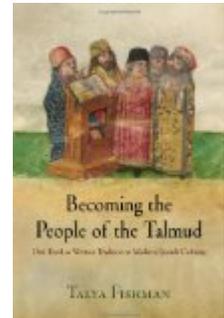




Talya Fishman. *Becoming the People of the Talmud: Oral Torah as Written Tradition in Medieval Jewish Cultures.* Philadelphia: University of Pennsylvania Press, 2011. 413 pp. \$65.00, cloth, ISBN 978-0-8122-4313-0.



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“Oral matters may not be inscribed,” decrees a Jewish principle formulated in late antiquity. The subject of this prohibition was “the oral Torah” (the Mishnah and the Gemarah, i.e., the Talmud that tradition maintained was handed to Moses on the Sinai together with the Holy Scriptures, the only ones to be kept inscribed). This prohibition notwithstanding, Jews have possessed since the High Middle Ages innumerable copies of the Talmud, either handwritten or, mostly, printed, which continue to be “oral law.” How did this happen? When and where did the transition take place?

While anthropologists and literary scholars assure us that some persons have the ability to memorize very long and complicated scriptures, the abandonment of this way of learning in favor of the use of the written word met at times with discontent by members of their societies. But our forefathers, who were not strangers to controversy and confrontation, did not leave us any trace of any strife that may have surrounded this transition to the written, as noticed by Jacob Sussman,

the illustrious Talmudic scholar of Jerusalem. This prevents us from formulating exact answers to the questions of when and where.

Talya Fishman, who obviously spent many years and much effort trying to untangle these complexities, does not suggest solutions to these problems, but strives to point rather to documents and situations which may help to alleviate the difficulties. Besides mastering hundreds of new and old studies she also possesses a sharp, critical way of analyzing the data and an eager wish to synthesize the dispersed pieces of information. Thus she makes us aware that medieval people’s presentation of the Talmud misleads us even today as to the reasons and the ways in which the ancient sages (the *Tana’im* and the *Amora’im*) handled issues of oral law in their time: there is little doubt that their teachings were pronounced orally in late antiquity. Even towards the millennium the letter from R. Shriria Gaon to the North African Jews of Kayrawan (987) still insisted on the oral teaching of the guides to Jewish life, the Mishnah and the Gemarah. Spanish Jews of the eleventh

century, who considered the teaching of the Talmud as necessary and sufficient to handle all aspects of their lives, were the first to look for written copies of it.

In northern Europe it was the Rhineland region of Germany that first became the undisputed center of Talmudic studies, to be replaced in the twelfth and thirteenth centuries by northern France. To explain this rabbinic geography Talya Fishman had to consider first and foremost the history of “textualization” that took place in these centuries in the surrounding society. “Non-Jewish history,” towards which she is sensitive throughout her book, occupies practically the totality of chapter 3. Our author explains that while until the twelfth century and even beyond European society handled most of its business orally, the immense growth of commerce and banking activity, coupled with unprecedented interest in learning and intellectual pursuit, made the use of written records indispensable. People could no longer depend on their memory to retain the details pertaining to their business or their readings. Given Jews’ prominence in the marketplace, they had urgent need of the legalistic text of the Talmud.

As a blueprint for Jewish and human life the Talmud was not only copied but also commented upon, notably by Rashi (1040-1105) and his disciples in northern France. The twelfth century witnessed the activities of his sharp-minded disciples, known as “Tosaphists,” who applied in their schools the dialectics of the gentiles and whom Talya Fishman sees at times as practicing “intellectual gymnastics.” Unhappiness with these developments in Jewish erudition was expressed by contemporary Jews and gentiles alike. In Germany a three-generational movement of Jewish Pietism known as “Hasidut Ashkenaz” emerged as a reaction to the triumphalism of the Tosaphists. They even recommended not keeping the Holy Scriptures and the Talmud in the same case. This Pietistic movement very much resembled, as noted by Fritz Baer, their Franciscan contemporaries

who offered society an alternative to the uncontrolled materialism of the market place as well as to the exaggerated intellectualism of the nascent universities. On their part Christians did not waste much time discovering the centrality of Talmudic teaching to Jewish life. As they saw it this “oral law” impeded Jews from obtaining a correct Christian understanding of the Holy Scriptures. Any hope of bringing them under the true grace would necessarily entail the annihilation, indeed the burning, of the books. More than that: the Augustinian theory of about 400 CE that enabled Jews to live under Christian rule had been formulated when Jews shared with Christians the same sacred books. The prominence given now to oral law was conceived thus as a betrayal by the Jews who, by following the Talmud, changed the rules of the Augustinian arrangement. Politically, Christians felt hence free to expel the Jews from their territories at their will. Indeed, after the trial of the Talmud in Paris in 1240 came a series of expulsions that included a general one from England in 1290 and from the Royal Domain of France in 1306.

The intensive comparison between the textualization of Jewish oral law and similar developments in the surrounding society is one of the salient features of this book now offered to the scholarly community. Not many of us would have been able to accomplish such an endeavor with similar conviction, supported by so much knowledge. Further study will have to take into account the far-reaching events that took place in the Jewish world around the beginning of the eleventh century and during the following one. I have in mind the decline of the centralized governing and scholarly institutions in the Middle East, namely the extinction of the dynasty of the “Heads of the Diaspora” (the “Exilarch”) as well as the demise of the Geonate. The balance between the Jewish East and West was drastically altered. Northern France and Germany, which were for centuries the backwaters of Jewish civilization, gained leadership status. Hundreds of local communities, most of

them small, spread throughout these western regions. They were left to handle their lives on their own, waiting for the appearance of the new religious leadership, that is to say, the institution of the rabbinate. How these momentous developments affected the inscribing of oral law will hopefully be treated by Dr. Fishman and her disciples in the near future, since few are the scholars who are able to claim the merit of having opened a new field of study dealing with a subject of such importance.

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