

# Rabbinic Traditions between Palestine and Babylonia

*Edited by*

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# Now You See it, Now You Don't: Can Source-Criticism Perform Magic on Talmudic Passages about Sorcery?

*Shamma Friedman*

for Tomer

In this essay I will deal with three major talmudic passages of rabbinic teaching relating to witchcraft: the story of Rabbi Hanina's encounter with a sorceress in the context of Rabbi Yohanan's and Rabbi Hanina's conflicting positions on the nature of magic; the pericopae that treat Rabbi Eliezer as a magician; and the story about Rabbi Hanina and Rabbi Oshaya, who studied *Sefer Yetzirah* and created a calf, which they then prepared as a sumptuous meal. My approach to these sources is outlined briefly below.

The central talmudic passages dealing with sorcery (for convenience's sake we will also call it "magic"), including how it was viewed in the theological and legal thinking of the sages, have been cited in all the major works on the subject, from Brecher,<sup>1</sup> Joël,<sup>2</sup> Blau,<sup>3</sup> Trachtenberg,<sup>4</sup> and onward. I feel, however, that a new contribution to this subject can emerge through the application to these passages of more recently developed methodologies for the analysis and interpretation of talmudic texts, essentially, but not limited to, redaction criticism. These tools can lend a historical dimension, an awareness of conflicting approaches, and especially help uncover evolutionary processes, unobserved by a superficial or fundamentalist reader, or by the non-critical scholar.<sup>5</sup>

Methodologies of talmudic research have developed profusely in recent decades, although they have yet to be described in a comprehensive fashion,<sup>6</sup> and often remain the secret lore of the initiated. These methodologies do

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1 G. Brecher, *Das Transzendente, Magie, und magische Heilertarten im Talmud* (Vienna 1850).

2 D. Joël, *Der Aberglaube und die Stellung des Judenthums zu demselben* (Breslau 1881–3).

3 L. Blau, *Das altjüdische Zaubrewesen* (Budapest 1898) 19–23.

4 J. Trachtenberg, *Jewish Magic and Superstition: A Study in Folk Religion* (foreword by Moshe Idel, Philadelphia 2004; originally published 1939) 15–6, 19–22.

5 See S. G. Wald, "On the Historical Study of the Talmud," in: D. Golinkin et al. (eds.), *Torah Lishma: Essays in Jewish Studies in Honor of Professor Shamma Friedman* (Jerusalem and Ramat Gan 2007) xiv.

6 But see now a partial addressing of this task in A. Yorav, *Transmission and Methodology* (Jerusalem 2002) [Hebrew].

not always reach all the scholars in the field, and they are even less accessible to scholars in adjacent fields, or those who must use rabbinic literature for broader purposes. In the study below scholarship of earlier periods will be recorded in order to set former methodologies in contrast with new ones.

A major contribution of these critical methodologies is exposing the pervasive evolution of texts and of the concepts imbedded within them. This serves as a vast corrective for the earlier critical approach of viewing similar accounts on a parallel alignment rather than upon a developmental continuum. We suggest that with such an approach (the methodology which exposes evolution) we can find “the divine in the [contrasting] details,” for they reveal the *tendenzen* of the editorial reworking, and by contrast those of the original form.

This approach is particularly apt for the issue of Bavel and Eretz Israel, and their overlapping talmudic literature—a perfect situation for evaluating the “different,” which stands out in contrast to the “similar.” Appreciation of this factor goes far beyond chronology in focusing upon the distinctive mentalities of talmudic society produced by the two communities, the one (Eretz Israel) earthly, indigenous, and integrated within other social classes; the other (Bavel), often exhibiting opposite characteristics, among them rabbinization and scholasticism.

The rise of these critical methodologies, and their flourishing since the second half of the twentieth century, mark a watershed in the correct understanding of tannaitic material embedded in the Bavli. Previous to that, and to some degree among those from various disciplines who accept the earlier conclusions, we are witness to a type of scholarly fundamentalism which takes accounts about tannaim in the Bavli as a historical record, or at least as a reflection of tannaitic beliefs and mentalities, thus falling far short of current standards. This is quite true for the appreciation of reigning concepts and practices in Eretz Israel and Bavel—such as the existence and study of *Sefer Yetzirah*, and practices based upon it, and other magical practices attributed to tannaim in the Bavli—as we attempt to demonstrate in the following pages.

Sorcery is forbidden in Deut 18:10 and the sorcerer (מכשף) is punishable by death according to Exod 22:17.<sup>7</sup> Prevalent and pervasive in the ancient

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7 Through “stoning,” according to the Mishnah (*mSanh* 7:4), following Rabbi Aqiva (*MdRY*, *nezikin* 17, p. 309). The same opinion is held there by Rabbi Yosi Ha-Gelili and Rabbi Yehudah ben Betera, versus Rabbi Yishmael, who stipulates “beheading.” See in detail S. Friedman, “Real and Illusory,” (Hebrew, in preparation) and Appendix B.

Near East,<sup>8</sup> sorcery (or witchcraft<sup>9</sup>) is also a capital offence, by ordeal, according to the Middle Assyrian Laws and the Laws of Hammurabi:

If either a man or a woman should be discovered practicing witchcraft (*kišpī*), and should they prove the charges against them and find them guilty, **they shall kill the practitioner of witchcraft.** A man who heard from an eyewitness to the witchcraft, that he witnessed the practice of the witchcraft, who said to him: “I myself saw it,” that hearsay-witness shall go and inform the king. If the eyewitness should deny what he (i.e. the hearsay-witness) reports to the king, he (i.e. the hearsay-witness) shall declare before the divine Bull the-son-of-the-Sun-God: “He surely told me”—and thus he is clear. As for the eyewitness who spoke (of witnessing the deed to his comrade) and then denied (it to the king), the king shall interrogate him as he sees fit in order to determine his intentions; an exorcist shall have the man make a declaration when they make a purification, and then he himself (i.e. the exorcist) shall say as follows: “No one shall release any of you from the oath you swore by the king and by his son; you are bound by oath to the stipulations of the agreement to which you swore by the king and by his son.”<sup>10</sup>

If a man charges another man with practicing witchcraft (*kišpī*) but cannot bring proof against him, he who is charged with witchcraft shall go to the divine River Ordeal, he shall indeed submit to the divine River Ordeal; if the divine River Ordeal should overwhelm him, his accuser shall take full legal possession of his estate; if the divine River Ordeal should clear that man and should he survive, he who made the charge of witchcraft against him shall be killed; he who submitted to the divine River Ordeal shall take full legal possession of his accuser’s estate.<sup>11</sup>

8 I. T. Abusch, *Babylonian Witchcraft Literature* (Atlanta 1987).

9 The Akkadian verb and noun are cognates of the biblical קִשְׁפוּ: *kašāpu* = “to bewitch, to cast an evil spell” (*CAD*, K, p. 284); *kišpū* = “witchcraft, sorcery” (p. 454).

10 A, §47: translation from M. T. Roth, *Law Collections from Mesopotamia and Asia Minor* (Atlanta 1997) 172; cf. G. Cardascia, *Les Lois Assyriennes* (Paris 1965) 230–6, and especially G. R. Driver and J. C. Miles, *The Assyrian Laws* (Oxford 1935) 118–21.

11 §2; translation from Roth, *Collections*, 81.

Witchcraft can be considered a crime in this culture<sup>12</sup> and others,<sup>13</sup> not for theological reasons, but presumably for inflicting criminal damage.<sup>14</sup> In the context of Deut 18:9–14, sorcery is subsumed, together with other acts, under

12 See also, E. Neufeld, *Hittite Laws* (Michigan 1951) 44b, 111, 163.

13 “[T]here is also another kind which persuades the more daring class that they can do injury by sorceries, and incantations, and magic knots, as they are termed, and makes others believe that they, above all persons, are injured by the powers of the magician . . . [H]e who seems to be the sort of man who injures others by magic knots, or enchantments, or incantations, or any of the like practices, if he be a prophet or diviner, let him die; and if, not being a prophet, he be convicted of witchcraft, as in the previous case, let the court fix what he ought to pay or suffer” (Plato, *Laws*, XI, translated by Benjamin Jowett, <http://classics.mit.edu/Plato/laws.11.xi.html>; see P. S. Alexander, “The Talmudic Concept of Conjuring (*ahizat ‘einayim*) and the Problem of the Definition of Magic (*kishuf*),” in: R. Elior and P. Schäfer (eds.), *Creation and Re-Creation in Jewish Thought: Festschrift in Honor of Joseph Dan on the Occasion of His Seventieth Birthday* (Tübingen 2005) 7.

14 “Almost as unpredictable as the activities of demons or ghosts were the machinations of human sorcerers and many rituals dealing with this problem are known. It has to be stressed, however, that black magic as a category never existed in Mesopotamia; sorcerers used exactly the same techniques and spells for their illegitimate purposes that the victims might use to defend themselves legitimately. The only difference is that evil sorcery was done by secretly invoking the gods or manipulating other supernatural powers, while the defense relied on the openness of its acts. It is not easy to understand how the gods themselves could be fooled by this simple distinction, but they obviously were believed to act on behalf of the illegitimate rites as long as the victim failed to point out to them . . . In a lengthy nocturnal ceremony an effigy of the witch has to undergo a trial to determine the criminal nature of her acts, after which her likeness is destroyed by fire . . . [A]nonymity, seemingly an important part of the Babylonian belief in witchcraft, is also reflected in the fact that we have no evidence for witches being actually criminally prosecuted, although several ‘law codes’ mention such procedures. The machinations of a person recognized as the witch were probably no longer magically dangerous and were therefore not mentioned or counteracted in extant rituals. In any case, an accusation of sorcery after the fact was extremely hard to prove, could easily lead to the death of the accuser himself, and was thus probably avoided whenever possible: the standard procedure in such a case was not a trial by human judges, but rather an ordeal by immersion into the ‘Divine River’ who could pronounce the accuser guilty by drowning him, or innocent by letting him survive” (W. Farber, “Witchcraft, Magic, and Divination in Ancient Mesopotamia,” in: J. M. Sasson [ed.], *Civilizations of the Ancient Near East*, vol. 3 (Peabody 1995) 1898; “The attitude of the ruling classes towards magic was at best ambivalent, but usually negative. Magic was almost by definition ‘forbidden,’ and in legal texts it is included in lists of forbidden things. ‘Magic’ tended to function sociologically as a category of disapproval and control, deployed to marginalize and even criminalize certain activities that were not acceptable to the religious and political elites” (Alexander “Conjuring” 9).

the category of abominations practiced by the Canaanites,<sup>15</sup> but not necessarily as a violation of monotheism, as indeed we find in one of the opinions recorded in the Bavli (see below).<sup>16</sup> Modern Bible scholarship has also tended to view the prohibition of witchcraft as an aspect of the dismissal and elimination of idolatry.<sup>17</sup> However, consideration of the fact that the same punishment, namely, death, was also meted out to witchcraft/sorcery in the ancient Near East, casts a new light upon this question. One must conclude that the prohibition is not inherent to monotheistic theology,<sup>18</sup> but is taken over from the ancient Near East much like the “goring ox,” yet is presented in the Pentateuch in Israelite categories: “abomination,” “defilement,” that is, illegitimate avenues to the divine. Closer to the mark would be the view of the anti-social, indeed, deadly force of sorcery as the root cause for its outlawing it and for legislating the death penalty for it.<sup>19</sup> In terms of its literary formulation, “You shall not let

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- 15 In Lev 19:31 the prohibition, which includes some of the practices under discussion, is explained as defiling. Two practices are punishable by the death penalty (Lev 20:27).
- 16 A view in that direction is taken by Tigay: “Although the reason divination and magic are unacceptable ways of learning God’s will is nowhere explicitly stated, it is inferably because they rely, or seem to rely, on powers other than God, both human and supernatural. Magic is frequently predicated on the belief that there are powers independent of the gods, and even superior to them that may be employed without their consent or even against their will. Even where magic is assumed to rely on divine assistance, the spells uttered by pagan magicians leave room for the impression that it is their own power, not the gods’ that is operating” (J. H. Tigay, *The JPS Torah Commentary, Deuteronomy* [Philadelphia 1996] 174; for talmudic references see: pp. 375–6, n. 34).
- 17 “In biblical religion, sorcery in any form was, by definition, deemed ineffectual since all events were under the control of the one God. It was also deemed heretical since any attempt to alter the future purported to flout and overrule the will of God” (J. Milgrom, *The JPS Torah Commentary, Numbers* [Philadelphia 1989], 471 = J. Milgrom, *Leviticus 17–22* [The Anchor Bible; New York 2000] 1186–7). According to the *Book of Watchers*, the black arts were passed on to mortals by the fallen angels, see F. García Martínez and E. J. C. Tigchelaar (eds.), *The Dead Sea Scrolls Study Edition* vol. 1 (Leiden 1997) 403.
- 18 “[T]he antisocial character of black magic . . . led many societies to ban it. That may be the reason behind the prohibition of sorcery in Exodus 22:17” (Tigay, *Deuteronomy*, 174).
- 19 In other words, black magic. For a critique of overdoing the conceptualization of magic solely in terms of monotheistic standards, although from a different aspect, see R. Schmitt, “The Problem of Magic and Monotheism in the Book of Leviticus,” *Journal of Hebrew Scriptures* 8 (2008) 3–6. For an investigation of the route traveled by legal material from Mesopotamia, see S. Greengus, “Biblical and Mesopotamian Law,” in: R. E. Averbeck, M. W. Chavalas, and D. B. Weisberg (eds.), *Life and Culture in the Ancient Near East* (Bethesda 2003) 67, n. 14.

a sorceress (מכשפה) live” (Exod 22:17) is not substantially different from “they shall kill the practitioner of witchcraft (*kišpī*).”<sup>20</sup>

Regarding the Assyrian Laws, we note that the damning formulation of the witness is: “I myself *saw* it.” Below we will deal with the tannaitic distinction between illusion and actual results. This distinction cannot be read back into the Assyrian Laws. Certainly “I myself saw it” refers to the *act* of witchcraft and not its tangible results.

## 1 Rabbi Yohanan and Rabbi Hanina: Two Conflicting Positions on Magic

In discussion of the rabbinic material, I will begin non-chronologically. Analyzing amoraic material first will not only provide an opportunity to demonstrate the use of one of the primary methodological tools at our disposal, but also reveal a conceptual and ideological divide between the two periods, that is, tannaitic and amoraic.

According to my reading, the amoraim, Rabbi Yohanan and Rabbi Hanina, present two fundamental and directly conflicting positions on the nature of magic and its relationship to the divine realm. One of them documents the emergence of full legitimacy for certain magical acts,<sup>21</sup> which, in the amoraic period, eventually becomes a most respected action, and its practitioners heroic. I will explain why this deep contrast of opinions became invisible to many scholars, and how it can disclose the redactional tendency in reworking tannaitic material.

Our passage occurs in two locations with slight variation in BT:

20 Cf. D. P. Wright, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (Oxford 2009) 200.

21 “Abbaye said: The laws of sorcerers are like those of the Shabbat: Certain actions are punished by stoning, some are exempt from punishment, yet forbidden, whilst others are entirely permitted. Thus, if one actually performs magic, he is stoned; if he merely creates an illusion, he is exempt, yet it is forbidden; whilst what is entirely permitted? Such as was performed by Rabbi Hanina and Rabbi Oshaia, who spent every Sabbath eve studying the Laws of Creation, by means of which they created a third-grown calf [better: three-year-old calf, see below] and ate it” (*bSanh* 67b). For more on this text see below.

*bSanh 67b*<sup>22</sup>

Rabbi Yohanan said: Why are they [sorcerers] called *keshafim*? Because they lessen the power of the Divine agencies.

“There is none else besides Him” (Deut 4:35). Rabbi Hanina said: Even by sorcery. A woman once attempted to take earth from under Rabbi Hanina’s feet: He said to her: If you succeed in your attempts, go and practice it [i.e. sorcery]: it is written: “There is none else beside Him” (Deut 4:35).

But that is not so, for did not Rabbi Yohanan say: Why are they called *keshafim*? Because they lessen the power of the Divine agencies?

Rabbi Hanina was in a different category, owing to his abundant merit.

## ב' סנהדרין סז ע"ב

אמר רבי יוחנן: למה נקרא שמן כשפים? שמכחישין פמליא של מעלה<sup>23</sup>

“אין עוד מלבדו” (דברים ד לה). אמר רבי חנינא: אפילו<sup>24</sup> כשפים.

ההיא איתתא דהות קא מהדרא למשקל עפרא מתותי כרעיה דרבי חנינא. אמר לה: אי מסתייעת זילי עבידי.<sup>25</sup> אין עוד מלבדו כתיב.

איני? והאמר רבי יוחנן: למה נקרא שמן כשפים?<sup>26</sup> שמכחישין פמליא של מעלה.

שאני רבי חנינא, דנפיש זכותיה.

22 Soncino translations, with slight adaptations. A parallel text is found in *bHul 7b*. Significant differences are noted below.

23 Rashi: *keshafim*—כשפים—נוטריקון כחש פמליא של מעלה, שעל מי שנגזר לחיות ממיתין (this is an acronym, they lessen the power of the Divine agencies, killing those who were destined to live). Yad Ramah: אמר ר' יוחנן: למה נקרא שמן כשפים? שמכחישין פמליא של מעלה. וכשפים אעפ"י שמלה אחת היא, מחוברת היא משתי מלות, שכן כשפים כש לשון מכחש, פס לשון פמליא. ולשון מכחישין, כאדם שמכחיש דברי חברו, כענין שם (ב' שבועות מז ע"ב) “שני כתי עדים המכחישות זו את זו”. ויש לפרש לשון דבר כחוש וחלש כלומר שניתן להם רשות לבטל גזרת פמליא של מעלה שגזר הגזירה טובה לצדיק שאינו גומר שאם עונותיו [sorcerers] called *keshafim*? Because they lessen the power [*makhishin*] of the Divine agencies. And *keshafim*, even though it is one word, is composed of two words, for [in] *keshafim kash* derives from “lie” [*kahash*] and *makhishin* is like a person who contradicts the words of his fellow as there [*bShevu 47b*] “two groups of witnesses that contradict one another.” Or it should be interpreted as something thin and weak, namely that they were given permission to repeal the decrees of the Divine agencies, who decreed positive decrees for the righteous who is not complete[ly righteous], that if he is bewitched, that decree does not protect him because of his sins”.

24 Printed editions add: לדבר.

25 The version in *bHul 7b* has מילתיך לא מסתייעא (Take [as much as you will], you will not succeed in your attempts).

26 Printed editions: מכשפים.

Rabbi Yohanan says that the practitioners of sorcery deny or weaken<sup>27</sup> the very power of God. They are working against God from the outside of His realm.<sup>28</sup> In contrast, Rabbi Hanina quotes the verse, “There is none besides Him” (Deut 4:35), alleging that it is impossible to operate outside of God’s realm, even through sorcery.

When a witch tried to retrieve some earth from under Rabbi Hanina’s feet in order to use it magically to harm him,<sup>29</sup> he said: “If you succeed in your attempts, go and practice sorcery. It only works if God is behind it” (so in *bSanh*), or “Try as you will, you will *not* succeed, because God is *not* behind it!” (in *bHul*). This is perfectly consistent with Rabbi Hanina’s position that sorcery only works or does not work according to God’s will; there is only one realm (אין עוד מלבדו), in contrast to Rabbi Yohanan, who holds that sorcery operates against God from the outside.

This is the primary material of this sugya, in which, I suggest, we find two diametrically opposing views. However, the talmudic redactor uses Rabbi Yohanan’s statement to challenge Rabbi Hanina’s action, assuming that Rabbi Hanina accepts Rabbi Yohanan’s basic premise. He then removes the difficulty, by assuming that although Rabbi Hanina agreed with Rabbi Yohanan’s world view, namely, that magic succeeds even when working against God’s will, Rabbi Hanina considered himself an exception, owing to his abundant merit, which protects him.<sup>30</sup> In other words, Rabbi Hanina offers a position *à la* Rabbi Yohanan: sorcery operates outside of the realm of the holy, challenging the

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- 27 See Y. Harari, *Early Jewish Magic: Research, Method, Sources* (Jerusalem 2010) 283, n. 48. In order to decide between these two possibilities it is necessary to uncover the more significant meaning behind the rhetoric which is dictated by the *notarikon*. This would seem to relate to power of action rather than theology. שחך in the *hifil* is a transitive verb meaning to “reduce, weaken, impair” (M. Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi and the Midrashic Literature* [New York 1926] 629); “to make lean, to cause deterioration” (M. Sokoloff, *A Dictionary of Jewish Babylonian Aramaic* [Ramat Gan and Baltimore 2002] 568), which seems to be standing behind the Hebrew verb in the Bavli in our passage.
- 28 Alexander writes: “Behind this statement lies a dualistic view of the world as a theatre of conflict between good and evil forces” (Alexander, “Conjuring,” 23).
- 29 The practice was well known in ancient Mesopotamia. An Akkadian text reads (in translation): “for purposes of magic, a witch will take dust from a man’s footprints” (*CAD*, vol. 4 E, 185b). See R. C. Thompson, *Semitic Magic, its Origins and Development* (London 1908) 146 (cited by S. Lieberman, *Greek in Jewish Palestine* [New York 1942] 113, n. 136), for whom the Akkadian material was not yet available.
- 30 “Der Talmud kann den Muth Chaninas nur so begreifen, dass er sich auf die Kraft seiner vielen Verdienste stützte” (Blau, *Zauberwesen*, 22).

power of God, but merit is a counter force, neutralizing the power of magic. The redactor assumes that Rabbi Hanina's lack of concern that the witch's spell would harm him was *not* due to a blanket denial that magic could operate from the outside. Rather, he trusted in the counter power stored in the merits he had amassed through performing *mitzvot*. In other words, according to the redactor, were the witch to have acted against a normal person, Rabbi Hanina would not have said that the witch would not succeed. He said so about himself only due to his own merit.

The redactor has reconciled the conflict by assimilating Rabbi Hanina's position to that of Rabbi Yohanan. However, the unadulterated contrast of the two diametrically opposed theological positions can be retrieved by concentrating on the primary material, in isolation from the editorial stratum.<sup>31</sup>

The redactor abandons Rabbi Hanina's position and also his rhetoric by reconciling and assimilating it both to Rabbi Yohanan's position and to his rhetoric. If sorcery works against God's will, as Rabbi Yohanan said, how could Rabbi Hanina have originally said, "Try as you will, you will not succeed!" The redactor's answer is given within Rabbi Yohanan's concepts: even though sorcery is an autonomous power that overrules Heaven (as Rabbi Yohanan claimed), meritorious piety overrules sorcery!

I claim, however, that Rabbi Hanina himself would never have accepted the redactor's interpretation of his doctrine or of his action. It is not merit that overcomes magic; rather, *all* magic works or does not work through God's will. The practical difference is that, according to Rabbi Hanina, God could block harmful magic even against a sinner. According to the redactor, He could not. Rabbi Hanina's significant ideological statement is thus blunted and diluted by the redactor's scholastic reconciliation. In connection with this passage, Saul Lieberman wrote in the 1940s:

The Rabbis displayed the same intelligent attitude towards magic and charms as towards astrology. Magic is effective in the case of the ordinary man only, but not in that of the really righteous, whose merit is great (דנפישא זכותיה); it is powerless in face of the virtuous man. So TB<sup>32</sup> relates: ההיא איתתא דהות קא מהדרא למישקל עפרא מתותיה כרעי דר' חנינא

31 The following passage may indicate that the two positions have been reversed in transmission, a not uncommon phenomenon in talmudic literature: "It was stated. Rabbi Hanina said: The planetary influence gives wisdom, the planetary influence gives wealth, and Israel stands under planetary influence. Rabbi Yohanan maintained: Israel is immune from planetary influence" (*bShab* 156a).

32 Note 134 here: "Hullin 7b (and parallel)."

אמר לה שקילי לא מסתייעא מילתיך, אין עוד מלבדו כתב  
 take the sand from under the footsteps of R. Hanina.<sup>33</sup> He said to her:  
 Take it; thy sorcery shall not succeed, for it is written: *“There is none else  
 besides Him”* (Deut. IV.35).<sup>34</sup>

Lieberman cites Rabbi Hanina, but interprets him according to the redactor, by saying: “Magic is effective in the case of the ordinary man only”—thus drawing Rabbi Hanina into Rabbi Yohanan’s position of automatic effectiveness. The power of “merit” is the redactor’s bending of Rabbi Hanina’s response to the witch in order to accommodate it to Rabbi Yohanan’s view. However, Rabbi Hanina’s citation of the verse “There is none else beside Him” as quoted by Lieberman could only serve Rabbi Hanina’s original position, but not as proof-text for the redactor’s explanation, which posits that there *is* a power beside Him, but a counter-force (Rabbi Hanina’s merit) neutralizes it.

Lieberman opens with the redactor’s position, even quoting the Aramaic text (דנפישא זכותיה), but keeps it separate from the formal quotation of the episode of Rabbi Hanina and the witch, as if signaling his awareness that this is a position based on the redactor’s reinterpretation, a position which, however, Lieberman completely accepts. Writing in the 1940s, this was more of an option than from the 70s onwards, when awareness brought with it a requirement to flesh out the original pre-redactional import of amoraic materials,<sup>35</sup> a methodological switch which Lieberman himself subsequently acknowledged.<sup>36</sup>

In most contemporary scholarship on magic the positions of Rabbi Hanina and Rabbi Yohanan are also presented through the eyes of the redactor, and as representing, in their combined form forged by the redactor, a general rabbinic stance on magic.<sup>37</sup> Thus a golden opportunity for bringing these contrasting

33 Note 135 here: “A Palestinian sage of the III c.”

34 Lieberman, *Greek in Jewish Palestine* (New York 1965) 113.

35 See S. Friedman, “A Critical Study of Yevamot X with a Methodological Introduction,” in: H. Z. Dimitrovsky (ed.), *Texts and Studies: Analecta Judaica* vol. 1 (New York 1977) 283–314 [Hebrew].

36 Private written communications, Feb. 19, 1975 (אור ליום ה' לסדר זכור אשר עשה לך עמלק) (י"ג פרש' בהעלותך תשל"ז); May 31, 1977 (תשל"ה).

37 See Urbach, *Sages*, 97–8, where both opinions are cited together to indicate a general “opposition to sorcerers,” without any indication of the specific conflicting ideologies. The general position is presented closer to what we have associated with Rabbi Hanina only: “The Rabbinic doctrine [...] excludes the possibility of the existence of a magical power capable of influencing the laws of nature and the decrees of God.” Thus, he assimilates Rabbi Yohanan to Rabbi Hanina, in the opposite direction taken by the redactor. Veltri,

ideological opinions into sharp focus is forfeited, eclipsed by redactional harmonization.<sup>38</sup>

## 2 Rabbi Eliezer Portrayed as Magician

Scholarly opinion would have it that just as Saul practiced necromancy according to the first book of Samuel (1Sam 28:8–25), so, according to tannaitic literature, Rabbi Eliezer practiced the magical planting and harvesting of cucumbers, and recounted his accomplishments in a detailed first-person narrative. The relevant passage follows:

*bSanh* 68a

Moreover, I have studied three hundred (or, as others state, three thousand) laws<sup>39</sup> about the planting of cucumbers [by magic] and no man, excepting Aqiva ben Joseph, ever questioned me thereon. For it once happened that he and I were walking together on a road, when he said to me: My master, teach me about the planting of cucumbers. I pronounced a spell, and the whole field was filled with cucumbers.

ב' סנהדרין סח ע"א

ולא עוד אלא שאני שונה שלש מאות הלכות, ואמרי לה שלשת אלפים הלכות, בנטיעת קשואין ולא היה אדם שואלני בהן דבר מעולם, חוץ מעקיבא בן יוסף.

פעם אחת אני והוא מהלכין היינו בדרך. אמר לי: רבי, למדני בנטיעת קשואין.

אמרתי דבר אחד, נתמלאה כל השדה קשואין.

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on the other hand, unites Rabbi Hanina and Rabbi Yohanan in the position assigned by the redactor: “Die Zauberei hatte über R. Hanina wegen seiner Verdienste (זכותיה) keine Macht. Dieses talmudische Diktum bekräftigt einmal mehr, dass R. Yohanan—entgegen der Interpretation Urbachs—den Zaubereim die Macht einräumt, sich der oberen Familia zu widersetzen; R. Hanina ist davon ausgenommen, was der Talmud seinen Verdiensten zuschreibt” (G. Veltri, *Magie und Halakha: Ansätze zu einem empirischen Wissenschaftsbegriff im spätantiken und frühmittelalterischen Judentum* [Tübingen 1997] 38–9). J. H. Chajes (“Rabbis and their [In]Famous Magic: Classical Foundations, Medieval and Early Modern Reverberations,” in: R. S. Boustán, O. Kosansky, and M. Rustow [eds.], *Jewish Studies at the Crossroads of Anthropology and History: Authority, Diaspora, Tradition* [Philadelphia 2011], 59) mentions only Rabbi Yohanan, apparently assimilating Rabbi Hanina to that view, and finding a different approach only with Abbaye.

38 See Harari, *Magic*, 283, who builds both statements into his description of a rabbinic stance.

39 See the Yerushalmi cited below.

Then he said: Master, you have taught me how to plant them. Now teach me how to pluck them up. I pronounced another spell and all the cucumbers gathered in one place.

אמר לי: רבי, למדתני נטיעתן. למדני עקירתן. אמרתי דבר אחד, נתקבצו כולן למקום אחד.

This cucumber episode is part of a longer passage introduced by תניא, marking it as a *baraita*. As is well known, the terms ברייתא and תניא apply to tannaitic pericopae embedded in the talmudic discourse. Were we to accept a categorization of this passage on the basis of the introductory term (תניא), it would be valid to ascribe this report to an authentic tannaitic tradition. We would then conclude, as is indeed the position of contemporary scholarship on rabbinic magic, that the tannaim viewed Rabbi Eliezer as actively performing cucumber magic. However, let us review the entire *baraita*<sup>40</sup> in which this report is but a small part:

*bSanh* 68a

Surely it has been taught:

When Rabbi Eliezer fell sick, Rabbi Aqiva and his companions went to visit him. He was seated in his canopied four-poster, whilst they sat in his salon.

That day was Shabbat eve, and his son Hyrcanus went in to him to remove his phylacteries. But his father rebuked him, and he retreated crestfallen.

It seems to me, said he to them, that my father's mind is deranged. But [Rabbi Eliezer] said to them: His mind and his mother's mind are deranged. How can one neglect a prohibition which is punished by stoning, and turn attention to something which is merely forbidden as *shevut*?

ב' סנהדרין סח ע"א

והתניא:

כשחלה רבי אליעזר נכנסו רבי עקיבא וחביריו לבקרו. הוא יושב בקינוף שלו והן יושבין בטרקלין שלו.

ואותו היום ערב שבת היה, ונכנס הורקנוס בנו לחלוץ תפלויו. גער בו ויצא בניזיפה.

אמר להן לחביריו: כמדומה אני שדעתו של אבא נטרפה. אמר להן: דעתו ודעת אמו נטרפה. היאך מניחין איסור סקילה ועוסקין באיסור שבות?

40 An expanded and reworked parallel is found in *AdRN A* 25 (see A. Goshen-Gottstein, "A Lonely Sage on his Deathbed: The Story of the Death of Rabbi Eliezer—An Ideological Analysis," in: M. Bar-Asher, A. Edrei, J. Levinson, and B. Lifshitz (eds.), *Studies in Talmudic and Midrashic Literature in Memory of Tirzah Lifshitz* [Jerusalem 2005] 79–112 [Hebrew]), based mostly on the Bavli, but also drawing on the Yerushalmi (arranged synoptically in Appendix A below), and other sources. The 300 laws taught are not laws of cucumber planting, but laws of witchcraft, as in the Tosefta and *ySanhedrin*. See also *AdRN A* 19.

The sages, seeing that his mind was clear, entered his chamber and sat down at a distance of four cubits.

Why have ye come? Said he to them. To study the Torah, they replied; And why did ye not come before now? He asked. They answered: We had no time. He then said: I will be surprised if these die a natural death. Rabbi Aqiva asked him: And what will my death be? And he answered: Yours will be more cruel than theirs. He then put his two arms over his heart, and bewailed them, saying: Woe to you, two arms of mine that have been like two Scrolls of the Law that are wrapped up. Much Torah have I studied, and much have I taught. Much Torah have I learnt, yet have I but skimmed from the knowledge of my teachers as much as a dog lapping from the sea. Much Torah have I taught, yet my disciples have only drawn from me as much as a painting stick from its tube.

Moreover, I have studied three hundred laws on the subject of a deep bright spot, yet no man has ever asked me about them. Moreover, I have studied three hundred (or, as others state, three thousand) laws<sup>41</sup> about the planting of cucumbers [by magic] and no man, excepting Aqiva ben Joseph, ever questioned me thereon. For it once happened that he and I were walking together on a road, when he said to me: My master, teach me about the planting of cucumbers. I pronounced a spell, and the whole field was filled with cucumbers. Then he said: Master, you have taught me how to plant them. Now

כיון שראו חכמים שדעתו מיושבת עליו, נכנסו וישבו לפניו מרחוק ארבע אמות.

אמר להם: למה באתם? אמרו לו: ללמוד תורה באנו. אמר להם: ועד עכשיו למה לא באתם? אמרו לו: לא היה לנו פנאי. אמר להן: תמיה אני אם ימותו מיתת עצמן. אמר לו רבי עקיבא: שלי מהו? אמר לו: שלך קשה משלהן. נטל שתי זרועותיו והניחן על לבו, אמר: אוי לכם שתי זרועותיי, שהן כשתי ספרי תורה שנגללין. הרבה תורה למדתי, והרבה תורה לימדתי. הרבה תורה למדתי, ולא חסרתי מרבתי אפילו ככלב המלקק מן הים. הרבה תורה לימדתי, ולא חסרוני תלמידי אלא כמכחול בשופרת.

ולא עוד, אלא שאני שונה שלש מאות הלכות בבחרת עזה, ולא היה אדם ששואלני בהן דבר מעולם.

ולא עוד אלא שאני שונה שלש מאות הלכות, ואמרי לה שלשת אלפים הלכות, בנטיעת קשואין ולא היה אדם שואלני בהן דבר מעולם, חוץ מעקיבא בן יוסף. פעם אחת אני והוא מהלכין היינו בדרך, אמר לי: רבי, למדני בנטיעת קשואין. אמרתי דבר אחד נתמלאה כל השדה קשואין. אמר לי: רבי, למדתני נטיעתן, למדני עקירתן. אמרתי דבר אחד, נתקבצו כולן למקום אחד.

<sup>41</sup> See Yerushalmi cited below.

teach me how to pluck them up. I pronounced another spell and all the cucumbers gathered in one place.

His visitors then asked him: What is the law of a ball, a shoemaker's last, an amulet, a leather bag containing pearls, and a small weight? He replied: They can become impure, and if impure, they are restored to their purity just as they are. [Then they asked him:] What of a shoe that is on the last? He replied: It is pure.

And in pronouncing the word "pure" his soul departed in purity.

Then Rabbi Yehoshua arose and exclaimed: The vow is annulled, the vow is annulled!

On the conclusion of Shabbat Rabbi Aqiva met his bier being carried from Caesarea to Lod. [In his grief] he beat his flesh until the blood flowed down upon the earth. [Then Rabbi Aqiva] commenced [his funeral address, the mourners being] lined up about the coffin, and said: "My father, my father, the chariot of Israel and the horsemen thereof" (2Kgs 2:12); I have many coins, but no money changer to accept them.

אמרו לו: הכדור והאמוס והקמיע וצרור המרגליות ומשקולת קטנה מהו? אמר להן: הן טמאין וטהרתן במה שהן. מנעל שעל גבי האמוס מהו? אמר להן: הוא טהור.

ויצאה נשמתו בטהרה.

עמד רבי יהושע על רגליו ואמר: הותר הנדר, הותר הנדר.

למוצאי שבת פגע בו רבי עקיבא, מן קיסרי ללוד. היה מכה בבשרו עד שדמו שותת לארץ. פתח עליו בשורה ואמר: "אבי אבי רכב ישראל ופרשיו" (מלכים ב ב יב), הרבה מעות יש לי ואין לי שולחני להרצותן.

The extreme length of this *baraita* alone would suffice to support the conclusion that it is not an authentic tannaitic source. Further investigation demonstrates that it is an amoraic conglomerate composition, in *part* based upon reworked tannaitic material.<sup>42</sup>

42 It bears a relationship to the examples cited by Rubenstein as "pseudo-baraitot," "pseudoteachings" (J. L. Rubenstein, *Stories of the Babylonian Talmud* [Baltimore 2010] 261–2), see his general description there; S. Friedman, *Talmud Arukh, BT Bava Metz'ia VI: Critical Edition with Comprehensive Commentary, Text Volume and Introduction* (Jerusalem 1996) 8–9; *idem*, "Towards a Characterization of Babylonian Baraitot: 'ben Tema' and 'ben Doretai,'" in: Y. Elman, E. B. Halivni, and Z. A. Steinfeld (eds.), *Neti'ot Ledavid: Jubilee Volume for David Weiss Halivni* (Jerusalem 2004) 200–3 [Hebrew]; *idem*, "Wonder Not at

The Yerushalmi has a similar extended *baraita*<sup>43</sup> portraying Rabbi Eliezer's death scene, in a similar, but shorter version. Notably, the cucumber episode is completely absent! This episode, then, is to be taken as a further Babylonian expansion of the Palestinian amoraic composition.<sup>44</sup> A comparison of the Bavli and Yerushalmi passages follows:

| ב' סנהדרין סח ע"א  | י' שבת ב ב, ה ע"ב   |
|--|---|
| כשחלה רבי אליעזר נכנסו רבי עקיבא וחביריו לבקרו. הוא יושב בקינוף שלו והן יושבין בטרקלין שלו.  | מעשה ביר' ליעזר שהיה גוסס.  |
| ואותו היום ערב שבת היה, ונכנס הורקנוס בנו לחלוץ תפילו. גער בו ויצא בנוזיפה.  | ערב שבת עם חשיכה ונכנס הורקנוס בנו לחלוץ את תפילו.  |
| אמר להן לחביריו: כמדומה אני שדעתו של אבא נטרפה.  | אמ' לו: בני, הינחת מצות הנר שהיא שבות, וחיבבין עליה כרת, ובאתה לחלוץ תפילין, שאינן אלא רשות ואינן אלא מצוה. |
| אמר להן: דעתו ודעת אמו נטרפה, היאך מניחין איסור סקילה ועוסקין באיסור שבות?   | יצא לו והיה צועק ואמ': אוי לי שנטרפה דעתו שלאבא. אמ' לו: דעתך היא שנטרפה. דעתי היא לא נטרפה.                |
| כיון שראו חכמים שדעתו מיושבת עליו, נכנסו וישבו לפניו מרחוק ארבע אמות.  | כיון שראו תלמידיו שהשיבו דבר שלחכמה, נכנסו אצלו.  |
| אמר להם: למה באתם? אמרו לו: ללמוד תורה באנו. אמר להם: ועד עכשיו למה לא באתם? אמרו לו: לא היה לנו פנאי. אמר להן: תמיה אני אם ימותו מיתת עצמן. אמר לו רבי עקיבא: שלי מהו? אמר לו: שלך קשה משלהן. נטל שתי זרעותיו והניחן על לבו, אמר: אוי לכם שתי זרועותיי שהן כשתי ספרי תורה שנגללין. הרבה |   |

a Gloss in which the Name of an Amora is Mentioned: The Amoraic Statements and the Anonymous Material in the Sugyot of the Bavli Revisited," in: S. Friedman (ed.), *Talmudic Studies: Investigating the Sugya, Variant Readings and Aggada* (New York and Jerusalem 2010) 117–30 [Hebrew]; *idem*, "The Baraitot in the Bavli and their Relation to their Parallels in the Tosefta," in: D. Boyarin et al. (eds.), *Atara l'Haim: Studies in the Talmud and Medieval Rabbinic Literature in Honor of Professor Haim Zalman Dimitrovsky* (Jerusalem 2000) 163–201 [Hebrew].

43 See J. N. Epstein, *Studies in Talmudic Literature and Semitic Languages*, vol. 2 (Jerusalem 1988), 68–9 [Hebrew] for comparison with a parallel to one of its parts.

44 See Friedman, *Talmud Arukh, Text Volume*, 14, n. 50; Goshen-Gottstein, "Ideological Analysis," 84–90.

תורה למדתי, והרבה תורה לימדתי. הרבה תורה למדתי, ולא חסרתי מרבתי אפילו ככלב המלקק מן הים, הרבה תורה לימדתי, ולא חסרוני תלמידי אלא כמכחול בשפופרת. ולא עוד אלא שאני שונה שלש מאות הלכות בבהרת עזה, ולא היה אדם ששואלני בהן דבר מעולם.

ולא עוד אלא שאני שונה שלש מאות הלכות, ואמרי לה שלשת אלפים הלכות, בנטיעת קשואין ולא היה אדם שואלני בהן דבר מעולם, חוץ מעקיבא בן יוסף. פעם אחת אני והוא מהל' כין היינו בדרך. אמר לי: רבי, למדני בנטיעת קשואין. אמרתי דבר אחד נתמלאה כל השדה קשואין. אמר לי: רבי, למדני נטיעתן, למדני עקירתן. אמרתי דבר אחד, נתקבצו כולן למקום אחד.

אמרו לו: הכדור והאמוס והקמיע וצרור המרג' ליות ומשקולת קטנה מהו? אמר להן: הן טמאין וטהרתן במה שהן. מנעל שעל גבי האמוס מהו? אמר להן: הוא טהור. ויצאה נשמתו בטהרה.

עמד רבי יהושע על רגליו ואמר: הותר הנדר, הותר הנדר!  
למוצאי שבת פגע בו רבי עקיבא מן קיסרי ללוד, היה מכה בבשרו עד שדמו שותת לארץ. פתח עליו בשורה ואמר:  
"אבי אבי רכב ישראל ופרשיו" (מל"ב ב יב), הרבה מעות יש לי ואין לי שולחני להרצותן.

היו שואלין אותו והיה או' להן על הטמא טמא ועל הטהור טהור.

ובאחרונה אמ' טהור, ונסתלקה נשמתו. אמרין: ניכר רבי שהוא טהור...

נכנס ר' יהושע וחלץ את תפיליו והיה מגפפו ומנשקו ובוכה ואו': רבי רבי, הותר הנדר.

רבי, "רכב ישראל ופרשיו" (מל"ב ב יב).

*bSanh 68a*

When Rabbi Eliezer fell sick, Rabbi Aqiva and his companions went to visit him. He was seated in his canopied four-poster, whilst they sat in his salon.

That day was Shabbat eve, and his son Hyrcanus went in to him to remove his phylacteries. But his father rebuked him, and he retreated crestfallen.

*yShab 2:2, 5b*

It happened that Rabbi Liezer was dying.

[It was] the eve of Shabbat, and Hyrcanus, his son, entered to remove his (Rabbi Eliezer's) phylacteries (which are forbidden to be worn on a Shabbat).

It seems to me, said he to them, that my father's mind is deranged. But [Rabbi Eliezer] said to them: His mind and his mother's mind are deranged. How can one neglect a prohibition which is punished by stoning, and turn attention to something which is merely forbidden as *shevut*?

The sages, seeing that his mind was clear, entered his chamber and sat down at a distance of four cubits.

Why have ye come? said he to them. To study the Torah, they replied; And why did ye not come before now? He asked. They answered: We had no time. He then said: I will be surprised if these die a natural death. Rabbi Aqiva asked him: And what will my death be? And he answered: Yours will be more cruel than theirs. He then put his two arms over his heart, and bewailed them, saying: Woe to you, two arms of mine that have been like two Scrolls of the Law that are wrapped up. Much Torah have I studied, and much have I taught. Much Torah have I learnt, yet have I but skimmed from the knowledge of my teachers as much as a dog lapping from the sea. Much Torah have I taught, yet my disciples have only drawn from me as much as a painting stick from its tube.

His visitors then asked him: What is the law of a ball, a shoemaker's last, an amulet, a leather bag containing pearls, and a small weight? He replied: They can become impure, and if impure, they are restored to their purity just as they are.

He (Rabbi Eliezer) said to him: My son, you abandoned the command of lighting the candle, which is *shevut* [a major commandment of the Shabbat] and is punished by death at the hands of heaven, and you came to remove my phylacteries, which is merely *reshut*, and is merely a *mitsva*?!  
 He left shouting and said: O, my father's mind is lost. He said to him: Your mind is lost. My mind is not lost.

When his pupils saw that he answered him with words of wisdom, they entered [his chamber]

And they busied themselves asking him, and he was telling them, that impure thing impure, and pure is pure.

[Then they asked him:] What of a shoe that is on the last? He replied: It is pure. And in pronouncing the word “pure” his soul departed in purity.

Then Rabbi Yehoshua arose and exclaimed: The vow is annulled, the vow is annulled!

On the conclusion of Shabbat Rabbi Aqiva met his bier being carried from Caesarea to Lod. [In his grief] he beat his flesh until the blood flowed down upon the earth. [Then R. Aqiva] commenced [his funeral address, the mourners being] lined up about the coffin, and said:

“My father, my father, the chariot of Israel and the horsemen thereof” (2Kgs 2:12); I have many coins, but no money changer to accept them.

And in the end he said “pure,” and his soul departed. They said: It is apparent that Rabbi is pure.

Rabbi Yehoshua came in, and removed his phylacteries, and embraced him and kissed him and cried and said: My master, my master, the vow is annulled.

My master, “The chariot of Israel and the horsemen thereof” (2Kgs 2:12).

As noted above, the cucumber episode is completely absent from the Yerushalmi version.<sup>45</sup> However, there is indeed an authentic tannaitic parallel

45 Levinson writes regarding this *baraita* in the Bavli: “the unique version of the narrative of R. Eliezer’s death that appears here emphasizes how magic is part of the Torah. In distinction from the version recorded in Palestinian texts (*yShab* 5b, 382), where magic does not even appear, here R. Eliezer is praised for his magical knowledge, as one who knows three hundred laws of magic. What is important is not so much the hyperbolic quantity but the actual transformation of magic into law, into a type of legal tradition that must be studied and transmitted. It would seem that the Babylonian sages are less concerned with other magicians who can perform the same magical feats than with protecting and distinguishing their knowledge of magic from non-sage magicians” (J. Levinson, “Enchanting Rabbis: Contest Narratives between Rabbis and Magicians in Late Antiquity,” *Jewish Quarterly Review* 100 [2010] 73). It cannot be said, however, that only the Bavli portrays Rabbi Eliezer as “one who knows three hundred laws of magic.” Tannaitic literature and the Yerushalmi describe Rabbi Eliezer as transmitting three hundred laws regarding *לא תחיה מכשפה* (see below), laws which are in essence about specific magical practices.

regarding Rabbi Eliezer and cucumber magic, but the differences are telling. *tSanh* 11:5 reads:

| Cod. Erfurt   | Ed. Prin.  | Cod. Vienna  |
|---|--|--|
| אמ' ר' עקיבא: שלש מאות הלכות היה ר' אליעזר דורש ב"מכשפה לא תחיה" (בנטי) ולא למדתי (שמות כב ז), ולא למדתי שני דברים: שנים מלקטין קישואין, אחד לוקט פטור, אחד לוקט פטור. העושה מעשה חייב, ואחד לוקט פטור. העושה מעשה חייב, והאוחז את העינים פטור. | א"ר עקיבא: שלש מאות הלכות היה ר' אליעזר שונה במכשפה, ולא למדתי ממנו אלא שני דברי: שנים מלקטין קישואין, א' לוקט פטור, ואחד לוקט חייב. העושה מעשה חייב, האוחז את העני' פטור. | אמ' ר' עקיבא: שלש מאות הלכות היה ר' אליעזר שונה ב"מכשפה לא תחיה" (שמות כב ז), ולא למדתי ממנו אלא שני דברים: שנים מלקטין קישואין, אחד לוקט פטור, אחד לוקט חייב. העושה מצוה חייב. האוחז את העצים פטור. |

Said Rabbi Aqiva: Three hundred *halakhot* Rabbi Eliezer used to expound on "Thou shalt not suffer a sorceress to live" (Exod 22:17), but I have only learnt two things from him: Two may be gathering cucumbers, of whom the one is innocent and the other guilty; he who actually does the deed is guilty, and he who only appears to do so is innocent.<sup>46</sup>

The three hundred laws that Rabbi Eliezer could teach according to the Tosefta in this regard were not "three hundred laws about the planting of cucumbers," as they became in the Bavli's *baraita*, but originally three hundred laws<sup>47</sup> regarding Exod 22:17, "Though shalt not suffer a sorceress<sup>48</sup> to live"<sup>49</sup> (מְכַשְׁפָּה).

46 Translation: H. Danby, *Tractate Sanhedrin, Mishnah and Tosefta, Translated from the Hebrew with Brief Annotations* (London 1919).

47 The exaggerated round number 300 is quite common in rabbinic literature (see I. Zeligman, *The Treasury of Numbers* [New York 1942] 340–3 [Hebrew]), has been observed by medieval commentators, and often discussed in secondary literature; see recently Ch. Gafni, "Hyperbolic Language in the Mishnah?," *Jewish Studies: An Internet Journal* 8 (2009) 153–66 [Hebrew] and the literature cited there.

48 Y. Bazak voiced the far-reaching claim that Rabbi Eliezer wished to avoid mentioning sorcery (כַּשְׁפִּים) by name, so he called it "cucumbers" (קִשְׂוֵאִים), in that the *gematria* of both is 451 (when using the כולל system for the first = counting the word itself as 1 (Y. Bazak, "Cucumbers and Witchcraft," *Bar Ilan* 6 (1968) 165–6 [Hebrew]).

49 Cf. Goshen-Gottstein, "Ideological Analysis," 88. Goshen (n. 29) considers the possibility that the Bavli's *baraita* changed the subject of the 300 laws from witchcraft in general to cucumbers in particular under the influence of the Mishnah, which speaks about harvesting cucumbers. This is, of course, not necessary, for the very Tosefta passage which served as the source of the *baraita* in the Bavli already contains the same language, i.e.



of cucumber-harvesting as a paradigmatic example in order to present the legal distinction between actually performing versus creating an optical illusion. In choosing cucumber magic as a fitting paradigm, we would expect that Rabbi Eliezer was making use of a well-known magical feat. Magical harvesting of crops fits the bill as an accomplishment that an ancient sorcerer could certainly boast about, as Gideon Bohak has already pointed out.<sup>53</sup>

Simon Magus, also known as Simon the Sorcerer, was a Samaritan proto-Gnostic in the first century CE.<sup>54</sup> Mentioned in Acts 8:9–24 and accused of being a demon in human form, he was said to possess the ability to levitate and fly at will, with stories of his fantastic accomplishments persisting into the Middle Ages. Simon plied his wares shamelessly:

I can make myself invisible to those who would seize me, and again, if I wish to be seen, I can appear before them. If I should wish to flee, I would bore through mountains and pass through rocks as if they were clay. If I should hurl myself from a high mountain, I should be brought to earth unharmed, as if borne up. If I be bound, I will lose myself, and those who fettered me I will lay in bonds; if confined in prison, I will make the doors open of themselves. I will animate statues, so that those who behold them will suppose them to be living men. I will make new trees spring up at once and cause thickets to grow up suddenly. I will throw myself into the fire and I shall not be burned. I change my countenance so as not to be recognized; nay I can show to men that I have two faces. I will turn myself into a ewe or a she-goat. I will cause beards to grow on the faces of little boys. I will fly up into the air, I will produce gold in great quantities, I will make kings and cast them down . . . and once when my mother Rachel ordered me to go to the field to reap, and *I saw a sickle lying, I ordered it to go and reap*; and it reaped ten times more than the others. Lately, I produced many new sprouts from the earth, and made them bear leaves and produce fruit in a moment.<sup>55</sup>

53 G. Bohak, *Ancient Jewish Magic: A History* (New York 2008) 360.

54 Regarding a possible reflection of Simon Magus in Rabbinic literature, see H. J. Schoeps, "Simon Magus in der Haggadah?," *Hebrew Union College Annual* 21 (1948) 257–74. My suggestion is not contingent on Schoeps' hypothesis.

55 *Pseudo-Clementine Recognitiones*, II, 9. Cf. Bohak, *Ancient Jewish Magic*, 360, in connection with Rabbi Eliezer. For further examples of the magician's boast genre see C. Bonner, "A Papyrus Describing Magical Powers," *Transactions and Proceedings of the American Philological Association* 52 (1921) 111–8.

Thus the Bavli's *baraita* expanded and extended the ancient category of harvesting magic mentioned in the Tosefta to a more picturesque and exaggerated level: it offers three hundred laws, not just one; it supplies narrative context ("he and I were walking together on a road" etc.);<sup>56</sup> and, furthermore, it records that Rabbi Eliezer did more than *teach* the law—he recounted his actual exploits of magically planting and harvesting cucumbers as a demonstration for Rabbi Aqiva's benefit.

We have compared the Bavli *baraita* with the Tosefta parallel in detail, yielding a clear evolutionary relationship; indeed, we have "a close genetic link"<sup>57</sup> with man-made mutations. A competing model understands similar parallel passages which conflict on certain details, as "separate traditions."<sup>58</sup> I have

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56 Cf. *mAZ* 2:5 etc.

57 See M. Kister, "Divorce, Reproof, and Other Sayings in the Synoptic Gospels: Jesus Traditions in the Context of 'Qumranic' and Other Texts," in: R. A. Clements and D. R. Schwartz (eds.), *Text, Thought, and Practice in Qumran and Early Christianity: Proceedings of the Ninth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature* (Leiden 2009) 202.

58 Alexander writes: "The juxtaposition of the two texts also raises a serious issue which troubled the Bavli's redactor. If, as the Bavli story implies, Eliezer 'did the deed,' is he not then culpable in terms of the Mishnaic ruling? 'Did we not learn,' the redactor asks, 'that he who does the deed is culpable? [However,] if it is only to teach, it is different. For it has been said, 'You shall not learn to do after the abominations of these nations' (Deut 18:9): you may not learn in order to practice, but you may learn in order to understand." This explanation simply does not work, for while Aqiva might at a stretch be seen as studying or learning, Eliezer cannot: he actually "does the deed." This analysis strongly suggests that we have here two traditions which, despite superficial similarities, originally had nothing to do with each other. The one does not explain the other. The only substantial resemblances between them happen to be the involvement of Aqiva, and the presence of cucumbers" (p. 12). Alexander goes on to establish an understanding of the Mishnah separate from and independent of its close parallels: "The Mishnah has to be explained in another way. I would suggest that it envisages basically an act of magic whereby an object—a coin, an egg, here a cucumber—is suddenly produced to the sight of an onlooker. 'Gathering' here has a technical sense and graphically describes the action of 'plucking' something out of thin air" (Alexander, "Conjuring," 13). Alexander continues with an attempt to buttress this explanation: "This interpretation of 'gathering' as a technical term borrowed from magic gains some support from an obscure passage in Bavli Sanhedrin in the middle of folio 67b, which has been commonly misunderstood . . . Rav Papa exclaims: 'By God! Though something the size of a camel he [a magician] cannot create, the former [an object the size of a barley-corn] he can [at least] collect. However, the latter [an object the size of a camel] he cannot collect . . . The Mishnah, then, I would suggest, envisages a situation in which a magician has produced a cucumber apparently from nothing: if he has actually created the cucumber he is guilty" etc. (pp. 13–4). However, in

argued for the advantages of the evolutionary model, in light of much conscious editorial activity that we are now able to perceive in rabbinic works, an Occam's Razor approach.<sup>59</sup>

The laudatory attitude to Rabbi Eliezer for performing acts through sorcery is not to be ascribed to a tannaitic conceptualization, whose legitimate representatives blame sorcery for distancing Israel from God's holy bounties: "Fornication and sorceries have made an end of them altogether" (*mSot* 9:13). As a reworking of genuine tannaitic material it reflects the *tendenz* of the redactor of *baraitot* in the Bavli, and expresses the positive attitude towards magic performed by sages as reflected in amoraic narrative, and in the unadulterated form of Rabbi Hanina's stance: all magic is "under God."

I will now address three issues relating to this analysis: (1) the relationship between the relevant passages in the Mishnah and Tosefta; (2) whether Rabbi Aqiva received this teaching from Rabbi Eliezer or from Rabbi Yehoshua; (3) the expansion of the permission to study magic from theory to practice.

## 2.1 *The Relationship between the Mishnah and Tosefta*

The Mishnah runs as follows:

*mSanh* 7:11

מ' סנהדרין ז יא<sup>60</sup>

A sorcerer, if he actually performs magic [is liable to the death penalty], but not if he merely creates an illusions. המכשף, העושה מעשה, לא האוחז את העיניים.

the original the verbs are different. The Mishnah's לקט is indeed an agriculture term for "harvest"; Aramaic *בנף* (ליה) — לא מיכניף ליה, והאי — ליה, והאי — מיכניף ליה, = "assemble," etc. Sokoloff, *Babylonian*, 589, translates this passage: "(the demon) can (magically assemble this [i.e. large objects] but not that [i.e. small objects]."

59 See a summary of this approach in S. Friedman, "Hanukkah in the Scholion to Megilat Ta'anit," *Zion* 71 (2006) 6–8 [Hebrew]; *idem*, "Uncovering Literary Dependencies in the Talmudic Corpus," in: S. J. D. Cohen (ed.), *The Synoptic Problem in Rabbinic Literature* (Providence RI 2000) 73–6; *idem*, "Historical Aggadah in the Babylonian Talmud," in *Saul Lieberman Memorial Volume* (Jerusalem and New York 1993) 1–46 [Hebrew]. Kimberly Stratton writes, "The Jerusalem Talmud, however, records only R. Eliezer's teaching that the one who does an actual act of magic is guilty of crime while the one who performs an illusion is not." At the same time she opens, saying, "In the Jerusalem Talmud (*Sanh.* 41a) R. Eliezer's use of 'magic' (*makhashefa*) to plant cucumbers is explicitly stated" (K. Stratton, "Imagining Power: Magic and the Miracle and the Social Context of Rabbinic Self-Representation," *Journal of the American Academy of Religion* 73 [2005] 369, n. 22).

60 According to Cod. Kaufmann. Cf. *SifDeut* 171.

Rabbi Aqiva said in Rabbi Yehoshua's name: Of two who gather<sup>61</sup> cucumbers [by magic] one may be punished and the other exempt. He who really gathers them is punished; whilst he who produces an illusion is exempt.

ר' עקיבה או' משם ר' יהושע: שנים לוקטים קישואים. אחד לוקט פטור ואחד מלקט חייב. העושה מעשה חייב. והאוחז את העיניים פטור.

It would appear that the passage preserved in the Tosefta served as a source for the compiler of our Mishnah.<sup>62</sup> He presented the distinction between an actual action and an illusion (האוחז את העיניים)<sup>63</sup> anonymously, and in the context of the general law of sorcery. However, he retained the statement attributed to Rabbi Aqiva of exactly what he had learned from his teacher, probably due to its literary attractiveness. Thus, the Mishnah ends up repeating this insight, presenting it first anonymously, and then as transmitted by Rabbi Aqiva<sup>64</sup> (albeit in Rabbi Yehoshua's name, see below). The tendency in scholarship is

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- 61 The "gathering" referred to (לקיטה) is harvesting (see below; cf. ליקט אתרוג [*tTer* 2:6]). The accomplishment would be extended beyond the text more than is warranted, by paraphrasing the Mishnah, as done by Alexander: "On the one occasion 'the deed is done,' that is to say, the 'gathering' involves actually creating cucumbers which were not there before, whereas on the other occasion, the 'gathering' involves tricking the observer into thinking that the cucumbers were being created, when, in fact, they had been there, hidden, all the time" (Alexander, "Conjuring," 11; italics added). See in greater detail, *ibid.*, p. 12.
- 62 On this phenomena see S. Friedman, *Tosefta Atiqta: Pesah Rishon (Synoptic Parallels of Mishna and Tosefta Analyzed with a Methodological Introduction)* (Ramat Gan 2002) 15–95 [Hebrew].
- 63 This phrase is also used to define מעונן (Deut 18:10), "soothsayer" (JPS) in the anonymous opinion quoted along with the opinions of Rabbi Aqiva and Rabbi Yishmael (*Sifra qedoshim, pereq* 6:2 (90c); *SifDeut* 171 (Finkelstein, pp. 218–9); *tShab* 7:14 (Lieberman, p. 27); see *bSanh* 65b (note the change of location among the parallels and textual witnesses). Ostensibly, Rabbi Eliezer would not hold that position (connected by popular etymology מעונן > עיניים as R. Aqiva's: > עונה).
- 64 Cf. Friedman, *Tosefta Atiqta*, 99–100, regarding *mPes* 1:1. Malbim, apparently disturbed by the repetition in the Mishnah, assigned opposing halakhic stances to each statement. On this see further Friedman, "Real and Illusory," in n. 7 above. Alexander, stating the problem, wrote: "The extreme compression of the language, as so often in the Mishnah, creates problems. The unit clearly falls into two parts, the first of which makes a statement of principle, while the second provides a concrete illustration [...] The illustration adds little to the general statement" (Alexander "Conjuring," 10–1).

always to present the Mishnah as the “key text.”<sup>65</sup> In this case and, I suggest, in many others, the Mishnah is a secondary text. Here it first paraphrases the Tosefta and then repeats it almost verbatim.

## 2.2 *Did Rabbi Aqiva Receive this Teaching from Rabbi Eliezer or from Rabbi Yehoshua?*

Regarding who taught Rabbi Aqiva magic the Mishnah is at odds with the Tosefta (and the lengthy pseudo-*baraita* in the talmudic sugya). According to the Mishnah,<sup>66</sup> Rabbi Aqiva learned the cucumber reality/illusion distinction from his teacher Rabbi Yehoshua, whereas according to the Tosefta and *baraita* his mentor in this was Rabbi Eliezer. The Bavli itself raises this question:

*bSanh* 68a

But did Rabbi Aqiva learn this from Rabbi Yehoshua? Surely it has been taught: When Rabbi Eliezer fell sick etc... Thus from this story we see that he learned this from Rabbi Eliezer.

He learned it from Rabbi Eliezer, but did not grasp it; then he learned it from Rabbi Yehoshua, who made it clear to him.

ב' סנהדרין סח ע"א

והא רבי עקיבא מרבי יהושע גמיר לה? והתניא: כשחלה רבי אליעזר... אלמא, מרבי אליעזר גמרה!

גמרה מרבי אליעזר ולא סברה, הדר גמרה מרבי יהושע ואסברה ניהליה.

The Bavli resolves this contradiction by positing two separate events in succession, a standard talmudic resolution for maintaining both of two conflicting passages describing the same episode.<sup>67</sup> Rabbi Aqiva first learned this distinction from Rabbi Eliezer and, subsequently, learned it again from Rabbi Yehoshua. It should be clear, however, that we are dealing here with an editorial revision, rather than multiple events. The original tradition had Rabbi Aqiva learning from Rabbi Eliezer. The compiler of the Mishnah, or one of his sources, preferred to attribute the teaching to Rabbi Yehoshua rather than to Rabbi Eliezer, who had fallen out of rabbinic grace when he was placed under a ban. As Yitzhak Gilat put it, “sometimes the attribution of a *halakhah* was

65 Alexander, “Conjuring,” 9, in relation to our passage, without mentioning the Tosefta; “The Rabbinic discussion of the definition of magic begins, then, with Mishnah Sanhedrin 7:11.”

66 The language of the Mishnah also appears in *SifDeut* 171 (p. 219), which also reads “R. Yehoshua” (as does a Genizah fragment, see M. I. Kahana, *The Genizah Fragments of the Halakhic Midrashim* [Jerusalem 2005] 279 [Hebrew]).

67 See Friedman, “Historical Aggadah,” 121, n. 6; 135, n. 68; 130; 143, n. 136; 147. Often: תרי עובדי הוו.

deliberately changed from Rabbi Eliezer to Rabbi Yehoshua or some other *tanna*, in order that Rabbi Eliezer's opinion might be accepted as the law without being cited in his name. Thus, the fact that the halakhah had been decided in accordance with his teaching was concealed."<sup>68</sup> Here we observe Gilat's description of a general tendency. Accordingly, our mishnah records an opinion, and even the fact that Rabbi Aqiva heard this from his teacher, in the name of Rabbi Yehoshua, despite the fact that earlier sources, namely, the above Tosefta, and its reflection in the parallel baraitot of the Yerushalmi and Bavli, had Rabbi Eliezer as the source of this halakhah.<sup>69</sup> This conclusion regarding the mishnah under study was already reached by J. N. Epstein.<sup>70</sup> The "real or illusion" distinction is often cited in scholarly literature in the name of "the Mishnah" or "the Sages." We can now, with relative certainty, identify Rabbi Eliezer as the source of this teaching.

There is a further name confusion. The Yerushalmi reports the episode and content in language similar to the Tosefta passage (namely, the three hundred are witchcraft laws, not three hundred cucumber laws), but as a law learned from Rabbi Eliezer, not by Rabbi Aqiva, but by Rabbi Yehoshua:

אמ' ר' יהושע בן חנניה: שלש מאות פרשיות היה ר' ליעזר דורש בפרשת מכשפה ומכולם לא שמעתי אלא שני דברים: שנים לוקטין קישואין, אחד לוקט פטור, ואחד לוקט חייב. העושה מעשה, חייב, והאוחז את העינים, פטור. אמ' ר' דרוסא: תשע מאות פרשיות היו; שלש מאות לחיוב, ושלוש מאות לפטור, ושלוש מאות לחיוב שהוא פטור (י' סנהדרין ז יג, כה ע"ד).

Said Rabbi Yehoshua: Three hundred laws did Rabbi Eliezer expound concerning the verse, "Thou shalt not suffer a witch to live" (Exod 22:17), and of all of them I have heard only two things: Two may gather cucumbers. One gatherer may be exempt, and one gatherer may be liable. He who does a deed is liable, but he who merely creates an illusion is exempt (ySanh 7:13, 25d).<sup>71</sup>

68 Y. D. Gilat, *R. Eliezer ben Hyrcanus: A Scholar Outcast* (Ramat Gan 1984) 486; see J. N. Epstein, *Introduction to the Mishnaic Text* (Jerusalem 2000), 6 [Hebrew]; *idem.*, *Prolegomena as Litteras Tannaicas*, 66–7 [Hebrew]. The primary sources are cited in these studies.

69 *SifDeut* 171, which has Rabbi Yehoshua, is reasonably a quotation from the Mishnah (see Friedman, "Real and Illusory," as above, n.7). Conversely, if the Mishnah is dependent on the Sifre, it or its antecedent is the source for substituting Rabbi Yehoshua's name for Rabbi Eliezer.

70 Epstein, *Introduction*, 69.

71 Translation by J. Neusner.

This reworking of the Tosefta passage by the Yerushalmi probably reflects a parallel effort to resolve the same contradiction.<sup>72</sup> The Yerushalmi may mean by this: Rabbi Yehoshua heard it from Rabbi Eliezer, and Rabbi Aqiva heard it from Rabbi Yehoshua! This account portrays the relationship between these famous colleagues, Rabbi Eliezer and Rabbi Yehoshua, as a master/disciple relationship. We can show that indeed Rabbi Yehoshua is portrayed elsewhere in the Yerushalmi as a disciple of Rabbi Eliezer.<sup>73</sup>

Our conclusion is unmistakable: the primary sources of this tradition ascribe the teaching about witchcraft to Rabbi Eliezer, and not Rabbi Yehoshua. Rabbi Eliezer is portrayed, not as possessing three hundred laws regarding cucumber magic, but three hundred legal insights regarding the subject of sorcery, and the proper juridical interpretation of the death penalty prescribed for sorcery in Exodus. Only one of these three hundred applies to cucumber magic. The insight transmitted to Rabbi Aqiva is especially enlightening and, we may even say, liberal. Rabbi Eliezer is keenly aware of the fact that much of what is called sorcery is, in truth, merely an optical illusion or slight-of-hand.<sup>74</sup> Seeing is *not* believing. Therefore, a so-called sorcerer or magician who is simply performing optical illusions is exempt from the death penalty.

How different is this approach from that of Shimon ben Shetah, who, as Rabbi Eliezer himself recalled, executed eighty women in Ashkelon. According to an extraordinary account in the Yerushalmi, they were executed as practitioners of witchcraft!<sup>75</sup>

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72 If this is the case, we can modify Levinson's statement that "only the Bavli addresses this contradiction concerning the proper lines of rabbinic transmission" ("Enchanting," 57, n. 9).

73 See Appendix B.

74 "As early as the 5th century BC[E], Greek *magos* had spawned *mageia* and *magike* to describe the activity of a magus, that is, it was his or her art and practice. But almost from the outset the noun for the action and the noun for the actor parted company. Thereafter, *mageia* was used not for what actual magi did, but for something related to the word 'magic' in the modern sense, i.e. using supernatural means to achieve an effect in the natural world, or the appearance of achieving these effects through trickery or slight of hand. The early Greek texts typically have the pejorative meaning, which in turn influenced the meaning of *magos* to denote a conjurer and a charlatan" (<http://en.wikipedia.org/wiki/Magi>). On Origen, Pliny ("if there is even a shimmer of truth in it, that shimmer owes more to chemistry than to magic"), etc., see Levinson, "Enchanting," 58 and n. 11.

75 *mSanh* 6:4; *SifDeut* 221; *ySanh* 6:6, 23c.

### 2.3 *Expanding the Permission to Study Magic from Theory to Practice*

On the primary level of our sources Rabbi Eliezer was never portrayed as performing cucumber magic himself, but merely as teaching Rabbi Aqiva that the illusionist is exempt! In referring to the cucumber feat recounted in the Bavli's expanded *baraita*, we must now be aware of how far removed this is from the primary sources, and *ipso facto* removed from any historical reality.<sup>76</sup> It can document the history of ideas in amoraic Babylonia, but definitely not the historical action of a first-century tanna,<sup>77</sup> or, more importantly, not even any Palestinian tannaitic tradition or conceptualization.<sup>78</sup> When the amoraim freed magic from the realm of the devil (Rabbi Hanina: "There is none besides Him"), the path was cleared for reworking the Rabbi Eliezer account to a more hands-on story. By that time "sorcery" had become "magic."

However, the Bavli's anonymous scholastic voice (*stam*) is uncomfortable with the [reworked] *baraita*'s claim that Rabbi Eliezer performed magical acts:

76 See Friedman, "Historical Aggadah," 122.

77 As earlier scholarship might have had it. I believe it has become commonplace today to see talmudic aggadah as literature and not necessarily history.

78 Boyarin reads the Babylonian account as reflecting the conceptualization of Rabbi Eliezer as a sectarian-type magician, building on the Jesus figure: "On one reading at least, for this text, Rabbi Eli'ezer's magical activity of planting and harvesting cucumbers with a word continues to mark his liminality, indeed, his closeness with 'sectarianism' . . . As we have seen, early rabbinic texts repeatedly refer to Jesus as a magician" (D. Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* [Stanford, 1999] 38). Even though "most, if not all, of what we 'know' about him is the stuff of legends told centuries after his life" (p. 148, n. 87), and the assumption of anti-Christian polemic in Babylonian texts "is seemingly a questionable practice, since the Palestinian texts were redacted in a society in which Christianity was dominant, while the Babylonian texts weren't, and this ought to make a big difference" (p. 147, n. 86), still Boyarin counters by citing current research, regarding orientation to Christianity in Babylonia, and flirts with the idea that "the stories of Rabbi Eli'ezer's arrest and of Ben Dama's near fall into heretical behavior, appear as doublets, the formal similarity between the two death stories in the Babylonian Talmud—the use of the phrase (attested in only one other place) 'his soul left him in purity'—also suggests that the two were once a pair in an earlier corpus, apparently a variation of the two forms in which the stories appear together in the early Palestinian texts" (p. 40). The inclusion of the death-bed account with the arrest story bears comment. Since we have the Yerushalmi version of the death-bed story (quoted in the text above), and the cucumber magic is absent there, and is thus clearly inserted by the Bavli through reworking the tannaitic account, that reworking cannot support the Christianity theory, in that the very acceptance and high regard of magical practice in the amoraic period, especially regarding Rabbi Eliezer and Rabbi Yehoshua, is a simpler and sufficient statement and explanation of the background of this conceptualization.

*bSanh 68a*

But how might [Rabbi Eliezer] do so?  
Did we not learn that if he actually performs the deed he is liable?  
If it is only to teach, it is different. For it has been said: “Thou shalt not learn to do [after the abominations of these nations]” (Deut 18:20). You may not learn in order to practice, but you may learn in order to understand and teach.

## ב' סנהדרין סח ע"א

היכי עביד הכי?  
והאנן תנן: העושה מעשה חייב!

להתלמד שאני. דאמר מר "לא תלמד לעשות" (דברים יח כ). לעשות אי אתה למד, אבל אתה למד להבין ולהורות.

The price the Bavli pays for rescuing Rabbi Eliezer requires trampling the simple meaning of this wonderful *derashah*. We find its original form in *SifDeut 170*:<sup>79</sup>

*SifDeut 170*

“For thou art entering the Land which the Lord thy God is giving you. Thou shalt not learn to do after the abominations of these nations” (Deut 18:9):  
One may have thought that you are not permitted to study, teach, or understand. Therefore the verse spells out: “to do.” You may not learn in order to practice, but you may learn in order to teach and understand.

## ספרי דברים קע

“כי אתה בא אל הארץ אשר ה' אלהיך נותן לך לא תלמד לעשות כתועבות הגוים ההם” (דברים יח ט).

יכול אי אתה רש"י ללמוד להורות ולהבין? תלמוד לומר: “לעשות”. לעשות אי אתה למד אבל אתה למד להורות ולהבין.

This rabbinic *Magna Carta* of academic freedom holds that one may research and teach about a forbidden act, but *not perform it*, even in a closed instructional setting.<sup>80</sup> Following our conclusions above, we now know that Rabbi

79 In Hoffmann's *Midrash Tannaim* (p. 109) he uses large type to represent the reconstituted Mekhilta to Deuteronomy (note 4: “Sifre in a different formulation”) as follows: לא תלמד לעשות. ר' יהושע אומר: למד אתה על מנת לישב בדין (cf. Rav Hai Gaon's comment cited by the Tosafot to *bMen 65a*: לידע את הדין) פירש רב האי גאון כדי לידע את הדין (cf. Rav Hai's responsum, *Otzar Ha-Geonim, Sanhedrin* [Jerusalem 1966] 409, par. 940).

80 Contra Bohak, *Ancient Jewish Magic*, who, with reference to our sugya, concludes: “Returning to the Babylonian Talmud, we might be tempted to suggest that the final statement, that while one may not practice magic, one may learn it and teach it (*including hands-on experimentation* [italics added—S.F.]), is just an ad hoc invention intended to save R. Eliezer from the grievous charges, or just a Babylonian add-on to earlier Palestinian

Eliezer did not uproot cucumbers, even to show Rabbi Aqiva how it is done. The permission to do so is an invention of the editorial voice reinterpreting the *Sifre* in order to resolve a contradiction, just as the very magical act documented derives from an expansion of the Tosefta by a Babylonian tanna-teacher.

### 3 *Sefer Yetzirah* and the Creation of a Calf

The calf-creating episode is a remarkable tale, and much can be learned from it:

|   |  |
|---|--|
| <i>bSanh</i> 65b (= 67b)                                      | ב' סנהדרין סה ע"ב (= סז ע"ב)             |
| Rav Hanina and Rav Oshaia                                     | רב חנינא ורב אושעיא                      |
| spent every Sabbath eve in studying the Book of Creation,     | הוּו יתבי כל מעלי שבתא ועסקי בספר יצירה, |
| by means of which they created a third-grown calf and ate it. | ומיברו להו עיגלא תילתא, ואכלי ליה.       |

Joshua Levinson sees in this studying, creating, and then eating sequence a Babylonian transformation of a Yerushalmi passage, where gourds are changed into stags:

*ySanh* 25d: Rabbi Yehoshua ben Hananya said: I can take gourds and melons and transform them into stags and deer, and these then produce more stags and deer.

*bSanh* 67b: Rav Hanania and Rav Hoshia would study the Book of Creation every Sabbath eve and create a third-grown calf and eat it.

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traditions. This, however, clearly is not the case, for the assumption that magic is a body of knowledge which requires detailed study, and the claim that one indeed may (or even, must) study it, are central components of the rabbinic view of this subject from very early times, and are attested both in Palestine and in Babylonia" (p. 360). Here (note 19) *Sifre Deuteronomy* cited above is referenced as presenting "the same exegesis of Deut 18.9" as the Bavli's defense of Rabbi Eliezer. Thus Bohak makes no distinction between the tannaitic and Babylonian forms of this tradition. I have claimed that "hands-on experimentation" is indeed "just an ad hoc invention intended to save R. Eliezer from the grievous charges... a Babylonian add-on to earlier Palestinian traditions." I do not understand Levinson's comment: "Thus the entire discussion in the Bavli concludes with an editorial (stammaitic) attempt to circumvent the biblical and tannaitic prohibition on magic by declaring that while it is prohibited to perform magical acts, 'you may study it in order to understand it'" (Levinson, "Enchanting"). Certainly the ruling in this form is tannaitic.

In the Yerushalmi, R. Yehoshua boasts that he can transform melons into animals. The Bavli relates how the sages created a calf every Sabbath eve by studying the Book (or Laws) of Creation. If it is sufficient for the Yerushalmi to praise the sages' magical powers, the Bavli transform[s] this culinary feat into a type of study.<sup>81</sup>

It is certainly reasonable to see this Bavli account as a reworking of an earlier [Palestinian] aggadah,<sup>82</sup> applying to it rabbinization and intellectualization tendencies.<sup>83</sup> However, I would suggest that the point of departure and base text for this rewriting is rather the following account, dealing directly with calf magic:

*ySanh* 7:19, 25c–d

Rabbi Yannai said: I was walking in the square of Sepphoris and I saw a heretic take a stone and throw it into the air, and when it came down it turned into a calf. . . .

Rabbi Hinnena bar Rabbi Hananiah said: I was walking in the *Gufata* of Sepphoris and I saw a heretic take a skull and throw it into the air, and when it came down it turned into a calf.<sup>84</sup>

I came and reported this to my father. He told me: If you ate from it, it is a real deed. If not, it was merely an illusion.

י' סנהדרין ז יג, כה ע"ד

אמר רבי ינאי: מהלך הוינא בהדא איסרטא דציפורי וחזית חד מיניי נסיב צריר וזרק לי לרומא, והוה נחת ומתעבד עגל. . . .

אמ' ר' חנינא ביר' חנניה: מטיל הוינא באילין גופתא דציפורין וחמית חד מיניי נסב חדא גולגלא וזרקה לרומא, והיא נחתא ומתעבדא עגל.

אתית ואמרת לאבא. אמ' לי: אין אכלת מינה, מעשה הוא, ואילא, אחזית עינים הוא.

Rabbi Hananiah the father of Rabbi Hinnena may not appear elsewhere in talmudic literature,<sup>85</sup> but this story suffices to demonstrate the sharp wit he used as a method of instruction: "Look my son, don't believe it unless you can eat it. I don't think you'll get even one bite, so you don't have to worry if it is kosher or not." I think this is the source for the Bavli account. Both deal

81 Levinson, "Enchanting," 72. Regarding the intellectual character of religious Sasanian texts in general and in the Bavli, see: S. Secunda, "Reading the Bavli in Iran," *Jewish Quarterly Review* 100 (2010) 313.

82 See in general, Friedman, "Historical Aggadah."

83 In this account "magic itself is appropriated as a type of Torah" (Levinson, "Enchanting," 72).

84 Alexander explains to us how it is done: "The conjurer distracts the attention of the audience, here by throwing an object into the air, which allows him or an accomplice to introduce unobserved a new object into the scene" ("Conjuring," 15).

85 See A. Hyman *Toldoth Tannaim ve-Amoraim* (London 1912) 474 [Hebrew].

with a calf<sup>86</sup> created magically, and eaten, but in the Bavli the humor is gone. Whatever a heretic can do, the rabbis can do better. They do it *as rabbis*, in a context of studying the holy books. They produce the calf in order to fulfill the religious duty of eating a scrumptious Shabbat banquet.<sup>87</sup>

The similarity of the two accounts goes far beyond producing a calf and the idea of eating it. Even the names are similar. The Yerushalmi's account takes place in Sepphoris, between Rabbi Hinnena and his father Rabbi Hananiah.

### 3.1 *Rabbi Hanina and Rabbi Oshaia*

The two researchers of mystical lore in the Bavli are Rav Hanina and Rav Oshaia. Although each of these names applies to more than one amora, the pair are mentioned together several times in the Bavli<sup>88</sup> with style overlapping our passage.<sup>89</sup> They are described as acting together,<sup>90</sup> largely in a Babylonian setting, but sometimes in Palestine. The following tradition is an example thereof:

Said Rava: [...] Rav Hanina and Rav Oshaia, who were cobblers in Eretz Yisrael and dwelt in a street of harlots and made shoes for harlots;<sup>91</sup> they [the harlots] looked at them, but they [these scholars] would not lift their eyes to look at them, and their [the harlots'] oath was: By the life of the holy Rabbis of Eretz Yisrael (*bPes* 113b).<sup>92</sup>

86 For the Golden Calf as a living magical creation in later sources see Lieberman, *Greek*, 113–4.

87 See *Torat Hayyim* to *bSanh* 67b; *Margaliot HaYam* to *bSanh* 65b.

88 See B. Kosowski, *Thesaurus Nominum quae in Talmude Babilonoco Reperiunter* (Jerusalem 1976–83) vol. 1, 125; vol. 2, 509 [Hebrew]. Regarding this pair, see Albeck, *Introduction*, 221–2, 241–3. Albeck places them in the third generation of Palestinian amoraim.

89 At *bMak* 19b they are sitting together, see Appendix D.

90 M. Margalioth takes them as brothers (*Encyclopedia of Talmudic Sages and Geonim* [Tel Aviv 1995] 62–3 [Hebrew]). This conclusion may simply be a deduction based on chronologists cited by Hyman, *Toldoth*, 500–1. Although he could find no basis for this opinion, Hyman attempted to create such a source through an emendation, which, however, has no basis.

91 See R. Rabinovicz, *Variae Lectiones in Mischnam et in Talmud Babylonicum* ad loc, 351, n. 8.

92 In Margalioth's *Encyclopedia*, 63 we find: “The two of them went up to visit ruins of Jerusalem. They didn't enter it [the city—S.F.] but sat next to one of its gates” (שניהם עלו) (לבקר בירושלים החרבה, ולא נכנסו לתוכה אלא ישבו על יד אחד שעריה). This conclusion, based on *bMak* 19b, is not warranted, and flows from an inferior textual tradition and the commentary of RIVAN (R. Yehuda bar Natan as printed in place of Rashi ad loc.). The correct understanding is presented in the Soncino translation: “R. Hanina and R. Hoshai sat and raised the [following] question: What would be the case [regarding redeeming Second Tithe—S.F.] [where a pilgrim had just reached] the very entrance to Jerusalem” (see Rabinovicz, *Variae Lectiones*, 35, n. 7; M. Friedmann, *Babylonischer Talmud: Tractat*

At *bSanh* 14a they are described as disciples of Rabbi Yohanan, to whom he failed to grant ordination. This passage fits the above-mentioned genre, and it has consequently been concluded that these are the “Rav Hanina and Rav Oshaia” of the calf episode.<sup>93</sup>

However, at least regarding some of the actions or dicta attributed to this pair, the possibility may be raised that they refer to an earlier Rabbi Oshaia and Rabbi Hanina. These sages, both of outstanding stature and fame, do not appear together as a pair, and are not exact (but probably overlapping) contemporaries. Rabbi Hanina ([bar Hama], called “the Great”) belonged to the earlier group of first-generation amoraim in Palestine,<sup>94</sup> and Rabbi Oshaia (also called “the Great” and “the father of the Mishnah,” אבי המשנה)<sup>95</sup> belonged to the second group of that generation.<sup>96</sup> In *bPes* 87b we find:

And this is what a certain sectarian said to Rabbi Hanina: . . . Said he to him: If you agree, a disciple will debate it with you. [Thereupon] Rabbi Oshaia debated it with him.

In place of “Rabbi Hanina,” an alternate tradition has “Rabbi Yehudah Nasia.”<sup>97</sup> This latter tradition was adopted by Lieberman. Thus he took Rabbi Oshaia as the sage of that name belonging to the earlier pair (Oshaya the Great).<sup>98</sup> On the other hand, according to the reading “Rabbi Hanina,” we can certainly view this as an occurrence of the later pair (of the calf episode)!<sup>99</sup>

Rabbi Hanina (bar Hama) and Rabbi Oshaya (the Great), a renowned sage-pair, in the literary tradition, may, under certain conditions, replace a tradition

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*Makkoth, kritische Edition* [Vienna 1888] 49, n. 10). The primary textual witnesses are recorded below, Appendix C. Regarding *bPes* 87b, see Appendix D.

93 Hyman, *Toldoth*, 501; Kosowski, *Thesaurus*, loc. cit.

94 C. Albeck, *Introduction to the Talmud Babli and Yerushalmi* (Tel Aviv 1969) 155–6 [Hebrew].

95 We find at least three times in the Yerushalmi: אבי המשנה רבי הושעיה.

96 Albeck, *Introduction*, 163–4; Epstein, *Introduction*, 40.

97 See detailed discussion in Appendix E.

98 “R. Juda the Patriarch (III c.) commissioned R. Oshaia to debate with this gentile. The latter, who apparently was in a position to harm the Jews, was a Roman official who lived in the same place as R. Oshaia, the head of the school in Caesarea” (Lieberman, *Greek*, 141). The Rabbi Oshaia at Caesarea was the earlier of that name, namely, of the first period.

99 And so it was always understood by those who used the printed version only. Lieberman seems to interpret this tradition as involving the earlier pair: “The reading of the editions and ms. Munich is erroneous, for R. Hanina would not call R. Oshaia ‘a disciple,’ whereas the Patriarch, R. Juda the Second, by virtue of his office may have permitted himself to term R. Oshaia ‘disciple’ in order to show the gentile that even his pupil will be able to give him the right answer” (Lieberman, *Greek*, 141, n. 95).

involving the first pair, a flexibility we must be aware of in interpreting our calf episode.

### 3.2 *The Calf*

Another marker of the calf-creation story as being a literary formation is the use of an exceptionally literary description of the animal they created. עגלא תולתא, or עיגלא תולתא as in the Yemenite MS,<sup>100</sup> is exactly the Peshitta's translation (עגלא תולתא) of מְשֻׁלֶשֶׁת in Gen 15:9 and in 1Sam 1:24<sup>101</sup> and of עגלתא שלשיה (עגלתא) in Isa 15:5, and the same in Jer 48:33), a form of translation not found in the Jewish Targumim to those verses. The phrase is used commonly as a delicacy in the Bavli's accounts of rabbis being served meals, and here it is a literary borrowing from those contexts.<sup>102</sup>

100 Lieberman Institute Website, <http://www.lieberman-institute.com/>.

101 MT has בַּפְּרִים שְׁלֶשֶׁה, but Qumran fragments and versions have [בקר בן] משלש (מְשֻׁלֶשֶׁת=), see Appendix E.

102 The forms תולתא/תולתא are not recorded in talmudic literature outside of this phrase, which therefore must be taken as a fossilized literary usage in Aramaic, based on the Akkadian šulušū = “three-year-old,” used regarding animals, see CAD, Š 3, 2634. There we find: “said of cattle: six minas of silver [...] purchase price of three-year-old oxen (text: calves).” The final remark indicates that even though a three-year-old is not really a calf, Akkadian literary usage has it thus as a fixed phrase (בִּיטוּי כְבוֹל), which was taken over in Syriac and used to translate מְשֻׁלֶשֶׁת (Gen 15:9, cf. Ibn Ezra) and taken over in Babylonian Aramaic, probably from one of the eastern Aramaic dialects as a gastronomic phrase, much as French is used today in English to signify “a beef delicacy.” This meaning, “three-year old,” is corroborated by the explanation given by Lieberman to the correct reading of *mBM* 15:9 (S. Lieberman, *Hellenism in Jewish Palestine* [New York 1962] 198). Thus we have a clear determination of the root meaning, a term with which the commentators struggled, and to which they gave various explanations: grown a third of its growth (cf. Rashi, *bBM* 68a), third born of its mother, or in general, of good quality. Contemporary writers also made use of traditional ideas. Schäfer writes: “Rav Hanina and Rav Oshaya spent every Sabbath eve in studying... because of our iniquities Rava could not create a fully fledged man (his creature lacked speech, the most important characteristic of a human being), let alone a world, and Rav Hanina/Rav Oshaya could not even create a fully fledged calf. The latter example again is an enhancement of the first, this time an ironical one: despite their fervent study of the instructions concerning creation, they did not succeed in creating a man, let alone a world, they only succeeded in producing a calf one third of the natural size of a calf. What could they do with it? They just ate it—which certainly is the climax of the irony because how did they do this? Would they have cooked it on the eve of Sabbath?” (P. Schäfer, “The Magic of the Golem: The Early Development of the Golem Legend,” *Journal of Jewish Studies* 46 [1995] 253). May I point out that “Sabbath eve” (מעלי שבתא) refers to Friday before the start of Shabbat, see S. Friedman, “Evening Metaphors” (“אור ליום ארבעה עשר”): (א): “לשון המועדים (א): “אור ליום ארבעה עשר”) in: M. Bar-Asher et al. (eds.), *Studies in Talmudic and Midrashic Literature in Memory of*

Thus we have all the hallmarks of a reworked literary source, where elements from the original and elsewhere are used as building blocks in a new creation,<sup>103</sup> in order to recast the sectarian's purported success in bringing life into being (in the Yerushalmi account) as acts performed by rabbis in a wholly holy context, and as a meritorious religious act.<sup>104</sup>

There are many talmudic accounts of rabbis' magical feats outdoing sectarian rivals (heretics, *minim*).<sup>105</sup> Our suggested understanding of the calf episode uncovers a new weapon in this contest: intertextuality. Without even having to appear in the same scene, these rabbis outdo their rivals *intertextually*, taking aim at someone as though through a time tunnel across the Yerushalmi/Bavli divide.

### 3.3 *Sefer Yetzirah*

Perhaps the most interesting cultural datum in this calf-creation account involves the "Book of Creation"—ספר יצירה. The power of creation was achieved, according to the commentators,<sup>106</sup> through combinations of letters

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*Tirzah Lifshitz* (Jerusalem 2005) 475–519 [Hebrew]. Idel, has correctly translated: "a calf of three years old" (M. Idel, *Golem: Jewish Magical and Mystical Traditions on the Artificial Anthropoid* [Albany 1990] 31).

- 103 See the primary examples of this phenomenon in Friedman, "Historical Aggada," etc., and recently *idem*, "Three Stories," *Oqimta* 1 (2013) 133–9. This approach has been applied successfully in subsequent studies by Rubenstein, *Stories*; Tropper, and others. See A. Tropper, *Like Clay in the Hands of the Potter: Sage Stories in Rabbinic Literature* (Jerusalem 2011) 11–26 [Hebrew], regarding three methodological approaches.
- 104 Alexander compares these passages regarding eating as a test of real results, without discussing literary dependencies: "But how does one distinguish between 'real' magic and illusion? The Talmud offers two rather curious tests. The first is that if the object produced is edible then the magic is real. This test emerges most clearly from the continuation of the story, quoted above, about the skull that turned into a calf. When Rabbi Hinnena recounts the incident to his father, Rabbi Hananiah, the latter comments: 'If you could have eaten it [the calf], then it would have been real magic, but if not, then it was only a case of holding the eyes' " (*ySanh* VII, 19 [25c.9 from bottom]). The same idea lies behind the Bavli's insistence that Hanina and Oshaia ate the calf which they had made: the eating proved that it was a real calf, produced by real magic" (Alexander, "Conjuring," 24).
- 105 And they have been dealt with in detail in scholarly research. See G. Bohak, "Magical Means for Handling *Minim* in Rabbinic Literature," in: P. J. Tomson and D. Lambers-Petry (eds.), *The Image of the Judeo-Christians in Ancient Jewish and Christian Literature* (Tübingen 2003) 267–79; Levinson, "Enchanting."
- 106 Rashi 65b, 67b; *Yad Ramah* 65b. On *Sefer Yezirah* (and combining letters), see Rashi, *bBer* 55a s.v. אֹתִיּוֹת; *bShab* 104a s.v. אִמֵּר שֶׁר, *bEruv* 63a s.v. עֹגְלָא, *bHag* 13a s.v. סִתְרֵי, *bMen* 29b s.v. אַחַת.

from the divine name. The creator Himself, according to amoraic aggadah, created the world through the use of the letters *yod* and *he*.<sup>107</sup> Gershom Scholem was open to reading our talmudic passage as a source for historical information, at least in terms of basing upon it the existence of the medieval *Sefer Yetzirah* already in talmudic times: “We should not dismiss out of hand the possibility that the *hilkhot yezirah* mentioned in Sanhedrin 65b and 67b could be one early version of this text.”<sup>108</sup> Joseph Dan<sup>109</sup> and others leave the

107 *GenR* 12:4 (Theodor Albeck, pp. 107–9).

108 *Encyclopedia Judaica* 10 (Jerusalem 1974) 507; cf. 16, 785; G. Scholem, J. Garb, and M. Idel, “Kabbalah,” *Encyclopedia Judaica* 11 (Detroit 2007) 595. Thus he follows Louis Ginzberg, who wrote: “The title of two esoteric books. Of these the older is also called “Hilkot Yezirah” (Rules of Creation), and is a thaumaturgical work that was popular in the Talmudic period. On the eve of every Sabbath, Judah ha-Nasi’s pupils, Rab Ḥanina and Rab Hoshaiiah, who devoted themselves especially to cosmogony, used to create a three-year-old calf by means of the ‘Sefer Yezirah,’ and ate it on the Sabbath (Sanh. 65b, 67b)” *Jewish Encyclopedia* 12 (1905) 602. Scholem’s position and style is based on his “Jeziira,” *Encyclopedia Judaica* (1934), 107, where he writes: “Darüber hinaus ist, trotz aller hiergegen vorgebrachten Bedenken, zu erwägen, ob nicht der talmudische Bericht in Sanh. 65b, 67b sich auf den J.-Text oder dessen Prototyp bezieht; es heisst dort, dass R. Chanina und R. Oschaja (im 4. Jh.) an jedem Freitag das ‘Buch der Schöpfung,’ oder nach anderen LAA: die ‘Halachot der Schöpfung,’ studierten und dadurch ein Kalb erschufen, das sie verzehrten. Ein solcher thaumaturgischer Gebrauch des J.-Buches wäre durchaus denkbar.” Scholem makes it clear here that he was being pulled in two directions, and that raising this possibility was against his better sense of kabbalistic history. In his *Major Trends in Jewish Mysticism* (already in 1941, p. 75) he uses the same general language as in the encyclopedia articles (“Written probably between the third and sixth century”), but does not mention his feeling about the relationship to the talmudic passage. I do not know whether this is just for brevity’s sake or whether he had changed his mind on this matter, and the English *Encyclopedia Judaica* article simply drew from the German, with less revision. In any case, in 1960 he wrote: “That the Book Yetsirah should be mentioned in this passage does not strike me as quite so impossible as numerous authors have assumed. We do not know the exact date of this enigmatic text . . . We can only be sure that it was written by a Jewish Neo-Pythagorean some time between the third and the sixth century” (G. Scholem, *On the Kabbalah and its Symbolism* [New York 1965] 167). “As I shall explain elsewhere, I now [1960—S.F.] incline toward the earlier dating” (*ibid.*, 167 n. 3). “If Jewish esoterics as early as the third century—in case the Book Yetsirah really comes from this period—believed Abraham to be capable of such miraculous creation on the strength of his insight into the hilkhoth yetsirah, we shall be justified in drawing a parallel between these views and certain others held at roughly the same time” (p. 172). “it is not at all impossible that it is referred to by this name in the Talmud” (G. Scholem, *Origins of the Kabbalah* [ed. R. J. Z. Werblowsky; translated from the German by A. Arkush; Philadelphia 1987] 25).

109 For his most recent discussion see next note. Previously he gave the subject more nuanced treatment. See J. Dan, *Jewish Mysticism in Late Antiquity* (Northdale NJ 1998) 155, where he opens with an assessment of the authorship as “probably in the third century,”

time of composition of *Sefer Yetzirah*, as “unknown, but the general thrust of their discussions is to throw into question the possibility of a talmudic provenance entertained by Scholem for this work which went unrecorded before the ninth century.”<sup>110</sup> Liebes (2000) was absolutely certain that the talmudic account refers to the same *Sefer Yetzirah* known since Saadia.<sup>111</sup> A comprehensive and convincing evaluation was penned by Ezra Fleischer, arguing from the cultural milieu in which *Sefer Yetzirah* credibly fits, that there is no compelling

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even though this is followed by a long series of surprises over, and attempts to explain, its being ignored for six centuries. He also gives our talmudic passage general credence: “This problem is closely related to the question of whether the reference to *יצירה הלכות* in the Talmud is indeed connected with our *Sefer Yezira*, but it is a rather complicated relationship, because we should distinguish between the possibility that Rabbi Hanina and Rabbi Hoshai (and, by implication, Rava as well), indeed used the *Sefer Yezira* in a version close to the one we have before us . . . If these scholars in the fourth century not only knew *Sefer Yezira* but studied it and made practical use of it, [they] reflect a positive attitude toward this work and making this attitude known and even famous by the *עגלא תולתא* they presumably created . . .” (p. 157).

- 110 J. Dan, *History of Jewish Mysticism and Esotericism* vol. 2 (Jerusalem 2009) 554–61; *idem*, *Jewish Mysticism in Late Antiquity*, 155–70. I would agree with Peter Schäfer that “in the case of the creation of the calf, when the *Hilkhot* of *Sefer Yesirah* are mentioned (whatever this may be) there is no evidence that the *Sefer Yetzirah* in the technical sense is alluded to, let alone the technique of the permutation of letters) . . . I obviously do not subscribe to its early, pretalmudic dating” (“Magic of the Golem,” 254–5). Cf. I. Gruenwald, “Some Critical Notes on the First Part of SĒFER YEZĪRĀ,” *REJ* 132 (1975) 475–512.
- 111 Y. Liebes, *Ars Poetica in Sefer Yetsira* (Jerusalem 2000) 67–9; 231–2 [Hebrew]: “I see no reason to doubt that *Sefer Yetzira* mentioned here [in *bSanh*] is our SY” (p. 67); “the mention of the book by its name, together with a reliable description on its contents . . . is in my mind an absolute philological proof, which supplies the entire measure of certainty required for philological demonstrations in general, to establish that the book SY existed in the hands of the Amoraim” (p. 231). Aslanoff, in his review of Liebes’ book, accepts the premise that the talmudic passage refers to *Sefer Yetzira*, questioning only the dating of the passage: “The mention of *Sefer Yetsira* in *BT Sanhedrin* 65b does not constitute sufficient evidence for an early dating of the mystical treatise. It only provides a terminus ad quem, which is the 4th century CE” (C. Aslanoff, “Review of Liebes, *Yetsira*,” *Tarbiz* 71 (2002) XII [Hebrew]). Liebes, in a previous study referring to the mention of double resh in *Sefer Yetzira*, concluded: “These instances all suggest that *Sefer Yezira* was written under Greek influence, that is to say around the third century C.E., and in a provenance such as Palestine” (Y. Liebes, “The Seven Double Letters BGD KFRT: On the REISH and the Background of *Sefer Yeẓira*,” *Tarbiz* 61 (1992) X [Hebrew]). This conclusion was challenged by Morag, see next note.

reason to date the work long before the time Saadia came across it, in the first third of the 10th century.<sup>112</sup>

Although the story of Rav Oshaia and Rav Hanina creating a calf can hardly be considered historical, in any case the story may have inspired the name of the later work *Sefer Yetzirah*. Scholem remarks that “[i]n early manuscripts it is called *Hilkhot Yezirah* (‘Halakhot on Creation’), and later *Sefer Yezirah*.”<sup>113</sup> I would like to add that this fact has a tantalizing correspondence to the range of variant readings preserved for *bSanh* 65b and 67b as presented in the following table:<sup>114</sup>

| 65b                     |                    |         |                        |
|-------------------------|--------------------|---------|------------------------|
| ועסקי בהילכות יצירה     | יתבי כל מעלי דשבתא | הוה     | Klosterneuburg 127–128 |
| עסקי בהלכות יצירה       | יתבי               | כי הוּו | הרצוג                  |
| עסקי בהלכות יצירה       | יתבי בכל מעלי שבת  |         | פ                      |
| ועסקי בספר בריאה        | יתבי כל מעלי שבתא  | הוּו    | ר                      |
| והוּו עסקי בהלכו' יציר  | יתבי כל מעלי שבת   |         | מ                      |
| ועסקי בספר יצירה        | יתבי כל מעלי שבתא  | הוּו    | דפוס ברקו              |
| 67b                     |                    |         |                        |
| הוּו עסקי בהילכו' יצירה | כל מעלי שבתא       |         | Klosterneuburg 127–128 |
| הוּו <...>              | כל מעלי שבתא       |         | Ebr 602                |
| הוּו עסקי בספר יצירה    | כל מעלי שבתא       |         | פ                      |
| הוּו עסקי בהילכות יצירה | כל מעלו שבתא       |         | ר                      |

112 E. Fleischer, “On the Antiquity of Sefer Yezira: The Cyrilian Testimony Revisited,” *Tarbiz* 71 (2002) 423–5, 432 [Hebrew]; “In this author’s opinion, the possibility that Sefer Yezira was composed in Rav Sa’adya’s times or shortly before should be seriously considered” (p. 8). Fleischer added: “This conclusion converges with the opinions of Y. Tzvi Langermann and Steven Wasserstrom” (= S. M. Wasserstrom, “Further Thoughts on the Origins of ‘Sefer Yeširah,’” *Aleph* 2 [2002] 201–21; Y. T. Langermann, “On the Beginning of Hebrew Scientific Literature and on Studying History Through ‘Maqbilot’ [Parallels],” *Aleph* 2 [2002] 169–89; see also S.M. Wasserstrom, “Sefer Yešira and Early Islam: A Reappraisal,” *Jewish Thought and Philosophy* 3 [1993] 1–30). Similarly Morag, in response to Liebes, placed the work as probably in a Babylonian provenance, under Arabic influence, fifth or sixth century at the earliest (S. Morag, “Response: ‘On the Seven Double Letters BGD KFRT, and the Names SARAH-SARAI, AVRAM-AVRAHAM,’” *Tarbiz* 63 (1993) 137–42 [Hebrew], esp. p. 140). Cf. N. Aloni, “The Time of Composition of Sefer Yezirah,” in: I. Weinstock (ed), *Temirin: Texts and Studies in Kaballa and Hasidism* (Jerusalem 1984) 41–50 [Hebrew].

113 Cf. Gruenwald, “Critical Notes,” 475–6, regarding the name of this work, including “The Letters of Abraham the Patriarch” (ספר אותיות דאברהם אבינו).

114 Some of which have been noted in Schäfer, “Magic of the Golem,” 253, n. 20.

|                        |              |         |
|------------------------|--------------|---------|
| הוּו עסקי בהלכוֹ יציר־ | כל מעלי שב־  | מ       |
| הוּו עסקי בהלכוֹ יצירה | כל מעלי שבתא | ד' ברקו |

The version הילכות יצירה definitely seems original.<sup>115</sup> The form ספר יצירה is in a minority, and is most probably a gloss, ostensibly with an Ashkenazic connection. In fact, each of the witnesses recording ספר do so only in one (and not always the same) of the two occurrences, demonstrating inconsistent glossing<sup>116</sup> (and בריאה ספר would indicate a further change during the glossing procedure). It is possible that the name of our *Sefer Yetzirah* was patterned after the fanciful calf-creation account in the Bavli<sup>117</sup> and its allusion to הילכות יצירה. Later, when the medieval work came to be called ספר יצירה, this form of the name was glossed into the Talmud MSS in Ashkenaz.

#### 4 Conclusion

The calf vignette is a fanciful literary creation, inspired by the sectarian prowess in calf magic as described in the Yerushalmi, and the witticism voiced there that it is real only if you can *eat* it. The narrative has rabbis outdo the sectarian, and create an edible calf, indeed a delicacy, through holy halakhic means. This is a polished *literary* creation, polemic rhetoric in the form of narrative. Scholarship can devote itself to analysis of its composition, and need not

115 This language is also quoted by early authorities: Saadia, *Emunot veDeot*, First Article; *Geonic Responsa*, Harkavi, par. 29; *Sekhel Tov* to Exodus 7; *Yalqut Shimoni*, Exodus, par. 182; *Yad Ramah*, *Sanh* 25b; *Sefer Eshkol*, Albeck, 7a; etc. “Sefer” is in the minority, but used in the contemporary editions of Rashi, Ibn Ezra, Radaq, Nahmanides, and many more.

116 It is thus obvious that the different readings originate in the transmission of the text (i.e. a lower-critical phenomenon), and not as an original difference between the two passages (which would be a higher-critical issue), contra Stratton, who claims that one of the passages relates to the other as “another version of this report, [in which] Rav Hanina and Rav Oshaia are said to be studying from the ‘book of creation’ (*sefer yetzira*) when they create the calf (b. San. 65b).” K. Stratton, “Imagining Power: Magic, Miracle, and the Social Context of Rabbinic Self-Representation,” *Journal of the American Academy of Religion* 73 (2005) 361–93 (p. 366 n. 13).

117 I see that Gruenwald has written: “The name *Sēfer Yeẓirā* given to the whole of the book may be due to its identification with the *ספר יצירה* and *הילכות יצירה* mentioned in B. Sanh. 65b and 67b respectively. Yet, this identification has nothing substantial to justify itself, and it is, therefore, noteworthy in this respect that Sa’adya Gaon, who is the first known commentator on the book, refers to it as ‘The Book of the Beginnings’ ” (“Critical Notes,” 476).

overly concern itself with documenting the appearance of *Sefer Yetzirah* or formulating a theology for the sages mentioned here or for their contemporaries.

What we *do* document in this survey is the heroic status accorded by the amoraim to magical rabbis, evinced in detail by the fabulous tales in the Yerushalmi, and in the Bavli expressed in the theological stance announced by Rabbi Hanina, through the attribution to Rabbi Eliezer of flashy cucumber magic by reworking a tannaitic tradition, and elegantly presented in the calf-creation episode ascribed to the sage-pair, Rav Hanina and Rav Oshaia.

## Appendix A

### *Synopsis with AdRN A 25 (above, n. 40)*

| ב' סנהדרין סח ע"א  | אבות דרבי נתן א מה עמ'<br>81–80  | י' שבת ב ה ע"ב  |
|--|--|---|
| כשחלה רבי אליעזר נכנסו רבי עקיבא וחביריו לבקרו. הוא יושב בקינוף שלו והן יושבין בטרקלין שלו.                                | כשחלה רבי אליעזר   | מעשה בי רבי ליעזר שהיה גוסס   |
| ואותו היום ערב שבת היה,  | אמרו, אותו היום ערב שבת היה ונכנס רבי עקיבא וחביריו לבקרו והיה ישן בתוך חדרו, והוא יושב בקינוף, והם יושבין בטרקלין שלו.  | ערב שבת עם חשיכה.   |
| ונכנס הורקנוס בנו לחלוץ תפלו. גער בו ויצא בנויפה.  | נכנס הורקנוס בנו לחלוץ תפילין שלו, ולא הניחו, והיה בוכה.   | ונכנס הורקנוס בנו לחלוץ את תפלו. אמר לו: בני, הניחת מצות הנר, שהיא שבות וחייבין עליה כרת, ובאתה לחלוץ תפילין, שאינן אלא רשות, ואינן אלא מצוה. |
| אמר להן לחביריו: כמדומה אני שדעתו של אבא נטרפה. אמר להן: דעתו ודעת אמו נטרפה. היאך מניחין איסור סקילה ועוסקין באיסור שבות? | ויצא הורקנוס ואמר לחכמים: רבותי, דומה לי שנטרפה דעתו של אבא. אמר לו: בני, לא דעתי נטרפה, אבל דעתך נטרפה, שהנחת הדלקת הנר שנתחייבת עליה מיתה לשמים, והיית מתעסק בתפילין, שאין אתה מתחייב עליהן אלא משום שבות. | יצא לו והיה צועק ואמר: אוי לי שנטרפה דעתו של אבא. אמר לו: דעתך היא שנטרפה. דעתי, היא לא נטרפה.  |

כיון שראו חכמים שדעתו מיושבת עליו, נכנסו וישבו לפניו מרחוק ארבע אמות.

אמר להם: למה באתם? אמרו לו: ללמוד תורה באנו. אמר להם: ועד עכשיו למה לא באתם? אמרו לו: לא היה לנו פנאי. אמר להם: תמיה אני אם ימותו מיתת עצמן. אמר לו רבי עקיבא: שלי מהו? אמר לו: שלך קשה משלהן. נטל שתי זרועותיו והניחן על לבו, אמר: אוי לכם שתי זרועותי שהן כשתי ספרי תורה שנגללין. הרבה תורה למדתי, והרבה תורה לימדתי. הרבה תורה למדתי ולא חסרתי מרבתי אפילו ככלב המלקק מן היס. הרבה תורה לימדתי—ולא חסרוני תלמידי אלא כמכחול בשופרת.

ולא עוד אלא שאני שונה שלש מאות הלכות בבהרת עזה, ולא היה אדם ששואלני בהן דבר מעולם.

ולא עוד אלא שאני שונה שלש מאות הלכות, ואמרי לה שלשת אלפים הלכות, בנטיעת קשואין, ולא היה אדם שואלני בהן דבר מעולם, חוץ מעקיבא בן יוסף. פעם אחת אני והוא מהלכין היינו בדרך. אמר לי: רבי, למדני בנטיעת קשואין. אמרתי דבר אחד, נתמלאה כל השדה קשואין. אמר לי: רבי, למדתי נטיעתן, למדני עקירתן. אמרתי דבר אחד, נתקבצו כולן למקום אחד.

כיון שראו חכמים שדעתו מיושבת עליו, נכנסו וישבו לפניו ברחוק ד' אמות.

כיון שראו תלמידיו שהשיבו דבר של חכמה, נכנסו אצלו.

אמרו לו: הכדור והאמוס והקמיע וצרור המרגליות ומשקולת קטנה מהו? אמר להן: הן טמאין וטהרתן במה שהן. מנעל שעל גבי האמוס מהו?—אמר להן: הוא טהור.

אמרו לו: רבי כסת עגולה והכידור והאימום והקמיע ותפילין שנקרעו, מהו מקבלין טומאה? אמר להם: מקבלין טומאה, והטבילו אותן כמו שהן, והזהרו בהן שהן הלכות גדולות שנאמרו למשה בסיני. והיו שואלין לו בטהרות בטומאות במקוואות. אמרו לו: רבי מה הוא זה? אמר להם טמא. מה הוא זה? אמר להם טהור. והיה משיב על טמא טמא ועל טהור טהור. אחר כך אמר רבי אליעזר לחכמים: תמה אני על תלמידי הדור, שמא יענשו מיתה לשמים. אמרו לו: רבי מפני מה? אמר להם: מפני שלא באו ושמשו אותי. ואחר כך אמר לעקיבא בן יוסף: עקיבא מפני מה לא באת לפני ושמשת אותי? אמר לו: רבי, לא נפניתי. אמר לו: תמה אני עליך אם תמות מיתת עצמך. ויש אומרים: לא אמר לו כלום. אלא כיון שאמר רבי אליעזר לתלמידיו כך, מיד נמס דמו בקרבנו. אמר לו רבי עקיבא: רבי מיתתי במה. אמר לו: עקיבא, שלך קשה מכולן. נכנס רבי עקיבא וישב לפניו ואמר לו: רבי, מעתה שנה לי. פתח ושנה לו: ש' הלכות בבהרת. באותה שעה הגביה רבי אליעזר שתי זרועותיו והניחן על חזה שלו ואמר: אוי לי על שתי זרועותי [שהן כשני] ספרי תורות שנפטרין מן העולם. שאם יהיו כל הימים דיו וכל

היו שואלין אותו והיה אומר להן על הטמא טמא, ועל הטהור טהור.

האגמים קולמוסים וכל בני אדם לבלרין, אינן יכולין לכתוב כל מה שקריתי ושניתי ומה ששמשתי לחכמים בשיבה. ולא חסרתי מרבתי אלא כאדם שטובל אצבעו בים. ולא חסרתי מתלמידי אלא כדי שיכחול המכחול מן השפופרת. ועוד, שאני שונה ג' מאות הלכות ב"מכשפה לא תחיה" (שמות כבי ז). ויש אומרים: שלשת אלפים הלכות. ולא שאלני אדם במ דבר מעולם, חוץ מעקיבא בן יוסף, שפעם אחת אמר לי: רבי, למדני איך נוטעים קישואין ואיך עוקרין אותן. אמרתי דבר אחד נתמלאת כל השדה קישואין. אמר לי: רבי, למדתני נטעתן, למדני עקירתן. אמרתי דבר אחד נתכנסו כל הקישואין כולם למקום אחד. אמר לו רבי אליעזר בן עזריה: רבי, מנעל שעל גבי האימום [מהו]? אמר לו: טהור. והיה משיב על טמא טמא ועל טהור. טהור, עד שיצתה נשמתו בטהרה. מיד קרע רבי אליעזר בן עזריה [את] בגדיו ובכה ויצא ואמר לחכמים: רבותי באו וראו ברבי אליעזר שטהור הוא לעולם הבא.

ויצאה נשמתו בטהרה.

עמד רבי יהושע על רגליו ואמר:  
הותר הנדר, הותר הנדר!

ובאחרונה אמר טהור ונסתלקה נשמתו אמרין ניכר רבי שהוא טהור...  
נכנס רבי יהושע וחלץ את תפיליו והיה מגפפו ומנשקו ובוכה ואומר רבי רבי הותר הנדר

|                              |                           |                       |
|------------------------------|---------------------------|-----------------------|
| למוצאי שבת פגע בו רבי        | לאחר שבת בא רבי עקיבא     |                       |
| היה מן קיסרי ללוד, היה       | עקיבא מן קיסרי ללוד, היה  |                       |
| מכה בבשרו עד שדמו שותת       | מקסרי ללוד. מיד קרע את    |                       |
| לארץ.                        | בגדיו ותלש בשערו והיה דמו |                       |
|                              | שותת ונופל לארץ והיה צועק |                       |
|                              | ובוכה ואומר אללי רבי עליך |                       |
|                              | אללי עליך מרי שהנחת כל    |                       |
|                              | הדור יתום.                |                       |
| פתח עליו בשורה ואמר:         | פתח עליו בשורה ואמר       |                       |
| אבי רכב ישראל ופרשיו,        | אבי רכב ישראל ופרשיו      | רבי רכב ישראל ופרשיו. |
| הרבה מעות יש לי ואין לי שול- | מעות יש לי ואין לי שולחני |                       |
| חני להרצותן.                 | לרצותן:                   |                       |

Clearly, the Bavli is the base text of *ARNA*, augmented and significantly deteriorated.

## Appendix B

### *Rabbi Eliezer and Rabbi Yehoshua as Master/Disciple (above, n. 73)*

Rabbi Eliezer and Rabbi Yehoshua are regularly taken as contemporary colleagues. They appear first among the five disciples of Rabban Yohanan ben Zakkai enumerated in *mAv* 2:8. Rabbi Yosi refers to the pair as “the early fathers.”<sup>118</sup>

In seven places the post-classical *Midrash Mishle* portrays Rabbi Eliezer as a disciple of Rabbi Yehoshua, as e.g.:

“He reserves sound wisdom for the upright, He is a shield for those that live blamelessly” (Prov 2:7). Rabbi Eliezer asked Rabbi Yehoshua: What is [the meaning of] this verse? Rabbi Yehoshua replied: My son, from the time a person is formed in his mother’s womb, the Torah which he is to learn is reserved for him, and that is why Scripture says, “He reserves sound wisdom for the upright, He is a shield for those that live blamelessly.” Just as the shield protects a person, so Torah shields all who study it, and that is why Scripture says: “He is a shield for those that live blamelessly” (Prov 2:7) (*Midrash Mishle* 2:7).<sup>119</sup>

<sup>118</sup> *tYT* 1:10.

<sup>119</sup> Visotzky, p. 29 and n. 28; *idem*, Eng., p. 30.

The impropriety of this casting was observed by Zunz,<sup>120</sup> Buber<sup>121</sup> and others, who point out that talmudic usage has them as colleagues.

Amoraic sources refer to Rabbi Yehoshua's actions after the death of Rabbi Eliezer, and his reverence towards him (see *tNid* 1:5).<sup>122</sup> Another source reports:

Once Rabbi Yehoshua entered [Rabbi Eliezer's Study Hall after the latter's death] and began kissing the stone [that served as Rabbi Eliezer's chair] and said: This stone is like Mount Sinai, and the one who sat on it was like the Ark of the Covenant (*SongR* 1).

This reverential attitude may not be inconsistent with a collegial relationship, in that Rabbi Eliezer is in any case senior, and mentioned first in the list of Rabban Yohanan ben Zakkai's disciples (*mAv* 2:4, as above). However we will try to demonstrate that there are sources, predominantly the Yerushalmi, which hint to a master/disciple relationship. In several places Rabbi Eliezer responds to Rabbi Yehoshua, saying "What is this, Yehoshua!" (מה זה יהושע) (e.g. *mPes* 6:2 and parallel in *SifZut* 9; *SifDeut* 38), a phrase which Rabbi Eliezer uses when addressing his disciples, Rabbi Aqiva (*mNaz* 7:4; *tOhil* 3:7)<sup>123</sup> and Rabbi Ilai (*tSuk* 2:1, and also perhaps in *tBer* 1:4).<sup>124</sup> Compare it being disparagingly used toward an underling in *tYom* 1:4 and *tBQ* 7:13.

In the Yerushalmi account of the death-bed scene, although Hyrcanus, son of Rabbi Eliezer, approached him to remove his phylacteries, it was Rabbi Yehoshua who finally carried this out (perhaps a symbolic act of a disciple)<sup>125</sup> and called Rabbi Eliezer "master" three times: "My master, my master, the vow is annulled; my master, the chariots of Israel and his horsemen" (רבי רבי, הותר הנדר, רבי, רכב ישראל ופרשיו) while echoing Elisha's departing words to his master Elijah: "Oh father, father, Israel's chariots and horsemen" (2Kgs 2:12; אָבִי אָבִי רַכֵּב יִשְׂרָאֵל וּפָרָשָׁיו).<sup>126</sup>

120 L. Zunz, *Die gottesdienstlichen Vorträge der Juden: historisch entwickelt: Ein Beitrag zur alterthumskunde und biblischen Kritik, zur Literatur- und Religionsgeschichte* (Berlin 1919) 281 and n. d.

121 *Midrash Mishle*, Vilna 5653, p. 11.

122 P. 641; Friedman, *Igud Gittin*, sugya 2.

123 Compare the structure of the above-mentioned *SifZut*, with Rabbi Yehoshua-Rabbi Aqiva here in reverse order.

124 *SifDeut* 34, Rabbi Yishmael to Rabbi Eleazar ben Azariah.

125 Serving the master (שימוש חכמים).

126 Yonah Fraenkel noted that Rabbi Yehoshua turns to Rabbi Eliezer "as the disciple Elisha to his master Elijah" (Y. Fraenkel. "Time and its Shaping in Aggadic Narratives," in: J. J. Petuchowski and E. Fleischer (eds.), *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann* (Jerusalem 1981) 153 [Hebrew]). At the same time he refers to Rabbi Eliezer as Rabbi Yehoshua's "erstwhile colleague" (הרוע אל חברו) געגעועיז של ר' יהושע אל חברו).

The synoptic comparison of the Yerushalmi and the Bavli versions of the account discussed above reads thus:

| ב' סנהדרין סח ע"א                          | י' שבת ב ב, ה ע"ב                       |
|--|---|
| עמד רבי יהושע על רגליו                     | נכנס ר' יהושע וחלץ את תפיליו והיה מגפפו |
| ואמר: הותר הנדר, הותר הנדר!                | ומנשקו ובוכה ואו' רבי רבי הותר הנדר     |
| למוצאי שבת פגע בו רבי עקיבא מן קיסרי ללוד; |   |
| היה מכה בבשרו עד שדמו שותת לארץ. פתח       |   |
| עליו בשורה ואמר:                           |   |
| "אבי אבי רכב ישראל ופרשיו" (מל"ב ב יב),    | רבי "רכב ישראל ופרשיו" (מל"ב ב יב).     |
| הרבה מעות יש לי ואין לי שולחני להרצותן.    |   |

The last two paragraphs quoted here from the Bavli are translated (Soncino) as follows:

On the conclusion of the Sabbath Rabbi Aqiva met his bier being carried from Caesarea to Lod. [In his grief] he beat his flesh until the blood flowed down upon the earth. Then Rabbi Aqiva commenced his funeral address, the mourners being lined up about the coffin, and said: "My father, my father, the chariot of Israel and the horsemen thereof" (2Kgs 2:12); I have many coins, but no money changer to accept them.

This translation "met his bier" expands the original בו פגע, literally: "met him." Furthermore, we see that Rabbi Aqiva is considered the subject of all the verbs in this passage. This determination was already made in Tractate *Semahot* 9:2:

מעשה כשמת רבי אליעזר וחלץ רבי עקיבא לפניו את שתי ידיו, והיה מכה על לבו והדם שותת, וכך היה אומר: רבי רבי, "רכב ישראל ופרשיו" (מל"ב ב יב), הרבה מעות יש לי ואין שולחני להרצותן.

Now it happened that when Rabbi Eliezer died, Rabbi Aqiva bared both arms and beat his breast, drawing blood. And thus he spoke: My master, my master, "the chariots of Israel and the horsemen thereof!" (2Kgs 2:12). A multitude of coins have I, but no money-changer to sort them!<sup>127</sup>

ר' אליעזר (הותיק ר' אליעזר), thus explaining his charged words. Also, Fraenkel presents a different explanation for his removal of the phylacteries.

127 D. Zlotnick, *The Tractate "Mourning" (Semahot): Regulations related to Death, Burial and Mourning* (New Haven 1966) 67; Higger, p. 169.

Alon Goshen-Gottstein, in his analysis of the Bavli's *baraita*, also presents the last scene as revolving around Rabbi Aqiva only, and interprets this as the Bavli *baraita*'s desire to portray Rabbi Aqiva as the disciple and spiritual heir of Rabbi Eliezer.<sup>128</sup>

Now in the Yerushalmi, certainly a more original form of the *baraita* than that in the Bavli, it is clear that the same person who says "The vow is annulled, the vow is annulled!" went on to deliver the eulogy "the chariot of Israel and the horsemen thereof," namely, Rabbi Yehoshua! Indeed Tractate *Semahot* and *ARNA*<sup>129</sup> made Rabbi Aqiva the subject of the verbs, based perhaps on an Aqiva-centered bias. However, in the *baraita* of the Bavli itself it is possible to view Rabbi Yehoshua as the subject of the verbs. It all boils down to who is the referent of בו ("him") in the phrase פגע בו ("he met him").<sup>130</sup> Simple style and syntax should indicate that Rabbi Aqiva met Rabbi Yehoshua (and not Rabbi Eliezer's bier). Thus, Rabbi Yehoshua would be the subject of the following verbs, and, as in the Yerushalmi, he is the one who eulogizes. In order to make Rabbi Aqiva the referent in בו one would have to read: פגע בו בר' עקיבא.<sup>131</sup>

Thus the central role of Rabbi Yehoshua in this episode in the Yerushalmi's more primary parallel is still observable through a close reading of the Bavli. The later recensions (*Semahot* and *ARNA*) and commentators enhanced the position of Rabbi Aqiva in this narrative, thus eclipsing Rabbi Yehoshua.

In two magical accounts in the Yerushalmi Rabbi Eliezer turns to Rabbi Yehoshua to perform magical salvation, saying: "Now Yehoshua ben Haninah, see what you can do":

דלמא רבי ליעזר ורבי יהושע ורבי עקיבה עלון למיסחי בהדין דימוסין דטיביריא. חמתון חד מיניי. אמר מה דמר ותפשיתון כיפה. א"ר ליעזר לר' יהושע: מה יהושע בן חנינה, חמי מה דאת עבד. מי נפיק אהן מינייא אמר רבי יהושע מה דמר ותפש יתיה תרעה... אמר רבי ליעזר לרבי יהושע: מה יהושע בן חנינה חמי מה דאת עבד.

128 באפיזודה 5 החותמת את הסיפור, יש גיבור אחד בלבד, הלא הוא ר' עקיבא. הצגה זו מלמדת על מרכזיותו של ר' עקיבא בסיפור הבבלי. מפרספקטיבה זו הסיפור כולו חותר לשיא שהוא (Goshen-Gottstein, "Ideological Analysis," 83; and see also p. 86, where the author struggles somewhat with this idea).

129 Even though its text is essentially based on the Bavli (see Appendix A), the emphasized words in the following quote make in clear that Rabbi Aqiva is the subject of the verbs: לאחר שבת בא רבי עקיבא ומצאו באריסרטיא שבא מקסרי ללוד מיד קרע את בגדיו ותלש בשעריו והיה דמו שותת ונפל לארץ והיה צועק ובוכה.

130 למוצאי שבת פגע בו רבי עקיבא.

131 As Daniel Boyarin seems to have done, when he translates: "On the going out of the Sabbath, he met Rabbi Akiva" (Boyarin, *Dying*, 38).

Once Rabbi Liezer and Rabbi Yehoshua and Rabbi Aqiva went to the baths in Tiberias. They saw a heretic. He said what he said,<sup>132</sup> and they were caught in by the dome (of the bathhouse). Said Rabbi Eliezer to Rabbi Yehoshua: Now Yehoshua ben Haninah, see what you can do. When that *min* tried to leave, Rabbi Yehoshua said what he said, and the doorway of the bath seized and held the heretic firm . . .

Said Rabbi Eliezer to Rabbi Yehoshua: Now, Yehoshua ben Hananiah, let us see what you can do. (*ySanh* 7:19, 25d)

On this Levinson writes:

Throughout the talmudic discussion here, R. Yehoshua ben Hananya is presented as the premier magician, while in the Bavli this position is occupied by R. Eliezer. I do not know why R. Yehoshua takes the lead when both masters are present, with Eliezer saying, “Show him what you can do.” In any case, it is interesting that a similar situation and locution occurs in the Apocryphal Acts of Peter and Paul (VII): “Paul said to Peter: Do at once what you doest” [ANF VIII: 484].<sup>133</sup>

However, we have seen that the Yerushalmi portrays Rabbi Yehoshua (and not Rabbi Aqiva) as *the* disciple of Rabbi Eliezer, regarding the many laws about sorcery (“Said Rabbi Yehoshua: Three hundred laws did Rabbi Eliezer expound concerning the verse: ‘Thou shalt not suffer a witch to live’ [Exod 22:17], and of all of them I have heard only two things”). In the Yerushalmi’s aggadic anecdotes where the two appear in a setting of magical acts (performed for noble purposes), it is the “master” who charges the “disciple” with the task of performing magic. Rather than Levinson’s conclusion that “R. Yehoshua takes the lead when both masters are present,” I would claim that Rabbi Eliezer “takes the lead” as master *vis à vis* Rabbi Yehoshua, who is not an equal (“both masters”), but rather disciple (the same could apply to Paul *vis à vis* Peter).<sup>134</sup> Certainly the salutation “Now Yehoshua ben Haninah” does not seem to be one fitting for a colleague, but rather for a disciple.<sup>135</sup> It is the master magician who instructs the disciple (serving as apprentice and *shamash*) actually to perform the deed.

The Yerushalmi concludes the aggadic anecdotes with a full-blown statement ascribed to Rabbi Yehoshua, as if connecting it to them (e.g. “and those stories correspond with what he himself said”): “Rabbi Yehoshua ben Hananiah said: I can

132 D. Sperber, “On a Meaning of the Word גללה,” in D. Sperber, *Magic and Folklore in Rabbinic Literature* (Ramat Gan 1994) 63. Cf. “He did what he did” in Aramaic (עבד מאי דעבד) = “he performed a magical practice” (Sokoloff, *Babylonian*, 813; Bohak, “Minim,” 271, n. 15).

133 Levinson, “Enchanting,” 60, n. 17.

134 See [http://executableoutlines.com/gal/ga2\\_6.htm](http://executableoutlines.com/gal/ga2_6.htm).

135 The common address forms are first name or ben x.

take gourds and melons and transform them into stags and deer, and these then produce more stags and deer” (*ySanh* 7:13, 25d).<sup>136</sup> This assertive claim is similar in style to, and its formulation may be patterned upon:

ר' חייה רבה אמר: יכיל אנא כתב כל קרייא בתרין מניין. היך? עבידא זבן בתרין מניי זרע דכיתן וזרע ליה וחצד ליה ועבד חבלין ותפש טביי וכתב כל קרייה על משכיהון.

Rabbi Hiyya the Great said: I can write down all the verses (of Scripture) for the price of two *maneh*. How do I do this? I buy flax seed for two *maneh* and sow it and harvest it and make ropes and trap deer and write all the verses on their skins (*yMeg* 4:1, 74d).

By describing Rabbi Yehoshua's magical accomplishments the same way Rabbi Hiyya's Torah accomplishments are described, Rabbi Yehoshua is being advanced beyond the disciple status and is now cast as a major magic figure, proud of his magical feats and even bragging about them, reminiscent of Simon Magus. This admiration, esteem, and according heroic status, is not earlier than the amoraic period, part and parcel of the growing approval of magic during that time. It cannot be assigned to tannaitic conceptualization, and certainly not to the beginning of the tannaitic period, as some earlier scholars tended to do; we note, for instance, “Soon after 70, R. Yehoshua ben Hananiah boasted of his ability to transform cucumbers and melons into living deer.”<sup>137</sup> It is the amoraic Yerushalmi which casts Rabbi Yehoshua as learning the laws of sorcery from Rabbi Eliezer, and transmits the expanded aggadic anecdotes in which Rabbi Eliezer is the master and Rabbi Yehoshua the disciple, who finally comes into his own right as master.

It is possible that the subsequent raising of the figure of Rabbi Yehoshua ben Hananiah to that of paradigmatic magician was facilitated by the aim of having him serve as a Jesus (Yeshua) competitor/substitute, as Yehoshua ben Perahiah<sup>138</sup> was cast as the teacher of Jesus<sup>139</sup> due to the common name “Yehoshua” and the “Alexandria” connection.<sup>140</sup> Yehoshua ben Perahiah then served as a competitor-substitute for Jesus in magical literature. Our Rabbi Yehoshua ben Hananiah's persona may have been treated the same way.

136 אמ' ר' יהושע בן חנניה: יכיל אנא נסיב קריין ואבטיחין ועביד לון איילין טבין והידגון עבידין איילין וטבין.

137 S. W. Baron, *A Social and Religious History of the Jews*, vol. 2 (New York 1952) 21.

138 About whom see B. L. Sherwin, *Workers of Wonders: A Model for Effective Religious Leadership* (Lanham 2004) 75–7.

139 *bSot* 47a and cf. *mSS* = *bSanh* 107b.

140 For Jesus' magic, see *bShab* 104b = *bSanh* 67a and Yehoshua ben Perahya regarding wheat from Alexandria being impure, *tMakh* 3:4 (J. Klausner, *Jesus of Nazareth* (trans. H. Danby; New York 1925] 25–6; J. Rubenstein, *Stories of the Babylonian Talmud* [Baltimore 2010] 138 and references).

## Appendix C

## bMakkot 19b, Variant Readings (above, n. 92)

|                           |                              |        |
|---------------------------|------------------------------|--------|
| מיבעיא להו אפיתחא דירושלם | יטיב רב חנניה ורב הושעיה וקא | הרצוג  |
| מיבעיא להו אפיתחא דיר-]   | [ יטיב ר                     | מודינא |
| מיבעי להו אפיתחא דירושלם  | יטיב רב חנניא ורב הושעיא וקא | ד"ו    |
| בפיתח' דירושל' מיבעי ל'   | יטיב רב חנינ' ורב אושע' וקא' | מינכן  |

Modena: Archivio di Stato Fr. Ebr. 472

## Appendix D

*Rabbi Hanina or Rabbi Juda Nasia? (see above, n. 92)*

The following passage exemplifies the fluidity of these traditions:

אמר רבי אושעיא: מאי דכתיב: "צדקות פרזונו בישראל" (שופטים ה יא)? צדקה עשה הקדוש ברוך הוא בישראל שפזרן לבין האומות. והיינו דאמר ליה ההוא מינא לרבי חנניא: אנן מעלינן מינייכו. כתיב בכו: "כי ששת חדשים ישב שם וגו'" (מלכים א יא טז), ואלו אנן, איתניכו גבן כמה שני, ולא קא עבדינן לכו מידי. אמר לו: רצונך, יטפל לך תלמיד אחד. נטפל ליה רבי אושעיא. אמר ליה: משום דלא ידעיתו היכי תעבדו: תכלינן כולהו, ליתנהו גבייכו. מאי דאיכא גבייכו, קרי לכו מלכותא קטיעתא. אמר ליה: גפא דרומאי! בהא נחתינן ובהא סלקינן (ב' פסחים פז ע"ב).

Rabbi Oshaia said: What is meant by the verse, "Even the righteous acts of His Ruler in Israel" (Judg 5:11)? The Holy One, blessed be He, showed righteousness [mercy] unto Israel by scattering them among the nations. And this is what a certain sectarian said to Rabbi Hanina: We are better than you. Of you it is written: "For Joab and all Israel remained there six months, until he had cut off every male in Edom" (1Kgs 11:16); whereas you have been with us many years, yet we have not done anything to you! Said he to him: If you agree, a disciple will debate it with you. [Thereupon] Rabbi Oshaia debated it with him, [and] he said to him: [The reason is] because you do not know how to act. If you would destroy all, they are not among you. [Should you destroy] those who are among you, then you will be called a murderous kingdom! Said he to him: By the [Love—S.F.] of Rome!<sup>141</sup> With this [care] we lie down and with this [care] we get up (*bPes* 87b).

<sup>141</sup> = Isis, see Lieberman, *Greek*, 140.

The name “Rabbi Hanina,” in bold above, appears in some MSS as Rabbi Judah the Patriarch II, a reading adopted by Saul Lieberman:<sup>142</sup>

The oath **גפא דרומא** is recorded once more in TB in the name of a gentile. R. Juda the Patriarch (III c.) commissioned R. Oshaia to debate with this gentile.

In note 95 (to “Rabbi Juda the Patriarch”), Lieberman comments:

This is the only correct reading, see דקדוקי סופרים ad loc., p. 268 n. 200. This reading is also corroborated by *Seder Eliyyahu Rabba* (XI ed. Friedmann, p. 54) which drew from a different source. The reading of the editions and ms. Munich is erroneous, for R. Hanina would not call R. Oshaia “a disciple,” whereas the Patriarch, R. Juda the Second, by virtue of his office may have permitted himself to term R. Oshaia “disciple” in order to show the gentile that even his pupil will be able to give him the right answer.

Today we can document the reading “Rabbi Hanina” from more textual witnesses than the two (Munich MS and printed edition) cited by Lieberman. The witnesses divide into two discrete families,<sup>143</sup> and consequently we should consider the nature and mechanism of the emergence of these two traditions. The attestations among full textual witnesses are as follows:

|                                |                               |      |
|--------------------------------|-------------------------------|------|
| יהודה נשיאה אגן עדיפיגן מיניכו | כי הא דאמ' ליה ההוא מינא לר'  | 6מ   |
| יהודה נשיאה אגן מעליגן מיניכו  | והיגו דאמ' ליה ההוא מינא לר'  | 1623 |
| יהודה נשיאה אגן מעליגן מיניכו  | והיגו דאמ' ליה ההוא מינא לר'  | קול  |
| חנינה אגן מעליגן מיניכו        | והיגו דאמ' ליה ההוא מינא לר'  | 1251 |
| חנינא אגן מעלי מיניכו          | והיגו דא"ל ההוא מינא לר'      | אוק  |
| חנינא אגן מעליגן מיניכו        | והיגו דא"ל ההוא מינא לר'      | 95מ  |
| חיננא אגן מעליגן מיניכו        | כי הא דאמ' ליה ההוא מינא לר'  | 1091 |
| חנינא אגן מעליגן מיניכו        | והיגו דא"ל ההוא מינא לר'      | 1341 |
| חנינא אגן מעליגן מיניכו        | והיגו דאמ' ליה ההוא מינא לרבי | ד"ו  |

<sup>142</sup> Lieberman, *Greek*, 141.

<sup>143</sup> For research on the dynamics of the textual traditions of *bPesahim* see S. G. Wald, *Pesahim* II תלמוד בבלי מסכת פסחים פרק אלו עוברין, מהדורה מדעית וביאור מקיף, ניו יורק וירושלים (תש"ס 269–83; A. Amit, “The Place of Yemenite Manuscripts in the Transmission-History of *bPesahim*,” *Hebrew Union College Annual* 73 (2002) עז-לא [Hebrew]; *idem*, עמית, “א' נוסח פרק מקום שנהגו בבבלי: מהדורה ביקורתית של פרק רביעי ממסכת פסחים על פי pp. כתבי היד וקטעי הגניזה בצרוף מבוא”, עבודת מוסמך, אוניברסיטת בר-אילן, תשנ"ה 3–114; Friedman, *Tosefta Atiqta*, 87–8.

The first group, reading “Rabbi Judah the Patriarch” (II) is composed of a Spanish MS and Yemenite MSS. The second, testifying to “R. Hanina,” is represented by five Ashkenazic or Ashkenazic-related MSS and the first printed edition.<sup>144</sup> One of the manuscripts, Vat 125, exhibits early and remarkable linguistic forms and quality text.<sup>145</sup> Now that it has been established that we are dealing with two time-honored and eminent traditions, we must go beyond the categories of “correct” and “erroneous,” and entertain “original” and “reworked” editorially. Whichever of the two groupings belongs to the second category (reworked), it should be clear that its reading emanates from an early, scholastic emendation.<sup>146</sup> If the original reading was “Rabbi Yehudah Nasia,” the scholastic who emended to “Rabbi Hanina” did so because Rabbi Hanina occurs at the beginning of the passage, and Rabbi Hanina and Rabbi Oshaia were a well-known sage-pair; if the original text was “Rabbi Hanina,” the switch to “Rabbi Yehuda Nasia” was inspired by the account in *bAZ* 6b<sup>147</sup> of a “sectarian” presenting Rabbi Yehuda Nasia with a challenging situation. In either case, support is given to a working hypothesis that our two rabbis were a renowned sage-pair, readily available for use in literary creativity, whether appearing here in the original text or the emended one.

## Appendix E

### *1Sam 1:24 at Qumran (above, n. 101)*

|  |                                     |
|--|-------------------------------------|
| (4Q51 2a_d:6) 1Sam 1:24                        | שמואל א א כד                        |
| (4Q51 2a_d:7) ותעל אותו שילה כאשר <sup>ו</sup> | וְתַעֲלֶהוּ עִמָּהּ כְּאִשֶּׁר      |
| [יעלה אלקנה לזבח ליהוה                         | גְּמָלָתוּ                          |
| בפר בן [בקר משלש ולהם (4Q51 2a_d:8) {{{°°°°}}} | בְּקָרִים שְׁלֹשָׁה                 |
| [ואיפה אחת קמח ונבל יין                        | וְאִיפָה אַחַת קִמְחַ וְנִבֵּל יֵינ |

144 This corresponds exactly to the observed division of the witnesses to Pesahim into two major families.

145 See Friedman, *Talmudic Studies*, 319.

146 On the phenomenon of variant readings in the Bavli see Friedman, *Talmudic Studies*, 192–246; *idem*, “On the Origin of Textual Variants in the Babylonian Talmud,” *Sidra: Journal for the Study of Rabbinic Literature* 7 (1991) 67–102 [Hebrew].

147 ההוא מינאה דשדר ליה דינרא קסריאנא לר' יהודה נשיאה ביום אידי'. הוה יתיב ריש לקיש קמיה, אמר: היכי אעביד? אשקליה, אזיל ומודה! לא אשקליה, הווא ליה איבה! א"ל ריש לקיש: טול זורוק אותו לבור בפניו. אמר: כל שכן דהווא ליה איבה! כלאחר יד הוא דקאמינא.