

TEYKU

THE UNSOLVED PROBLEM IN THE BABYLONIAN TALMUD



A study in the literary analysis and form
of the Talmudic argument

Louis Jacobs

A Leo Baeck College Publication
Volume 2

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In memory of
my grandson Amos

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LIST OF ABBREVIATIONS

Angel	Abraham Angel (Chelebi): <i>Pittuḥey Hotam</i> , Salonika, 1819
DS	<i>Dikdukey Soferim: Variae Lectiones in Mishnam et in Talmud Babylonicum</i> by R. Rabbinovicz, Reprint, New York, 1960
<i>Gilyon ha-Shas</i>	Notes of R. Akiba Eger (1761-1837) in Vilna edition of the Talmud
Guttman, <i>Dvir</i>	M. Guttman: <i>She'elot 'Akademiot ba-Talmud</i> in <i>Dvir</i> , Vol. I, Berlin, 1923, pp. 38-87; Vol. II, Berlin, 1924, pp. 101-164
<i>Ha-Gra</i>	Commentary of Elijah Gaon of Vilna (1720-1797) in Vilna edition of Talmud
Jastrow	M. Jastrow: <i>A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature</i> , New York, 1926
<i>JQR</i>	Jewish Quarterly Review
<i>Maharsha</i>	Novellae of R. Samuel Edels (1555-1631) in Vilna edition of the Talmud
<i>Mevuot</i>	J. N. Epstein: <i>Mevuot le-Sifrut ha-'Amoraim</i> , Jer.-Tel-Aviv, 1962
<i>Peney Yehoshua</i> ^c	Novellae of R. Jacob Joshua Falk (1680-1756), Warsaw, 1860
R.	Rabbi
<i>Ran</i>	Commentary to <i>Nedarim</i> by R. Nissim Gerondi (d.c.1375) in Vilna Edition of the Talmud
<i>Rashba</i>	Novellae of R. Solomon Ibn Adret (c.1235-c.1310) various editions
<i>Rashbam</i>	Commentary to <i>Bava Batra</i> by R. Samuel ben Meir (d.c.1174) in Vilna edition of Talmud
<i>Rashi</i>	Commentary by R. Solomon Yitzhaki (1040-1105) in Vilna edition of Talmud
<i>Rosh</i>	R. Asher ben Yehiel (d.1327): Commentary in margin to <i>Nazir</i> ; <i>Piskey ha-Rosh</i> to <i>Hullin</i> , in Vilna edition of Talmud
SM	<i>Shitah Mekubbetzet</i> by R. Bezalel Ashkenazi (c.1520-1591/4), Glosses to the Order <i>Kodashim</i> in Vilna edition of Talmud
Soncino	<i>The Babylonian Talmud</i> translated into English under the editorship of I. Epstein, The Soncino Press, London, 1948
<i>Tosafists</i>	Commentaries of the French and German Schools in the 12-14 centuries in the Vilna edition of the Talmud

TEYKU

CHAPTER I

INTRODUCTION

IN THE FOLLOWING pages a phenomenon found very frequently in the Babylonian Talmud is examined in detail. This is the device of TEYKU, of which there are more than 300 instances scattered throughout the Babylonian Talmud but not found at all in the Palestinian Talmud.¹

Every student of the Babylonian Talmud is aware that an important unit of this gigantic work is the purely academic problem known as the *ba'ya* ('problem').² This is set either by a particular teacher (in the form: '*be'ei* R. . . .', 'R. . . . set a problem') or anonymously ('*ibba'ya le-hu*, 'they set a problem'). The problem is always one of definition. Two possible definitions are presented and these two are so equally balanced that there is no logical reason for preferring one to the other. Consequently, the only way to arrive at a solution is by an appeal to an earlier authority—a Tannaitic source or, at least, an Amoraic source considered to be completely reliable and acceptable. This is introduced by the standard formula: *ta shema'*, 'come and hear'. When it can be demonstrated, either directly or by implication, that an established authority has come down in favour of one of the two possibilities the resulting definition is seen to be the correct one, not because it is more reasonable than the other but simply because the authority has decided that this is the proper definition of the law or statement in question. In algebraic form:

Let the law or statement be A
and the definition either x or y

1. Bibliography: W. Bacher: *Erkhey Midrash*, Tel-Aviv, 1923, pp. 158-159, s.v. *ba'a*; M. Mielziner: *Introduction to the Talmud*, 4th ed., ed. A. Guttmann, New York, 1968, p. 245; *Otzar Yisrael*, Vol. X, s.v. *teyku*, p. 256; M. Guttmann: *She'elot 'Akademiot ba-Talmud in Dvir*, Vol. I, Berlin, 1923, pp. 38-87 and Vol. II, Berlin, 1924, pp. 101-164; A. Kohut: *Arukh Completum*, Vol. II, p. 305 (a complete list of every instance of *teyku*); *Sefer Keritut* by Samson of Chinon, ed. Y.Z. Roth, New York, 1961, pp. 428-433 (in note 2, p. 428, Roth quotes from Kohut all the above instances but there a few printing errors in both Kohut and Roth). Neither Kohut, Roth nor Guttmann refer to the work *Pittuhey Hotam* by Abraham Angel (Chelebi), Salonika, 1819, a commentary on the instances of *teyku* in the Talmud as well as a commentary on every instance of the word *gam*, 'also', in the Bible. (See *Jewish Encyclopedia*, Vol. I, p. 582). No attempt is made to study the phenomenon of TEYKU itself, however. Angel's work is a simple traditional pilpulistic treatment of the passages in which TEYKU occurs as well as some others in which a *ba'ya* remains unsolved. Moreover, despite the claim on the title page, the work only deals with about half of the total instances of TEYKU in the Talmud.

2. Guttmann, Vol. I, p. 45, remarks that there are more than 1,200 of these in the Babylonian Talmud. The verb is *be'ei*, the noun *ba'ya* (cf. Isaiah 21:12; Obadiah 6). The Aramaic plural is *ba'aye* but in the Middle Ages this was Hebraised as *ba'yot*, see e.g. *Rashi, Ketubot* 66b s.v. *shabbat*.

see e.g. Sanhedrin 106b .v.v?

then *ba'ya*:
 which correct Ax or Ay?
ta shema': authority states that
 Ax (or Ay) is correct.

In those instances where no evidence is available from authority the *ba'ya* remains unsolved. The problem is then not simply without a solution but is inherently insoluble since the two halves are so equally balanced. To express this the term TEYKU is used. More will be said of this in the conclusion but here it must be noted that the correct interpretation of the term TEYKU is that it is an abbreviated form of *teykum*, 'let it stand' i.e. the problem remains unsolved, it 'stands' for ever in the state of insolubility.

There are a number of important literary problems in connection with the TEYKU phenomenon and these are significant, too, for the whole vexed question of how the Babylonian Talmud came to assume its present form. One of the most difficult problems in the history of Jewish literature is this question of the redaction of the Babylonian Talmud.³ So far as the TEYKU phenomenon is concerned the questions to be asked are: Did the editors of the Babylonian Talmud have before them a series of problems set by earlier teachers to which, in the absence of a solution, they appended the term TEYKU or is the term part of the original unit? Are some teachers more prone to set problems of the *ba'ya* type and if so why? Can any development be traced in the use of the *ba'ya* and its TEYKU ending? Are there simple and more complex forms of *ba'ya* to which the TEYKU ending is given? How much of the *ba'ya* to which TEYKU is added is the work of the original teacher who is said to have set the problem and how much is due to a later editorial re-working? Why is the phenomenon limited to the Babylonian Talmud, especially since many of the *ba'ya* to which TEYKU is appended are attributed to Palestinian Amoraim? Is there any evidence of pseudepigraphic material i.e. the attribution of *ba'ya* ending in TEYKU to particular Amoraim even though these were not, in fact, responsible for the problems attributed to them? What light does the *ba'ya* phenomenon and its TEYKU ending throw on the general methods of Talmudic argumentation?

The only way to attempt to answer these questions is to examine and analyse in detail every instance of TEYKU in the Babylonian Talmud. In the following pages all these instances will be noted chapter by chapter and

3. On this problem see my *Studies in Talmudic Logic and Methodology*, London, 1961; *The Formation of the Babylonian Talmud* ed. J. Neusner, London, 1970; J. Kaplan: *The Redaction of the Babylonian Talmud*, New York, 1933; Abraham Weiss: *The Babylonian Talmud as a Literary Unit* (Heb.), New York, 1943; *The Talmud in its Development* (Heb.), New York, 1954; *Mehkarim ba-Talmud*, Jerusalem, 1975; David Ha-Livni: *Mekorot U-Mesorot*, Tel-Aviv, 1968; B. De-Fries: *Mehkarim be-Sifrut ha-Talmud*, Jerusalem, 1968; Ch. Albeck: *Mavo la-Talmudim*, Tel-Aviv, 1969; J. N. Epstein: *Mevuot le-Sifrut ha-Amoraim*, Jerusalem-Tel-Aviv, 1962. In the above work I have sought to call attention to the contrived nature of the Talmudic *sugya* i.e. its literary shaping, its 'build-up' as a literary unit. Cf. my articles in *JJS*, Vol. XXIV, No. 2, Autumn, 1973, pp. 119-126; Vol. XXV, No. 3, Winter, 1974, pp. 398-411. It is hoped that the evidence presented in this study will demonstrate clearly that the editors of the Babylonian Talmud had before them a good deal of material from earlier periods which they reshaped and to which they added, for literary effect, the whole debating style so typical of the Babylonian Talmud.

tractate by tractate; the final chapter seeking to draw certain conclusions from the investigation. In the process the whole problem of the *ba'ya* will be considered as well as the more general question of how the Babylonian Talmud was compiled.

Every instance of TEYKU is listed in order. Each text is first given in translation and is followed by a commentary and analysis. The word *ba'ya* has been translated as 'a problem' and the verb *be'i* as 'set a problem'. To some extent this anticipates our conclusion that the Talmudic *ba'ya* is not simply a 'question' but a formal problem, even one of a contrived nature. *Im timmatze lomar* (lit. 'If you will find it to say') has been translated as: 'If you will say'. The term TEYKU has been left untranslated and given in capitals. In many of the instances quoted it is impossible to understand the section translated without some knowledge of the whole *sugya* (the complete Talmudic unit) of which the particular instance is part. This has been supplied as briefly but, it is hoped, as adequately as possible. The items have been numbered for the sake of convenience and in order to facilitate cross-reference. Needless to say, these numbers are not in the texts themselves.

Finally, here is a specimen of the *ba'ya* form (simple) with its TEYKU ending:

'R. A set a problem . . . : What is the law in the case of . . . ? Do we say . . . or perhaps
(*'o dilma*) we say . . . ? TEYKU'.

In the more complex form we have:

'R. A set a problem: What is the law in the case of . . . ? Do we say . . . or perhaps we say . . . ? If you will say . . . what is the law in the case of . . . ? TEYKU'.

There are instances of rather more complex forms and there are one or two unusual forms. All these will be noted as the investigation proceeds.