Repetition and Innovation in the Process of the Formation of the Babylonian Talmud: On the Characteristics and Significance of Parallel Dialectical Structures\*

# Abstract

This article examines a distinctive type of textual parallels in the Babylonian Talmud that share linguistic and content features but whose parallel feature is primarily structural. They are distinct from other types of parallels marked by clearer similarities in language and content. This phenomenon, which I call here parallel dialectical structures, appears in various loci across the length and breadth of the Bavli, but has not yet been studied or comprehensively defined in previous scholarship. This article illuminates several of the principal characteristics of this phenomenon by surveying four examples of parallel dialectical structures. The discussion of each of the examples reveals various aspects of this phenomenon and illustrates how the duplication techniques characteristic to this phenomenon were utilized in a variety of basic scenarios and for a variety of purposes. It is reasonable to conclude that they were used to create new sugyot, edit preexisting sugyot, and develop and edit complex sugya structures. I also have found that these replication techniques were used by later editors as well as by named Amoraim. This phenomenon can reveal a small measure of the editorial methods applied to sugyot of the Babylonian Talmud, and even some of the study practices of the Babylonian Amoraim.

# Introduction

Parallelism and textual repetition are characteristic features of the Bavli, as well as of the rest of rabbinic literature. They are found in every corner of the Talmudic text—from the array of terms that are used as the common language of Talmudic deliberations, to the fixed structures of argument that outline and organize the discussion of various issues, to the literary units of various lengths that repeat without alteration (or with minimal contextual alteration) in various contexts. The study of various types of parallels thus sheds significant light onto the processes of the creation of Talmudic sugyot and raises fundamental questions regarding the editorial methods behind them—do signs of uniformity necessarily reflect later activities of harmonization, or do they in some cases reflect earlier, more generative activities? In the seventh chapter of his *Introduction to the Talmud, Babli and Yerushalmi*,[[1]](#footnote-1) Chanokh Albeck takes the latter approach. He discusses a long series of duplicated texts in the Bavli—some repeated word for word, but whose changing loci provide slightly different shades of meaning, and others in which the change in the topic that follows their inclusion in alternative contexts results in localized linguistic changes “to fit the topic.” Albeck explains this duplication as the result of “transfers” of texts from place to place, that is, as the secondary use of fixed texts that were generated in specific contexts, and then duplicated to broaden the discussion in additional contexts. According to Albeck, these transfers originated in the regular study practices of the Amoraic study house, when sages employed preexisting texts to deduce answers regarding other topics by duplicating the texts and integrating them into the new contexts.

In this article, I will discuss a specific kind of parallel that has not yet been described in scholarship as a distinct phenomenon. In doing so, I will examine Albeck’s basic insight and will attempt to clarify the question of the origin of the textual duplications in the Bavli from additional angles. The parallels I focus on are found in units of halakhic deliberation, where most of the dialectic structure is worded identically, but whose topic, basic assumptions, or the sources discussed differ in their content or details. These differences are reflected in several places (at least two) within a uniform textual sequence, where the contents of components with equivalent functions vary according to the particular starting point of each unit. The parallel between these units is evident, on the one hand, in the content and wording of the repeated components, and on the other hand, in the logical function of the changed components. However, while complete lines of argument are repeated in these kinds of units, they are not duplicated as they are in full, but only in a fragmented manner—where some of their content changes from one appearance to another.[[2]](#footnote-2) They could appear adjacent to each other, or in a single textual sequence, where sometimes one parallel is presented as the alternate of the other with language such as “there are some who teach” (איכא דמתני) or “there are some who say” (איכא דאמרי), but some parallel units also appear in distant locations—sometimes even in different chapters, tractates, or orders.

Although the “parallel” units discussed here are identical in much of their language and they share a fixed sequence of similar argument structures, they reflect significant and consistent differences in some of their specific content and thus cannot be defined as different iterations of one text that was supposedly suited to changing contexts through additions or localized alterations. In this way, they are distinct from the transferred units Albeck described. In addition, it should be emphasized that the duplicated dialectical structures that I discuss are not abstract logical structures that suit many diverse sugyot,[[3]](#footnote-3) but rather detailed structures that fit well in their context. This is the reason that each of these structures only repeats a few times.

In what follows, I will define the characteristics of the phenomenon of parallel dialectical structures more precisely and will infer how they came to be replicated. In my research on this phenomenon, I gathered hundreds of examples of textual units in the Bavli that meet the following criteria: units of halakhic deliberation that have at least two consecutive replications (whether attributed to two different sages, the same sage, or the *stam*), which share a common argument structure that is worded similarly, in which appear at least two content changes that depend on each other. Out of this broad database I chose twenty-one typical examples that can be used as a productive and diverse basis for the definition of the phenomenon of parallel dialectical structures. In the following sections, I will briefly discuss four examples that reflect various aspects of the phenomenon. I will then argue that despite the diverse features of the various examples, all of them have one principal feature that connects them, and can therefore further teach us about one basic technique that was employed—in various ways—in the process of the redaction of Talmudic sugyot, as well as in the study practices of the Amoraim.

**Examples**

1. Berakhot 13b[[4]](#footnote-4)

תניא אידך: 'והיו' - שלא יקרא למפרע.

'על לבבך' - ר' זוטרא אומ':עד כאן מצותכונה,מכאן ואילך מצותקריאה;

ר' יאשיה אומ': עד כאן מצות קריאה, מכאן ואילך מצות כונה.

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| [**א' מר**  ר' זוטר' א' עד כאן מצות כוונה מיכאן ואילך  מצות קריא'][[5]](#footnote-5)  **[א]**  **מאי שנא מכאן ואילך מצות** קריאה  **דכתי'** לדבר בם  **הכא נמי הא כתי'** ודברת בם  **[ב]**  **הכי קאמ' עד כאן מצות** כונה וקריאה  **מכאן ואילך** קריאה בלא כונה  **[ג]**  **ומאי שנא עד כאן מצות** כונה וקריא'  **דכתיב על לבבך ודברת בם**  **התם נמי הא כתי' על לבבכם לדבר בם**  **[ד]**  **ההוא** מבעי ליה לכדר' יצחק דאמ' ושמתם את דברי אלה צריכה שתהא שימה כנגד הלב | **אמ' מר**  ר' יאשיה אומ' עד כאן מצות קריאה מכאן ואילך מצות כונה  **[א]**  **מאי שנא מכאן ואילך מצות** כונה  **משום דכתי'** על לבבכם  **הכא נמי הא כתיב** על לבבך  **[ב]**  **הכי קאמר עד כאן מצות** קריאה וכונה  **מכאן ואילך** כונה בלא קריאה  **[ג]**  **ומאי שנא עד כאן** **מצות** קריאה וכונה  **דכתי' על לבבך ודברת בם**  **התם נמי הא כתיב על לבבכם לדבר בם**  **[ד]**  **ההוא** בדברי תורה כתי' והכי קאמ' רחמנא אגמירו בנייכו תורה כי היכי דליגרסו בהו |

It was taught in another baraita on this subject. From: ‘And they will be,’ [recited in Shema,] it is derived that it may not be recited out of order.

From: Upon your heart, Rav Zutra says: To this point, there is the mitzvah of intent; from here on, beginning with the second paragraph, there is only the mitzvah of recitation.

Rabbi Yoshiya says: To this point, there is the mitzvah of recitation; from here on there is only the mitzvah of intent.

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| **The Master said**, Rabbi Zutra says: To this point [at the end of the first paragraph], there is the mitzvah of intent; from here on there is the mitzvah of recitation.  **[a]**  **What is different, that from here on,** [beginning with the second paragraph,] **there is the mitzvah** of recitation? **Is it because it is written**: “And you shall teach them to your children, to speak of them”?  **This is no proof, as here too,** [in the first paragraph] **it is written**: “And you shall speak of them.”  [**b]**  **Rather, he is saying as follows: To this point there is the mitzvah** of both intent and recitation,  **but from here on, there is only the mitzvah** of recitation without intent.  **[c]**  **What is different, that to this point**, [in the first paragraph,] **there is the mitzvah** of both intent and recitation,  **as it is written: “Upon your heart … and you shall speak of them”?**  **There, too,** [in the second paragraph] **it is also written: “And you shall place these words upon your heart…to speak of them.”**  **[d]**  **That verse** is necessary to derive that which was taught by Rabbi Yitzḥak, who said: “And you shall place these words” teaches [that the placement of the phylacteries of the arm] must be opposite the heart. | **The Master said**, Rabbi Yoshiya says: To this point [at the end of the first paragraph,] there is the mitzvah of recitation; from here on there is the mitzvah of intent.  **[a]**  **What is different, that from here on,** [beginning with the second paragraph,] **there is the mitzvah** of intent? **Is it because it is written**: “And you shall place these words upon your heart”?  **This is no proof, as here too**, [in the first paragraph] **it is written**: “Upon your heart.”  **[b]**  **Rather, he is saying as follows: To this point, there is the mitzvah** of both recitation and intent,  **but from here on, there is only the mitzvah** of intent without recitation.  **[c]**  **What is different, that to this point**, [in the first paragraph,] **there is the mitzvah** of both recitation and intent,  **as it is written: “Upon your heart . . . and you shall speak of them”?**  **There, too,** [in the second paragraph] **it is also written: “And you shall place these words upon your heart…to speak of them?”**  **[d]**  **That verse** refers to Torah study in general, [not to the recitation of Shema] in particular. And the Torah says: Teach your children Torah, that they will be well-versed in them. |

In this example, two stam units appear one after the other that are each based on the alternate parts of a Tannaitic dispute in one baraita. As can be seen in the bolded text, at the foundation of these two units is one dialectical structure, most of whose content and language are equivalent. This structure is comprised of a question (a) and a resolution (b), which lead to another question (c) and resolution (d). Beyond a skeleton of common terms that are used in many sugyot (who taught . . . this was also taught by . . . ) the structure includes specific content that derives directly from the baraita that serves as the basis of the two units. Alongside the fixed wording, throughout the parallel structure, there is also unique content that matches the different sources that each unit discusses. Among these is inverse content derived directly from the inverse Tannaitic opinions at the basis of the parallel discussions (see especially steps b-c), as well as some alternate content that changes according to the topic, but which serves a similar function in the two discussions (alternate verses in step a, an alternate reason in step d).

The two parallel discussions here join to provide a full interpretation of the whole baraita in question, and they compose two complementary parts of one sugya structure which clarifies the opposing opinions of the sages in the baraita against one another. It seems that these two discussions were created by one hand, as part of one redactional act that used the duplication of one basic structure as the basis for a comparative interpretation of the Tannaitic opinions in the source. This type of redactional activity would certainly not be a surprising innovation for students of Bavli sugyot, who are used to sugyot marked by a formal balance and stylistic sophistication. However, the symmetry seen here is not merely an outer cloak for the content of the sugya, but rather, it derives from the way the starting sources at the basis of the “parallel” units were studied and from the nature of the interpretive difficulty they pose. These sources are not only complementary components of one Tannaitic source which were transmitted and studied as one unit, they are also both structured in a similar basic format (as underlined above) whose content is inversed. It thus seems that the internal tension between the two parts of the source—and their similarities in content and wording—generated the duplicated use of one dialectical structure that enables the clarification of the gap between the two Tannaitic opinions presented side by side.

2. Beitzah 30a[[6]](#footnote-6)

[המביא כדי יין ממקום למקום, לא יביאם בסל ובקופא, אבל <מביא> הוא על כתיפו לפניו. המוליך את התבן לא יפשיל את הקופה לאחוריו, אלא נוטלה בידו. מתחילים בערימות התבן, אבל לא בעצים שבמוקצה.][[7]](#footnote-7)

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| ומתחילין בערמת התבן  **[א]**  **אמ' רב כהנא זאת אומרת** מתחילין **באוצר תחלה**  **[ב]**  **מני** ר' שמעון **היא ד**לית **ליה מוקצה**  **[ג]**  **אימ'** סיפא אבל לא בעצים שבמוקצה  **אתאן ל**ר' יהודה **(ד**אית **ליה מוקצה)[[8]](#footnote-8)**  **[ד]**  **הכא ב**ארזי ואשוחי עסקינן דמוקצה מחמת חסרון כיס ואפי' ר' שמעון מודה | *איכא דמתני לה אסופא*  אבל לא בעצים שבמוקצה  **[א]**  **אמ' רב כהנא זאת אומר'** אין מתחילין **באוצר תחלה**  **[ב]**  **מני** ר' יהודה **היא ד**אית **ליה מוקצה**  **[ג]**  **אימ'** רישא מתחילי' בערמ' התבן  **אתאן ל**ר' שמעון **(ד**לית **ליה מוקצה)[[9]](#footnote-9)**  **[ד]**  **התם ב**תבנא סריא  *[ה]*  *תבנא סריא הא חזי לטינא*  *[ו]*  *דאית ביה קוצי* |

[One who brings wine jugs from one place to another place may not bring a large number of them in a basket or in a tub; but he <may bring> one or two barrels on his shoulder or carry them in front of himself. [Similarly,] one who brings straw for kindling or for feeding animals may not place the tub behind him while carrying it; but he may transport it in front of him in his hand. And one may begin taking straw for kindling from the pile of straw; but one may not begin to take from the wood in the wood storage.]

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| And one may begin taking straw from the pile of straw.  **[a]**  **Rav Kahana said: That is to say that one** may begin **removing items from a storeroom on a festival ab initio.**  **[b]**  **If so, in accordance with whose opinion is this mishnah? It is in accordance with the opinion of** Rabbi Shimon, who maintains that there is not **a prohibition of *muktze***.  **[c]**  **Say** the latter clause of the same mishnah as follows: But not wood in the wood storage. **If so, we have come to the opinion of** Rabbi Yehudah, **who is of the opinion (that** there is a **prohibition of *muktze***).  **[d]**  **Here**, we are dealing with wood of cedars and firs; the wood storage is therefore considered *muktze* due to potential monetary loss. Even Rabbi Shimon concedes [that it may not be handled due to the prohibition of *muktze*]. | *There are those who taught the statement* *[of Rav Kahana] as referring to the latter clause of the mishnah.*  But not wood from the wood storage area.  **[a]**  **Rav Kahana said: That is to say that one** may not begin **removing items from a storeroom ab initio.**  **[b]**  **If so, in accordance with whose opinion is the mishnah? It is in accordance with the opinion of** Rabbi Yehudah, who maintains that there is **a prohibition of *muktze***.  **[c]**  **Say** the first clause of the mishnah, which states that one may begin taking from the pile of straw. **If so, we have come to the opinion of** Rabbi Shimon, **who is of the opinion (that** there is not a **prohibition of *muktze***).  **[d]**  **There**, in the first clause of the mishnah, it is dealing with straw that has rotted and become rancid.  *[e]*  *Isn’t rancid straw fit for clay?*  *[f]*  *The mishnah is referring to straw that has thorns.* |

This example also has two stam units adjacent to each other in one sugya sequence. At the basis of these units are alternate statements by Rav Kahana, the second of which is introduced by the phrase, “There are those who taught the statement as referring to the latter clause of the mishnah,”[[10]](#footnote-10) which presents, in turn, the different versions of Rav Kahana’s statement on the two components of the final halakhah in M. Beitzah 4:1, cited above. In his statement (in step a), Rav Kahana draws a general conclusion (“that is to say”) from the mishnah. As mentioned, this conclusion has two opposing versions (“one may/may not begin removing items from a storeroom ab initio”) that contradict each other, and so must be interpreted as deriving respectively from the beginning or the end of the mishnaic halakhah. Following this basic switch, each unit has a stam discussion with a fixed structure (see bolded text), whose specific content changes according to the different starting point. The fixed structure begins by identifying the words of the mishnah Rav Kahana discussed with either R. Shimon or R. Yehudah’s opinion in the dispute regarding the law of *muktze* on Shabbat and holidays (b), and continues by revealing a contradiction between this identification and the other part of the mishnaic halakhah, which fits the other Tanna’s opinion (c). In these steps the two units mirror each other—one opens by identifying the beginning of the mishnaic halakhah with R. Shimon’s opinion and challenges it by presenting the end of the halakhah that fits with R. Yehudah’s opinion, and the other unit first discusses the end of the halakhah and challenges it with the beginning of the halakhah. At the end of each unit is a resolution (d) that resolves the contradiction by interpreting the challenging component of the mishnah in a way that suits the opinion of the proponent of the other component. (In the second unit, step [f] provides an additional clarification of the suggested interpretation, following a challenge in step [e].) The component interpreted in step (d) changes from one unit to another, according to which the content of the interpretation changes as well. In conclusion, the first unit finds that the two parts of the mishnaic halakhah were taught according to the opinion of R. Shimon, while in the second unit, both are identified with the opinion of R. Yehudah.

Various explanations have been suggested for the origin of the alternate versions of Rav Kahana’s statement and the interpretive units that follow them, but this is not the place to delve into them.[[11]](#footnote-11) In any case, as emerges from the interpretive structure accompanying each contrasting tradition attributed to Rav Kahana, the halakhic conclusion of the mishnah in Beitzah is indeed not obvious.[[12]](#footnote-12) It is not possible to discern with certainty which statement is original and which is a secondary adaptation. The fixed structure of these two units is used to present two competing, valid possibilities for the mishnah’s interpretation that include various components whose relationship should be examined, according to alternative traditions of Rav Kahana’s statement that seem to reflect different readings of the mishnah.

Clarifying the relationship between the two units depends to a great extent on the understanding of the phrase “there are those who taught” that connects them. This phrase could refer to the interpretive debate in the two units, or it could be taken as only referring to the alternative versions of Rav Kahana’s statement. If we understood it as the second possibility, in this case, too—as in the previous example—the duplication of the structure common to the two adjacent units would seem to be the activity of the redactor of the entire sugya. It could be that this redactor shaped the two units side by side based on the basic doubt regarding the formulation of Rav Kahana’s statement, as a way to explain the reasoning of the two alternative options for the correct interpretation of our mishnah. By framing the discussion of the two options with one structure, the sugya’s redactor could present a balanced presentation of the two options, one after the other—and thus address the evident tension between them.

If so, this example demonstrates a slightly different use of the technique of duplicating fixed dialectical structures. Duplication was not employed here to study starting sources that are similar in format, but rather as a tool to develop the interpretive discussion of one source (Mishnah Beitzah) according to different traditions on its correct interpretation. In this example, as well, the duplication itself appears as part of the redaction of one sugya, which may have taken place at relatively late stages in the formation of the Talmudic text, and which seems to suit the need of the redactor in clarifying the relationship between the differing opinions at the basis of the sugya. This is not the case for the example presented in the next section.

3. Yevamot 37a / Bava Batra 92b [~Ketubbot 16a–b] / Niddah 29a[[13]](#footnote-13)

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| **נדה כט ע"א** | **יבמות לז ע"א** | **בבא בתרא צב ע"ב [~כתובות טז ע"א–ע"ב]** |
| ת'ש בהמה שיצאה מלאה ובאה ריקנית הבא אחריו בכור מספ' | מתני ספק בן תשע | ...אם יש עדים שיצאת בהינומא וראשה פרוע כתובתה מאתי'  *טעמ' דאיכ' עדים הא ליכא עדים לא* |
| **[א]**  **ואמאי [לימא][[14]](#footnote-14) הלך אחר רוב** בהמות  **ורוב** בהמות ולד מעלי' ילדן  *והאי פשוט הוא* | **[א]**  *גמ' אמר לי' רבא לרב נחמן*  **לימ' הלך אחר רוב** נשים  **ורוב** נשים לתשע' ילדן  *אמר ליה (נשי)[[15]](#footnote-15) דידן לשבעה ילדן*  *אמר לי' (נש')[[16]](#footnote-16) דידכו הוו רובא דעלמא* | **[א]**  **ואמאי לימ' הלך אחר רוב** הנשים  **ורוב** נשים בתולות נישאות |
| **[ב]**  **אמ'** רבינא משום דאיכ' למימ'  **רוב** בהמות יולדות דבר הפוטר מבכורה  **ומיעוטן** יולדות דבר שאינו פוטר מבכורה  **וכל ה**יולדות מטנפות  **וזו הואיל ו**לא טנפה  **אתרע ליה רובא**  **[ג]**  **אי כל ה**יולדות  מטנפות  **הא מד**לא מטנפה  בכור מעלי הוא  **[ד]**  **אלא אימ' רוב** יולדות  מטנפו'  **וזו** הואיל ולא טנפה  **אתרע לה רובא** | **[ב]**  **אמר** ליה הכי קאמינא  **רוב** נשים ילדן לתשעה  **ומיעוט** לשבעה  **וכל ה**יולדת לתשע' עוברה ניכר לשליש ימיה  **וזו הואיל ו**לא הוכר עוברה לשליש ימיה  **איתרע ליה רובא**  **[ג]**  **אי כל ה**יולדות לתשעה  עוברה ניכר לשליש ימיה  **הא מד**לא הוכר עוברה  ודאי בר שבע' לבתראה הוא  **[ד]**  **אלא אימא רוב ה**יולדת לתשע' עוברה ניכר לשליש ימיה  **והאי** מדלא הוכר לשליש ימיה **איתרע ליה רובא** | **[ב]**  **אמ'** רבינא משום דאיכא למימר  **רוב** נשים בתולות נישאות  **ומיעוט** אלמנו'  **וכל ה**נישאת בתולה יש לה קול  **וזו הואיל ו**אין לה קול  **איתרע לה רובה**  **[ג]**  **אי כל ה**נשואות בתולות  יש להן קול  *כי איכ' עדים מאי הוי*  **מד**לית לה קול  סהדי שקרי נינהו  **[ד]**  **אלא רוב ה**נישאות בתולות  יש להן קול  **וזו** הואיל ואין לה קול  **איתרע לה רובה** |

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| **Niddah 29a** | **Yevamot 37a** | **Bava Batra 92b [~Ketubbot 16a–b]** |
| Come and hear: There is the case of a kosher animal that had not yet given birth, which went to the pasture full [i.e., pregnant,] and came back the same day empty [i.e., with no live offspring.] In this case, the offspring that comes after it is a firstborn of uncertain status. | There is an uncertainty whether the child is nine months old. | … if there are witnesses that she went out [of her father’s house to her wedding] with a veil or with the hair of her head loose, the payment of her marriage contract is two hundred dinars.  *The reason that she receives two hundred dinars is that there are witnesses to her claim. Therefore, if there were no witnesses, her claim would not be successful.* |
| **[a]**  **But why? One should follow the reality among the majority** of animals, **and the majority** of animals give birth to full-fledged offspring.  *And if so, this subsequent offspring of the animal is a regular offspring [i.e., not a firstborn.]*  **[b]**  **Says** Ravina: it can be said **that the majority** of animals give birth to an item that exempts [the animal’s subsequent offspring] from firstborn status, and **only a minority** give birth to an item that does not exempt [the animal’s subsequent offspring from firstborn status].  **And all** animals that give birth to full-fledged offspring discharge turbid liquids,  **and since** this animal **did not** discharge turbid liquids  **the effect of the majority is undermined.**  **[c]**  **If all** animals that give birth to full-fledged offspring discharge turbid liquids, [then it should be concluded]  **from the fact that** this animal **did not** discharge turbid liquids that it did not discharge a full-fledged offspring, and therefore the animal’s subsequent offspring is a proper firstborn.  **[d]**  **Rather, one should say: The majority** of animals that give birth discharge turbid liquids,  and **since** **this** animal **did not** discharge turbid liquids, **the majority is undermined.** | **[a]**  *Rava said to Rav Naḥman:* **Let us say: Follow the majority** of women, **and since the majority** of women give birth after nine months.  *[Rav Naḥman] said to him: (The women) of our family regularly give birth after seven months. [Rava said] to him: Do (the women) of your family constitute the majority of the women of the world?*  **[b]**  [Rav Naḥman] **said to him**: This is what I am saying: Although it is true **that the majority of** women give birth after nine months and **only a minority** give birth after seven, still, in the case  of **every** woman who gives birth after nine months, her fetus is already recognizable after a third of her days. **Accordingly**, in the case of this woman, **since** her fetus **was not** recognizable after a third of her days  **the ability to presume she is like the majority of women is compromised.**  **[c]**  **If in the case of every** woman who gives birth after nine months, her fetus is already recognizable after a third of her days, then with regard to this woman,  **from the fact that** her fetus **was not** recognized after a third of her days, it follows that her fetus was certainly only seven months old and is the offspring of the latter husband [i.e., the *yavam*].  **[d]**  **Rather, one should say: In the majority** of cases, with regard to a woman who gives birth after nine months, her fetus is already recognizable after a third of her days,  and **since** her fetus **was not** recognized after a third of her days, **the ability to presume** she is like the **majority** of women is **compromised.** | **[a]**  **But why? Let us say that** since there is an uncertainty, **one should follow the majority** of women, **and since the majority** of women marry as virgins, it should be presumed that this woman also married as a virgin.  **[b]**  Ravina **said**: In this case, because there is room to say that it is so **that the majority** of women marry as virgins  and **only a minority** marry as widows or non-virgins. But it is also so that there is an additional presumption:  The marriage of **anyone** who marries as a virgin generates publicity of that fact.  **And with regard to this** woman, who is in a dispute over the value of her marriage contract, **because** her marriage **did not** generate publicity of her marrying as a virgin, **the ability to apply** what is true of **the majority** of women to her case **is undermined.**  **[c]**  **If it is really true that** the marriage of **anyone** who marries as a virgin generates publicity of that fact, *then even when there are witnesses that she was a virgin bride, what of it?* **From the fact that** her marriage **did not** generate publicity of her marrying as a virgin, perforce they are false witnesses.  **[d]**  **Rather, one should say: that the majority** of marriages of women who marry as virgins generate publicity of that fact,  **and since** her marriage **did not** generate publicity of her having been married as a virgin, t**he ability to apply what is true of the majority** of women to her case **is undermined.** |

This example shows three units in three different tractates[[17]](#footnote-17) that discuss various subjects (the laws of the firstborn, the childless widow, and the collection of a ketubah). However, each of them contains one basic structure (shown in bold above). This structure includes the challenge (a): “Let us say, follow the majority of [x]!,” the resolution of this challenge (b), and later, the rejection of the resolution (c) and its clarification (d). These steps are formulated in a similar structure, but their specific content changes from unit to unit—according to their different starting points. Each of these units is formed of a common structural sequence (the unit in Yevamot includes additional discussion that is not present in the other parallels, marked in italics above)—with a uniform logic and the same frame of wording, but it is used to discuss different sources in each unit, and thus each of the three units includes differences in content throughout.

Despite the major differences in the topic of discussion in each of the units, a common denominator connects the sources they are based on, which is the basis for the initial challenge that sets the duplicated structure in motion. Each of the units discusses Tannaitic sources with halakhic decisions that are based on doubt that cannot be resolved, and in each of the units the question is raised: Why can’t this doubt be resolved according to the majority of cases? Thus, in this example, as in example 1 above—the origin of the duplication of the dialectical structure is a commonality in the sources they are discussing. In this example, however, what the sources share is neither content, format, nor language, but a conceptual similarity, in the incongruity of the decisions in each of the sources with one halakhic principle (of ruling according to the majority of cases).

Along with the similarities in each of these units, there are two distinct and connected differences between the Yevamot unit and the other two units: (1) the dialectical structure of the Yevamot unit (or at least steps a–b) is presented as a debate among the third- and fourth-generation Amoraim Rav Nahman and Rava. In contrast, in Niddah and Bava Batra/Ketubbot, the first challenge (a) is presented as stam and its resolution (b) is attributed to Ravina. Thus, in Yevamot, the resolution (b) is introduced as “He said to him: this is what I am saying . ..” and in the two other units the resolution is introduced with “Ravina said: because there is [room] to say . . .” (2) The Amoraic discussion in Yevamot includes, between Rava’s question at step b and Rav Nahman’s response in step (b) (that parallel the stam challenge and Ravina’s resolution in steps a–b of the two other units), an additional step of a response and question that are connected to the local sugya but have no parallel in the other units (marked in italics above).

The dating of the sages cited in the Yevamot unit points to its precedence to the other units, and the extended Amoraic discussion within which steps (a–b) of the duplicated dialectical structure appear may demonstrate that this structure was created in the specific context of the Yevamot sugya and is secondary to the other sugyot. This is also suggested by the similarity between the Yevamot unit and each of the other units, in places where the Niddah and Bava Batra/Ketubbot units differ from each other: the Yevamot unit deals with women who had given birth, while the Niddah unit deals with birth but not with women (but rather, cattle) and the Bava Batra unit deals with women but not birth (but rather, marriage). This finding could also point to the precedence of step (b) in Yevamot and its duplication in different ways that maintained certain content elements and changed others to suit the different topics of the other units. Based on these findings, the possibility arises that Ravina—to whom the resolution in step (b) in Niddah and Bava Batra/Ketubbot is attributed—had before him a fixed statement by his predecessor—Rav Nahman, which responded to a certain challenge to a mishnah in Yevamot, and that he duplicated its argument structure (while removing the steps that specifically relate to their original context) in order to create new resolutions to similar challenges that were raised in two additional contexts.

As noted above, the parallel in the structure of the three units is reflected as well in steps (c–d)—which present a challenge to the wording of the resolution in step (b) and a clarification of one of its terms (every/all/anyone). In these steps, too, we can note the same relationship between the units as we found in steps (a–b), that is—a parallel sequence of the basic structure of the units, alongside a change in content specific to the different starting points. Thus, it could be that steps (c–d) of the unit in Yevamot may also have been duplicated by Ravina, continuing the duplication of the resolution in step (b). The challenge and clarification in steps (c–d) could be understood as a direct continuation of the Amoraic discussion in Yevamot, or alternatively—as a later step of clarifying Rav Nahman’s statement. In contrast, in Niddah and Bava Batra/Ketubbot, these steps can only be understood as a stam reflection since Ravina is the only named speaker in these sugyot. If so, the extent of Ravina’s duplication activity depends on how we view the function of the wording introducing his suggestion in step (b): “Ravina said.” This wording seems to refer only to the resolution of step (b), and if so, it could be that contrary to the conjecture above, the duplicated structure before us was created in two stages, where Ravina knew only steps (a–b) of the Yevamot unit. By this possibility, Ravina used Rav Nahman’s resolution without commenting on its problematic formulation, and at a later stage, steps (c–d) were added by a different hand to all three units, in response to the difficulty that recurs in all three units. If so, the author of the late stammaitic addition—like Ravina—used the very same technique—of duplicating the dialectical structure and “filling it in” with alternate content according to the changing context. A third possibility could also be considered: perhaps Ravina did have the four steps of the repeating structure and copied them in full, tying together the initial resolution in its initial formulation, with the challenge to it and the clarification.

In any case, the affinity between Ravina and Rav Nahman’s words in step b indicates that in contrast to what could be understood from examples like the two above, the duplication of fixed dialectical structures is not characteristic only of later redactor, but was already used in the study practice of named Amoraim as a generative technique to produce new textual units based on preexisting logical and literary outlines. This last example can thus perhaps reveal the study practices that preceded the textual formation of the units before us. As mentioned, the common basis of the three Tannaitic sources discussed in each of our three units is an abstract concept: a halakhic doubt that cannot be resolved—as it usually is—according to the principle of following the majority of cases. Unlike the other examples, here the different sources the duplicating structure responds to belong to separate halakhic fields and have no affinity in format, but they each potentially undermine the general validity of the principle of ruling according to a majority of cases. It may be that Ravina was concerned with resolving this problem, which comes up in various contexts and halakhic fields, and that he worked to resolve standing difficulties with this principle by means of repeated use of the argument structure used by Rav Nahman in Yevamot. Just as Rav Nahman asked why one does not rule according to the majority of the cases in one case of a prohibition, Ravina did so in Ketubbot and Bava Batra[[18]](#footnote-18)—where he responds to similar challenges raised in civil cases, and in Niddah—where he discusses a case that could be classified as a prohibition[[19]](#footnote-19) or as a civil matter.[[20]](#footnote-20) Indeed, Ravina addresses the principle of ruling according to the majority of cases in several other sugyot,[[21]](#footnote-21) and in each of these instances, it is the very same sage—Ravina of the fifth generation.

The duplication of the fixed dialectical structures thus cannot be characterized merely as a redactional tool with later characteristics that was used to shape duplicate sugyatic structures. In this example, we saw a clear diachronic development of texts that are different in content but that are built on the foundation of an earlier text, at the height of the period of Amoraic study— already in the fifth generation of the Babylonian Amoraim.[[22]](#footnote-22) The following example will present another fixed structure whose duplication can be attributed to a named Amora, but as we will see—shows different features from those we saw in the previous examples, and serves a different function.

4. Yevamot 29a–b[[23]](#footnote-23)

מתני'. שלש' אחין, שנים נושאין שתי אחיות, וא' מופנה; מת אחד מבעלי אחיו' ועשה בה מופנה מאמר, ואח"כ מת אחיו השני - ב"ש אומר: אשתו עמו, והלזו תצא משום אחו' אשה. וב"ה או': מוציא את אשתו בגט ובחליצה, ואשת אחיו בחליצה. זו הי' שאמרו: אוי לו על אשתו, ואוי לו על אשת אחיו [...]

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| **[א]**  **[א1] א"ר [אלעזר][[24]](#footnote-24) לא תימא מאמר לב"ש**  קונה קנין גמור  **[א2]** דאי בעי לאפוק' סגי לה כגיטא  **[א3]** **אלא מאמר לב"ש** אינו קונה אלא לדחות בצר' בלבד  **[ב]**  **אמ"ר אבין אף אנן נמי תנינא ב"ש אומר יקיימו**  **יקיימו אין לכתחלה לא**  **ואי ס"ד מאמר לב"ש** קונה [קניין גמור][[25]](#footnote-25)  **זה יעש' מאמר ו**יקנ' **וזה יעש' מאמר ו**יקנה  *[ג]*  *אלא מאי* *דוחה דחיי' גמורה*  *זה יעש' מאמ' וידח' וזה יעש' מאמ' וידח'*  *[ד]*  *אלא מאי אי' לך למימ' מאמר דהיתירה דחי דאיסורא לא דחי הכא נמי מאמר אפילו למאן דאמר מאמר קונה קנין גמור מאמר דהיתירא קני דאיסורא לא קני* | *רב אשי מתני הכי*  **[א]**  **[א1] אמ' רבי אלעזר לא תימא מאמר לבית שמאי** דחי דחייה גמורה  **[א2]** וצרתה חליצה נמי לא בעי'  **[א3] אלא** דוחה ומשייר הוי  **[ב]**  **אמ' רבי אבין אף אנן נמי תנינא בית שמאי אומ' יקיימו**  **יקיימו אין לכתחלה לא**  **ואי ס"ד מאמר לבית שמאי** דוחה דחייה גמור'  **זה יעשה מאמ' ו**ידחה **וזה יעשה מאמר ו**ידחה  *[ג]*  *ואלא הא קתני בית שמאי אומר' אשתו עמו והלזו תצא משום אחות אשה*  *[ד]*  *אלא יבמה דחזי' לכולהו חזיא [למקצתן][[26]](#footnote-26) יבמה דלא חזיא לכולהו* *לא חזיא [למקצתן][[27]](#footnote-27)* |

MISHNA: In the case of three brothers, two of whom were married to two sisters, and one who was single, the following occurred: The husband of one of the sisters died childless, leaving behind his wife, and the single brother performed levirate betrothal [*ma’amar*] to this wife. Afterward, the second brother died—In this case, Beit Shammai say: His wife remains with him. And this other woman leaves the *yavam* and is exempt from levirate marriage as the sister of a wife. Beit Hillel say: he divorces his wife [i.e., the woman to whom he performed levirate betrothal] with a bill of divorce and by *ḥalitzah*. And, he sends away the wife of his second brother with *ḥalitzah* as well. This is the case that was referred to when the sages said: Woe unto him for his wife and woe unto him for the wife of his brother.

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| *Rav Ashi teaches this discourse in this manner:*  **[a]**  **Rabbi Elazar said: Do not say that according to Beit Shammai levirate betrothal** precludes entering levirate marriage as a complete preclusion,  **[a2]** so that the rival wife of the woman who received levirate betrothal does not require even *ḥalitzah*.  **[a3] Rather,** it precludes entering levirate marriage and yet leaves a remnant of the levirate bond in place.  **[b]**  **Rabbi Avin said: We, too, learn in the mishnah that Beit Shammai say: They may maintain them as their wives.** [From here it can be deduced:] **Yes, they may maintain them as their wives after the fact; no, they are not allowed to marry them ab initio. And if it enters your mind that according to Beit Shammai, levirate betrothal** precludes entering levirate marriage as a complete preclusion, then **this brother should perform levirate betrothal** and preclude one sister from levirate marriage, and **that brother should perform levirate betrothal** and preclude the other sister from levirate marriage.  *[c]*  *But didn’t the mishnah teach that Beit Shammai say: His wife remains with him, and this other is sent away due to her status as a sister of his wife?*  *[d]*  *Rather, a yevamah who is suitable for all of the aspects of levirate marriage is also suitable for part of it. However, a yevamah who is not suitable for all of the aspects of levirate marriage is also not suitable for a part of it.* | **[a]**  **[a1] Rabbi Elazar said: Do not say that according to Beit Shammai levirate betrothal** acquires the woman as a full-fledged acquisition  **[a2]** such that the first woman becomes his wife to the extent that if he wants to divorce her a bill of divorce would suffice without an act of *ḥalitzah*.  **[a3] Rather, for Beit Shammai, levirate betrothal** acquires the woman only insofar as it precludes a rival wife from entering levirate marriage.  **[b]**  **Rabbi Avin said: We, too, learn in the mishnah that** **Beit Shammai say**: **They may maintain them as their wives**. [From here it can be deduced: If they already married them,] **yes, they may maintain them.** [However, marrying them] **ab initio, no.**  **And if it enters your mind that according to Beit Shammai levirate betrothal** acquires the woman (as a full-fledged acquisition):  **This brother should perform levirate betrothal** and acquire one sister, **and that brother should perform levirate betrothal** and acquire the other sister.  *[c]*  *Rather, what then? [It must be that according to Beit Shammai levirate betrothal] precludes the rival wife from entering levirate marriage with a complete preclusion. This one should perform levirate betrothal with one sister and preclude the second sister from entering levirate marriage, and that one should perform levirate betrothal with the second sister and preclude the first sister from entering levirate marriage.*  *[d]*  *Rather, what have you to say? Levirate betrothal performed in circumstances where it is permitted to perform levirate marriage, precludes the rival wife from entering levirate marriage. However, levirate betrothal performed in circumstances where it is forbidden to perform levirate marriage, does not preclude entering levirate marriage. So too here, with regard to levirate betrothal performed by the third brother, the same distinction can be made. Even according to the one who said that levirate betrothal acquires a woman as a full-fledged acquisition: Levirate betrothal under permitted circumstances acquires the woman, but levirate betrothal under forbidden circumstances does not acquire the woman.* |

This example is a short Palestinian sugya on M. Yevamot 3:5, with the participation of Amoraim of the third to fourth generations (steps a–b). An alternate version of the sugya is then presented by Rav Ashi (sixth generation) who repeats most of its structure (see bolded text) but changes some of its details. In each of the units, the Amoraic sugya is accompanied by two steps of a stam discussion (c–d) that changes drastically from unit to unit in its content and wording. The main difference at the crux of the two Amoraic statements by R. Elazar (and later R. Avin), relates to the significance of levirate betrothal in the opinion of Beit Shammai. The initial statement in the first unit discusses the acquisition of the wife (and following that—the stam discussion in steps c–d discusses the preclusion of a rival wife), but in Rav Ashi’s alternate version the focus shifts to the preclusion of the rival wife. In the first unit, R. Elazar suggests that in Beit Shammai’s opinion, levirate betrothal does not effect a full-fledged acquisition that allows *ḥalitzah* in a case that the betrother wishes to divorce his *yevamah*, but it is sufficient to preclude the rival wife.[[28]](#footnote-28) In the second unit, R. Elazar suggests that levirate betrothal does not effect a full-fledged preclusion of the rival wife, even if it allows him to maintain the marriage to the betrothed, it does not preclude her rival from *halitzah*.

In step (b) R. Avin supports R. Elazar with M. Yevamot 3:1,[[29]](#footnote-29) where Beit Shammai ruled in the case where two brothers marry the widows of their two brothers, that the two brothers may maintain their wives if they had already married them, but not ab initio. The stam discussion of the Amoraic statements in the first unit (step c) interrogates a major difficulty in R. Avin’s argument,[[30]](#footnote-30) and based on this challenge, the gemara rejects his attempt to derive Beit Shammai’s opinion in M. Yevamot 3:5 from their stance in M. Yevamot 3:1 (step d). The stam’s two-step argument at the end of the first unit exposes the difficulty inherent in R. Avin’s statement and refutes it, but without expressing any judgment as to R. Elazar’s position.

This kind of difficulty is not present in the second unit, in which levirate betrothal is deemed not to have the force to fully preclude the rival wife, and R. Avin’s support has internal logic and smoothly fits the argument that preceded it. Thus, following his statement, there is no place for a challenge such as that in the first unit’s step (c). Instead, R. Ashi’s alternate suggestion poses another, more basic difficulty—which in this version is at the heart of R. Elazar and R. Avin’s common argument: the definition of levirate betrothal as “precluding and leaving a remnant [of the levirate bond]” directly contradicts the explicit language of Beit Shammai in M. Yevamot 3:5, according to which the sister of the wife would be exempt [from levirate marriage] (apparently even without *halitzah*!).[[31]](#footnote-31) In step (c) the gemara rejects R. Ashi’s alternate version of R. Elazar’s statement and finds that levirate betrothal indeed fully precludes the rival wife. Thus, along with changes in wording and content in the stam discussions accompanying the different units, the dialectical function of step (c) changes from unit to unit. In the second unit, it refutes both R. Elazar’s statement and R. Avin’s proof, while in the first unit, the challenge is to R. Avin’s proof but R. Elazar’s basic claim is not questioned.

As noted above, the alternate versions of the Amoraic sugya are both presented in a uniform and stable structure,[[32]](#footnote-32) which functions as the frame for content changes in the Amoraic statements. The prominent affinity between the stam discussion that accompanies the first version and the alternate content of the Amoraic sugya in R. Ashi’s version presents two possibilities: it may be that R. Ashi had an alternate version of R. Elazar and R. Avin’s statements (and thus that the basic structure of the debate between these sages was preserved but its specific content was not), and thus the challenge to the wording of the first version was formulated at a later stage, as an artificial introduction to R. Ashi’s version. On the other hand, it may be that the major difficulty that arises in the sugya’s first version, as formulated in the stam discussion that accompanied it, was what generated R. Ashi’s alternate version, and he was the one who edited the original sugya before him while maintaining its wording, as much as possible, or at least, maintaining its basic dialectical structure. The latter possibility seems more reasonable, and it can be supported by a comparison to R. Elazar’s statement in the parallel sugya in the Yerushalmi,[[33]](#footnote-33) which attests to the relative precedence of the content of the first version. Further, R. Elazar’s statement is cited in several other places in the Bavli, all of them according to the first version.[[34]](#footnote-34) This suggests that R. Ashi’s version was not known to the editors of these other sugyot in the Bavli, or alternatively, that it was not accepted as a valid version. According to this possibility, R. Ashi’s alternate version is a secondary version of the original sugya, and he was the one who suggested his edited teaching by replicating the structure and wording of the debate he had before him.

This example reveals another side of the Amoraim’s use of the technique of duplicating fixed dialectical structures. Here this technique is not used to discuss different sources or alternate possibilities debated in the sequence of one sugya, but to present an alternate version of the same sugya—based on a different halakhic assumption.[[35]](#footnote-35) R. Ashi’s activity here is not an act of “transfer,” in Albeck’s words, but rather it demonstrates how the basic structure of an existing sugya can be isolated from some of its specific content in a way that allows the structure to be duplicated and reused as a basis for the creation of a new text.

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The different manifestations of the phenomenon of parallel dialectical structures, as seen in the examples presented above as well as other examples that have not been discussed here, point to varied preconditions behind the use of the duplication techniques typical to this phenomenon, and to different purposes for their use. They were used to generate new sugyot (example 3), to edit existing sugyot (example 4), and to develop and edit complex sugya structures (examples 1 and 2). Moreover, only in some cases does the replication of fixed structures reflect secondary transfers from one context to another, and sometimes it reflects a single original act of a duplicated redaction. It may be that the variety of uses revealed here attest to various iterations in the use of the technique of duplicating fixed structures throughout the process of the formation of the Talmudic sugyot. Despite distinct features in each of the different examples, at the basis of each example is a fundamental distinction between the dialectical structure of halakhic sugyot and their specific content, which allows content to be swapped with different content, and in so doing—a different discussion can be created.

**Conclusions: What Can We Learn from Parallel Structures about the Process of Formation and Redaction of the Talmudic Text?**

As noted in the introduction, the unique parallel form discussed here—the duplication of fixed structures and wording with alternate content—is just one of many forms of the Bavli’s tendency (as well as rabbinic literature in general) to duplicate and repeat fixed textual and content foundations.[[36]](#footnote-36) In the various examples discussed above, as well as examples not analyzed here, this duplication technique is employed in different ways and can be used both to gradually develop and create new literary units based on earlier ones, whether in one sugya sequence or in distant locations, as well as to interrogate the details of one sugya. The identification of this multifunctional tool and the clarification of its modes of use expand and sophisticate our understanding of the study and editorial practices of the Babylonian sages and the redactors of its sugyot. As noted above, the conclusions of this paper are based on an intensive analysis of twenty-one examples of parallel dialectical structures. In examples not discussed in this paper I found that a duplicated use of fixed structures can create a uniform frame for the study and redaction of similar mishnayot from one tractate,[[37]](#footnote-37) of different sources that were apparently transmitted as a collection,[[38]](#footnote-38) or—as demonstrated in example 1 above—of different parts of one source.[[39]](#footnote-39) But the most instructive and surprising conclusions emerge from examples where there is a looser connection between the source texts at the basis of the parallel structures. These examples could attest to unexpected connections made during the process of redaction of sugyot that are distant in location and in topic, which appear in tractates that touch on completely different halakhic fields.[[40]](#footnote-40) These reflect associative analogies that share only an abstract logical similarity,[[41]](#footnote-41) which indicates the familiarity of the sugya redactors with tractates that, as far as we know, were not studied side by side. Likewise, as we saw in example 3, the repeated use of one structure in distant contexts can reveal a comprehensive scholarly undertaking (in this case, on the part of Ravina, a fifth-generation Amora) to test a single halakhic principle in different halakhic contexts.

The study of the phenomenon described in this paper, and especially those examples that show a progressive development of one text based on the fixed structure of another, seem to support Albeck’s basic insight regarding the Babylonian sages’ modes of study and redactional work, as they are reflected in some of the textual duplications. This form of duplication of parallel structures shows that the Amoraim, and later the Bavli’s later redactors, duplicated fixed texts in order to use them as raw materials to generate new texts. However, this mode of textual transfers reflected in units with parallel dialectical structures is not equivalent to the form of abstract transfers Albeck discussed.[[42]](#footnote-42) Here we do not see the duplication of an entire textual unit with a localized change to some of its content, but rather, the identification of a certain logical skeleton at the basis of the transferred text that can be used in additional contexts, and the duplication of this skeleton, with its fixed wording, by filling it in with alternative content that fits its new context. This duplication technique uses what can be termed an “X-Ray” device that reveals the logical and literary skeleton of the duplicated text and allows for its reuse to develop the discussion of additional sources. The ability of the redactors of Bavli sugyot to extract the skeleton of a halakhic discussion from its concrete context and to reuse it attests that they distinguished between the logical structure of a discussion and its specific content, and thus demonstrates that these redactors recognized the structure as a separate and vital element to preserve.

Among the four examples described in this paper, three of the repeated structures were found in one sugya sequence—one of them (example 4) was apparently duplicated by a named Amora who sought to reframe the same sugya, and the two others (examples 1 and 2) seem to have been the products of a later redactional process in which different components or alternative statements were discussed in a symmetrical and balanced manner alongside each other within one halakhic discussion. Another structure (example 3) was found repeated in separate and distant contexts and seems to have already been duplicated in the Amoraic period, as part of the sages’ study practices. My work surfaced several additional examples that show—explicitly or implicitly—the use of duplicated structures by named Amoraim. Most are similar to the examples discussed in example 4 above and in none were there duplicated sugya structures of the type shown in examples 1 and 2. It may be that the use of duplicated dialectical structures for the purposes of redacting one sugya is a relatively later iteration of the use of this duplication technique and that the fundamental distinction between the structure and its content was understood differently in different generations, at different stages of the formation and redaction of the Talmudic sugyot. The duplication technique defined and described in this paper thus illustrates both the diachronic development of Talmudic sugyot, as well as the later literary processes of shaping these sugyot. Alongside the differences between these stages, there is also continuity between them. We thus see the powerful and fundamental role of textual repetitions in the work of creating and redacting the Talmudic text throughout its formation, in innovation by means of repetition.

1. Tel Aviv 1969, pp. 452–522. [↑](#footnote-ref-1)
2. Compare seemingly similar phenomena (though different in several important respects) that were discussed in the works of I. Marienberg-Milikovsky, “Beyond the Matter: Stories and Their Contexts in the Babylonian Talmud — Repeated Stories as a Test Case” (PhD diss., Ben-Gurion University of the Negev, 2015); Y. Gezuntheit, “Struggles for Authority among the Babylonian Amoraim in the 4th Century and Their Reflection in Unique Dialogue Form” (master’s thesis, Ben-Gurion University of the Negev, 2014); Gezuntheit, “Confrontation Patterns in the Babylonian Talmud and Their Association to Its Composition” (PhD diss., Ben-Gurion University of the Negev, 2020). See also Albeck’s discussion of two cases (ibid., pp. 246, 250) in which, in his words, “the entire structure of the sugya” was transferred. [↑](#footnote-ref-2)
3. These types of structures are scattered throughout the Babylonian Talmud, and examples of them are too numerous to count. See, for instance, structures such as “Granted, [X] is not difficult . . . but [Y] is difficult! — [Y] is also not difficult …”; Let the question be raised according to [X]’s opinion, let the question be raised according to [Y]’s opinion. Let it be raised according to [X]’s opinion: Is [X] saying only here, but there . . . or perhaps it is even according to the opinion of [Y] . . .”; “Shall we say that our mishnah is not in accordance with [X], as it was taught . . . —even if you say that the mishnah is in accordance with [X]. . .”; What is [X]’s opinion? . . . If we say . . . rather is it not. . .”; and so forth.

   'בשלמא [X] לא קשיא... אלא [Y] קשיא! – [Y] נמי לא קשיא...'; 'תיבעי ל[X], תיבעי לY]. תיבעי ל[X]: עד כאן לא קאמ' [X] התם אלא... או דילמא אפילו ל[Y]...?'; 'לימא מתניתין דלא כ[X], דתניא... – אפילו תימא [X]...'; 'מאי [X]? אילימא... אלא לאו...'. [↑](#footnote-ref-3)
4. Hebrew text from the Soncino print pp. 244–49. [↑](#footnote-ref-4)
5. Missing in the print edition and present in all textual witnesses. [↑](#footnote-ref-5)
6. Text from Soncino edition, pp. 244–49. [↑](#footnote-ref-6)
7. Text from MS Kaufmann 50 A. [↑](#footnote-ref-7)
8. Present in the print edition and missing in the rest of the textual witnesses. [↑](#footnote-ref-8)
9. Present in the print edition and in one manuscript, and missing in the rest of the textual witnesses. [↑](#footnote-ref-9)
10. One Geniza fragment (Oxford Bodleian, Heb. 3 52) has “there are some who say” (איכא דאמר') here instead. [↑](#footnote-ref-10)
11. See A. Weiss, *Talmud in Its Development* (New York: Feldheim, 1954), 312–13. I. Francus, “Research on the Composition and Compilation of the Tractate Besa in the Babylonian Talmud” (PhD diss., Hebrew University, 1961), 304–5; N. Aminoah, *The Redaction of the Tractate Beitza, Rosh-Hashana and Taanith in the Babilonian Talmud* (Tel Aviv: 1986), 102–4 [in Hebrew]. [↑](#footnote-ref-11)
12. The Mishnah in Beitzah includes various halakhot (one starts/does not start) regarding two types of stockpiles that could seemingly be defined as “hoards” (that is, reserves whose content is reserved for future use or that do not serve their owners on a regular basis): a pile of straw and wood in the wood storage. Thus, in order to ascribe a coherent position to this mishnah in the dispute over storage, which of the stockpiles it discusses suits this definition and which is mentioned here for another reason must be determined. The explicit discussion of the second stockpile, mentioned at the end of the mishnah, as wood that is in **storage** suggests that this mishnah accords with R. Yehudah’s opinion, as arises from R. Kahana’s statement in the second unit. (See S. Lieberman, *Tosefta Kifshuta* [New York: 1955–56], 5:997, who determines that the anonymous mishnah accords with R. Yehudah, and with the איכא דמתני). Thus, the second unit reflects a more literal reading of the mishnah. However, the opposite reading in the first unit also has a basis, and it fits other Tannaitic sources (see the beginning of Tosefta Yom Tov (Lieberman) 4:3, and the opinion of R. Shimon in the dispute with R. Aha in the baraita in Shabbat 127 according to its redacted version—which discusses accumulated grain, similar to the pile of straw in our mishnah). Thus, it may be that the version of R. Kahana's statement in the first unit is original, and that he sought to dispute the alternative interpretation—the seemingly literal one—of the mishnah, perhaps based on Tannaitic traditions that support his conclusion. [↑](#footnote-ref-12)
13. From the Soncino print edition 244–49. [↑](#footnote-ref-13)
14. Missing in the print edition. Filled in according to manuscripts. [↑](#footnote-ref-14)
15. Present in the print edition and missing in the rest of the textual witnesses. [↑](#footnote-ref-15)
16. Present in the print edition and missing in the rest of the textual witnesses. [↑](#footnote-ref-16)
17. As noted in the chart above, one of the units appears both in Bava Batra, and—with certain changes—in Ketubbot. [↑](#footnote-ref-17)
18. Ravina is the only Amoraic speaker in a long and developed stam sugya in Bava Batra 92a–b that discusses a dispute between Rav and Shmuel on the application of the principle of ruling according to the majority of cases in civil law, which strives throughout to reinforce the general validity of this principle against a series of Tannaitic texts that cast doubt on it. Compare to Y. Ketubbot 2:1 (26a) and its partial parallel in Y. Bava Kama 5:1 (4d). [↑](#footnote-ref-18)
19. Ravina’s statement in the Niddah sugya appears in the context of a discussion of a statement by R. Yehoshua ben Levi: “With regard to a pregnant woman who passed across a river and she discharged her fetus [into the river, and she does not know whether the fetus was fully formed,] she brings the offering of a woman after childbirth, which is a burnt offering and a sin offering. [And the sin offering, which is a bird, is eaten after the nape of its neck has been pinched, in the manner of a regular bird sin offering. This is the halakha despite the uncertainty that this fetus might not have been fully formed, in which case the woman would not be obligated to bring this offering, and a bird that is not an offering may not be eaten if its nape was pinched. Rabbi Yehoshua ben Levi explains the reasoning behind this ruling:] One must follow the majority of pregnant women, and most pregnant women give birth to full-fledged offspring.” That is, it relates to the principle of ruling according to the majority of the cases in prohibitions. Following this ruling a challenge is brought from the original mishnah in Niddah (“Why must the woman observe the halakhot of a menstruating woman? Let us say that one must follow the majority of women, and the majority of women give birth to full-fledged offspring.”), but the challenge is rejected and explained by means of a distinction. The case discussed by Ravina is used as another ground to discuss the validity of R. Yehoshua ben Levi’s ruling. [↑](#footnote-ref-19)
20. See Rashi, s.v. בכור מספ', which stresses the civil aspects of the case in question. [↑](#footnote-ref-20)
21. Sanhedrin 69a; Hullin 11b; Bekhorot 20a, and perhaps also in Bekhorot 45a (where the statement is attributed to Ravina in the print editions and in the rest of the textual witnesses, Vatican Apostolic Library II.1.7 ebr. 118–19, and the Florence and National Library manuscripts the statement is attributed to other sages—Ravava, R. Abba or Rav Ada bar Abba). [↑](#footnote-ref-21)
22. See in my dissertation a discussion of a series of sugyot that are presented anew by Rav Nahman bar Yitzhak (Yevamot 11b, Gittin 29b, Zevahim 85b, Hullin 12b–13a, Temurah 21a) that show early signs of the phenomenon—in the fourth Babylonian generation. [↑](#footnote-ref-22)
23. Text according to Pesaro print edition 269–76. [↑](#footnote-ref-23)
24. In the print edition: Eliezer. [↑](#footnote-ref-24)
25. Missing in the print edition and present in the rest of the textual witnesses. [↑](#footnote-ref-25)
26. In the print edition:למקצתה. [↑](#footnote-ref-26)
27. In the print edition:למקצתה. [↑](#footnote-ref-27)
28. The Rishonim differed over the exact meaning of the term צרה in R. Elazar’s statement and in the rest of the sugya. Rashi assumes that the sugya relates specifically to Beit Shammai’s opinion in our mishnah, so that the rival wife is the sister of the betrothed who became widowed from the *yavam*’s other brother. Tosafot, on the other hand, understand the term in this sugya according to its common meaning, which usually refers to a second wife who became widowed with the *yevamah* from one household. According to this interpretation, the rival wife is not mentioned in our mishnah and R. Elazar’s statement relates to Beit Shammai’s opinion in general. [↑](#footnote-ref-28)
29. “In the case of four brothers, two of whom were married to two sisters and then died, those sisters must perform *ḥalitzah* and may not enter into levirate marriage. Since both sisters require levirate marriage with each of the surviving brothers, a levirate bond exists between each sister and the brothers. Each of them is considered the sister of a woman with whom each brother has a levirate bond and is therefore forbidden to him by rabbinic law. And if they married the sisters before consulting the court, they should divorce them, for the sages decreed that in this situation they may not remain married. Rabbi Eliezer says that there is a dispute in this matter: Beit Shammai say: He may maintain her as his wife, while Beit Hillel say: They must divorce them.” [↑](#footnote-ref-29)
30. According to him, this proves that according to Beit Shammai’s opinion a levirate betrothal does not effect a full-fledged acquisition of the wife, because if it were so the brothers would have been able to marry the sisters according to the law even ab initio, and they would not have had forbidden relations before the nullification of the requirement to marry the sister of the bride. According to the same logic, Beit Shammai could have permitted the marriage to the wives even according to R. Elazar’s opinion, according to which levirate betrothal does not entail acquisition but only the preclusion of marrying the rival wife! [↑](#footnote-ref-30)
31. This accords with Rashi’s interpretation, according to which the rival wife who is partially precluded is the sister of the betrothed woman. The Tosafot need a more indirect explanation of the contradiction: if levirate betrothal allows the *yavam* to fully preclude the sister, as arises from Beit Shammai’s explicit statement, why can’t it also preclude the rival wife who was widowed from the same household, as R. Elazar and R. Avin argue?! [↑](#footnote-ref-31)
32. See especially the details accompanying R. Avin’s basic argument ( “And if it enters your mind that according to Beit Shammai levirate betrothal . . . .This brother should perform levirate betrothal . . . and that brother should perform levirate betrothal”). Here the common structure deviates from the usual format, “X said don’t say . . . Y said we have also learned . . .” אמ' פלוני לא תימא... אמ' אלמוני אף אנן נמי תנינא [↑](#footnote-ref-32)
33. Y. Yevamot 3:5 (4d): “But Rebbi Hila said in the name of Rebbi Eleazar, the House of Shammai agree that if he divorced the ‘bespoken,’ she needs *ḥalitzah*!” [↑](#footnote-ref-33)
34. See Yevamot 29b; 39a; Nedarim 74a. [↑](#footnote-ref-34)
35. Compare to the alternate suggestions of Ravina and Rav Aha of the sixth-seventh generations in Hullin 57b–58a. [↑](#footnote-ref-35)
36. The focus of this article is on the phenomenon of parallel dialectical structures as it appears in halakhic sugyot in the Babylonian Talmud. We should also note that similar phenomena seem to appear in other rabbinic works as well, in ways that fit the unique features of each of these compositions. On similar parallels in Tannaitic literature, see Schermer and Katzoff, as well as the dissertation of Shlomi Zemah soon to be published at the Hebrew University. On what seem to be raw and limited examples of a similar phenomenon in the Yerushalmi, see H. Mazeh, “Tractate 'Demai' of the Palestinian Talmud: Interpretation, Halakha and Social Dynamics in the Amoraic Period” (PhD diss., Ben-Gurion University of the Negev, 2020) [in Hebrew]. [↑](#footnote-ref-36)
37. See Sotah 31b–32a/Sotah 47b. [↑](#footnote-ref-37)
38. See, for example, Yoma 85a–b/Megillah 7a/Hagigah 10a. [↑](#footnote-ref-38)
39. See also Shabbat 52b; Yevamot 69a [=Kiddushin 75a]. [↑](#footnote-ref-39)
40. See Berakhot 15a–b, Megillah 19b–20a/Hullin 15b. [↑](#footnote-ref-40)
41. Compare to Hanan Mazeh’s conclusions in his dissertation on Yerushalmi Demai (see above). [↑](#footnote-ref-41)
42. Excluding two examples that he discusses as transfers “of the entire structure of the sugya.” See note 2 above. [↑](#footnote-ref-42)