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JLI FLAGSHIP
LESSON 3
—WINTER 5783

Key Points

1. **The Hallmark of Jewish Learning:** More than any other work, the Talmud defines “Jewish learning.” This is because the Talmud is the most comprehensive and authoritative record of the “Oral Torah”—the process by which we engage with the Divine truths revealed in the Torah.
2. **The Making of the Mishnah:** For 35 generations, from the Giving of the Torah at Mount Sinai in 1313 BCE until the end of the 2nd century CE, the Oral Torah was an exclusively oral tradition handed down from teacher to disciple. But when the increasing dispersion of the Jewish people created the danger that this tradition would be lost, Rabbi Yehudah Hanasi took the unprecedented step of compiling the Mishnah, which documents the core teachings of the Oral Torah in 63 “tractates” covering every area of Jewish life.
3. **The Structure and Contents of the Talmud:** The Talmud incorporates the Mishnah and adds to it the “Gemara,” which records the teachings and deliberations of hundreds of sages who studied and taught in the great centers of Torah learning in the Land of Israel and in Babylonia in the three centuries following the Mishnah’s compilation. A primary function of the Gemara is to “expound” the Mishnah: to explain the Mishnah’s meaning, compare and contrast it with other Mishnaic teachings, trace the source of the laws and principles presented in the

Mishnah, and apply these laws and principles to new questions and circumstances. The Gemara also includes numerous other teachings and discussions, in both the Halachic (legal) and Agadic (non-legal) areas of the Oral Torah.

4. ***The Unique Status of the Talmud:*** The Talmud was compiled at a time when, as a result of the growing dispersion of the Jewish people, the global Torah leadership in Babylonia was being replaced by numerous localized Torah centers. The Talmud is therefore the last work that was accepted by the whole of the Jewish people as a definitive record of the Oral Torah. As a result, no subsequent Torah work has achieved the degree of authority that the Talmud commands.
5. ***The Two Talmuds:*** There are actually two versions of the Talmud: the “Jerusalem Talmud,” which records the learning of the Torah academies of the Holy Land in the years 200 to 350 CE; and the “Babylonian Talmud,” created in the learning centers of Mesopotamia in the 3rd, 4th, and 5th centuries. The Jerusalem Talmud is characterized by a “direct approach” that zeroes in on the solution, whereas the Babylonian Talmud reaches its conclusions with a greater degree of roundabout reasoning, rejected hypotheses, and contentious debate. Yet it is the Babylonian version that became the hallmark of Jewish wisdom and learning.
6. ***The Case of the Contested Garment:*** A classic example of the Talmudic exposition of a Mishnah is the Gemara’s analysis of the case of *Shnayim ochazin be’talis* (“Two people are grasping a garment”), in which two people claim ownership of an object, yet neither can provide evidence for their claim. The Gemara examines the particulars of the Mishnah’s case, identifies its biblical source, and contrasts it with parallel cases in other Mishnaic sources. In the process, we discover four different possible outcomes for this type of scenario. Depending on who is currently in possession of the object, as well as on the question of whether this is an honest dispute or an attempt by one of the parties to defraud the other, the court will either: (1) award the property to one of the two parties, (2) divide it between them, (3) refuse to get involved, or (4) hold on to the property until the truth comes to light.

7. ***The Talmudic Disputation:*** A prevalent feature of the Talmud is *machloket*—arguments and debates among the sages. These can be viewed as a “necessary evil” of the human participation in the Oral Torah process. Yet the Talmud insists that “these and these are both the words of the living G-d”—that *machloket* serves to reveal the multidimensional nature of the Divine truths contained in the Torah.
8. ***Potential vs. Actual:*** A *machloket* that illustrates this paradigm is the classic debate between the sages of Shammai and the sages of Hillel regarding the kindling of the Chanukah lights, which also has multiple applications in many areas of Torah law. The dispute hinges on the question of which should be given precedence over the other: the potential that a thing possesses or its actual state. The legal ruling in these cases follows the opinion of the school of Hillel; but in the inner life of the mind, both sides of the *machloket* are sustained. Regarding our spiritual self-perception and our relationships with others, the potential takes precedence over the actual, while at the same time, the supremacy of the actual over the potential is also affirmed.
9. ***The Talmudic Mind:*** Talmudic learning leverages the “flaws” of the human mind—its circuitous reasoning, its contentiousness, and its inconsistencies—to reveal the multifaceted nature of the Divine wisdom and apply it to the complexities of human life.