

TALMUDIC BABYLONIA AND THE LAND OF ISRAEL: BETWEEN SUBSERVIENCE AND ASSERTIVENESS

ISAIAH M. GAFNI

The status of the Jewish diaspora and its ongoing relationship with the center in Eretz Israel during the Second Temple and post-Temple period has yet to be systematically examined.¹ It is a complex issue, for it encompasses the self-perception of the various *golah* communities on the one hand, while on the other hand it must take into consideration the attitudes expressed in Eretz Israel not only towards specific communities, but in general towards the very phenomenon of a diaspora. Did diaspora communities really maintain a feeling of subservience towards the Judaeen center, and if so - was this a constant factor? Conversely, did the Jews of Israel attach a certain stigma to the very existence of Jews in the diaspora in the face of a thriving center in

1. For surveys of the Jewish diaspora in the Second Temple period see: M. Stern, "The Jewish Diaspora", in: S. Safrai and M. Stern, eds., *The Jewish People in the First Century*, vol. 1, Assen 1974, pp. 117-183; E. Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C. - A.D. 135)*, vol. III pt. 1, ed. G. Vermes, F. Millar and M. Goodman, Edinburgh 1986, pp. 1-176; see also E. M. Smallwood, *The Jews under Roman Rule*, Leiden 1981², pp. 120-143, 220-255, 356-388, 507-525; on the relations between Eretz Israel and the diaspora cf. S. Safrai, "Relations between the Diaspora and the Land of Israel", in: S. Safrai and M. Stern, eds., *The Jewish People in the First Century*, vol. 1, Assen 1974, pp. 184-215.

the Land of Israel?² Put in modern terms, was there a "Zionist" movement - or "Zionist" ideology - as far back as the Second Temple Period, an ideology that would have related to the phenomenon of diaspora not merely in theological or philosophical terms, but that might also have interpreted its ideas into practical expressions of what it deemed incumbent upon Jews? And if so, how did the various diaspora communities react in the face of such pressures? The following study will take up one specific aspect of this relationship, an aspect that presented itself most acutely in the post-Temple period, when diaspora communities either strove - or were forced by the political consequences of a series of Jewish military defeats in Judaea - to set up frameworks of Jewish communal life independent of authority structures once firmly situated in the Land of Israel. Our study will focus on the problems of "breaking away" encountered by one Jewish community in particular - the Jews of Talmudic Babylonia; their dilemma will in many ways serve as a prototype for similar processes in post-Talmudic Jewish history, processes no less traumatic than the original weaning of a Jewish community from its ties to the ultimate 'mother-country'.

The Babylonian Talmud (=BT), Pesahim 51a, records the following anecdote:

2. Needless to say, the stigma could derive from the basic Biblical perception of dispersion as a consequence of Israel's sins, and indeed as divine punishment for those transgressions (e.g. Deut. 28:64-68; Jer. 9:16; Ezek. 20:23-24). While the members of Jewish diaspora communities during the Second Temple period were obviously not responsible for the misdeeds of their ancestors, the perpetuation of the diaspora might nevertheless serve as a constant reminder of past sins. Elsewhere I have posited that the formulation and expressions of anti-diaspora sentiment on the part of the sages of Eretz Israel can be identified only in the aftermath of the Bar-Kokhba debacle, cf. I. Gafni. "The Status of Eretz Israel in Reality and in Jewish Consciousness following the Bar-Kokhva Uprising", in: A. Oppenheimer and U. Rappaport, eds., *The Bar-Kokhva Revolt*, Jerusalem 1984, pp. 224-232.

"When Rabbah b. bar Hannah came (to Babylonia) he ate the fat of the stomach." (An animal's stomach, in rabbinic eyes, was considered to be partly curved like a bow, and the fat of the straight part – the bow's string - was deemed permissible by the sages of Eretz Israel but forbidden in Babylonia). Whereupon the Talmud asks: "Does Rabbah b. bar Hannah dispute the principle we have learnt, that a person should assume both the restrictions of the place whence he departed as well as those of the place to which he has gone? Said Abaye: This applies only when travelling from one place to another within Babylonia or within Eretz Israel, or from Babylonia to Eretz Israel, but from Eretz Israel to Babylonia it does not apply - *for since we (i.e. in Babylonia) are subservient to them (in Israel) we behave as they do*" (כיון דאנן כייפינן לה עבדינן כוותייהו).³

Interestingly, the Tosafists (ad loc.) already noted that this principle would appear to clash with the thrust of a lengthy discussion in BT Sanhedrin 5a regarding the relative power of court systems in the two lands, and which suggests that those judges recognized by the Babylonian Exilarch took precedence over the appointees of the Patriarch in Eretz Israel. Rabbenu Tam's answer, however, correctly distinguishes between the discussion in Sanhedrin, which alludes to a superior practical strength of the Babylonian court system in monetary

3. The concluding statement does not quite fit our story, which describes a man coming to Babylonia from Eretz Israel and nevertheless retaining his Palestinian custom, and not the opposite, i.e. a Babylonian conforming to Palestinian custom (עבדינן כוותייהו). The tosafists (ad loc.) note that the particular phrase has its origins in a parallel story unfolding in the opposite direction, wherein R. Zera goes from Babylonia to Eretz Israel and embraces the custom of the latter, foregoing the restrictions of his Babylonian homeland (BT Hullin 18b). More interesting, however, is the fact that the phrase "כייפינן להו" is employed elsewhere in BT (Horayot 11b) in just the opposite sense, alluding to the primacy of the *Babylonian* Exilarch over the Palestinian Patriarch.

matters, backed as it was by a powerful Exilarch, and our discussion, which centers on issues of halakhic disputes, where Eretz Israel takes precedence "for there they study Torah in public, and we have learnt that the air of the Land of Israel makes people wise" (אִירַא דְאֶרֶץ יִשְׂרָאֵל) (מחכים).⁴

Indeed, the sentiment noted above, that Eretz Israel maintains a certain precedence in matters of halakhah and halakhic behavior, and that Babylonia accedes to that precedence - is expressed in numerous - and varied - talmudic sources. In a story alluding to R. Zera's travel in the opposite direction, from Babylonia to Eretz Israel, we are told that upon arrival in the Land he ate from an animal slaughtered in a manner that was regarded as a deflection, and thus forbidden, by the sages of Babylonia - both Rav and Shmuel. Again the Talmud asks - should he not have also adhered to the restrictions of the land he left (i.e. Babylonia), and again Abaye explains that this does not apply when journeying from Babylonia to Eretz Israel, "for we are subservient to them and do as they do" (BT Hullin 18b).

This sentiment, suggesting a supremacy in halakhic authority enjoyed by the sages of Eretz Israel, is expressed explicitly in numerous other sources throughout the Bavli, many of which evolve from the principle - apparently embraced throughout the talmudic era and even into geonic times - that ordination can only be carried out in the Land of Israel. The statement to that effect is quoted outright in BT Sanhedrin 14a – אֵין סְמִיכָה

4. It is noteworthy, however, that whereas Rabbenu Tam links the relative supremacy of the sages of Eretz Israel to their superior learning and wisdom, i.e. the fruits of a merit-oriented hierarchy, Rashi (ad loc.) suggests a purely formal advantage: the sages of Eretz Israel are ordained (סְמִיכָה) whereas the Babylonians are not, for ordination was not practiced outside the Land (see below). This difference in defining criteria for halakhic precedence and communal authority might have played a central role in the tension between Eretz Israel and Babylonia, with the latter obviously interested in stressing a meritocracy (cf. below, n. 9).

ל" בחו"ל – there is no ordination outside the Land",⁵ and the consequence of this limitation is that a whole corpus of legal activity, defined by the rabbis as דיני קנסות, penalties (that is - the imposition of fines either in fixed sums or not commensurate to the damage inflicted) - is thereby precluded from the jurisdiction of the Babylonians. One well known incident has Rav Hisda inquiring of Rav Nahman regarding precisely such penalties, only to be scolded by the latter: "Hisda, Hisda, are you imposing fines in Babylonia"?! (BT B.K. 27b). Yet another case, in which a certain Yirmiyahu apparently inflicted some unspeakable deed upon Ukban the Babylonian (one commentator interprets this as castration), finds its way before a Babylonian court, only to be referred to a tribunal in Tiberias. Rav Ashi explains that "this was a case of penalties, and these are not adjudicated in Babylonia" (BT Sanh. 31b).

The preferential status of Eretz Israel in these cases, however, is not presented anywhere as being the result of that land's superior rabbinic *knowledge* of the Torah (Rabbenu Tam's above-quoted words notwithstanding), but rather the consequence of an authority structure that raises the Land of Israel to an unassailable hierarchal position among Jewish communities.⁶ This standing might assert itself in a variety of halakhic issues in which the application of ultimate and unquestioned authority was deemed necessary, and recognized as such even by the Babylonians. The classic example of this would be the intercalation of the calendar, arguably the most prevalent example used by the rabbis when elaborating on a wide variety of authority structures: Sages acceding to Patriarchal authority⁷, Babylonians to Palestinians

5. cf. PT Bikkurim 3, 65d for the parallel Palestinian discussion on the prohibition of ordination in the diaspora.
6. No scriptural proof is cited in connection with the Bavli's statement forbidding ordination outside the Land. The prooftexts cited in the PT discussion (previous note) are clearly of a secondary, supportive nature (אסמכתא) rather than the source for the custom.
7. Mishna Rosh Ha-Shanah 2:8-9.

(see below), and even God himself acceding to rabbinic authority⁸. The famous Hananiah incident, wherein a sage in Babylonia unsuccessfully attempts usurpation of the exclusively Palestinian function of intercalation, is couched in terms that suggest Palestinian supremacy not based on superior knowledge, but rather on an accepted - and even scripturally imposed - hierarchy: "For out of Zion shall come forth Torah" (Isaiah 2:3) - declare the Israeli messengers, and not out of Babylonia; otherwise the feasts will be "the feasts of Hananiah nephew of R. Joshua" and not the feasts of God (PT Sanhedrin 1,19a). Interestingly, this unassailable hierarchy is the main argument in the PT version of the story, whereas in the BT Hananiah tries to argue - for one slight moment - that there is no equivalent to him in the Land of Israel, only to be rebuffed on *that* point as well (גדיים שהנחת נעשו תיישים).⁹ But there too the story reverts back to the underlying theme, that usurpation of Palestinian authority is tantamount to heresy; 'and

8. PT Rosh Ha-Shana 1, 57a; Pesikta deRav Kahana, Ha-Hodesh 13 (ed. Mandelbaum p. 102-103).
9. The phrase גדיים שהנחת נעשו תיישים ("the kids you left behind have grown to become wethers") appears - without any elaboration - as the text of the second of three letters sent to Hananiah according to the version in PT. In the Babylonian version, however, the phrase is part of a longer give-and-take between Hananiah and the Palestinian messengers, from which it would appear that the Babylonian recounter of the tale might in fact be willing to consider relative rabbinic erudition as a factor in determining the balance of power between the two communities. Also noteworthy is the different *sitz-im-leben* for the two versions of Hananiah's clash with the messengers from Eretz Israel. The PT recounting of the tale places it within the confines of synagogue activity (one sage read from the Torah, another from the Prophets), while the BT version suggests some sort of learning environment, wherein the messengers purposely clash with Hananiah over matters of halakha, after initially proclaiming that they have come "to study Torah" (ללמוד תורה באנו).

why so extreme, because it is written "For out of Zion shall come forth Torah, and the word of God from Jerusalem" (BT Berakhot 63b).

The precedence and authority of Palestinian Torah, of course, was made implicit by the very fact that it was Judah the Patriarch's Mishnah that served, in the final analysis, as the basis for all amoraic activity, including that of the Babylonians. Not only could this enhance the perception of Palestinian centrality, but it would also explain the recurring allusions to sages arriving in Babylonia from Eretz Israel with some authoritative information, seemingly closer to the source, on some aspect of the halakhah (כִּי אִתָּהּ רַבִּי פְּלוֹנִי אָמַר; "when Rabbi X arrived- in Babylonia - he said..."). As noted by Gedaliah Alon,¹⁰ this flow of information is predominantly projected as one directional, from Eretz Israel to Babylonia, as are the various letters, אגרות, sent from the Land of Israel to Babylonia, and this notwithstanding the fact that rabbis were obviously going back and forth on their journeys between the two communities.

Nowhere does the Bavli attempt to *deny* the legitimacy, per se, of this Palestinian superiority, but this in itself could not prevent the raising of questions regarding not only the relative state of learning and knowledge within the two rabbinic societies, but more importantly - the growing need that must have been felt in Babylonia to establish a viable, self-sufficient community, capable of dealing with all aspects of communal life, including an all-embracing judicial system. Indeed, for such a system to perform its duties while prevented from dealing with a broad spectrum of legal sanctions such as the penalization of offenders is unthinkable, and thus the Babylonians found themselves in the difficult position of adhering - in principle - to the idea of subservience to Eretz Israel, while concurrently creating an independent communal structure that might assert itself to its fullest potential.

This process, it appears, followed several directions. While in certain

10. G. Alon, *The Jews in their Land in the Talmudic Age*, vol. 1, Jerusalem 1980, pp. 10-12.

cases it seems to have addressed the technical limitations imposed upon Babylonia vis-a-vis Eretz Israel, it also appears to have laid the groundwork for a more comprehensive formula which essentially effected a redefinition of the role of Babylonia within the framework of the entire Jewish world.

The simple solution might have been the one that emerges from a court-case recorded in BT Bava Kamma 84a. An ox once chewed the hand of a child. Raba proclaimed the manner in which the sheriffs of the court were to assess the damages to be paid, a decision to which the students present at the court objected, observing that this was in fact a case of penal justice, in which the presence of ordained Palestinian judges was required. A long and detailed discussion ensues, in the course of which it is stated that, lack of judges notwithstanding, we in Babylonia can nevertheless deal in certain matters of damages, because "we serve as their agents" (i.e. agents of the judges in Eretz Israel; שליחותיהו קא עבדינן).

This notion of agency, of course, was the ideal solution. It formally recognizes the priority of Palestinian authority, while at the same time removes the shackles from the hands of Babylonian judges, and in fact affords them a large degree of practical independence.

But alongside this practical lip-service, which in any case seems to have been used sparingly in Talmudic discussions, there emerges a far more developed ideology that would also serve to legitimize Babylonian sovereignty, while concurrently not disputing the central role of the Land of Israel. In collecting all the attributes of the Babylonian Jewish community as laid out in the Babylonian Talmud, a very interesting picture suggests itself.

Let us begin by taking up the office of Exilarch. Numerous talmudic statements compare the relative status of the two offices of political prominence in late Jewish antiquity: the Patriarch in Eretz Israel and the Exilarch in Babylonia.¹¹ Whatever their relative strengths regarding

11. PT Kila'im 9, 32b; PT Ketubot 12, 35a; Gen. Rabbah 33:3 (ed. Theodor-

appointment of judges and the like, one fact is not disputed: The Babylonians have in their midst a direct descendant of the House of David, who derives his authority in no small measure from *that* fact, rather than from any pretensions at halakhic erudition, the latter clearly being the case regarding at least the origins of the Palestinian patriachate.¹² In later, Geonic times, attempts will be made to reconstruct the lineage linking the Exilarchs with the last kings of Judah,¹³ but in the talmudic period such a list was not even necessary, for the Exilarch's pedigree was above reproach. Moreover, at least one source claims that *his* Davidic pedigree is even superior to that of the Patriarch, coming at it does via the patrilineal route rather than the matrilineal one.¹⁴

The Babylonians also developed the idea of continuity with the ancient Land of Israel through the phenomenon of synagogues, as has been noted by A. Oppenheimer.¹⁵ It was in the ancient synagogues of *Huzal* and *Shaf ve-Yativ* that the Shekhinah resided, after being exiled

Albeck p. 305); BT Horayot 11b; BT Sanhedrin 5a; see also BT Hulin 92a; BT Sanhedrin 38a. For a comparison of the two offices as models of Jewish leadership cf. I. Gafni, "'Shevet u-Mehokek" - On New Models of Leadership in the Talmudic Period in Eretz Israel and Babylonia' (Hebrew), in: I. Gafni and G. Motzkin, eds., *Priesthood and Monarchy*, Jerusalem 1987, pp. 79-92.

12. Hence the distinction between the Babylonian Exilarchs who "rule Israel with a staff", and the Patriarchs - "the descendents of Hillel who *teach Torah* in public"; BT Sanhedrin 5a; BT Horayot 11b; Gen Rabbah 97 (p. 1219; cf. Gafni (prev. note) p. 80 n. 10.

13. The famous attempt is that of the 9th century Babylonian chronicle Seder Olam Zuta, cf. A. Neubauer, *Mediaeval Jewish Chronicles*, vol. 2, Oxford 1895, pp. 73-75; cf. also Iggeret Rav Sherira Gaon, ed. Lewin, p. 73-74

14. PT Kil'aim 9, 32b; PT Ketubot 12, 35a; Gen. Rabbah 33:3 (p. 305).

15. A. Oppenheimer, "Synagogues with a Historic Association in Talmudic Babylonia" (Hebrew), in: A. Kasher et al., eds, *Synagogues in Antiquity*, Jerusalem 1987, pp. 147-154.

together with the people of Israel to Babylonia.¹⁶ Indeed, geonic sources would even claim that the rubble of the first Temple was removed to Babylonia, serving as the building blocks for the local synagogues.¹⁷ But even in Talmudic times, the idea will develop that the synagogues of Babylonia are the "minor sanctuaries", taking the place of the destroyed Temple. As noted by Oppenheimer and myself elsewhere, the BT frequently alludes to Babylonian synagogues within the context of discussions over the Temple.¹⁸

But if until now we have noted continuity - if not supersession - from the Land of Israel through institutions, the Babylonians in fact went further. The idea of a Jewish pedigree superior to that of all other Jews, Eretz Israel included,¹⁹ required that one know precisely from where to accept prospective mates for marriage. To designate which communities were in fact part of the "purer" Babylonia, the rabbis were forced to pose the question: "How far does Babylonia extend" (עד היכן היא בכל; BT Kiddushin 71b). What ensues are sweeping geographical delineations: how far on the upper Euphrates river, and how far south; and similarly how far on the upper Tigris, and how far south. And so, just as Eretz Israel requires a precise geographical demarcation for the fulfillment of certain commandments, now the physical Land of Babylonia also required a similar demarcation. Thus emerges an ideology linked to the *Land of Bavel* as a unique religious entity:

"Both Rabbah and Rav Joseph said: Just as the fit persons (כשרים) of Babylonia are received (that is, may be buried) in the Land of Israel; so the fit ones of other lands may be received by Babylonia" (BT Ketubot 111a). Note only do we encounter statements such as "He who dwells

16. BT Megillah 29a.

17. Iggeret Rav Sherira Gaon, ed. Lewin, p. 72-73.

18. e.g. BT Bava Bathra 3b; BT Yoma 10a; cf. I Gafni, "Synagogues in Talmudic Babylonia: Traditions and Reality", in: *Synagogues in Antiquity* (above n. 15), p. 162.

19. BT Kiddushin 69b; *ibid* 71b; BT Ketubot 111a.

in Babylonia - it is as if he dwells in the Land of Israel (BT Ketubot *ibid.*), which might still be interpreted as stressing life within a proper spiritual and social environment, but we also find: "He who is *buried* in Babylonia - it is as though he were buried in the Land of Israel"!²⁰ To all this, of course, we might add the historical prominence enjoyed by the 'Land of Babylonia', for it might even be perceived in Jewish eyes as being the cradle of their own tribal history: Why - the rabbis would ask - were the people of Israel exiled to Babylonia (following the destruction of the First Temple) rather than all other lands? 'Because the house of Abraham is from there. To what may this be likened? To a man angered at his wife, where does he send her - not to her mother's house?! (BT Pesahim 87b).²¹

In sum, there emerges over the years a Babylonia enjoying all the attributes of the historically central Land of Israel: A powerful descendant of the House of David, remnants of Jerusalem's Temple within which the Shekhinah resides, ancient links with the patriarchs of Israel, and even hallowed earth and sacred boundaries. Indeed, the statement attributed to a late third century Babylonian sage, "We have made ourselves in Babylonia the equivalent of Eretz Israel from the day

20. Avot de-Rabbi Nathan chap. 26 (ed. Schechter, p. 82; Eng. ed., J. Goldin, p. 111); On burial in Babylonia cf. A. Oppenheimer and M. Lecker, 'Burial West of the Euphrates and its Significance' (Hebrew), in: *Milet* vol. 1 (Tel-Aviv 1983), ed. S. Ettinger et. al., pp. 157-163.

21. The prominence of Babylonia in Jewish eyes would also be enhanced by the possible links between sites existing in Talmudic times and various locations mentioned in the Bible; indeed, the sages of Babylonia would even claim that the earth of Babylonia was a major component in the creation of Adam (BT Sanhedrin 38a-b); for all this, and in general for expressions of Jewish attachment to Babylonia, cf. I. Gafni, "Expressions and Types of 'Local Patriotism' among the Jews of Sasanian Babylonia", in: S. Shaked and A. Netzer, eds., *Irano-Judaica* vol. 2 (Jerusalem 1990) pp. 63-71.

that Rav came to Babylonia" (BT Gitin 6a, BK 80a)²² – takes on a new and more radical meaning than just equality in the knowledge of laws of divorce. In fact, "from the day Rav came to Babylonia" was deemed such a watershed in the history of Jewish Babylonia, that the date of his arrival was one of the only dates of Talmudic history preserved in Babylonia and recorded by Rav Sherira that was not linked to the death of a rabbi or some persecution.²³ If indeed Babylonian Jews considered themselves the agents, *shelihim*, of the sages of Eretz Israel, what we seem to see before us is a very literal rendering of the well known halakhic principle: שלוחו של אדם כמותו; that is the agent has rendered himself literally a clone or exact copy of the original Land of Israel. In thus asserting its own independence from the Land of Israel, the Babylonian community did not propose a re-evaluation of the historical role of that land in Jewish communal life. It was, instead, Babylonia itself that underwent a reappraisal, and the consequences of that examination would be to render Babylonia on a par with Eretz Israel, inasmuch as all the criteria for the historical centrality of the Holy Land could now be located in Jewish Babylonia as well. The process, of course, would repeat itself time and again in subsequent Jewish history. New communities would rise up and assert themselves vis-à-vis their mother communities, and this 'breaking away' would be

22. cf. H.N. Strickman, "A Note on the Text of Babylonian Talmud Git. 6a", JQR 66(1975-1976) pp. 173-175.

23. Iggeret, p. 78; cf. I. Gafni, "On the Talmudic Chronology in *Iggeret Rav Sherira Gaon*", *Zion* 52 (1987) pp. 15-16 (= idem, *The Jews of Babylonia in the Talmudic Era*, Jerusalem 1990, pp. 255-256) for a discussion on this date in Sherira's Iggeret.

traumatic for both centers.²⁴ If the process described above was special, it was only due to the unique nature and historical significance of the particular 'mother-community' towards which Babylonia was ultimately required to assert its independence.

24. This ongoing process, wherein new communities assume the attributes of the mother community as part of the process of self-assertion, may be akin to the *translatio scientiae* that R. Bonfil identifies in the transmission of modes of learning and culture from Babylonia to Italy; cf. R. Bonfil, "Myth, Rhetoric, History? A Study in the Chronicle of Ahima'az", in: M. Ben-Sasson et al., eds., *Culture and Society in Medieval Jewry, Studies Dedicated in the Memory of Haim Hillel Ben-Sasson*, Jerusalem 1989, p. 103. See also R. Bonfil, "Between Eretz Israel and Babylonia" *Shalem* 5 (1987) pp. 1-30; on p. 11 Bonfil discusses the motif of the hero who is forced to leave the old center, removes to the new one, and creates a new reality there. Interestingly, Hananiah also conforms to this motif. He too was advised by his uncle R. Joshua to leave Eretz Israel after unfortunate circumstances (the *minnim* of Capernaum cast a spell on him and he was discovered riding a donkey on the Sabbath), cf. *Kohleth Rabbah* 1:8, and see: M. Hirshman, *Midrash Qohelet Rabbah* (Dissertation, JTS) New York 1983, part 2, commentaries, pp. 60-61; Gafni, *The Jews of Babylonia* (above, n. 23) p. 80 and notes 111-112.