An Oral Torah

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Rabbi Yonah Lavery-Yisraeli lives in Hamilton, Ontario. Yonah's illustrations of Masekhet Berakhot have been exhibited at Ein Harod's Museum of Art, the Philadelphia Museum of Jewish Art, and the UJA Gallery in Los Angeles. This article appears in issue 26 of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

To read Talmud is to experience it in translation. Too often, we prevent ourselves from considering what “Oral Torah” really means. We know that the sages considered it forbidden to write their own teachings down, and that all their material was recorded in human memory rather than on parchment. But a recitation and a reading are not merely presenting the same information in different media; a book is read by a reader, while a sage speaks with a listener. The differences between these two activities are many and profound.

The sages—especially the Amoraim, who are in general more talkative about their lives—reflect often about their learning as an oral experience. For example, here is what R. Gidol says in the Yerushalmi (*Shabbat* 1:2):

> One who says a tradition—while saying it he should see the teacher of that tradition as if he were standing before him. And what is the reason? “Even in the image should a person walk.” (*Tehilim* 39)

Although the verse from *Tehilim* is normally understood as referring to the precariousness of human existence (“even a person walks around like a shadow”), R. Gidol retunes it to the context of studying Torah. In his reading, *tselem* does not mean “shadow” but “image” or “impression” in the sense of the facial expression and body language of a speaker, and *yithalekh* refers to the

conduct of the student. Thus, the sense of the verse is that it is not enough to repeat the right words; one must also evoke the very appearance of the original speaker. Something more is drawn out of R. Gidol's remark by commentator Korban HaEdah:

> The most essential part of learning from a teacher lies in looking at the face, as it says, “Your eyes should be looking at your teacher.” (*Yeshayahu* 30, *ad loc*)

The most essential part! We modern students are likely not to think about the faces of the sages at all. But consider how fundamental is the information conveyed by facial expression: how the teacher feels about the subject matter (is there something dangerous or reassuring about it, is it sensitive information, or ought we to have known it already?), as well as what is anticipated in the listener's response. The importance of the teacher's facial expression recurs in the Yerushalmi, as in the story from *Beitsah* (5:5) in which Ribi throws a party on Shabbat, only to hear R. Meir standing outside his house, scolding him for all the noise. When Ribi demands in response, “Who's throwing a chill over us, here in our own house?” R. Meir turns to flee. Ribi, who had evidently burst out of the house to chase him away, has a strange change of mood while contemplating R. Meir's rapidly disappearing back.

About this incident, he would later say, “I only merited Torah because I saw R. Meir's back.” In (Bavli) *Eruvin* 13b, his regret seems keener: “And if only I had seen him from the front, I would be even sharper, as it is written (in *Yeshayahu* 30) “Your eyes should be watching your teacher.”

We certainly need not imagine that Ribi's wish is based on some mystical association with the front half of the body. Rather, the vital context a facial expression conveys is immediately recognizable to anyone who has attempted delicate conversation by correspondence. Just how angry was R. Meir? The difference between passing crankiness and shocked rage makes all the difference in what R. Meir is communicating about transgressing Shabbat.

But gaze in the transmission of teaching is not conceived in the Talmud as unidirectional. While the student is absorbed in studying the teacher's face, the teacher, too, is watching the student. For example, in *Mishna Nidah* 8:3, the glances of R. Akiva's students cause him to completely revise how he expresses an idea:

> It happened that a certain woman came before R. Akiva. She said to him, “I saw a stain.” He said to her, “Perhaps you have an injury?” She said to him, “Yes, but it healed.” “Or could you scratch it to bring out the blood?” She said to him, “Yes,” and he ruled that she was *tehorah*. He saw his students looking at one another. He said to them, “Why should this seem problematic to you? After all, the sages did not speak of this matter [stains] to be stringent, but only to be lenient, as it says *and a woman when she becomes a zavah, blood will flow on her flesh* (*vaYikra* 16:19): [flowing blood,] and not a stain!”

Such a personal, reciprocal influence on a text we often think of as immutable brings me to research on the oral traditions of indigenous peoples in North America. To travel such a cultural distance is necessary, since too much thinking about the Jewish oral tradition amounts to no more than textualist fantasy about what oral tradition must be like—for example, supposing that it is inherently more vulnerable to fraud or error, or that orality necessitates the tight control of information by a highly-trained, distant elite. There is little point debating about the theoretical merit of these conjectures, because scholarship on and by people living in communities with oral tradition shows that reality operates quite differently.[1] Learning from First Nations authors, we can not only correct our misconceptions, but become aware of issues textualists have no reason to think about, such as how ethical and religious norms might be absorbed differently in an oral society. On this point, Anishnaabe poet and scholar Kimberly M. Blaeser writes that the inevitable exchange between speaker and listener, even if the listener remains entirely silent, has the effect of forming important bonds between the people involved—both emotional and in terms of creating social norms that feel “natural” to everyone involved:

> Indeed, we become the stories we tell, don't we? We become the people and places of our past because our identity is created, our perspective formed, of their telling. This communal identification comes about most fully when the oral involves an active exchange, when it incites response or a sense of response-ability in the listener.[2]

Blaeser's insight gives us an unexpected tool for understanding the diversity in the sages' backgrounds. We might expect that in a memory-based

culture, learners must begin when they are young children if they want a hope of becoming expert in their people's teaching. Elisha ben Abuya certainly seems to suggest as much in *Pirkei Avot* 4:20, although the analogy of an older mind to paper which has been smoothed and thinned by erasure, may be more complex than it appears at first glance. In any case, what we find in practice is that the sages include an unusually high number of talented adult learners, both converts and people raised in non-traditional households—as a small sample from among the most famous sages, for example, R. Akiva, R. Meir, and R. Eliezer. Many of Hazal were also *haverim*, members of a society interested in behaving according to laws of ritual purity and impurity, and it seems according to *Tosefta Demai* (second chapter) that *haverim* were usually made rather than born. It is possible that the face-to-face, subtly collaborative nature of Talmud in fact made assimilation and the solidification of a core group ethos a natural, almost self-propelled process. The affect of the teacher conveys information not just about the text, but about the value of the student and of the teacher-student exchange. The newcomer to an oral tradition is already a contributor and companion of their teachers and peers. A newcomer to a textual tradition can do, and usually does, the bulk of study in a solitary and invisible manner, and may never reach a point of literacy at which their own contributions are possible.

So much for what living speakers can bring to a text; but what about cues for vocal inflection in the text itself? Or is it a hopeless task to recover something so fleeting as the physicality of a speaker who died more than a thousand years ago? It is less impossible than we think, because the Talmud has highly specialised vocabulary to cue the reader to a vanished speaker's intonation.

Take, for example, this trio of talmudic phrases: *Ileima, Iba’it Eima, Im nafshekha lomar.* Each of them means “If you want, say…” but they are by no means used interchangeably. The first indicates that whatever will be said will be immediately shown to be untrue. The second is used more neutrally yet no less specifically to introduce the second of two possibilities. The third phrase introduces the second of two possibilities where the very existence of two possibilities is strange, in fact slightly suspect.

From the perspective of clarity, there is no reason to make such delicate distinctions: Context makes all of these details obvious already, and in any case none of them really changes the substance of what is being said. However, like inverted question marks, each prompts a change in intonation which makes the ideas much easier to follow for a listener—and more human. This is true for much of the other technical language of the Talmud, such as the painstaking distinction made between words for questions which are critical and questions which are

curious.

Sometimes the Talmud's technical terms do not indicate tone, but reduce the cognitive load on people exchanging complex ideas orally. A reader does not need a standardized term such as *Iteima* (yet another variation of “if you say,” used to introduce a potential alternate author of a tradition), but such repetitive, reliable phrasing is invaluable for a listener who is being asked to hold on to many ideas at once. Here the Talmud is very like the *Iliad* and the *Odyssey*, texts that also crystallized from an oral tradition, which employ epithets and catch-phrases to ease the burden on both speaker and audience.

When people think about Homer, they notice that the little pattern of catch-phrases also happens on a larger scale, in what are called type-scenes. One example would be the arming scene, where a hero puts on his armour prior to battle. In every arming scene, we can expect the same structure: The hero dresses himself in the same pieces of armour in the same order, the narrator lingers on descriptions of the shield, and we finish with the hero picking up his spear.

The Talmud has its own parallel to these. One example would be where unnamed *hakhamim* debate with a single sage over whether a law can be deduced from another case, or if the situations cannot be compared, because their individual contexts are importantly unique (the technical term for this being *dayo lavo min hadin lihyot kanidon*). *Nidah* 4:6 and *Baba Kama* 2:5 are of this same type.[3] Another group can be formed from Mishnayot that do permutations of possible actions across different types of social space (*Baba Kama* 3:7, *Baba Kama* 5:5, *Eruvin* 10:5).[4] We might even classify chapters of Mishna in a similar way; for example, there is a kind of chapter where every or almost every Mishna begins with the very same word (*Baba Kama* 4, “An ox,” *Nidah* 3, “She miscarries”).

A reader, even a very learned one, might have to hunt for these patterns, if they were noticed at all. A reciter cannot avoid taking notice; it is the difference between hiking through rocks and walking on a polished floor. Eleven Mishnayot in the middle of the sixth chapter of *Nidah*, patterned as “all XY but not all YX,” run together into a smooth and lasting speech/memory with only a few moments of focused work. This is powerful architecture to support a high mental burden, and it is important to recognize their function, rather than to try to draw too much localized meaning from the wording of a type—to treat the memory-buttress as if it were a Torah verse to be closely read. It is not meant for reading at all.

So far we have looked at talmudic text that shows sedimentation of its original life as an oral tradition. But the Talmud also contains explicit descriptions of people engaged in learning. What was the normal process for a sage trying to absorb new material? From *Taanit* 7b–8a, we see that this is what the Amoraim would do: They would listen to the teaching, and then repeat it in private until it stuck. When they talk about repeating, they do not mean running silent mental laps through the Mishna, but using their full voices and bodies—Beruriah kicked a student in her Bet Midrash for "only" whispering, telling him, "When [the teaching] is set in your two hundred and forty-eight body parts, it will last; if not, it will not last" (*Eruvin* 53b).

When students felt sure of themselves, they would return to their teachers and recite the teaching in front of them to be checked. While R. Adda bar Abbahu took 24 repetitions to feel confident, Reish Lakish took 40 (*Taanit* 8a). I attribute both this and the fact that Reish Lakish does a lot of thinking elsewhere about memorization to the fact that he began his studies later in life. In *Taanit* 8a, he gives further advice, emphasizing that regularly revisiting (that is, reciting) what one has been taught is the key to mastering it; in the Yerushalmi, he imagines the material he has learned warning him, "Leave me for one day, and I will leave you for two" (*Berakhot* 9:5).

How remote all of this seems for the yeshiva student habituated to the rhythm of the morning *seder*, where the balance of one's gaze is fixed on the page. What does an awareness of this remoteness ask of us, and also say about us? Are we clinging to our tomes like overboard sailors with broken planks, shipwrecked from authentic understanding? One could answer: Was Ribi, when he mourned the impossibility of bringing back R. Meir in order to behold his face? Certainly not, but we see that he registered that absence as meaningful. A cultivated awareness of difference in learning practices can only sharpen our perception of the sages and their literature, as it gives us new and crucial questions to ask the text: What is the tone? How ought the voice to rise or fall? Is the effort of these words bent on drawing the picture for us more precisely, or are they in service of a labored act of speech and memory? We become aware, like R. Gidol, of a demand to picture everything in the most human and physical of terms. Far from alienation, this opens for us the possibility of deep correspondence with the departed other, whose voice now uses our vocal cords, tongue, teeth, even the cavities of our skull to sound. Nor must we fear, according to tradition, that this is hopelessly one-sided; as R. Yohanan said in the name of R. Shimon bar Yohai: "Every *talmid hakham*, when they say a teaching in his name in this world, his lips flutter in the grave" (*Yebamoth* 97a).

[1] Chamberlin, J. Edward. “Culture and Anarchy in Indian Country.” In *Aboriginal and Treaty Rights in Canada*. Michael Asch, ed. UBC Press. Toronto: 1997, 8–10.

[2] Blaeser, Kimberly M. "Writing voices speaking: Native authors and an oral aesthetic." In *Talking on the Page: Editing Aboriginal Oral Texts*. Laura J. Murray and Karen Rice, eds. University of Toronto Press: Toronto, 1999, 54.

[3] Compare the following:

Nidah 4:6: “One who goes into labor during the 80 days following the birth of a female baby— all the blood that she sees is considered pure, until a fetus emerges. R. Eliezer declares [the blood] impure. They said to R. Eliezer, 'But given that the law is stringent in the case of menstrual bleeding, yet is lenient in the case of labor bleeding, then where the law is lenient in the case of menstrual bleeding, shall it not also be lenient in the case of labor bleeding?’ He said to them, ‘It's enough for this matter to be judged in its own context.’”

Baba Kama 2:5: “[If an ox caused damage] on the plaintiff's property, R. Tarfon awards full damages, and the sages award half-damage. R. Tarfon said to them, 'But given that the law is lenient in the case of tooth-damage and foot-damage in the public domain, namely exempting, yet is stringent on them on the plaintiff's property, awarding full damages, then where the law is stringent on the horn-damage in the public domain, requiring the payment of half-damages, shall it not also be more stringent on the plaintiff's property, namely requiring full damages?’ The sages replied, ‘It's enough for this matter to be judged according to its own context.’”

[4] Compare the following:

Baba Kama 3:7: “One who chops wood in the private domain, and so does damage in the public domain, or in the public domain and does damage in the private domain, in a private domain and does damage in another private domain....”

Baba Kama 5:5: “One who digs a tunnel in the private domain, and opens it to the public domain, in the public domain and opens it to the private domain, in a private domain and opens it to another private domain....”

Eruvin 10:4: “One may not stand in the private domain and urinate into the public domain, or in the public domain and urinate into the private domain....”