Iran/Iraq), have influenced the shape of Judaism to this day. The Talmud (defined below), for example, is considered the essential starting point for any discussion of Jewish law, even more so than the bible. Even among those modern day Jews who do not consider themselves bound by Jewish law, these texts and the laws and ideas they expound often have (to paraphrase the Jewish philosopher Mordechai Kaplan) a “vote,” if not a “veto” in discussions of Jewish ethics and practice. These texts, therefore, are a fundamental starting point for any discussion of Jewish sexual ethics. Important terminology for studying these texts are defined below.

### Terminology for Rabbinic Literature:

#### Mishnah

The Mishnah is a collection of rabbinic dicta on a number of areas of Jewish law and other topics, edited in Roman Palestine at approximately the beginning of the 3rd cent. C.E. The Mishnah is divided into 6 orders, or broad subject areas (including “*Nashim*”, Women, dedicated largely to marriage law), the orders into *massekhtot* (singular, *massekhet*; from the Hebrew word for the web on a loom) or sub-topics (as in “*Kiddushin*”, Betrothals), the *massekhtot* into chapters, and the chapters into individual paragraphs, each also referred to as a “mishnah” (plural, “mishnayot”). A Mishnah reference is given by *massekhet*, chapter, and paragraph number; for example, Kiddushin 4:12.

#### Tosefta

The name “Tosefta” means “addition.” The Tosefta includes additional materials from the same general time period as those found in the Mishnah. Although scholars disagree as to its approximate date of redaction (theories vary from some time in the 3<sup>rd</sup> century C.E. to the end of the 4<sup>th</sup> century) it is agreed that it postdates that of the Mishnah. The Tosefta follows the structure of the Mishnah (individual paragraphs, however, are referred to as “halakhot,” singular “halakhah”) and is thus often read as a companion volume or commentary to it. Recent scholarship, however, suggests that at least some portion of the Tosefta’s materials may represent the earlier sources out of which the Mishnah was edited and shaped. Toseftan materials are cited in the same manner as mishnaic passages.

**Tanna (pl. Tannaim)**

A rabbi of the Mishnaic period. *Tannaim* are also cited in the Tosefta and beraitot.

**Beraita (pl. beraitot)**

Tannaitic material which was not included in the Mishnah but appears in other sources such as midrashic collections, the Tosefta, and in the Talmudim.

**Gemara**

Gemara (from a Hebrew root which signifies both “learning” and “completion”) is (loosely) commentary on the Mishnah. It may include comparing and contrasting mishnaic statements with other, similar tannaitic materials; seeking underlying principles which govern several cases or areas of law; seeking the sources of mishnaic rulings in scripture or otherwise providing exegesis of scriptural texts; specifying the limits or application of a mishnaic ruling; and much more. Mishnah and gemara together constitute “Talmud.”

**Palestinian Talmud (Yerushalmi)**

The commentary to the Mishnah developed in Roman Palestine. The redaction of the Palestinian Talmud is generally presumed to have taken place in the early 5<sup>th</sup> century C.E. A citation in the Palestinian Talmud is generally identified by the *massekhet*, chapter and paragraph number of the Mishnah to which it is commentary, and often also by folio and column (for example, 15c would mean the 15<sup>th</sup> folios, 3<sup>rd</sup> column, that is, the 1<sup>st</sup> column on the 2<sup>nd</sup> side of the page) in the “Venice” edition.

**Babylonian Talmud (Bavli)**

Mishnaic commentary collected and edited by rabbinic authorities living in Babylonia (roughly corresponding to modern day Iraq/Iran) under the Sassanian Empire. Scholars date the reaction of the Babylonian Talmud to approximately the middle of the 6<sup>th</sup> century, C.E. The Babylonian Talmud was also heavily edited by an anonymous editor(s) in the mid to late 6<sup>th</sup> century, who added much of the argumentative style common to its gemara, including argumentative sections composed in his/their anonymous voice. For a variety of literary and historical reasons, the Babylonian Talmud is generally considered the more authoritative of the two Talmuds; indeed, this is generally what is meant when someone refers simply to “the Talmud.” The standard printing of the Talmud numbers

pages in folios, so that page references are not only to page number, but side (a or b); each *massekhet* (see the definition of Mishnah) is numbered individually.

### **Sugya**

The course of a single talmudic argument on a particular topic/mishnaic statement. Defining where a *sugya* begins and ends is obviously a somewhat subjective process.

### **Amora (pl. Amoraim)**

Rabbinic authorities after the close of the Mishnah; Babylonian and Palestinian rabbis cited in the Talmudim and later midrashic works.

### **Midrash**

“Midrash” is something of a catch-all term for various forms of rabbinic exegesis of scriptural texts; specific examples of exegesis, as well as the various works in which these exegeses are collected are also referred to as “midrash” (plural, “midrashim”). Midrash is broadly divided into two categories: “halakhic midrash” (see “halakhah” below), which seeks to explicate the legal materials in the Torah and/or explain the sources of recognized rabbinic laws in the Torah (examples include the *Mekhilta* on Exodus, *Sifra* on Leviticus, and *Sifre* on Numbers and Deuteronomy), and “aggadic midrash” (see aggadah” below), which expands and comments on the narrative material in Scripture and/or advances homiletical points. Midrashic exegesis was practiced throughout the rabbinic period, can be found in every known rabbinic work, and is collected in both tannaitic and amoraic compilations.

### **Rashi**

Rabbi Shlomo Itzhaki, France, 1040-1105. Rashi is considered one of the pre-eminent Jewish scholars of the medieval period, and is considered the foremost commentator on the Babylonian Talmud. He is also known for his commentaries on the Torah and other biblical books. Rashi’s style of commentary tends to the line by line explanation of words or phrases in the context of the passage at hand. Rashi’s commentary regularly appears on the inside margin of a page of Talmud, surrounding the talmudic text.

### **Tosafot**

Another prominent medieval commentary to the Babylonian Talmud. The Tosafot is a collective work of a number of scholars, mostly French and German, several of them grandsons of Rashi. Comments of the Tosafot tend to be longer, and more selective as to the passages they take up. Common topics of interest to the Tosafot are comparisons of the text in question to passages elsewhere in the Babylonian Talmud or other rabbinic works; explorations of the legal implications of a talmudic statement or discussion; determinations of the law or common practice; and even alternate readings of the text in question. The Tosafot also frequently challenge the interpretations offered by Rashi and/or provide multiple interpretations of a phrase or passage. The commentary of the Tosafot generally appears on the outside margin of a page of Talmud, surrounding the talmudic text.

### **Halakhah**

Jewish law. The term derives from the Hebrew root meaning “to walk” or “to go,” and indicates the proper path for a Jewish person to follow. The term can also indicate a discussion of a legal topic (as in “midrash halakhah”; see the entry for “midrash”) as well as a legal ruling.

**Aggadah**

Broadly speaking, anything in rabbinic literature that is not halakhic/legal in nature. The term derives from the Hebrew root meaning “to tell,” and is often used to indicate the stories and legendary material found in rabbinic literature. Aggadah can include parables, homilies, rabbinic “biographies,” elaborations of biblical stories, etc.

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